



Hacettepe University Graduate School of Social Sciences

Department of Social Work

Master of Social Work

**THE EFFECTS OF THE REHABILITATION CENTERS ON THE
CHILDREN IN CONFLICT WITH THE LAW IN BURUNDI: CASE
STUDY OF THE RUMONGE REHABILITATION CENTER**

Ramadhan SHABANI

Master's Thesis

Ankara, 2019

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ACCEPTANCE AND APPROVAL

KABUL VE ONAY

Ramadhan SHABANI tarafından hazırlanan "The Effects Of The Rehabilitation Centers On The Children in Conflict With The Law in Burundi: Case Study Of The Rumonge Rehabilitation Center" başlıklı bu çalışma, 18/06/2019 tarihinde yapılan savunma sınavı sonucunda başarılı bulunarak jürimiz tarafından Yüksek Lisans Tezi olarak kabul edilmiştir.



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Ramadhan SHABANI

DEDICATION

This thesis is dedicated to being the most important human being for me who is my defunct father SHABANI SWEDI and my mother ASHURA MWAMBA for his prayers and encouragement that have borne fruit. I have dedicated it to you, my dear parents.

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ABSTRACT

SHABANI, Ramadhan. The Effects Of The Rehabilitation Centers On Children In Conflict With The Law In Burundi: Case Study Of The Rumonge Rehabilitation Center, Master's Thesis, Ankara, 2019.

The phenomenon of children in conflict with the law is a problem that has affected the justice systems of different countries in the world for centuries. This confusing phenomenon has not spared African countries in general and the Republic of Burundi in particular. Indeed, the management of children in conflict with the law has become a complex problem in Burundi for several decades because Burundi has not included the juvenile justice system in its justice system, children accused of crimes punishable by the law were housed in adult prisons. It was not until April 2015 that Burundi opened its first-ever rehabilitation center for children in contact with the justice system as part of a community reintegration mission for children who infringe the law. The primary objective of this study was to evaluate the social policy of rehabilitation centers for children in conflict with the law in Burundi in the perspective of child rights.

A qualitative research design was adopted which included the usage of semi - structured interview guide form with a total of 18 participants, 15 children in conflict with the law and 3 staff members of the Rumonge rehabilitation center for child offenders. The analysis of these participants findings was carried out with Maxqda 2018 software using thematic coding and data analysis.

This study supplies hopeful results to this topic as the policy of rehabilitating children in conflict with the law in Burundi is still a recent experience. The results from the analysis are satisfactory from the point of view of respect for the rights of the child, since the implementation of community reintegration of child offenders through reeducation centers, Burundi children in contact with the justice benefit from moral education, vocational training, and psycho-social treatment.

Key Words: Child Offenders, Rehabilitation, Child Rights, Child Welfare.

ÖZET (TURKISH ABSTRACT)

SHABANI, Ramadhan. Burundi'de Kanunla İhtilafa Düşen Çocuklara Rehabilitasyon Merkezlerinin Etkisi: Rumonge Rehabilitasyon Merkezi Örneği, Yüksek Lisans Tezi, Ankara, 2019.

Suçta sürüklenen çocuklar olgusu, dünyadaki farklı ülkelerin adalet sistemlerini yüzyıllar boyunca etkileyen bir sorundur. Bu kafa karıştırıcı fenomen, genel olarak Afrika ülkelerini ve özel olarak Burundi Cumhuriyeti'ni korumadı. Nitekim, suçta sürüklenen çocuklar yönetimi birkaç yıl boyunca Burundi'de karmaşık bir sorun haline gelmiştir, çünkü Burundi çocuk adalet sistemini adalet sistemine dahil etmemiştir, yasalarca cezalandırılacak suçta sürüklenen çocuklar yetişkin cezaevlerine yerleştirilmiştir. Nisan 2015'e kadar Burundi, suçta sürüklenen çocuklar için bir topluluk yeniden entegrasyon görevinin bir parçası olarak adalet sistemiyle temas halindeki çocuklar için ilk rehabilitasyon merkezini açmıştır.

Bu araştırmanın temel amacı, Burundi'deki suçta sürüklenen çocuklar için rehabilitasyon merkezlerinin sosyal politikasını çocuk hakları açısından değerlendirmektir. Bu araştırma'da Kanunla ithilafa düşen 15 çocuk ve Rumonge rehabilitasyon merkezinin 3 elemanı olmak üzere toplam 18 katılımcı ile yarı yapılandırılmış görüşme formularının kullanımını içeren nitel bir araştırma tasarımı benimsenmiştir. Bu katılımcıların bulgularının analizi, tematik kodlama ve veri analizini kullanan Windows için Maxqda 2018 yazılımı ile gerçekleştirilmiştir.

Bu araştırma çalışması Burundi'deki suçta sürüklenen çocukları rehabilite etme politikası hala son zamanlarda edinilmiş bir deneyim olduğundan, bu konuya umut verici sonuçlar vermektedir. Aslında, bu araştırma çalışmasının sonuçları, çocuk haklarına saygıyla ilgili tatmin edici bir sonuç göstermektedir, çünkü Burundi'nin yeni rehabilitasyon merkezleri aracılığıyla topluluğun yeniden bütünleşmesi, çocukları ahlaki eğitimden, mesleki eğitimden ve psikososyal tedavilerden yararlanmaktadır.

Anahtar Sözcükler: Kanunla İhtilafa Düşen Çocuklar, Rehabilitasyon, Çocuk Hakları, Çocuk Refahı.

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ABBREVIATAION

CNIDH :	Independent National Commission of Human Rights.
CRB:	Constitution of the Republic of Burundi.
ECD:	The European Commission for Democracy.
UNCRC:	The United Nations Convention on the Rights of the Child invention on the Rights of the Child.
GST:	General Strain Theory.
OHCHR:	Office of the High Commissioner for Human Rights.
UN:	The Unites Nations.
OJJDP:	Office of Juvenile and Delinquency Prevention
UNESCO:	United Nations Educational, Scientific and Cultural Organization
UNICEF:	The United Nations Children’s Fund.
NMUN:	National Model United Nations.
UDHR:	Universal Declaration of the Human Rights.

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Table 3. 1: Criminal Proceedings of Children in conflict with the law as provided by the Burundi Code of Criminal Procedure.

Table 4. 1: Identification of the children in Conflict with the Law.

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INTRODUCTION

Worldwide, 1.1 million children are in detention, 59% of whom are expected to go on trial. UNICEF states that the number of juveniles in prison is even higher and that these minors are held in the same prisons and under same conditions with adult criminals (UNICEF 2016, p. 26).

Although countries have signed and ratified international legal instruments that guide all the rights of children in conflict with the existing laws, there is still clear evidence that until now children are in prison. The United Nations have under article 13 referring to the Administration of Juvenile Justice called upon the signatory countries, including Burundi, to adopt measures favorable to juveniles in detention by keeping them separately from adult criminals, and above all to prioritize the placement in a family or in an educational institution or home. These measures consider working on behalf of children with respect to what enhances their interests and are conducive to their reintegration into an environment of socialization (Family, community, and school) in which the child is supposed to benefit from well – being. Children’s Rights Knowledge Center (2014), citing the UNHCR (2008), shows that there is no difference between the best interests and the well -being of the children since their rights and well-being are integral part to their childhood and their youth-hood (p. 13). Furthermore, the best interest is known as the child’s living conditions depending on the physical, mental, moral, spiritual and social that relate to “the personality and which contribute in healthy development, normal manner, and so providing freedom and dignity” (Zermatten 2010, p. 32).

The ratification which recognized rehabilitation and diversion of juvenile entered into power of action in Burundi on 19th October 1990. Despite this recognition of the CRC for two decades, until 2009, Burundi did not have appropriate measures regulating conflicting behaviors of children with the existing laws. It is only with the revised Penal Code of 2009 that the children conflicting with the judicial structure are granted laws that favour their good treatment in the justice system. The latter law raises the age of criminal accountability from 13 to 15 years old (Penal Code of Burundi, 2009).

From 2008 to 2013, Burundi and its social partners have multiplied much more efforts to set up a juvenile justice system. Judges, law officers, police officers and Burundian social workers have benefited from repeated training on juvenile justice and on the fair treatment of child offenders. The results of the efforts made by Burundi and the social partners led to the establishment of several mechanisms aimed to protect juvenile offenders. Such establishments for instance among many others include the Ministry of National Solidarity, Human Rights and Gender, which empowers the Department of Child and Family (creation in 2011), which set up a general policy for concerned children conflicting with the existing laws with the mission of separating adolescents from adult detainees, which led to the opening of two very first centers for reeducation of children in conflict with the law operational since 2015. Burundi has also adopted a new code of criminal procedure since 2013, this law also provides special measures taking care of child offenders. Although these laws have been implemented children continue to be arrested and imprisoned in adult prisons under conditions that do not meet their specific needs. In April 2015, 242 children were arbitrary held in prisons without access to social services which are intended for them (UNICEF, 2016, p. 8).

On this fact, this study focuses on the well-being of children in difficult situations and specifically those conflicting with the existing laws case study of Child offenders Rehabilitation centers in The Republic of Burundi.

CHAPTER 1

1. 1 STATEMENT OF THE PROBLEM

Researches that work on human rights implementation in any country seem to be one of the most difficult and delicate issues. Addressing one country's child offender's welfare policy in term of the rights demands too much efforts due to the non-collaboration of the authorities in charge of justice system.

Violence is a general climate in prisons and children are among the very vulnerable victims of that situation. The "illegal prolonged preventive detention", and the non-legal assistance in the children is a reality in the Burundi prisons as was the case in the Bururi and Rumonge prisons in which the children aged under 12 and 13 years old were detained in 2015 (CNIDH, 2016, p. 24). Although several prisons in Burundi have a separate section for children under 18 years old, others detain children with adults, exposing them to the risk of sexual and other forms of violence (Human Right Watch, 2008). The NGO Save the Children emphasizes that "the problem of sexual violence against children is a major concern within the juvenile justice arena in general. It suggests that child protection be provided by the courts, and that it be suggested that the child not be deprived of childhood" (Save the Children, 2013. p.8). Sexual harassment is a brutal act that has serious negative effects on the physical structure of the victims and whose treatment imposes a long term complex care. Such consequences unfortunately appear to be grave for adolescents (Ibid. p. 15).

The Burundian child 's rights were violated during the political crisis of Burundi during the year 2015, the children were trapped by the demonstrations and the armed conflicts and the results were the death and the imprisonment of the minors accused to participate in combat and demonstrations. Three children were reported dead and on July of 2015, 77 children were arrested among them 51 were jailed in the Rumonge province prison and only 7 of them benefited from reintegration (CNIDH, 2016, p.80). However, the CNIDH reports that most of those children have been released, but without any form of rehabilitation except the 7 children mentioned in this 2016 CNIDH report.

An outcome of the UNICEF, OHCHR and partners' monitoring visits and advocacy on Juvenal offenders detained in Burundi has showed that on May 2016, 28 children were arbitrary arrested and put alongside adults in the prison of Rumonge province (UNICEF, 2016, p. 3). A report by the national non-governmental organization SOS-Torture Burundi reveals that in December 2016, the 11 Burundian prisons registered 10051 occupants, of which a little more than half or a total of 5067 prisoners were in pre-trial detention and more than half were sentenced which equates to 5869 individuals, and likewise were detained 108 minors (SOS-Torture Burundi, 2017).

Knowing that Burundi's prisons capacity is 4194 individuals. Unhappily following the arbitrary arrests and the slowness of the handling of the files which is noticed in the justice system, the Burundian prisons have doubled the capacity of occupancy which they were planned for. SOS-Torture Burundi indicates that only in March 2016 that the rate of occupation of the prisons of Burundi reached 240%, accompanied by consequences of the inhuman living conditions (Ibid). The outcome of the presidential pardon to the prisoners in Burundi led to a number of 5780 defendants among whom 25 minors and 2903 convicted persons including 36 minors (SOS-torture Burundi).

Indeed, taking into account the situation in which children are confronted in Burundian prisons, this study is in perfect agreement with Coyle (2001) who finds that the incarceration of a young child has obviously a detrimental impact on his process of development because the climate of the prison is indecent (p. 135).

Burundi signed the CRC on May 8, 1990 and ratified it in October 19 of the same year. The CRC' s article 40 calls on the signatory countries to adopt a juvenile justice system that favors into account the best interests of the juvenile and that respect minor's dignity. Moreover, it invites member countries, including Burundi, to introduce in the juvenile justice social policies that promote the reintegration of child offenders into the family and into the community.

In Burundi, Juvenile justice has for the first time known a remarkable development in the history of the Child Rights following the inauguration of two public rehabilitation centers

for juvenile in contact with the existing law in the Rumonge and Ruyigi provinces operational since 2015 (CNIDH, 2016, p. 46).

Four years have passed since the establishment of re-education centers for child offenders for the first time in the Burundian juvenile justice system, but many children are still detainees in prisons and police custody in Burundi. Detention environment is far from covering all interests that are deemed best for children, and do not offer except heavy consequences on children who have not met any maturity. It is resulting from such conditions a state of deep distress. Thus, the policy of placing children in state rehabilitation centers in Burundi is a new concept that deserves much more attention.

This study aims to assess the implications of rehabilitation centers on children totally conflicting with the existing law in Burundi in the perspective of the child rights.

1. 2 RESEARCH OBJECTIVES

1. 2. 1 General Objective

The main objective of this study is to evaluate the social policy of rehabilitation centers for children in conflict with the law in Burundi in the perspective of the child rights.

1. 2. 2 Specific Objectives

This study has specific objectives as presented below:

- (1) To describe the living conditions of children in conflict with the law in the rehabilitation center of Rumonge,
- (2) To examine the rehabilitation model of children in conflict with the law in Burundi
- (3) To determine the expectations of the children in conflict with the law from the host rehabilitation center.

1. 3 ASSUMPTIONS

(i) The living conditions in the rehabilitation centers are promotion of respect for the dignity of the incarcerated children.

The principle of the dignity of the human person is the source of all rights and freedoms of individual and citizen (European Commission for Democracy through Law 1998, para. 41).

(ii) The placement of the children in conflict with the law in rehabilitation centers and re-education centers contributes to juvenile offenders' access to social well-being.

(iii) Juveniles detained in the rehabilitation center hope for their positive reintegration into the community.

1. 4 SIGNIFICANCE OF THE STUDY

The establishment of public rehabilitation centers for juvenile delinquents in Burundi is a relatively new social policy in the justice system. The problems of promoting the welfare of delinquent children through reeducation and reintegration in the community generate great concern in the practical level. In spite of this new law, in Burundi children continue to be detained in the country's prisons following the barriers to the implementation of effective placement system for juvenile offenders. This study is aimed at evaluating the social policy of rehabilitation centers for children in Burundi.

The findings of this research study can contribute to bring answers to the newly operational Burundi rehabilitation policy for the children in conflict with the law by providing guidance of implementation relied on human rights standards of juvenile justice that insure the child welfare. In addition, the expected results of this research will determine at the same time the expectations of the child offenders held in the Rumonge re-education center on the policy of reintegration into community. Finally, this study will contribute to the opening in-depth researches to the welfare of children in conflict with the law in the perspective of the child rights protection in Burundi.

1. 5 DEFINITION OF KEY TERMS

1. 5. 1 Cultural Social Reintegration

Reintegration is the fact that a person finds his place in the society or social group in order to contribute through his role. This reintegration gives the person civic, family and professional responsibilities. The concept of reintegration is not only limited to individuals but also concerns people considered marginal by society (Pradelle, C et. al., 1981). Similarly, Staug (1994), sees reintegration as the act of reestablishing a person in whose possession he had been destitute or rehabilitated a person in a function (Staug, 1994).

In the course of this study, social reintegration is referred to as the ability by children to self-reporting the type and sort of relationship that exists between them and their family and community members. Whereas economic reintegration is referred to as the ability by children considered as conflicting with the exiting laws to create on their own a productive livelihood for their life in the future.

1. 5. 2 Social Policy

According to Dolgoff and Feldstein (2007), social policy refers to the social decision-making process by which a course of action is selected, defined, and promoted (policy making) and to the product or outcome of that process (the resulting policy) (p. 110). Regardless of the fact that social policy may be influenced by both private and public sectors, social policy is still determined preponderantly by what government opts to either do or not. Such governmental institutions play the role of regulating behaviors, organizing bureaucratic values and programs, distributing benefits and interests, and collecting public revenues (taxes) (ibid.). Accordingly, Philip R. People and Leslie (2001), define Social Policy as an “institution in society that deals with addiction issues, the latter being situations in which individuals are not in the process of performing crucial social roles” (p. 25). Indeed, the lack of satisfaction of crucial social roles means that “the parent does not take care of his child in an adequate way; the person is unable to support himself financially; a child violates the law in a consistent way” (Pople and Leslie Leighninger 2001, p.25).

This study considers social policies that take into consideration the well-being of the child through an effective and well-strengthened child protection system. The NGO Save the Children mentions that national child protection systems help to create lasting protection for children from violence. For an appropriate national policy to safeguard the rights of the child that effectively fits the CRC, Save the Children proposes a framework that will have to be adopted, it is therefore necessary that the central government of Burundi can implement a fixed program of prevention of challenges faced by the institution in charge of protecting children as well as possible solutions; protective state units with a mission to safeguard, prevent, and intervene; laws and global control; Qualified staff and in the end the data gathering and community awareness (Save the Children 2013, p. 27; Save the Children 2013. p. 31). The major aim of this research study is to assess social policy of rehabilitation centers that take care of the rights of juvenile offenders in Burundi. Thus, it is concerns with social policy and its relationship to social welfare (Dolgoff and Feldstein 2007, p. 110).

This study considers that the implementation of good "social policies" for children in disagreement with the existing laws could improve the conditions of these children in rehabilitation centers.

1. 5. 3 Social Well-Being

Whitaler (1990), argues that the "social well-being" is a program of a country that contributes to the well-being of the community and society (p.128). Similarly, Howard (1999), has stated that Social welfare policy is frequently closely related to state programs regulated by legislation. Also, the social welfare policy is a state-controlled practice. Decisions that are taken at the legislative level, in other words, decisions requiring the agreement of the elected representatives of the people (p, 4). This definition of 'well-being' does not exclude children in difficult situations and especially those who have broken the law who are socially marginalized. The well-being of the child is the set of elements that respond to educational, ethics, emotional of society needs, Kadushin (1988). This study considers children who have broken the law to be community's vulnerable members who, in order to enjoy their social welfare; desperately need good social policies both from public and private sector.

This study supports that a good conditions of the community or the well-being of the society composed by juvenile in conflicting the law is a social well-being of that category of children (Whitaler 1990, p. 128). Indeed, to clearly understand what social well-being is, Berge (1991), explains social welfare as an agenda, advantage, and resources that intervenes to bring solutions to the people in order to cope with the socioeconomic, informative, and sanitary problems that are essential to support the community (p.221). Similarly, Whitaler (1990), sees a positive education based on a development of the economy, a social-psychological intervention capable of discovering and mastering individual troubles as soon as they appear, an employment opportunity as well as various social interests to be an integral part of the vision of the social well-being (p. 29).

From these definitions, this study comprehends that the good acquisition of social welfare by a State or by a community of people or by a society, enables that community to take care of itself and even of contributing socially and economically to the social development of a nation. This does not exclude juvenile offenders as members of the society despite their state of being in violation of the law. Moreover, any child deprived of their liberty has the same needs as other children in the community, for example for care, education and health services, and for cultural and recreational opportunities. (IFSW 2002, p. 66).

The current study strongly supports the proposal of Levin and Axin (1997), Who finds that the task of transforming an economically dependent people in an active people capable of contributing to the economic growth of nation is the responsibility of all members of society (p.253). This study considers that this task of caring for these child offenders as independent persons and the duty of transforming them into productive persons is not only a duty of Burundi government but also of all the surrounding community of these children as an integral part of the community members. Moreover, juvenile offenders as destitute children need more than aid when, so that community need to improve its preventive and protective services for those children as well as adults-. (Axin J and Levin H 1997, p. 348).

Prevention and protection are always two complementary methods used during the intervention of young people in a difficult situation. Prevention helps institutions to

identify the likely factors that can induce children into bad behavior and bad habits, and thus institutions create an appropriate method of protection through the means of community prevention. According to Save the Children (2013), Child protection refers to the possibilities and measures implemented to anticipate and counteract the harm such as child abuse, neglect, violence, and exploitation (Save the Children 2013, p. 31). Finally, all the methods used to put social policies into practice must meet the favorable conditions for the welfare of the child offenders. Thus; the second term to be defined in this study is the well-being of the child.

1. 5. 4 Child Welfare

Kadushin (1988), states that, “child well-being is a series of activities that children benefit from, in order to promote their well-being and strengthen or provide the provision to meet the physical, social, emotional, educational, and moral”. As Fitz Patick (2011), found “main perspectives on welfare are happiness, security, preferences, needs and relative’s comparisons” (p, 5).

In society, the task of intervening in the severe difficult situations that children face is the task of the social worker, who defines the well - being of the child in a more specific and meaningful way. Knowing that the well-being of the child is integral to one of the fields of intervention of the Social work practice in a broader sense (Kadushin 1974, p. 1-2). Additionally, Freman and Cameron (2006), state that “social workers and social work academics are familiar with working across boundaries that define the disciplines of psychology, sociology, and social policy” (Fremond and Cameron, 2006.p. 5).

The Child Welfare League of America quoted by Kadushin (1974), expresses child welfare in this term:

“Child welfare involves providing social services to children and young people whose parents are unable to fulfil their child-rearing responsibilities, or whose communities fail to provide resources and protection that children and families require. Child welfare services are design to reinforce, supplement, or substitute the functions that parents have difficulty in performing, and to improve conditions for children and their families by modifying existing social institutions or organizing new ones” (as cited in Kadushin, 1974. p. 5).

In the course of this research study, it is purposed to work on the “well-being” of children referring to the total care and reintegration programs of conflicting children with the existing laws into the community by the child protection services, so that child offenders can enjoy their well-being, and then grow in the right conditions of life that will make them adults capable of participating in the contribution of the social-economic development of their homeland.

In this study, the terms child well-being and child welfare will be used interchangeably, to determine the same thing.

1. 5. 5 Child

Defining the concept of the child seems to be a difficult task, since the concept itself is complex in its overall significance. The laws and cultures of different countries define the term child in different ways. The concept of childhood is not uniquely defined in human society, and not have a unique definition even in the same period of time, and therefore, until today, the world still cannot conceive of a definite meaning of the child concept (Polat, O. 1997. p. 49. As cited in Köker Cam Ebru, 2010, p. 3). Since the concept of the child is defined differently in several nations, in this study the concept will first be defined according to legal definitions consistent with those of the international and regional covenants such as Relative Child Rights Convention which considers any child as an individual being less aged than 18, except if minority is surpassed earlier by virtue of the legislation applicable to it (Article 1).

Since this study focuses on conflicting relations that exist between children and the laws by which they abide, the concept of the child is therefore defined by Rule 2.2. (a) of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, which states that a minor is a child or a young person who, on the basis of the established legal system, is able to answer for an offense in different ways from those applied in the case of an adult (Beijing Rules 1985), will also be considered in this study. Similarly, the Burundi legal system defines the concept as the “child refers to any person with less than eighteen (Revision of the 2009 Criminal Code of Burundi, Article 512). Furthermore, according to the Burundian Code of Persons and the family, the child is conceived as “a

human being in need of special protection, for its harmonious development” (CPF 1993, 1).

This concept of the child occupies a considerable place in the Burundian culture, for which reason, the term child is also defined according to this culture which knows a child as a young child who is still mandated to his parent’s laws (Hakizimana 2002, p. 133), and that at the level of the family institution, the child is a sign of “honor and happiness”, and from a social point of view, procreation within a family makes it very respectful in the community,- and a family with children is considered as a “flourishing” unit (Hakizimana 2002, p. 153). This definition puts the child in the context of Burundian sociology in which the special emphasis is put on the place of the child in his environment of socialization. Indeed, all these conceptions of the child demonstrates the need for special protection at this critical stage of human being development.

In the purposes of this study the concepts child, juvenile, and minor are used interchangeably to express the same thing.

1. 5. 6 Juvenile Delinquency

An act is described as a criminal act by which it is recognized as such by the law. The youth’s unconventional behavior can take different forms. Some acts are recognized as being criminal acts when these acts are done only by children under 18 years old (juvenile), these acts are then classified as ‘status offenses’. Thus, juvenile behavior includes both criminal acts and ‘status offenses’ committed by those known by law to be minors (Taner 2014, p. 575). The term juvenile delinquent was best known in the United States of America at the end of the 19th century as Taner (2014), citing Shoemaker (2005, p. 3) that juvenile delinquent " terminology officially developed in 1899, when the first code of juvenile delinquency was enacted in Chicago, Illinois" (p. 575).

Shoemaker (2005, p .4), pursuits that “juvenile crime problem has existed for centuries, however, the concern started after eighteenth and nineteenth century in Europe and America” (as cited by Tener 2014, p. 575). Taner also emphasizes the seriousness of Juvenile delinquency in the community. He / she quotes (Shoemaker, 2005, p.4), as follows “today's delinquent is tomorrow's criminal” (p. 575). To prevent the cycle of

delinquency among children, it is important to consider social policies that are well suited to fight against the phenomenon of juvenile delinquency. Any neglect brought to this phenomenon that affect the youngest members of the community risks creating a generation of adult criminals.

1. 5. 7 Juvenile Offenders Categories

Within the framework of the policy and practice on the delinquency there are two major classes of juvenile delinquents of which respectively the minors who exceeds the criminal law and those who engage in the acts punishable by the law or “an ordinance designed to regulate their behaviors because of their age or status”. The group of those who violate the criminal statutes is subdivided into two small groups of juvenile delinquents. Those who indulge in acts like murder, forcible rape, robbery, and aggravated assaults. These crimes are called “violent crime” and the second subcategory is composed of delinquents who participate in acts of burglary, larceny-theft, motor vehicle theft, arson, receiving or possessing stolen property, embezzlement, fraud, activity related to drugs, sexual offenses, and no aggravated assault. These crimes are known as “property crime” (Zastrow 2008, p. 287). The second big major group is that of status offense which consists of acts of truancy from home, truancy from school, the non-submission to the parental authority or the tutor, no respect to the curfew. Acts committed in this category are known to be criminal acts if only the perpetrators are those recognized by law to be juvenile (Whitehead and Lab. 2013). Downs, Moore, Mc Fadden, Michaud, and Costin (2004), note that these juveniles are “children in need of supervision, persons in need of services, status offenders, and or wayward minors” (Ibid. p. 412).

1. 6 RISK FACTORS OF THE DELINQUENCY TREND

In this section, the factors that lead to delinquency are briefly presented, as Chapter II of this work focuses on the theoretical framework devoted to delinquency-related causes.

Mears and Fraser (2004), quoting Coie et al. (1993, p. 1013), emphasize “Risk factors are variables associated with high probability of onset, greater severity, and longer duration of problems such as violence, delinquency, or substance use” (p. 450).

Identified risk factors of delinquency on children by empirical research are generally found in the children social environment that is made by the, communities, families, schools, peer groups (Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. 2004, p. 418; Mears & Fraser 2004, p. 450).

1. 6. 1. Community Factors

The influence that contributes to the root of criminal trends for children in the society are related to “availability of drugs”, accessibility to guns, laws and regulations allowing the use of drugs and weapons and facilitating criminality, media that incite assault, “transition and mobility”, weak neighborhood bonding, and “community disorganization, and extreme economic deprivation” (Hawkins & Katalano 1992 as cited in Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. 2004, p. 418; Mears & Fraser 2004, p. 451).

1. 6. 2 Family Factors

The family being a basic social institution also includes factors that are probably strong for delinquency in children. Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. (2004), point out that “Family history of the problem behavior, family management problems, family conflict, favorable parental attitudes and involvement in behavior” are contributing factors of delinquency in children (p. 418). Additionally, Mears and Fraser (2004), indicate that “poverty, child maltreatment, family breakup, and parent-children separation” are also factors of delinquency at the family level (p. 451). Other family components related to juvenile delinquency are “-family structure background” and the deficit of parental attachment” (Hanci, Eşikoy, Simşek, & Ulukol, 2005; Ögüle & Aksoy, 2007; Öntaş & Akşit, 2008; Türkeri, 1995 as cited in Deflem 2015 p. 45).

1. 6. 3 School Factors

The school is an institution recognized for its role as a place to learn the right way. children, however, can also display unconventional behavior in schools. Thus Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. (2004), see “early and persistent antisocial behavior, academic failure in elementary school, and lack of commitment to school” as factors related to the cause of delinquency in children (p. 418).

Furthermore, Child hyperactivity, low academic performance, involvement with delinquent peers are signs of violence for both boys and girls aged of 18 who are in “elementary, middle school”, and “high school”. Additionally, for the education level like “middle school and high school” generally poor management family, family conflict, and low commitment are basis of violence (Herrenkohl et. al., 2000 as cited in Mears & Fraser 2004, p. 450). And, “poorly defined rules and expectation for behavior, and inadequate enforcement of rules against antisocial behavior” are amongst school risk factors for delinquency (Mears and Fraser 2004, p. 451).

1. 6. 4 Individual / Peer Group

In regard to the relationship that exists between a person and his or her peer group and to the causes of delinquency, Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. (2004), found related elements to delinquency are “alienation” and non-obedience, friends with antisocial behavior, attitudes poorly healthy, “early initiation of the problem behavior, and constitutional factors” (p. 418). Additionally, Mears and Fraser (2004), found others individual factors for delinquency such as “early aggressiveness, defiance, hyperactivity, attention deficit, risk taking, impulsivity, substance use, and attitude favorable to offending low IQ” (Mears and Fraser 2004, p. 451). They also identify factors such a “peer rejection, involvement with delinquent (antisocial), and peer/gang membership are related factors of delinquency amongst the children in peer groups (Ibid. p. 451). Deflem (2014), citing Tasgin (2012), sees pair groups to be strongly related to delinquency so that a child feels safer and more confident in his group than in front of his parents. Children in the pair group adopts behavior related to “drug abuse, and crime”, the pair group removes the child from the school and parenting environment to fit into group of friends. And the result of these attitudes is arrest and “juvenile prison” (p. 45), are fortunate those children whose justice systems in their countries have social policies favoring the detention of children in detention centers for juveniles.

Literature highlights that among the risk factors that push children to commit antisocial acts and violence do not have the same impact on children, as some factors are highly inciting to the criminal act than others, and the children who are likely to pass the criminal

act are those who are affected by many more risk factors... (Herrenkohl et al., 2000 as cited in Mears & Fraser 2004, p 450). But also, this does not always explain that all children under one or more risk factors are likely to commit violence (Farrington, 1994; Herrenkohl et al., 2000), because a well-organized intervention can save children at multiple risk factors before they turn to commitment to an act of violence (Catalano, Arthur, Hawkins, Berglund, & Olson, 1998; Chung, Hill, Hawkins, Gilchrist, & Nagin, 2002; Herrenkohl et al., under review; Smith & Carlson, 1997 as cited in Mears & Fraser 2004, p. 452). Similarly, Mears and Fraser (2004), citing (Catalano & Hawkins 1996; Hirschi, 1996; Smith & Carlson, 1997; Werner & Smith, 1992), emphasizes the importance of the “strong bond of attachment to prosocial adults to reduce the risk of violence” (p. 452). As for the family level and the school institutions, the existence of healthy beliefs and the establishment of a progressive discipline with positive social norms play a “protective” role (Catalano et al., 1998; Catalano & Hawkins, 1996; Pollard, Hawkins & Arthur, 1997, as cited in Mears and Fraser, 2004, p. 452).

The next section is devoted to the theoretical framework in which different causes of delinquency are discussed from schools of thought and theories.

CHAPTER 2

THEORETICAL FRAMEWORK

There is extended literature on antisocial behavior and theories of delinquency worldwide. Indeed, many disciplines have different theories that explain the causes of crime (Zastrow 2008, p. 291). Drylie (n. d.) states that “A theory is a principle or an idea that attempts to define and explain a phenomenon”. Among theories on the origin deviant behavior, basically Four theories are part of this research study: The Attachment theory, Classical school, Positivist school, and the General strain theory on delinquency.

Through centuries and with the help of various unscientific and scientific thinking, researchers had always wanted to understand the probable reason that pushes the human being to adopt unhealthy behavior or in other words, antisocial behavior that it turns people into committing a crime.

This part of the study deals with certain theories which show the features of juvenile delinquency phenomenon, theories which give explanation on probable sources of the juvenile delinquency phenomenon from several different angles and a specially on what causing deviant behavior on the juvenile. Zastrow (2008), invites the world to ask a number of questions about the possibility of theories to find the cause of crime. Thus, they ask us to question ourselves if any theory can explain the real reason that pushes an individual to commit “rape, robbery, murder, drug crime, aggravated assault, kidnapping, and any other form of crime, and end to think also if a theory can contribute to the application of social policies for the prevention of crime” (p. 291). Indeed, in this current study, a theory is considered to be able to give the answer to the question on the origin of antisocial personality related to Juvenile delinquency phenomenon (Whitehead 2013, p. 48). The point of view of the positivist, classical school, and the spiritualist thought on the origin of delinquent behavior are part of this section. The goal of this section is to observe the sources of juvenile delinquency phenomenon in all aspects of a human being's life.

2. 1 THEORETICAL SCHOOLS THOUGHTS ON DELINQUENCY

This section of the current study focuses on some nonscientific thought and ‘schools of thoughts’ on the origin of delinquency.

2. 1. 1 Demonological Explanations of Delinquency

Demonology believes that deviant behavior is originated from a disembodied spirit of malevolent power (demons or evil) that possesses individuals. This is considered as a fighting between the divinity and unclean spirit in other word “God and the devil” presented respectively by the “good and evil” (Whitehead and Lab, 2013; Çam, 2014, p. 576; Zastrow 2008, p. 291-292). Zastrow (2008), notes that this theory was adopted by the Nonliterate Societies, which treated delinquent individuals by “prayer, and torture” which could even “cause death”. But scientific discovery has proven the opposite and the theory of “*demonology*” has ended (p. 292). This explains that the question of researching the source of delinquency phenomenon by human being has always been an occupation of all scientific and non - scientific fields.

Schools of thought in criminology with reference to delinquency are shortly explained in the next section.

2 .1. 2 The Classical School

2. 1. 2. 1 Justice System the Mode of Correction of Offenders

Classicism was born between the 18th and 19th centuries with the studies of Cesar B.M. of Beccaria (1738-1794) and Jeremy B. (1748-1832) (Whitehead 2013 and Lab, p. 49; Drylie (n. d.)).

Cesar Bonesana revolted against the judicial system on the treatment of the “crime and moral” society. He corrects the criminal justice system by providing a new vision in relation to “criminal and penal practices” other than that established by the court, while at the same time corroborating society's point of view in the face of unconventional behavior (Whitehead and Lab, 2013, p. 49). The principle of the classic school on delinquency is based on the “rationality” or the idea of the free will which means that the causality of the

crime is not a fact of luck rather it is the free will and the choice of the author. And the human being is hedonistic which is an individual's pleasure-pain relationship management. Thus, individual has the envy to maximize the pleasure and repress (minimize) the pain (Bentham, 1948 as cited in Whitehead and Lab, 2013, p. 49; Shoemaker, 2014 p. 576 as cited by Çam, 2014, p.576; Zastrow 2008, p. 292; Derylie, n. d)). Similarly, Deflem (2008), confirms with certainty that the penitentiary institution of the eighteenth century was inspired by the thought that committing a criminal act was not an accident but rather a willing act of the criminal who acts conscientiously, recognizing the damage of his act. Furthermore, Classicism believes that the author of any crime commits his act consciously and therefore he is aware of his "responsibility" for the criminal act, he knows the degree of the gravity of his action. As for the "rational choice" is the operative mode used by the author to pass to heinous act (Whitehead and Lab, 2013, p. 49; Çam, 2014, p. 577).

People while making the choice of what to realize whether it is a conventional act or not they feel comfortable (people) once their will is accomplished. And that is the role of justice to decide in which case the act is part, in other word the law's duty is to identify the legality or the illegality of the committed act (Beccaria, 2005 as cited in Çam, 2014, p. 577).

To "reduce" and / or "eliminate" the indecent behavior, classicism opts to use the opposite meaning of the extended result of the free will and hedonism relationship as an effective method against crime, which equates to "increased punishment and reduced pleasure". Beccaria's classicism, supported by other theorists of classicism, is favorable about the law to reprimand the authors of criminal act, the criminal must necessarily respond to his act once proven guilty. The punishment must be neither superior nor inferior to crime committed, it must be adaptable according to the level of the act (Whitehead and Lab, 2013. p. 49-50).

The thought of classicism on the relationship between criminal-criminal act and punishment is that the judicial system must focus its attention on the offense and not on the perpetrator. Additionally, the legal system must make the author aware of the heavy burden he has to bear once he is found guilty (Whitehead and Lab, 2013, p. 49-50).

Zastrow (2008), adds that the punitive method applied by the laws of the legal systems is based on classical theory (p.292).

The thought of the classical school on deviant behavior and the corresponding measures to eradicate the phenomenon of delinquency has not been criticized in this work in progress, yet the thought of the theoretical school of criminology that follows is enough to be considered as a critical as its opposition to classicism.

2. 1. 3. The Positivist School

2. 1. 3. 1 Rehabilitation for Offenders' Welfare

The position of the positivism school about crime as well as the components that influence it do not come in the emptiness rather it comes somewhere or from a probable cause (Çam, 2014, p. 576). Positivist school “influenced juvenile justice practices by the late 1800s”. Positivism states that behavior depends on other external sources. And that the behavior can be modified only by destruction of the factors which push the individual to act and not by means of the punishment as the classicism suggests (Whitehead and Lab 2013, p. 50-51).

In positivism there is a relationship between the Causal Factors - Offender - Deviant Behavior. Thus, for an individual to proceed to the execution of his act, there is first a reason inside him. So that he himself is at the center of his act, which is why it is necessary to concentrate on the offender instead of focusing on the offense. These approaches guide the discovery of possible determinants or motivations behind every offender. Thus, the reason that engage people to became offender (Ibid.). Whitehead and Lab (2013), compares this positivist approach with the medical process in the treatment of a patient so that the physician focuses on his patient by analyzing symptoms as causes of complications in the patient's health (p. 51).

The thought of the positivist school on crime is in favor of the adjustment of the deviant behavior of an offender in order to reinstate him back to the community (p. 51). Whitehead and Lab (2013), postulate that “the logical extension of the focus on determinism and multiple causation is the belief in rehabilitation and treatment. Instead of punishing an individual for his or her actions, Positivist seeks to remove the root causes of the deviant behavior” (p. 51). They pursuit that “the proper rehabilitation and treatment

strategies may be as diverse as the number of clients” (p. 51). This approach recommends the staff (counselors, lawyers, etc.) in contact with the perpetrators during the course of treatment to take into account the social environment (identify the need of the offender's surrounding) of the offender. Thus, “treatment and rehabilitation need to be tailored to the circumstances of the individual” (p. 51). This may give hope of a family and community positive reintegration and prevents recidivism among offenders. Whitehead and Lab (2013), state that “Positivism emerged from the 1880s as the dominant school of thought. Advances in medicine, psychology, and sociology presage a more scientific approach to explaining and understanding deviance” (p. 51).

In sum, the major goal of this research is to assess the social policy of rehabilitation centers for child offenders in Burundi in the perspective of the children rights. Thus, this current study supports the approach that has been utilized by the “new juvenile justice system that adopt the “identification of the causes of delinquency and sought ways to correct the inadequacies that led to delinquency” (Whitehead and Lab 2013, p. 51). So, our study is for the “idea” of Positivism applied by the juvenile justice system and the 'emerging field of criminology' and not directly for the criminal justice system that “retained vestiges of classicism and deterrence” (p. 51), in other words, the punitive method which does not foresee either treatment of the author or preparation of his social environment for reintegration.

Thus, as positivism school of thought suggests that the source of the delirious behavior displayed by the delinquent is coming from the outside world, so it is the environmental factors of the delinquent which pushes the individual to commit crimes in the community. In the purposes of this work, it is considered that the first environmental contact of a child appears in his family or in other words the parent-child relationship is a very important factor in the child behavior orientation. It is mentioned in the section below a focus on the attachment theory to discuss the causes of antisocial behavior acquired during the attachment process.

2. 1. 4 Attachment Theory and Juvenile Delinquency

The theory of attachment recognizes its origins after the second world war period, precisely with the study of John Bowlby (1971). In his studies dating back to 1951, with

the main objective of understanding the effects of “maternal deprivation” on children, Bowlby analyzes the existing relationship between “mothers and their young children”. The theoretical conclusions of his research led him to confirm the existence of significant complications that last up to five years of birth in a child. The effects he described as nuisance accompanied by the “psychological and social” difficulties present during the survival of a child. Bowlby (1951), then discovers that these problems affect the construction of the persona of a child and guide them directly in the attempt of juvenile delinquency (Corby, 2006, p. 158). After observing biological experiments and animal behavior, Bowlby makes some critically important remarks related to the “physiological aspect of the mother-child bonding and attachment,” which Bowlby concluded that a child's “psychological protection” and at the same time “psychological security” are guaranteed (Corby 2006, 158). Similarly, taking into account mental health, other researchers (Zanussi et al., 2010, Keskin and Cam, 2010), agree that individuals with secure attachment have a low presence of mental problems, unlike those who have experienced a negative attachment have shown to have a high rate of mental health problems (Zanussi et al., 2010; Brumariu & Kerns 2010; Keskin & Cam, 2010; Merlo & Lakey, 2007; Corby 2006, p. 158). Similarly, as stated by Brumariu & Kerns (2010) and Merlo & Lakey, (2007); Zanussi, Cawthorpe, & Wilkes, (2010), believe that “In the juvenile population attachment security has been linked with mental health and suicidality”. Moreover, (Corby 2006, p. 158) believes that Bowlby 's attachment is “instinctual and is genetically determined two-way, symbiotic process”. Corby (2006), sees that despite attachment's place in the management of childhood problems, the twentieth century was a time when attachment was not often solicited to child related issues intervention. He adds that “currently, poor attachment experiences are seen to be both a cause and a consequence of child abuse” (Corby 2006, p. 159). Child abuse and neglect outcome many interpersonal, cognitive, substance abuse, psychiatric diseases, and long-lasting emotional and behavioral problem (Taner I. 2002; Taner ve Gökler 2004, p. 83; Dolgoff and Feldstein 2013, p.372). Moreover, “Dependence on and abuse of substances are clearly associated with criminal activity” (Baron & Hartnagel, 1997; Gaetz & O’Grady, 2002 as cited in OJJDP 2012, p. 4). Many deficits in social functioning are noticed in children who have suffered physical abuse and neglect; these children may

have difficulty in establishing close relationships and, less emotional intensity, intense anger, and abusive behavior, may have been include in more conflicting associations (Crittendon and Ainsworth 1989 as cited in Corby 2006 p. 159; Taner and Gökler 2004, p. 83). Moreover, Lewis DO (1992), states that aggressive and suicidal behavior are most commonly seen on the illtreated children (as cited in Taner and Gökler 2004, p.83). Corby (2006), noticed that Crittendon and Ainsworth (1989), have shown interest to the 'external stressors' that play a great role to the child behavior during the family-child attachment relationships. They underlined responses of maltreatment within families and the impact of the social environmental stress (Corby 2006 p. 159). Furthermore, Parental lack of constant control on children and unsuccessful attachment are likelihood factors that lead accordingly both girls and boys to delinquency (Wasserman, Miller, Pinner, & Jaramillo,1996). Corby proposes that the surrogate figure and / or successful counselling are possible approaches to fixing the problems caused by negative attachment in individuals who have experienced this situation (Corby 2005, p. 159).

2. 1. 4. 1 Criticism on the John Bowlby Attachment Theory

Bowlby's attachment theory was not positively received by other thoughts and the scientific movement.

Feminism accuses Bowlby 's attachment theory of forcing the mother of a child to be a prisoner of her child during the period of childhood. Thus, the feminists find that this part of John Bowlby's attachment theorization on the relationship mother-child infancy period is totally against motherhood's freedom (Corby 2006, 159). Moreover, Rutter, (1978, who sees that in Bowlby's thinking has completely gotten rid of the other related elements which just as the role of the mother are also very contributory. Rutter (1978), finds that the 'consistency and positive nature of the relationship' have a prominent place in attachment. Thus, he then mentions that the father and all the extended family should not be dismissed as they also affect the psychological construction of the child during the process of development.

This study holds that in regards of the phenomenon of juvenile delinquency according to the attachment theory, the child grows with family values that he observes during his process of human development. Family values are instilled in the child by the parents who

are biologic or by the caretakers of the child. Therefore, this social group around the child also is surrounded by the outside world whose community, and the institutions or anyway by the environment affect each other. If the social environment of a child is negative, the child will copy an unhealthy behavior that exposes it to crime.

2. 1. 5 General Strain Theory of Delinquency

The General Strain Theory (GST) serves as a tool for the analysis of outside forces that drives individuals to commit a crime - knowing that not all strains are linked to crime (Agnew 2001, p. 319). Agnew (1992), gave the general definition of the term “strain” as “relationships in which others are not treating the individual as he or she would like to be treated” (Agnew 1992 p. 48; Agnew 2001, p. 320; Lin Wen-Hsu, 2011.p. 32). And a definition suitable to this current study that presents the Strain as “events or conditions that are disliked by individuals” (Agnew 2006a, p.4). Agnew (2001) is taking into account the effects that emotional factors and 'conditions' have on crime, he recited the strains that tend to be related to crime as follows:

- are seen as unfair,
- are seen as having a deep magnitude,
- are related to social control that is low in enforcement,
- and create some pressure or incentive to engage in criminal coping (Agnew 2001, p. 319).

Agnew (1992), believes uncontrolled “anger and frustration” are caused by “external stimuli”, this critical situation provokes a feeling of “corrective action” whose risk of appeal to commit an unlawful act or an outrage is probably inevitable (p. 60). Moreover, in order to rid oneself of a serious emotional state, recourse to undesirable acts such as “stealing, vengeance” and drug abuse seems to be the most popular option, so crime becomes a form of relief. Studies by Agnew (2001), Aseltine, Gore, and Gordon (2000); Mazerolle et al. (2000); and Piquero and Sealock (2000), as mentioned by Agnew (2001), have found commonality in other strain theories that are closely associated with criminality and delinquency (Agnew 2001, p. 319). Moreover, Kennedy and Baron (1993), state that delinquency have effects that are both immediate and long-lasting effects on young people. As also is the case of Moffit (1993), Sampson and Lamb (1993), who

believe the existence of unstable life caused by delinquency. Agnew's (1985a), argues that subjects who fail to be successfully in an "aversive situation" get away with delicacy such as aggression towards others and the expression of anger by the withdrawal from others- he confirms that "strain theory was able to explain middle-class delinquency and sporadic juvenile delinquency" (as cited in Lin Wen-Hsu, 2011.p. 32).

Agnew (2006a, 2006b), pointed out that General strain theory is a prominent approach in criminology science. He adds that GST strain theory explains a direct relationship between the outcomes of criminal conspiracy and the stresses of life as well as the "negative emotional responses" (Lin Wen-Hsu, 2011). As for Baron's (2004), which postulates that GST deals with family-related problems such as "violence and parental neglect" that inculcates certain family members into criminal tendencies.

Wen-Hsu Lin's (2011), study "General Strain Theory and Juvenile Delinquency: A Cross-Cultural Study" has considered the GST a "systematic explanation of the strain-delinquency relationship" (p. 32). He / she finds that all tensions caused by a stressful situation refer to the criminal tendencies manifested by "anger, fear and depression" (p. 36). Consequently, and especially anger with its deleterious effects (already mentioned above in this part of the current study), is the "most crimenogenic" emotion ever known in GST.

In sum, the theories that trace the origin of deviant behavior are various, but they all present the more important point of view that the person is at risk of delinquency is still in the center of the debate in order to find possible solutions to the phenomenon of the delinquency and especially the juvenile delinquency within the juvenile justice system. Theoretical study of the source of indecent behavior in children is a key factor in the implementation of good social policies within juvenile justice. Whitehead and Lab (2013), state that "court provisions and correctional treatment show the strongest relationship between theories and the justice system. They continue to argue that "recent movements toward incarceration and detention of minors are clearly on conventional assumptions of

free will and hedonistic choice - the various theories continue to find their place in the policies and procedures of the juvenile justice system” (p.93-94).

The next section deals with a review of the literature in which different studies are analyzed to describe the extent to which the phenomenon of juvenile delinquency is a preoccupation of humanity.

CHAPTER 3

LITERATURE REVIEW

The purpose of this chapter is to incorporate what other researchers have done about the well-being of children, detained children, the situation of juveniles in detention in an international level and in the other hand in Burundian judiciary system, and finally the importance of the placement of the detained juvenile offenders in the relevant social structures as rehabilitation centers that respond to child well-fare international standards. These include documents from different researchers and international and national legal tools associated with well-being of the child in the term of the rights.

3. 1. THE PREVALENCE OF CHILD INCARCERATION IN AFRICA CONTEXT

As in the rest of the world, in Africa too, the issue of imprisonment of the child considered to be a delinquent is a matter of debates that has never succeeded in the finding of adequate responses in the term of protection of the child offenders. The African society values children at the level where children are taken for a gift and gives hope to parents for the assurance of their own future. Despite that, in African prisons, there are several categories of children such as minors in the company of their sentenced mothers, children born in prisons, and child offenders. This work deals with the category of children in prison either child offenders or in other words children accused of committing offenses.

Unlike high rates of adult prisoners in African prisons, child prisoners rate occupies only 0.5 to 2.5% of the prison population in Africa. Namibia to be the first by its highest proportion of 5.5 percent of detainee children (Sloth-Nielsen, n. d). While in 2001 the population situation of the inmate in Burkina Faso was of 2800 individuals among them 68 children that make 2.4 percent of the prison population, Ghana's prison held 11379 prisoners of whom 148 were children. Similarly, in Uganda despite the Uganda Children statute which is a legislation that banned the imprisonment of children since the year 1966, there were 173 child offenders in Uganda prisons (Odongo 2005, p. 391 as cited in Sloth-

Nielsen, p. 117-118), and held in the worst physical conditions because child offenders suffer corporal punishment such as being whipped in Ugandan prisons (Moore M, 2010).

A second periodic report of Mali Republic (September 2005) by the United Nations Committee on the Rights of the Child has revealed the presence of 72 children placed under a committal order (UN committee as cited in Sloth-Nielsen, p.118). Furthermore, in relation to this seemingly smaller proportion, a (2006) report by the Defense for Children International, indicates a high number of children incarcerated in the Republic of South Africa, for instance 3600 or more detainee children among a prison population of 180000 inmates, which equals to 1.6 per cent for children (Defense for Children International 2006, p. as cited on Sloth- Nielsen, p. 118). The child detention situation in some countries of the African continent directly refers to the question in what circumstances these children are detained.

Sloth-Nielsen (n. d.), argues that in some countries such as Mozambique, Nigeria, and Ethiopia there are no child offenders-related data, but the reality is that in these countries the number of detained children appears to be very high and children are held in bad condition such as the case of Nigeria where child offenders are detained with adult inmates (p. 118). Similarly, Amnesty International (2014), has shown the existence of torture and other forms of ill-treatment among children in Nigeria prisons. In Somalia, many children are in prison in the form of family discipline because it is the Child's family which opts for the imprisonment of their uncontrolled children in the home (p. 118). The situation in which children are treated in these countries does not meet international standards related to the rights of the child deprived of liberty and jeopardizes the well-being of the child

In contrast to the mistreatment of children in conflict with the law in some African countries, there are other countries where the Juvenile Justice System are advanced so that children deprived of liberty by the law are placed in social structures, as is the case of “Swaziland, where children are held at Juvenile Industrial School”, children benefit from special education before reintegrating their family, or community that is under the management of the “Department of Correctional Services”, and as is in Lesotho too child

offenders are held separately from adult inmates in Juvenile Training Centers (Ibid. p. 119).

In sum, the statistics on child prisoners in Africa are vague because penitentiary administration in most of the African countries is not able to identify exactly who is a child and who is not one (Sloth-Nielsen, p .119).

3. 2 BACKGROND OF THE RIGHTS OF THE CHILD

About this section on the history of the rights of the child, the current study is delimited from the Middle Ages to today.

Over the history of human society, the child had been considered at the same price as the material things in his community. Like other objects intended for sale, the child at a young age and precisely at the age of between “5 and 6 years” was a being “for sale, the purchase, arranged to the satisfaction of his master”, the age of 5 and 6 years of birth made a child able to perform all chores at the same level as adults in society because this child shared the same status as that of “adult” (Aries, 1962; Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. 2004, p. 414).

The child has been a very vulnerable human being since the Middle Ages, the period when this weak human being was at the mercy of all the mistreatment, the children were then of "small adults" with characteristics of being the "reduced model" human being. In Europe, the delinquent child has suffered greatly from the injustice caused by the lack of jurisdiction for child offenders before the French Revolution. Delinquent minors were sentenced to the same degree as adults, and only one advantage was made available to them, namely a reduced sentence based on age of the juvenal offenders (Zermatten 2003-2004, p. 7; Downs, S. W; Moore, E; Mc Fadden E. J; Michaud, S. M; and Costin, L. B. 2004, p. 414). The first initiative on the protection of the child owes its history in France in the middle of the 19th century with the appearance of the “Rights of the minors”. In 1841 and 1881 the protection of child worker laws and the French rights to education laws are born respectively. The twentieth century was open in favor of the promotion of the rights of the child because it is at the beginning of this century that the notions of “health,

social and judicial” gain the place in the rights of the child from France and progressively throughout Europe (Humanium, n. d.).

Between 1919 and 1924, a more modern evolution occurred in the field of human rights especially in association with the right of the child. This is the case of the creation of the League of Nations, the predecessor of the United Nations, which shows a desire to promote the "protection of childhood" and also the creation of the “Child Protection Committee” in 1919. The Declaration of Geneva, adopted on September 26, 1924, lays down special rights for children and adults to have the responsibility to offer guaranteed rights. This was the beginning of the universal recognition of children's rights for the first time (Ibid.). The pleading of the Polish citizen Dr. Janusz Korczak on the "identity and dignity" of the child is considered to be the origin of the Geneva Declaration. In order to serve the victim children of post-World War II, was created in 1946 the United Nations Fund for Emergency Relief for Children by the resolution 57 (I) of the General Assembly which became the United Children's Fund UNICEF known as the “ambassador” of the child protection in the world was also created under resolution 802 (VIII) (NMUNY. NY 2016, p. 5; Humanium, n. d.). The rights of the child are accelerated between 1970 and until the year 1979 was dedicated to the protection of the child as “the international year of the child”. Thus, during the 1970s, the movement of "claiming" the rights of the child led countries such as Spain, USA, Portugal, Canada, England, Austria, Belgium, Switzerland, and so on. the implementation of legal provisions that are well adapted to the respect and promotion of the rights of the delinquent child (Zermatten 2003-2004, p. 8).

On November 20, 1959, was adopted the Declaration of the Rights of the Child by the United Nations General Assembly, and as the years passed other international pacts recognizing the rights of the child were created, it was the International Covenant on the Rights of the Child, the Covenant on Civil and Political Rights, and on 20 November 1989 the International Convention on the Rights of the Child was adopted, and the African Union adopted on July 11, 1990 the African Charter on the Rights and Welfare of the Child, and then the Optional Protocol to the International Convention on the Rights of the Child was created on May 2000 (Humanium, n. d.). The predispositions of international, regional, and national legal framework that refer to the protection of the rights and the promotion of the welfare of children in conflict with the law are largely part next section.

3. 2. 1 International Legal Instrument on the Rights of the Child

This section of the study focuses on the treatment of child rights in international legal documents. Indeed, since the child is a primordial start of the development of the adult human being, his rights have been floated in the past. But with the development of the social sciences, the child has found an important place in the world with regard to the protection that is realized by the respect of his rights. The international community then established laws to be enforced and respected by the signatory members of these legal documents or in other words the international legal conventions on human rights in a general and very special way those of the child. Treaties on the rights of the child have been underway for several decades and have seen much more improvement.

The world's efforts to protect the child have had a long history in passing centuries through instruments that encompass human rights in a broad sense such as the Universal Declaration of Human Rights of 1948 (UDHR) in which the right of 'every child is imperatively guaranteed at the same level of social protection' (National Model United Nations, 2016, p. 13). Then, other special conventions of protecting the child have been born. In this part of the study, only the most recent and mostly known by the public will be considered.

3. 2. 1. 1 The 1959 Child Rights Declaration

In 1959, the world recognized the protection of the child by creating an instrument under the name of the "Declaration of the Rights of the Child". The child is then protected in all aspects of his life from birth and during childhood by the rights such as the 'rights against marriage and conflict', and the promotion of rights such as education, health, shelter, and nutrition are also taken into account. This declaration was adopted at the Third Committee on 20 November 1959 and is known as Resolution 1386 (XIV) during the fourteenth session of the General Assembly (National Model United Nations, 2016, p. 5; UN Resolution 1386 (XIV)). This declaration of 1959 is supposed to be implemented in the national laws of the member countries have adopted it and also be private sectors specialized in child protection to apply it in their works.

The 1959 Declaration of the Rights of the Child attributes the protection and promotion of the rights of the child under the responsibility of the signatory member states, the child's family, and caring organizations or NGOs, when its principle 8, it states that "the child must in all circumstances be among the first to receive protection and relief" (UN Resolution 1386 (XIV)). This attribution of responsibility shows how important the child's social environment is in developing the child's social well-being. Community participation by looking after its more vulnerable members such as children it is a duty. As Principle 6 of the 1959 Declaration puts special emphasis on the care of children in difficulty and even on the intervention of families in difficulty by "public authorities" and "society". The latter must provide for the security and affection to the child in a difficult situation so that the child has a positive 'personality development' (UN Resolution 1386 (XIV)). The enjoyment of these rights by minors does not exclude child offenders, as Principle 1 of the Declaration expresses in terms of not taking into consideration any form of discrimination when promoting the child rights. The next section focuses on specific treaties for children in difficult circumstances, including juvenile delinquents.

3. 2. 1. 2 The United Nations Convention on the Rights of the Child of 1989

Adopted on 20 November 1989 by the UN General Assembly's resolution 44/25 and it enters into force on 2th of September 1990 under reference to Article 49 (1) that the Member States recognizes its automatic application once signed and ratified (UN CRC, Art. 49 (1); CRC, 1989), the Convention on the Rights of the Child is the "cornerstone" known to humankind for the safeguard of the child. As the Article 3 stipulates that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (Art. 3). The CRC answers all the questions on the rights of the child that states, communities, and families always ask themselves in order to encourage the well - being of children. The CRC's Art. 1 stipulates that "a child means every human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier" (Art. 1).

As of September 7, 1990, only 20 countries had ratified the CRC. And a decade after its creation in 1998, 191 out of 193 state members had already ratified the CRC (Zermatten 2003-2004, p. 8; Humanium, n. d.). Until the time of the writing of this study, i.e. the year 2018, only the United States of America signed the CRC since 17 of February 1995 but has not yet ratified it, whereas the countries such as South Sudan which signed on 9 of July 2011 and ratified on May 2015, and Palestine ratified the CRC on April 2014 are among the last Nations to ratify the CRC, and Somalia signed the CRC on May 2002 and ratified it on October 2015 that makes Somalia be the latest country to ratify the convention. Thus, in the number of 197 signatory States of the Convention, until January 2018 only 196 ratified the Convention (Humanium-UN Treaty Collection). Bearing in mind that all States which have signed and ratified the CRC must directly respect their commitment to the protection of the child as expressed on the article 3. In fact, 28 years after the CRC came into force, the majority of Member States have made themselves aware of the validity of this convention, the concern remains the way in which these signatory states put the convention into operation. In other words, putting it into practice always seems to be difficult, as many of its countries have adopted the CRC in their national constitutions, which are the basis of the whole law of a country.

The CRC's Article 4, advocates the rights that are basic for every child such as the right to live and to develop plainly without any constraint, the right to the protection against the exploitation and the violence, to education and the "enjoyment of the best possible state of health " (NMUN.NY 2016, p.14). All these rights promulgated in the CRC concern all free and children deprived of liberty. With respect to non-free children or juvenile delinquents, the CRC specifically has articles for this category of marginalized children. For example, Article 37 stipulates that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment" and that "every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person" (CRC 1989, Art. 37).

And Article 40 reinforces by stipulating that:

"every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense

of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society” (Ibid. Art. 40).

Article 28 of the CRC invites all Member States to intervene to the educational needs of the child. This law does not exclude juvenile delinquents because the law envisages the right to primary, secondary and vocational education of all children without excluding any category of a child. Furthermore, according to Article 40 of the same Convention, juvenile delinquents also have the right to "education and vocational training programs" despite their status of being persons who have infringed the penal law (Art. 40.3. b)).

Zermatten (2003-2004), believes that CRC Article 40 (1) calls on the juvenile justice system to include the child in his criminal trial, so that the delinquent child is granted the right to participate positively to community growth, and that this is both "the recognition of procedural rights" and at the same time the courts will play the role of prioritizing "integrative solutions" which is directly related to the idea of “to make the culprit aware of his unconventional attitude, as well as his reparation” (p. 22). This part of the CRC calls on the juvenile justice system to advocate for the rehabilitation of children in their families and/or community so that the child offenders have to be treated and directed to play their role in the society to which they belong. As Pradelle C et. al., (1981) believes that “reintegration is not only limited to individuals but also concerns people considered marginal by society” (Pradelle, C et. al., 1981).

The 54 articles that make up the CRC, make a barrier against the social exclusion of children. As for purpose of this study social rejection implies “the involuntary exclusion of individuals and groups of political society, economic, and societal processes, which prevents their full participation in the society in which they live” (NMUNY NY, 2016, p.13). Burundi signed the CRC on May 8, 1990, and just five months after the signing of the Convention Burundi acceded to this convention by ratifying it on October 19 of the same year.

The next section focuses shortly with other regional conventions on the right of the child and widely in Africa continent region.

3. 2. 1. 3 Other Regional Conventions on the Right of the Child

In this part of the regional conventions are treated in a brief way to trace the importance that the nations have on the well-being and the best interest of juvenile delinquents.

In purposes of this study, which deals with the effects of the rehabilitation of juvenile delinquents, support is given to the UN Guiding Principles for the Prevention of Juvenile Delinquency, in other words the Riyadh Principles of Juvenile Justice of 14 February 1990 that advocates the "welfare" and "social integration" of juvenile offenders in order to restrict the behavior of juvenile delinquents (Zermatten 2003-2004, p. 18). Furthermore, the most important contribution of this treaty in the field of the promotion of the rights of the child is the implementation of the framework of the legislation and the administration of juvenile justice within its sixth chapter.

The second regional convention taken into account in this study is the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, known as the Beijing Rules of 29 November 1985. This is an important instrument in the field of juvenile justice as it provides the path to promote effectively the respect of children's rights, and recommends that the staff in charge of the child offenders should consider the priorities of the child 's "needs" first and foremost (ibid). According to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice in its Rule 13 states that "juveniles in custody shall be separated from adults and detained in separate institutions. As far as possible, preventive detention should be replaced by other measures such as close supervision, very attentive help or placement in a family or in an educational institution or home" (Rule 13). This part of the convention emphasizes the importance of placement of delinquent children in social structures and integration into the community through appropriate forms of education expressed by Rule 21.

Zermatten (2003-2004), shows that the Beijing Convention indicates the levels of intervention of the juvenile justice system through "education, judgment" and "enforcement". To achieve this goal, the following ten fundamental principles the Beijing convention are to be taken into account:

- the need for fair and humane treatment;
- diversion through alternatives;
- respecting the words of the minor;
- liberty deprivation as a last resort measure and as short as possible;
- Liberty deprivation, as the response to merely severe cases;
- exclusion of capital punishment and corporal torture;
- placement: exceptional measure;
- specialization of juvenile justice bodies;
- the objective of juvenile justice: reintegration;
- and release the measure as soon as possible (p. 19).

3. 2. 1. 4 The Havana Rules on the Protection of Juveniles Deprived of Liberty

This convention was born on December 14th, 1999, in Havana Cuba capital city, the laws found in this treaty are in favor of the juvenile delinquents so that the well - being of the child deprived of freedom is a base that the staff of the juvenile justice and the police must use when arresting a child and place special emphasis on where the juvenile delinquents will have to stay. the laws of the Havana Convention concern all institutions, whether "public or private", which acquire the right to keep the child before, during and after the legal procedure (Zermatten 2003-2004, p. 20). All these treaties have in common an interesting common point in the context of juvenile justice, the texts they contain converge on the well-being and the superior interest of the juvenile delinquents, which is already in the hands of the judicial authorities.

The next section discusses a regional convention on the right and well-being of children in the African continent.

3. 2. 1. 5 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC) is a basic legal instrument that promote and protect the welfare of the youngsters in Africa, this convention is a product of the efforts of the Africa Union Organization, which has its headquarters in Addis Ababa, the capital of Ethiopia, where the treaty was adopted in July in 1990. The Republic of Burundi ratified the ACRWC on August 2000 (Republic of Burundi 2010, p. 16). The concept of the child is defined by article 2 of the ACRWC as "every human being below the age of 18 years" (ACRWC, Art. 2).

The inalienable human rights guaranteed for all children by the ACRWC are the right to:

- survive and to development;
- health and health and health services;
- be protected versus destructive social-cultural practice;
- Protection of the family;
- free and compulsory basic education;
- protection and privacy;
- against abuse and torture;
- and protection against discrimination (ACRWC, 1990).

The ACRWC reserves the special rights of juvenile delinquents in its Article 17 that is devoted to the legal provisions addressed to juvenile justice. Thus, "Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others" (ACRWC, Art. 17 (1)). Article 17 continues to demonstrate the willingness of the ACWRC to urge signatory members to adopt a juvenile justice system that promotes the reintegration of child offenders into his society. This article states that "the essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, reintegration into his or her family and social rehabilitation" (Ibid. Art. 17 (3)). In addition, Article 3 requires the administration of juvenile justice to put the "best interests" of the child first and foremost in all proceedings (Ibid. Art. 3). Furthermore, the term " best interest of the child" is devoted to the Article 4 that states: "In all actions

concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration”.

This Article 1 of the CRC requires the right of expression to be granted to kids who have the ability to express themselves in order to be understood by the staff in charge of their judicial files and any time with possible assistance from someone who is considered to be fair. And that the authority in charge of the judicial file of the child is also called to respect the opinions of the minor while taking into account the laws in force (ACRWC 1990, Article 4 (1)).

The "best interest" of the child in conflict with the law is achieved through the enjoyment of his well-being as shown by Article 17 which states that:

- ensures that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
- (b) ensure that children are separated from adults in their place of detention or imprisonment;
- (c) ensure that every child accused of infringing the penal law:
 - (i) shall be presumed innocent until duly recognized guilty;
 - (ii) shall be informed promptly in a language that he understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
 - (iii) shall be afforded legal and other appropriate assistance in the preparation and presentation of his defense;
 - (iv) shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal (ACRWC 1990, Article 17).

In sum, that it is the intercontinental treaties on the child rights, all these agreements converge in common on the eight fundamental rights of the child which are none other than the right to life, to the education, food, health, water, identity, liberty and protection. The latter is considered by this current study to be the very basis of the well-being of the child offenders as long as it expresses that “Every child has the right to a protective

environment to preserve his property to be protected from all forms of abuse, discrimination and exploitation” (Humanium, n. d.).

The Republic of Burundi ratified the ACRWC ten years later, on 11 August 2000 (Republic of Burundi 2010, p. 16), and the governments that have ratified these treaties has to incorporate them into their national legal framework, this is also applied to Burundi. Thus, the following section presents the Republic of Burundi and the situation of the legal framework of child offenders in Burundi.

3. 2. 2 Presentation of Burundi

3. 2. 2. 1 General Information

Burundi is a state that overlaps Central and Eastern Africa. It is a landlocked country in East Africa it has highlands with considerable variation in altitude 772 m to 2,700 m above the sea level. Burundi covers an area of:

- 27,834 km²;
- 3 ° 22 '34' 'south latitude;
- 29 ° 21'36 " East longitude;
- Density: 318 inhabitants / km².

Burundi's bordering countries are Rwanda to the north, southeast Tanzania and the Democratic Republic of Congo (DRC) in the west. The Burundi Republic has 17 provinces, 129 districts, and 2,908 hills. The capital city municipality of Bujumbura has 97 neighborhoods. The country has a tropical climate composed of two main seasons, a long rainy season and a dry season that (October - December: the small rainy season, January - February: a small dry season, March-May: Great rainy season, June - September: large dry season).

The national language is Kirundi (CRB 2005, Art. 5), French language is used at the administrative level, and Kiswahili and English languages are taught in school. 9/10 of Burundians live in rural areas and depend largely on agriculture and Livestock, the country largely exports tea and coffee. In 2015 Burundi had a total population of 11 179 000. Statistics of the Burundian population in 2015 show that children under 15 accounted

for 44.8%, those between 15 and 65 for 52.7%, and those over 65 for 2.5% of the general population. from the country. By analyzing these statistics of the Burundian population, it is found that young people are the majority in the population of Burundi, which is why the good social policy in favor of the protection of youth is an urgency to protect children from delinquency and prevent the youth. fall into unconventional acts that lead to crimes.

The Capital City, Bujumbura, is mostly crowded. In general, the youth and children represent over 60%. The population density is 310 inhabitants/ km² with:

- Annual rate growth of the population is 3,4%;
- A fertility index per women is 6.3 children;
- A life expectancy at birth of men is 57,1 and for women is 60,5 years;
- The median age is seventeen (17) years of age;
- Human Development Index: 185th of 187 countries (RMDH2011);
- The literacy rate of persons aged 15 to 24 during the year 2010 (Système de Nations Unies au Burundi 2012, p. 13).

The race for modernity is a reality in Burundi. The country is adapting to modern technology, Civil society such as human rights groups as well as those protecting of child rights are emerging, gender equality is applied in both public and private institutions with at least 30% of women must be in public institutions (Ministries and Member of Parliaments, etc.) (CNIDH 2016, p. 79). Burundi was for the first time Germany colony under mandate before the First World War (1886-1916) and The United Nations put Burundi under Belgian trusteeship from 1916 until the date of the independence of Burundi on 1 of July 1962. Belgian settlers rank the Burundian population in three ethnic groups including Hutu with 85% (Bahutu), Tusti 15% (Batusti) and Twa 1% (Batwa) who were identified by their physical forms (CNIDH 2016, p. 77; United States Department of State 2016, p. 40). This situation was a basis of fratricidal crisis and series of genocidal civil wars: 1965, 1969, 1972, 1988, 1991 and 1993 to 2000, cease-fire agreement year (Falch Åshild, 2008). Wolpe Howard (2011) states that "the Burundi conflict is best understood as a result of the manipulation of ethnic identities by the political class in the struggle for post-colonial control of the state" (p. 3). In the purpose of this current study, it is pointed out that, as these three social groups imposed on Burundians by Belgian settlers

communicate with same language, live in the same villages, the same identity, and have the same culture are not taken into account as ethnic groups. Just after independence, access to power in Burundi was characterized by military coups, and civil wars based on Hutu and Tutsi ethnic groups, the last failed coup d'état was in 2015 and caused more than 250 000 Burundians to flee the country.

With regard to Burundi governance system, the transitional constitution of Burundi provides:

- It has a president of the republic, and two vice presidents, the parliament is composed of deputies representing the people and senators.
- The president is the president elected by popular vote for a term of five years;
- The president has two vice-presidents, each from a different political party and ethnic group;
- The ministers are nominated by the president of the republic according to the statistics of 60% of Hutus, 40% of Tutsis and at least 30% of women must be part of them;
- And The army and the police are also concerned by the rate of 50% of Hutu and 50% of Tutsi, etc.

It is reported that these power-sharing rates are the result of the peace process and the Burundian reconciliation signed in 2000 in the city of Arusha in Tanzania supported by the United Nations and the Organization of the African Union (Wolpe Howard 2011, p. 8 - 26). The majority of Twa ethnic group are uneducated and live on pottery and hunting or in the form of nomadic life.

The political crisis of 2015 has been the source of closure by the Burundi government of several national non-governmental organizations accused of being politically based (CNIDH 2016, p. 66), included those protected the child offenders whose most important in this current study are the “Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues” (French: Burundian Association for the Protection

of Human Rights and Prisoners), and Maison Shalom (Maison Shalom, 2016), the last one initiated the first national project of rehabilitation of juvenile delinquents that were treated and trained in its centers before their reintegration in families and communities.

3. 2. 3. Juvenile Justice System in Burundi

In Burundi national laws exist, and the texts of these domestic laws correspond exactly to the international conventions related to human rights in a general way and specially to the protection of the child in conflict with the law.

Former UN Secretary-General Kofi A. Annan appealed to the states of the world on the protection of the rights of the child in these terms:

“A world that strives for peace and gives every man, woman, and child a decent life. In such a world, the years of childhood have a special place, a symbolic ideal that we hope all realize a world where all children are healthy, safe from danger and surround the affection of adults help them grow by giving the full measure of their potential” (UNICEF 2004, 26).

3. 2. 3. 1 The Constitution of the Republic of Burundi

The constitution of Burundi in this study is that of March 18, 2005, known as the transitional constitution resulting from the Agreement for Peace and Reconciliation in Burundi signed in the Tanzanian city of Arusha and which continues to be used until the establishment of a new constitution.

In this constitution of Burundi, the well-being of the child is well guaranteed in the articles which concern the protection of the child. Indeed, the laws contained in this constitution refer to the Universal Declaration of Human Rights, the International Covenants Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child (The Constitution of Burundi, 2005, Art. 19).

The Constitution of the Republic of Burundi (CRB) within its articles 44 and 45 defines the child as a vulnerable and for that should enjoy special protection. UNICEF (2004)

recognized child protection as a sound foundation or framework of laws, policies, "regulations and services needed", education, health, safety and justice made for the purpose of "prevention" and facing issues that tend to be blocking for the achievement of child's protection. The rights and duties proclaimed and guaranteed by the convention on children's rights included (CRB 2005, Art. 19). This article shows a relationship between the Republic of Burundi's constitution and the Convention on Children's Rights to ensure the best interests of the vulnerable by relying on children's rights.

The constitution of March 18, 2005, provides in articles 30, 44, 45 and 46 a serial number of measures responsible for the well-being of the child. Generally, the Constitution allow rights to children and provides for special measures to ensure their safety, well-being, and development in accordance with international child rights standards of the CRC and the ACRWC and many other regional and universal conventions based on the defense and promotion of the right of the child. The constitution of Burundi puts special highlight on the protection of the child offenders in its article 46 which is praised for this notable task:

- No child may be detained except as a last resort, in which case the period of detention will be as short as possible.
- Every child has the right to be separated from prisoners over 16 years and subject to treatment and conditions of detention appropriate to their age (CRB, 2005, Art. 46).

Articles 13, 14, and 21 calls for respect for human dignity by enjoying the same rights and acquiring protection in the same sense and without any form of discrimination (CRB, 2005). The European Commission for Democracy (ECD) through Law stipulates "human dignity is at the top of the hierarchy of values; they are the source and basis of all human rights and constitute values which, in the eyes of law, are inviolable and inalienable" (ECD Law, 1998, para. 21). Human dignity is expressed by respect for the rights of all Human beings without discrimination. Thus, respect for the human dignity of juvenile delinquents refers to full respect for the rights of the child offenders despite the crime committed. Thus, Juvenile delinquents have to be treated as a human person before the law and all judicial procedures, as expressed by the ECD Law (1998) that "It is on the

basis of this idea of the human person and the law that, for example, the one who has committed a crime has rights, whatever that crime is” (Para. 22).

3. 2. 3. 2. The Burundi Penal Code of 2009

Criminal liability in children is an issue that nations take with caution because the child is considered a psychologically fragile human being for which the child does not understand the notion of crime as adults do (Cipriani 2009, p. 98- 109). The Burundian legal system also refers to a law that takes into account this state of psychological development that is special to children.

The Burundian legal system framework was developed with the revision of the old penal code of 1981 replaced by a new penal code of 2008 enacted on 22 of April 2009. Within the new penal code of 2009, the law brought about remarkable change by legal provisions suitable for the child offender's life protection. Criminal liability in Burundi then increases in terms of age, so that there is a gain of 2 more years over the age of criminal accountability which means that a 15 years old is held responsible for his criminal offense according to the new penal code compared to 13 years in the old one. Many other legal predispositions have been improved, for example, the life sentence is reduced for juvenile offenders to ten years of imprisonment when the same act is committed by an adult person. The new penal code imposes incarceration of children between the ages of 15 and 18, with a reduction of the sentence to one-quarter of the period of imprisonment, this reduction is calculated in relation to a conviction of a person having reached the age of criminal liability who commits the same crime.

Although this provision of “discount” the detention time of juveniles is seen as an improvement, this method in no way answers the main objective of juvenile justice which is based on the rehabilitation of the child offenders by the education offered in social centers designed to respond to the needs of children in conflict with the law while considering their psychological status, as Mears, D. P., Hay, C., Gertz, M., and Mancini, C. (2007, p. 249), has found that " decision relied heavily on psychological research demonstrating that most juveniles under 18 are not fully developed psychologically" (as cited in Whitehead 2013, p. 369), and furthermore, Whitehead (2013), argues that if a 16-

year-olds child receives a "discount sentence of between 50 to 66 percent" and that if the act committed by that young person once was committed by an adult and that his sentence is 50 years of imprisonment, directly the 16 - year - old child who has committed the same crime will be detained until he reaches the age of 41 and/or 49, so the consequence is that the child pays a "heavy price" (p. 372).

Indeed, there is at least hope for delinquent children who benefit from this method of pagan retaliation in Burundi as stressed in Article 30 of the new Penal Code proposes alternatives that can be summarized as measures of protection, education, and supervision for a child. Additionally, Bishop (2000, p. 136) quoted by Whitehead (2013) note that these kinds of decisions are those taken in the Adult criminal court that do not take into account "child problems" while juvenile court's judges above all focus on the best interests of the juvenile by providing measures that meet the well - being of the child (p. 372- 373). Adult court staff are not mistaken for people with empathy for children so that children in conflict with the law perceive adult court judges as be merciless humans characterized by "hostile, derisive, and uncaring behavior, and who thought the juvenile not to be able to change" (Bishop, 2000, p. 144 as cited in Whitehead 2013, p 373). This explains the negative psychological effects on child offenders whose cases are being handled in adult court.

Burundi's penal code of 2009 provides for activities that contribute to care with positive effects on delinquent children instead of imprisonment option. Thus, the warning; the reminder to the law; the delivery to the parents, guardian or a person of trust; educational assistance, placement in a social institution, school or other eligible educational institution (Art. 30), should be a priority in the treatment of delinquent children. This law of the Criminal Code calls on the judges to take legal measures while facilitating cooperation with other social institutions in order to favor the placement of the child offenders in the family and if possible, in an institution adapted to the preparation of the rehabilitation of child offenders. Among others, the family, and the social reports could be used to make this decision very effective.

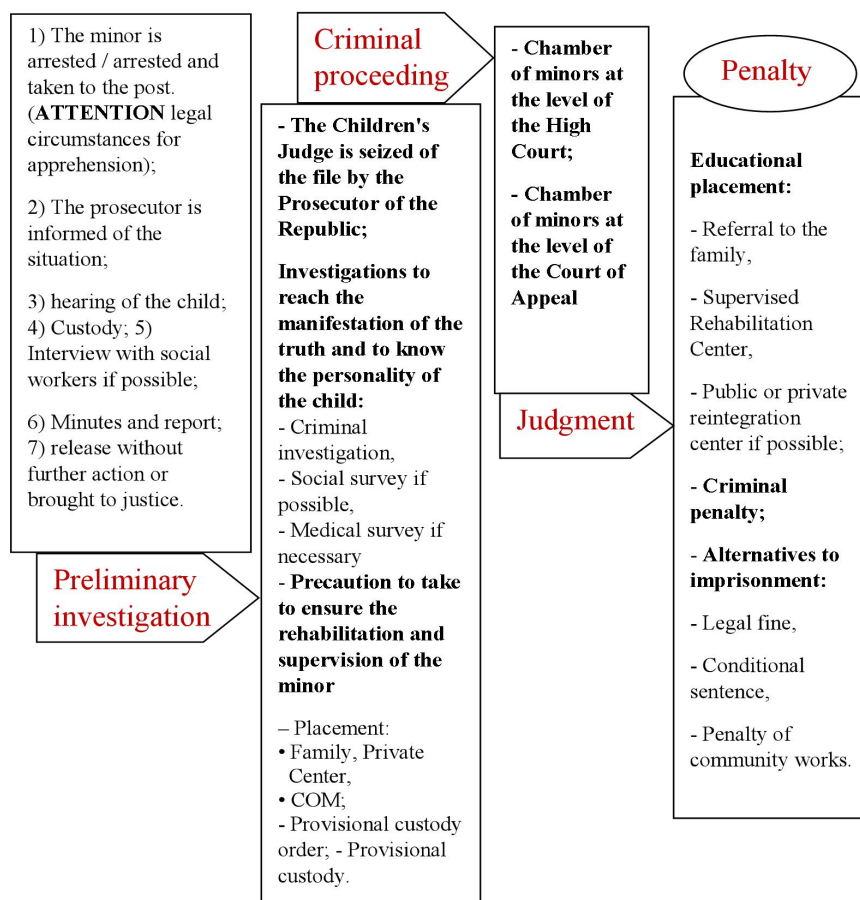
3. 2. 3. 3 The Code of Criminal Procedure

Law No. 1/10 of 3 April 2013 revising the Code of Criminal Procedures. This new code classifies judicial procedures according to each category of persons in contact with the justice and puts a peculiarity on the procedures to be followed for the juvenile offenders. This new code provides for solutions to the problems that existed between magistrates and the police for the management of the juveniles in Burundi. Magistrates and the police for inadequate training on the management of delinquents Juveniles with regard to their access to justice, the delinquents kids were between the dungeons of the police which in turn transferred them in prisons of adult detainees (République du Burundi 2014, p. 22). The new code of criminal procedure provides in chapter VIII from article 222 to article 243 of the new specialized laws for delinquents juveniles who are under the age of 18:

- Art. 222 “Any investigation, trial or judgment of a case involving a minor must begin with the verification of the minority by all means of law”.
- “Any measure taken in this context must be done with the best interests of the minor. The imprisonment of a minor should be considered as a measure of last resort. Measures that may be taken against minors must take into account the need to preserve the right of minors to education even in the event of deprivation of liberty (Ibid.).
- Creation in the national territory of specialized chambers for minors at the level of each court and public prosecutor's offices;
- Compulsory socio-judicial follow-up by social workers who are under the responsibility of the prosecutors of the Republic during the trial delinquent juveniles;
- The dismissal by the public prosecutor for the criminal minority (Art. 66 (8));
- Medical assistance by agreement of the minor or his guardian, or associations of the defenses of the rights of the children (Art. 163).

3. 2. 3. 4 Criminal Proceedings of Children in Conflict with the Law as Provided by the Burundi Code of Criminal Procedure.

In summary this section presents, the table describing Criminal proceedings of child offenders in conflict with the law as provided by the Burundi criminal procedure code.

Table 1.

Source : République du Burundi 2014 : Etat de Lieux de la Formation de la Police et de la Magistrature aux droits de l'Enfant et à la Justice pour Mineurs au Burundi, (French : Republic of Burundi 2014 : Report on Training of the Police and the Judiciary on the Rights of the Child and Juvenile Justice in Burundi).

The table clearly shows the steps to be followed by the officer in contact with juveniles in Burundi. Steps which begin by legal procedures to follow when arresting a child, until the judgment of the child who is found guilty of criminal acts. In summary, the criminal proceedings are a preliminary investigation, criminal proceeding, judgment, and Penalty.

3. 2. 3. 5 The Juvenile Police And the Protection of Morals

It is a Burundian police unit specially created for the protection of children. This police unit has the missions of related to the judicial and operational field such as protecting of children's rights in general, fight against exploitation of children and juvenile delinquency, and treatment of child victims facing the law and minor witnesses.

The juvenile police and morals have other objectives related to the protection of morals according to Burundian law. This police are trained to the fight against, the traffic of the human being, the violence based on the gender, prostitution, debauchery, and indecent assault (Ministere de la Sécurité Publique, 2018).

In this current study, “it has not been possible to take into account all the provisions of all the national laws and this presentation is limited to the best-known-” (Zermatten 20034-2004, p. 6), as also was for all international, regional, and national legal framework of the child offenders.

3. 2. 4 Child Offenders Protection System Development in Burundi

In Burundi, child protection is a task that has attracted many national and international NGOs since countries have experienced more than a decade of bloody civil war that has left thousands of children in difficult circumstances such as children orphaned by war, street children, and other categories of marginalized children. In contrast, the promotion of the rights of the kids in conflict with the law is a new notion in the field of Burundian civil society because this field was for a long time reserved for the security service or in other words the police in Collaboration with the Ministry of Justice.

3. 2. 4. 1 Government Child Offenders Protection System

To incorporate the international legal conventions on the protection of the rights of the child into Burundian domestic laws and especially the CRC and the ACRWC, the Government of Burundi are still providing efforts to promote fair justice for juvenile delinquents.

In 2008, in Ngozi province, Burundi with its social partners of the United Nations Integrated Office in Burundi (BINUB) and the NGO “Terre des Hommes” initiated by the international consultants the “pilot project of juvenile justice”, the project aimed at a training on how to protect the rights of the juvenile to 12 magistrates, 17 police officers, and 16 Burundian social workers (BINUB 2009, p. 26).

In 2010, UNICEF and the Government of Burundi planned future child protection projects for Burundi including a Child-friendly Justice Systems which aimed to create a National Children 's Act corresponding to the standards of the CRC. To achieve this task UNICEF,

in collaboration with BINUB and in partnership with Burundi, have prepared a training course on juvenile justice for 46 judicial police officers; a new Code of Penal Procedures; the Minimum standards for children without parental care; and the National Strategy against the Phenomenon of Street Children, and Strengthen capacity of 2,795 members of Child Protection Committees (UNICEF 2010), and a national unit for judicial protection of child entrusted with the promotion of juvenile justice in Burundi operational since June 2010 (Maison shalom, 2010), this new institution is under the management of the Ministry of Justice.

Burundi has also established legal institutions for children throughout the national territory, in every prosecutor's office of the Republic and prosecutor general near the courts of appeal is reserved a specialized section for minors, in all the high courts and courts of jurisdiction call are now equipped with special measures for the protecting the rights of child victims of crime, child witnesses of crime and juvenile offenders.

On 11 to 12 of July 2013, a joint meeting was held on the capacity-building project of the Institutes of Justice and of the rights of Children in Burundi. The participants were the heads of the police schools and the heads of the judiciary, the juvenile police unit and the protection of morals, the National Unit for the Judicial Protection of children (CNPJE), and other institutions of the child rights protections. All these bodies benefited from training on the operation of the judicial protection system for children in Burundi (République du Burundi 2014, p. 12).

The final report of 2014 on training of the police and the judiciary on how to guarantee the child rights and juvenile justice in Burundi, notes that theoretically there is a remarkable progress in the establishment of adequate juvenile justice in Burundi, but contrary to the practical level these new laws face a blockage caused by the agents of the security and the justice officers (Ibid. p.22), and the damage is heavy on children who are continually placed in prison despite laws prohibiting this measure which should only be used for one last resort (Constitution of Burundi 2005, Art. 46). This attitude displayed by officers of the judicial police and justice agents towards juveniles who broke the law proves their willingness to not considering the best-interest of child offenders. The Declaration of Human Rights of 1959 in its preamble 2, considers that the best-interest of

the kids encloses all aspects of life the minor among others its personality, its physical, moral, spiritual, social for the sole purpose to promote to the child a healthy development, a conventional behavior in conditions of freedom and dignity (UN 1959, Preamble. 2.).

Finally, in order to meet the requirements of the conventions that aim to protect of the rights of the juveniles, Burundi, with the help of its social partners, has arrived at the creation of two public rehabilitation centers for child offenders namely the Ruyigi rehabilitation and the Rumonge rehabilitation center for child offenders functional since 2015. The latter is the case study of this work in progress.

3. 2. 4. 2 The Rumonge Children in Conflict with the Law Rehabilitation Center

Rumonge is a new province located in the south-west of Burundi, the distance between Bujumbura Capital and the province of Rumonge is 78 km, and it takes 2 hours to go by bus from Bujumbura. Rumonge is located on the shores of Lake Tanganyika. Indeed, since its recognition as a province by the Government, this new province did not yet have a High Court, a public prosecutor's office and several other public services necessary for its administrative organization (OAG, 2014, p. 89). The Rumonge Rehabilitation Center for child offenders intended to accommodate 112 minors among them 72 boys and 40 girls, it is located 600 meters from Rumonge Prison in Murembwe and close to the Mutambara Peace Village. The center has been equipped with workshops to facilitate the learning of profession for children, including carpentry, sewing, and welding are among the training offered child offenders (Nzorubonanya Felix 2013; Iwacu, 2014).

The Rumonge reeducation center for child offenders was operational center since April 24, 2015 (Gahimbare Bénigne www.ppbi.com), but was finally completed in November 2015 (the United States, 2016, p. 6). It was Funded by the Government of Norway (Iwacu, 2014). The rehabilitation center of Rumonge is part of the objectives of the Government of Burundi and its social partners (Terre des Hommes, UNICEF,) to promote to child offenders a human treatment responding in their situation as a vulnerable human being, juvenile delinquents residing in the center benefits from different types of education, such as cultural education which aims to prevent crime, but also children are led to recognize their responsibility for the crimes they committed. The children take advantage of the psychological activity that helps them to reintegrate positively in society (Baxter Will,

2016). According to UNICEF- Burundi (2015) the main objective of the two rehabilitation is to separate the child offenders from adult inmates while enabling child offenders to benefit from " basic services, education, and reintegration" into family and community (UNICEF-Burundi 2015, p.2).

In 2016 juvenile 32 who benefited from psychological activities to reintegrate themselves into their communities. Children in conflict with the law held in the Rumonge re-education center participate in the traditional drumming training that symbolizes Burundian culture. The rehabilitation center is equipped with recreation room in which the juvenile delinquents learn and practice different games particularly designed according to their age. Since its creation, the reeducation center has already received 138 children among them 96 defendants and 42 sentenced (Gahimbare Bénigne www.ppbi.com). The center has an infirmary in which a nurse works full-time, a doctor visits the center during urgent cases, and cases of serious patients are transferred to hospitals with difficulties due to lack of transportation means (Ibid).

The center provides children with re-education that takes into account their future life, and children learn to be active in the workplace in order to be economically independent when they are released. Education on the peaceful resolution of conflict, the respect of others, adoption of conventional behavior and respect for the law are also part of the daily learning program in the center. The center aims to reintegrate children who will grow up with a "good education". Thus, education followed in the center is based on Burundian culture (Gahimbare Bénigne, Publication de Presse Burundaise, www.ppbi.com).

For the purpose of this study, I supports the actors of the protection of child in Burundi, who recognize the progress made by the Government of Burundi in its juvenile justice policy, but also recommend to the State and social partners to build more centers because two centers are not enough for all child offenders in Burundi (Iwacu 2014). Despite the opening in 2015 of 2 juvenile offenders reintegration centers, the children are still imprisoned illegally in prison designed for adult criminals, for which reason the recommendation of the actors protecting the rights of the child to the Burundian State with its social partners must be considered in order to promote to all children in contact with the law an equal chance to enjoy their social welfare in institutions capable of providing

services considering the best-interests of the child and respect the dignity of the child. Indeed, supporting what Coyle (2001), points out about human dignity that shows that "the elements that detract respect for human dignity in prison are, Small living space, Acute overpopulation, Lack of lighting, lack of proper ventilation in the cell, poor hygiene of the cell and toilet, and lack of privacy "(Coyle 2001, 32), this case of prison situation directly leads to the conclusion that children should not be in prison.

A report by the NGO SOS-torture Burundi indicates that in December 2016 the number of children held in adult prisons in Burundi amounted to 108 minors (SOS-torture Burundi 2017). Similarly, at an evaluation meeting held on 5 April 2017 on the status of the project for the transfer of child offenders in the centers for re-education already in operation, the Government of Burundi through the Ministry of Justice has affirmed the presence of the few delinquent juveniles in some prisons and police stations of Burundi (Gaudiose Nininahazwe 2017. para, 3). However, this information from the Ministry of Justice has recognized the continued incarceration of children in the country without ever specifying the exact number of delinquent children still detained in detention homes and police jails despite three years of operation of the centers for re-education.

The next section focuses on the Burundi national social partners' efforts to the Child rights protection.

3. 2. 4. 3. Private Social Institution on the Child Offender's Protection

The State reserves the right to promote "social and moral" education to society and at the same time respect freedom and "individual responsibility". The public and private sectors share the role of promoting the defense of rights of "privacy of the family" (Freymond N. and Cameron G. 2006, p. 5).

3. 2. 4. 3. 1. The Maison Shalom Burundi's Project for the Reintegration of Child Offenders

Maison Shalom is a national NGO created during the 1993 civil war to help children who were victims of the war that was waged in Burundi. The NGO had a mission to teach "brotherly love" and national unity to the children of the 1993 civil war.

In 2007 the House Shalom initiated a project that aim to protect minors targeting the reception of the children in conflict with the law with the global objective to establish a system of justice for child offenders in Burundi based on the Convention on that protect juveniles and other universal legal tools on the welfare of the minors (Maison Shalom, 2016p. 5). Maison Shalom is the only local non-governmental organization to open a rehabilitation center for the child offenders in Burundi.

In January 2010 one of the international known national NGO, Maison Shalom officially launched a project called "Extended Hand to Child" with the investment objective of social structures for juvenile offenders in Burundi.

The project provided:

- Prevention of juvenile delinquency;
- Gradual release of 395 minors from prisons to the Maison Shalom re-education center;
- Psycho-social counseling;
- Coaching and training of youth;
- preparation of the local community for the reception of minors released from prisons;
- The search for families of imprisoned minors; and
- Reintegration into the community (with family tracing).

The Maison Shalom's project was implemented in 2010 following lengthy negotiations with the Burundi Ministry of Justice. For the promotion of the well-being of the child offenders, the house Shalom intervenes at the level micro, mezzo, and Macro.

Micro-Level Intervention: At the Micro level, the shalom house trains delinquent children and their families. The children benefit from an education in the field of their rights, school education and vocational training, a socioeconomic program to provide an economically independent life in the future. Children's families benefit from long-term projects on agricultural cooperative activities, facilitates family access to micro-credit,

assistance to health insurance, and the availability of social support by social workers and psychologists.

In this context of intervention, children know their rights and responsibilities towards society, while the family and the community become able to assume their responsibilities on their children, which means that children are protected in the family and community environment.

Mezzo Level Intervention: At the Mezzo level, social workers, psychologist, health staff, and community workers, and lawyers working for Shalom House are prepared together to respond to the children's care offered by the center.

Macro Level Intervention: Shalom House cooperates closely with local authorities on children's advocacy. The agents of Shalom House intervene at the governmental level and at the Ministry in charge of the Justice and the Prison Administration for the release of juveniles prisons to place them in its reception center. Maison Shalom is partnering with international organizations to facilitate this heavy task that it has procured (Maison Shalom, 2016. p. 5-18).

The Shalom House project was a victim of the new political turmoil that took place in Burundi in 2015, which many local and international NGOs deemed to be involved in the country's political affairs were shut down by the Government of Burundi in 2016. among them the Maison Shalom, whose activities have been suspended in Burundi.

Despite the fact that much remains to be done to effectively meet the legal needs of child offenders, all these efforts maintained for the implementation of juvenile justice by the Burundian State and its social partners such as national NGOs and international organizations give hope to juvenile offenders to be treated by the Burundian justice system in an appropriate environment that meets international standards of child protection in contact with the law.

3. 2. 3. Comparative Juvenile Justice Systems

This section of the study discusses some typical examples of the system of rehabilitating child offenders in Europe.

Belgium: In Belgium, management of minors in conflict with the law is presented in two forms, namely open centers, and closed centers. In 1980 Belgium adopted the social policy of the communitization of centers of placement for children in contact with the law, each community has provided for its laws on the care of child offenders. Thus until 2010, the French region of Belgium alone had 64 closed centers of which 60 for boys and 4 for juvenile girls. The same region also had 144 places open for juvenile delinquents (p. 46), The closed and open institutions of the children in child offenders in Belgium converge on the same objective based on programs of education, assistance and reintegration, surveillance, public security, observation, evaluation, and decision support (p. 47). De Fraene, Jaspert, Remacle (2013), notes that duration of accommodation for juvenile delinquents in these centers varies from 15 to 3 months renewable depending on the category of juveniles and educational programs planned by the educators of the institutions. In Belgium, delinquent children can be placed either in a public or in a public institution. And as Belgium knows Flemish, French and Germanic regions, and each offers its method of taking care of delinquent juveniles, there are then federal social structures under the management of the penitentiary administration which places juvenile offenders from the French, Flemish and German-speaking Communities. The federal center is characterized as a temporary placement for a period of 5 days to 2 months and the placement decision is "taken before judgment". Receives only the delinquent Boys of age between 14 and 18 years and that obligatorily the convictions evolve between 5 and 10 of prison once the act would have been committed by an adult if the act committed by the child harms public security, and finally if the community centers are saturated (p. 49). In the federal center, prison officers are present and security is at a maximum, unlike community centers (Couck 2005. p, 80 in Republic de France, p 42- 49).

England: Since England has many laws on child protection, only the most pernicious are presented below:

In England to find an appropriate juvenile justice system, many of the existing laws have been analyzed to form a new law known as the "Youth Justice System". This law consists of the various legal laws that serve as a basis for controlling and preventing crime through the legal system instrument, these laws include: The "Crime and Disorder Act" (CDA) (1998); "Youth Justice and Criminal Evidence Act" (1999); "Powers of the Criminal Courts" Act (2000); "Criminal Justice and Courts Service Act" (2000); and The "Criminal Justice and Police Act" (2001) (Zermatten Jean, 2002. p. 27).

Child Safety Order: Children aged 15 who are guilty of a criminal offense and those considered by the law of the Child Safety Order as a child at risk are subject to curfew measures from 9 pm.

Parenting Order: This law deals with the method of raising the awareness of parents of delinquent and at-risk children on parental responsibility. On April 28, 2002, the Parenting Order Act strengthened police oversight at the school level and even provided for economic sanctions against irresponsible parents.

Anti-social Behavior Order: This law intervenes to children who display behaviors such as the poor relationship with the neighborhood, noise, and discrimination in the form of racism, but at the same time who do not yet manifest a criminal act (République de France, 2012).

Spain: The system of juvenile justice of Spain predisposes the settlements according to the age category. In Spain, the legislation places child offenders the "juvenile education centers" where they spend their period of incarceration. They are open, closed, and semi-open centers (République de France 2012, p. 54- 64).

Juvenile aged from 0 to 13 are not criminally responsible and their jurisdiction provides for civil liability by means of compensation for damage and measures of protection in serious cases. During the hearing of a child in conflict with the law requires the mandatory

presence of psychologists, social workers, social educators and mediators who intervene as a "technical team" (Ibid. p. 54-64).

The juvenile delinquents aged 14 to 15 have the sentence varying between 3 years in prison, community work with a maximum of 150 hours, the measure of weekend permanence with a maximum of 15 weekends (République de France 2012, p. 59).

Juvenile delinquent aged 16 and 17 years their sentence provides for 6 years in prison, Juvenile delinquent aged 16 and 17 years, their sentence provides for 6 years of imprisonment, 200 hours of community work, 16 weekends for the measure of permanence, and probation with 5 years of imprisonment in case of serious delinquency (Ibid).

The crime such as murder, homicide, sexual assault, illegal possession and use of weapon, terrorism, and any form of criminal act considered harmful and serious, the justice foresees a 1 to 5 year of prison of more and 1 year to 8 years more respectively for juvenile delinquents aged 14 and 15 and those aged 16 and 17 (Ibid. p. 59). All these judicial measures taken are accompanied by the different types of educational programs and social services, and psychological supports appropriate to child offenders in different juvenile centers (Ibid. p. 55).

All the juvenile justice systems discussed above rely on the legal framework of children, which are pronounced in various universal conventions of protection of the right of the child. In addition, the juvenile justice systems analyzed above all converge on the reintegration at the level of family and/or the community based primarily on the education of minors in conflict with the law in reeducation centers. Indeed, these laws emphasize the "even of "child offenders' personality"- and pay attention to the "real development of penal measures predominantly educational" (Blatier 2003, p 17). He continues that legislation that viewed children in conflict with the law as educable is rooted in the outcome of the two "inter-world war" periods (p.18).

In the purposes of this study, the educational method in the system of justice for juveniles is an obligation that all states of the world should domesticate in their legal systems as Coyle (2002), finds that the “Young people are more receptive to positive influences”. and opportunities for training and education” (p. 128). Additionally, Cario (2000), emphasizes the existing relationship between education in the open detention center for minors and its impact on the social environment of minors (family, school, and peer group). He continues that the educational measures prepare “admonishment, handing over the minors to his parents or guardian”, and these same measures contribute to the juvenile delinquents to reach the age of “majority” with a healthy personality. He emphasizes that “ education and re-education” of minors in the “juvenile justice system” serves to "animate the care of juvenile delinquents" (Cario 2000, p. 128).

In sum, all the international, regional, and national legal instruments discussed in this current study, and even the exemplary types of juvenile justice systems of the various countries presented in this study are all based on a friendly juvenile justice system that opts for the placement of child offenders in social structures adapted for the status of the minors and to all the psychological and physical aspects of the child. As well as the introduction of education in social rehabilitation centers for juvenile delinquents. Rehabilitation centers for them would have positive effects on the future life of juvenile delinquents as demonstrated by Tomkiewicz (1976), in his research " *La Prison C'est Dehors*" based on the semi-open center "Le Centre Familiale de Vitry" (French: The Family Center of Vitry), a study conducted in France, on child offenders found positive effects on children who resided in the center. Tomkiewicz (1979), found on child offenders in reeducation center positive effects such as stable professional life, existence of emotional and sexual relations followed, inside or outside marriage, prolonged absence of antisocial behavior, a good psychological balance: absence of serious neurotic disorders of the disturbing character for the entourage, a development of the personality with a good adaptation of the subject to himself, and keen interest in the problems of the outside world (p. 380).

3. 2. 4 Related Research and Studies on Children’s Crime in Burundi

In Burundi, the system of juvenile justice is almost a new field, reason why there is a difficulty to find researches and works of literature in connection with areas of the child offenders because the latter was always treated in the field of police at the same level as adults. Indeed, in this part of the study, some student research such as memoir, NGOs reports, and theses as well as the reports of the Ministry of Justice are an integral part.

A 2010 report by the General Directorate of Penitential Affairs of Burundi (D.G.A.P) has revealed a number of 9470 inmates in all the 11 prisons of Burundi, among them 162 infants guarded by their convicted mothers and many 360 juvenile offenders. The biggest and overcrowded prison of Burundi (Mpimba Prison) which has been constructed to hold 800 persons had for itself 3297 prisoners (M.J.D.G.A.P 2010, p. 5).

Despite the implementation of the reduction of criminal liability for children by the new Burundi penal code of 2008, children are still present in Burundi's prisons and are held in inadequate human conditions. The most recent case occurred in 2015, where minors aged from 12 to 13 do not have the criminal accountability provided for by the Penal Code, and were sentenced to illegal imprisonment in two different prisons in Burundi (CNIDH 2016, p. 26). In Burundi, it is challenging to obtain the definite rate of juvenile in prison because the public institutions and the Non-Governmental Organization in charge of the child's right protection contradict each other on their reports.

Thus, in pursuit of this work, to make a real situation for child offenders , this study opts for related studies on the subject of child offenders carried out over the past eight years in Burundi as these studies provide statistical data obtained during field research.

Marie Grâce NIYIZIGAMA. (2007). “Des Mineurs en Détention au Burundi” (French: "Juveniles detained in Burundi"). has revealed the violation of the “rights of the child” in conflict with the law, violence such as torture, sexual abuse, adult inmate treatment applied to children, long imprisonment without legal assistance, loss of contact with their

family, and lack of health care. All this bad treatment that undergoes the children in the penitential mediums are violations of penal right and penitentiary right.

SHABANI Ramadhan. (2011). "Problématique du Bien-être des Enfants Milieu au Burundi: Cas de la Prison Centrale de Mpimpa. (French: Issues of Child Welfare in the Prison Environment in Burundi: Case of the Mpimpa Central Prison)". which had the general objective of making a critical examination of the problematic of the social policy of the government in favor of the detainee children and thus to improve the conditions of detention of the child offenders in Burundi prisons. During that study, all 11 Burundi's prisons housed 353 children. And only in the biggest prison of Burundi built in 1959 by the Belgian settlers in the south of Bujumbura capital city, planned for 800 inmates, there were of 4000 occupants of which 177 minors aged between 14 and 18 who condemned and/or waiting for trial. The placement of the incarcerated juvenile in social structures contributes to the promotion of child offender's well-being. When testing this hypothesis, all the 15 juvenile offenders who participated in the survey, either 100% opted for their placement in the relevant social structures in order to benefit from reintegration into the community (p. 73). This means that the rehabilitation of child offenders is an exact solution for the promotion of child welfare through juvenile justice.

Eric NIYONGABO. (2016). "Problématique de la Reinsertion des Enfants incarcérés (French: Problematic of the Sociocultural Reinsertion of Incarcerated Minors: Case of the Central Prison of Mpimba)". With the aim of analyzing the difficulties related to the social and cultural rehabilitation of incarcerated children. Of the 63 children who participated in the survey, 25, 55% reported having problems with their imprisonment with adult detainees; problems such as overcrowding, lack of adequate health care, inadequate and unbalanced food were highlighted by the children (p. 38). As for the Mpimba prison officials, they stated that the reintegration of the children held in Mpimba prison is linked to the lack of funding and, above all, to the lack of social institutions adapted to the child offender's rehabilitation (Ibid, p. 40).

Indeed, these studies have to prove that some children are reintegrated directly from the prison into the community without going through the rehabilitation and reeducation

centers opened in 2015 in Burundi. This method of reintegration applied in Mpimba Prison presents a serious risk of recidivism and even a danger to the community because the prison does not provide a constructive education to the children. The same study shows that there is a break in communication between incarcerated children and their families. In addition, 23, 80% of children asked for the apprenticeship of métier during their stay in prison (p. 41).

The prison officials who responded to the survey of the Niyongabo's study, wanted the children to be entrusted to social agencies that could provide incarcerated children with vocational training to prepare them for post-prison life (p. 42), they believe that social institutions can shelter children and promote well-being while respecting the safeguard of the “rights of the juvenile”. Indeed, this research held in 2016 highlights the extent to which Burundi's juvenile justice system finds it difficult to carry out the mission of re-education of juvenile delinquents despite the opening of two rehabilitation centers for child offenders since 2015.

This situation is happening despite the signing and the domestication of various international agreements aimed to protect of the “rights of the juveniles” in Burundi's justice system framework, the consequences are that the child offenders are held in poor condition in Burundian prisons until present days.

CHAPTER 4

RESEARCH METHODOLOGY

This section is designated for the methodology used in this research. It includes, among others, research design, study area choice, survey population, sampling, the data collection instruments, key informants interview, ethical consideration, analysis methodology, the data collection process, limitations, ethical consideration, limitations and characteristics of the participants.

4. 1 RESEARCH DESIGN

To get a clear idea on the living conditions of juvenile delinquents in a rehabilitation center, and to understand the relationship between rehabilitation, the safeguard of the dignity the minors and the welfare of the child; To understand the opinions of child offenders and staff members on what should be done for successful community reintegration, this study opted for the use of the qualitative method.

This study used qualitative research design that allowed me to collect detailed and reliable information about the research. A qualitative research is a thorough research that allows the collection of data to be analyzed, it is a survey that with a determined period of time explains the context and process of the subject studied while allowing the researcher to clearly know the opinion of the research and to acquire a broad knowledge on the phenomenon under study (Hartley 1994). And as the specific objectives of this study aim:

- To describe the living conditions of children in conflict with the law in the rehabilitation center of Rumonge,
- To examine the rehabilitation model of children in conflict with the law in Burundi.
- To determine the expectations of the children in conflict with the law from the host rehabilitation center.

Thereby, qualitative research is the best approach to reach that end. Deslauriers (1991) describes “qualitative research as an analysis that focuses on social processes, on the

meaning that people and communities give to action, on everyday life, on the construction of social reality” (p. 6).

4. 2 STUDY AREA CHOICE

This study was conducted in the Rumonge Rehabilitation center for juvenile delinquents. In the purpose of this research study, the area was selected as one of the two and only rehabilitation centers for children in conflict child offenders with the law that exist in Burundi Republic. The Rumonge re-education center caught our eye because is the first public rehabilitation center for juvenile delinquents in Burundi. In addition, this center nearest to the capital city, it is located in the south of the capital Bujumbura to 114 km in the province of Rumonge precisely in Murembwe at 1 hour and 58 minutes by car.

4. 3 PARTICIPANTS

According to the Nachmias (1996) "A population is the total of all cases that conform to a certain set of designated specifications" (Nachmias 1996, 179). Thus the participants of the present study is made up by 71 persons.

The population of this study included 68 juvenile offenders held in the Rumonge Rehabilitation Center. In order to obtain detailed information about the rehabilitation model of child offenders 3 staff members in charge of the child offenders in the center were part of the population of this study too.

4. 4 SAMPLING

Consequently qualitative research includes purposeful sampling to intensify comprehension of the “information-rich case” (Patton, 1990). Sampling is a technical procedure that invites the selection in a study population of a portion of individuals representing the entire population to be studied (Wanjohi, 2012). The sample of this study was made up of 18 people, including 15 children in conflict with the law who were housed in the Rumonge rehabilitation center in 2018, as well as 3 members of staff of the same institution. Among the three staff members, 2 were social workers and 1 was a psychologist.

4. 5 DATA COLLECTION METHODS

During this study, the tools of data collection were used are demographic form, semi structure interview form, and observation.

Interview: The interview forms for the child offenders were made up in Kirundi the national language of Burundi and that of the social welfare officers were collected in French as it is the official language in Burundi. So data collected from juvenile delinquents were collected in Kirundi national language then translated into English. While the data collected from members of staff were collected in French then translated into the English Language.

The “heart” of the interview with the child offenders was constituted by the interviews without witness, that is to say in the absence of the persons in charge of the place and the guards.

Observation: As for observation, the Nachmias (1996) “find that social science research has its roots in observation. They add that in a sense, any social science research begins and ends with empirical observations” (p. 206). I used this direct observation technique during exploratory visits to the rehabilitation center and during the interview. This technique consisted of seeing and hearing without intervening. The direct observation allowed me to collect the data by getting an idea about the living conditions of the juvenile delinquents in the rehabilitation center.

4. 5. 1 Key Informants Interviews

During interview, the researcher observed the living conditions of the child offenders in the re-education center. According to Barres (1998), "the interview; Being a process of investigation using a verbal communication process between two persons to collect information concerning a fixed object" (p. 109). Thus, the interview in its form of semi-directive form was used to get information from the participants of this study. The direct contact and the verbal exchanges with the participants in this study, while leaving the respondents to express themselves freely, this type of exchanges helped the researcher to collect the information necessary for the study.

4. 6 ETHICAL CONSIDERATION

Since this study is based on purely scientific objectives, this research has conformed to the ethical consideration that is a basis in scientific research. Thus, I administrated the interview forms and submitted them to the Hacettepe University's Ethic Commission for evaluation. After the Ethic Commission's evaluation, I obtained a clearance letter from the Hacettepe University and submitted it to the General Directorate of Penitentiary Affairs based in the Bujumbura capital to access information resources in the rehabilitation center for juvenile delinquents located in Rumonge province which is this research's case study.

During data collection, I explained the objectives of this research to the participants and also explained their attendance to the study is voluntary and confidential. For the voluntary participation in the research study, the respondents filed a consent form attached to each interview form. It is to highlight that, I did not disclose the identity information of juvenile delinquents and staff members, I used the words "participants and child offender" followed by numbers. For staff members, I used their function name followed by numbers. I would also like to point out that, I did not get permission to use the voice recordings with the participants I interviewed because it is prohibited by law.

4. 7 ANALYSIS METHODOLOGY

The data collected during the interviews was fully analyzed automatically by a qualitative data analysis Software. I analyzed data using MAXQDA 2018 (VERBI software, 2018) for data analysis. Before, I was trained in the use of Maxqda 11 available from Hacettepe University, after learning to code the answers of interviews with MAXQDA11, I took the option to analyze the data with a new and recent version of MAXQDA which is the MAXQDA 2018 version for Windows.

After collecting the data, I read again the statements of the participants while retracing the behavior displayed by each participant interviewed, then I codified the verbatim of the participants. Coding is a process of decoupage of the information collected by observations, interviews or via another channel, as well as their transcription (Deslauriers 1991). After coding followed the stage of categorization that led to the process of grouping the themes developed during the interview. Then I proceed by case analysis

approach or in other words the analysis of the case by case or case perspective analysis. “The case by case analysis is a qualitative routine” (Hughes Graham, Verbi Software, 2017). Similar cases have been grouped together and studied together.

4. 8 LIMITATIONS

During the phase of the descent on the field to collect data, I do not have the opportunity to meet a large number of child offenders, because some of these minors had just been reintegrated in the community and another party had just been released by the presidential pardon. In addition, our request to use audio recording and photographic image has been rejected by the authority in charge of the establishment. In addition, the children accused of participation in the armed groups were not allowed to participate in the interview by the managers of the rehabilitation center. Since the case study of this research was the Rumonge Rehabilitation Center, the delinquent girls did not participate in the interview because the two rehabilitation centers in Burundi have been opened only for male delinquents, as for girls accused of juvenile delinquency are in adult prisons especially in the women sections. This limitation posed a problem for the diversity of data.

Another point to consider is the time that the data collection and analysis phase took as the interview forms for delinquent children were established in Kirundi and those of the staff member were collected in French and translated respectively from Kirundi to English and from French to English. This had an impact on the duration of the data processing which was longer than expected.

4. 9 CHARACTERISTICS OF THE PARTICIPANTS

This part of the study presents the characteristics of the participants among others the child offenders and the members of the staff.

4. 9. 1 Identification of Child Offenders

Table 4.1 Identification of the children in Conflict with the Law

Child Offenders	Age	Sex	Child's Category	Education Level	Family Living Area	Family Economic Situation	Juridical Status	Typology of Crime	Child's family Status
1	16	Male	Street child	5 th grade of Primary School	Capital city	Poor	Convicted to four years	Theft	Parents alive
2	18	Male	Street child	7th grade of Primary School	Rural	Poor	Convicted	Theft	Orphan
3	16	Male	Street child	4th grade of Primary School	Rural	Poor	Waiting Trial	Theft in association	Orphan
4	18	Male	Child worker	7th grade of Primary School	Capital city	Poor	Waiting Trial	Aggravated Theft	Parents alive
5	15	Male	Street child	6th grade of Primary School	Rural	Poor	Waiting Trial	Public Order	Parents alive
6	15	Male	Street child	6th grade of Primary School	Rural	Middle class	Waiting Trial	Theft	Parents alive
7	17	Male	Street child	7th grade of Primary School	Rural	Poor	Waiting Trial	Aggravated Theft	Parents alive
8	15	Male	Child worker	5th grade of Primary School	Rural	Poor	Convicted to 2 years	Public Order	Parents alive
9	16	Male	Street child	5th grade of Primary School	Rural	Poor	Convicted to 2 years	Public Order	Orphan
10	16	Male	Street child	4th grade of Primary School	Rural	Poor	Convicted	Public Order	Orphan of Mother
11	17	Male	Street child	6th grade of Primary School	Capital city	Poor	Convicted	Public Order	Orphan of Father

12	16	Male	Child worker	5th grade of Primary School	Capital city	Poor	Convicted	Theft	Orphan of Father
13	15	Male	Street child	5th grade of Primary School	Rural	Poor	Convicted	Public Order	Orphan of Mother
14	16	Male	Child worker	5th grade of Primary School	Rural	Poor	Convicted	Public Order	Divorced Parents
15	17	Male	Street child	5th grade of Primary School	Rural	Poor	Convicted	Public Order	Parents alive

Source: Data Field (2018).

Table 4.1 presents the demographic characteristics of juveniles who were assisted by the rehabilitation center in the reintegration process into the community. Characteristics presented focus on age, sex, child's category, level of education, family living area, family's economic situation, child's legal status, type of crime committed, and the child's family status.

The results showed that most of the children who were housed in the rehab center came from poor families living in rural areas. The results also indicated that not all of the child offenders who participated in the interview were able to reach secondary school. For a total of 15 child offenders, 2 children reached 4th grade of primary school, 7 children reached the Fifth grade of primary school, 3 children reached Sixth grade of primary school, and only 3 children reached Seventh grade which is equivalent to the first year of Lower Secondary School. It should be noted that since 2005 primary school fees have been free of charge in Burundi's public schools. The primary school lasts Nine years in Burundi education system and are raised from primary school children aged between seven and Fifteen years old. This shows that most of the children who participated in this study stopped their studies at least three to four years before being in contact with the justice system.

4. 9. 2 Identification of Staff Members

Table 4.2 Identification of the Member of Staff

Participants	Age	Sex	Marital Status	Working duration	Position	Education level
Social worker 1	46	Male	Married	3 years	Social worker	Bachelor Social work
Social worker 2	38	Male	Married	2 years	Social worker	Bachelor Social work
Psychologist	52	Male	Married	3years	Psychologist	Bachelor Psychology

Source: Field Data (2018).

In the purpose of this study, rehabilitation center's members of staff were also part of the respondents as they are in constant contact with the child offenders in the rehabilitation center. The rehabilitation center has several categories of staff members working in different departments of the center. Amongst the staff members, only the Social welfare officers' category participated in the study. Two of the social welfare officers were Social workers and one was a Psychologist. The choice of this category of staff members is explained by the fact that social workers and psychologists are the only experts working in the center responsible for the management of reeducation and the process of social reintegration of juvenile delinquents and they are in constant contact with the children during this period of socialization.

It should be noted that in the purpose of this study, the sample population was composed solely by the male.

CHAPTER 5

FINDINGS AND DISCUSSION

This chapter presents the data and discussion of these data on the evaluation of the social policy of the rehabilitation of child offenders in the perspective of the rights of the child. The discussion of the findings aims to help the researcher to have a better understanding of the phenomenon studied, in other words, to better understand the Juvenile delinquency phenomenon, its consequences, and the social policies used to manage the child offenders' phenomenon.

5. 1 PRESENTATION OF THE RESULTS

This section of the study presents the results obtained from the data collected from the participants, namely the juvenile delinquents and the staff members of the Rumonge rehabilitation center for child offenders.

5. 1. 2 Pre-Arrest Lived Experiences of the Participants

It has been well said in the introduction that this study target the rehabilitation of child offenders. In this section, stories related to the lived experience of children before being in contact with justice are presented. The experiences of the participants present their life at the beginning, their activities when they were still free of movement, as well as the factors that led them to adopt an unconventional behavior until their arrest. It should be noted that during the process of presenting data from participants, their stories were interspersed with essential quotes to make comprehensible their personal opinions on their lived experiences in their social environment.

5. 1. 2. 1 Companion Group of the Children Before the Arrest

The results revealed different types of companions to whom juvenile delinquents were members before contacting the law, the companion found by this study were those of street children and child workers. The street children had their groups and the child workers their groups too. It should be noted that the results found two large subgroups of working children. There are children who work on their own account and those who work on behalf of another adult. Among them those who were street vendors and those who

picked up in different parts of the city of metallic objects to sell by the kilos. The latter is completely composed of children working on their own account. As for the street children, they were divided in the groups according to their territories that they attributed themselves in different districts of the capital city. The children belonging to the same group spent their days and nights together. They often share their food and defend each other against what they consider to be a danger to the members of the group.

An orphan 16-year-old participant who lost both his parents from a young age, from a rural area, who dropped out of school in grade four of primary school and then opted for the streets of the Bujumbura capital City as his home and source of income, was arrested for theft in association with other street children, he mentioned that: *“I was living on the street with two other street boys (street children) with whom we spent the days together in downtown and stayed together at nights” (Child offender7, 2018).*

Another participant said:

“I was living with my friends, yes, they were also street children from different areas of Burundi. I was living with other street children who belonged to my group. Every child has a group to which he belongs” (Child offender5, 2018).

The convergence situation for all these children, regardless of their categories of street children and working children, is to spend their days on the streets participating in different legal and non-legal activities that provide them with money.

The data showed the two main groups of child offenders in their social environment like street children and child laborers.

To learn more about their lives in the community before their arrest, I asked a question about the place of residence in which children spent their daily lives in order to get more information on their pre-arrest lived experience. The results concerning the place of residence of juvenile delinquents are presented in the next section.

5. 1. 2. 2 Living Area Before the Arrest

This study found that, residence of child offenders before integrating the rehabilitation center were street, in other words many children who participated in the interview were street children; others were child workers who lived in groups in rented small rooms, this category of child was that of working children who organized themselves to live together; another group was that of child workers who lived under the roof of their employers. The Dictionary of Social Work finds that it is the law of a country that assigns the status of the delinquency of street children (Dictionary of Social work, 2010, p. 3).

An eighteen-year-old child on the day of the interview who dropped out of school in the seventh grade of Middle School, who fled the extreme poverty of his family in the rural area, and who with his friends made the rural exodus to find a better life in the capital Bujumbura, he was arrested for aggravated robbery and known by the police of disobedience to public order by selling business in the city center without registration of the City Council, expressed himself as follows:

“I lived with the other three children, my friends. We rented a small room. We were street vendors in downtown. We were selling in downtown and its surrounding area donuts, juices and cold drinks in bottles and cooked eggs; we worked on our own behalf. Before I was selling the same things on behalf of another person and little by little, I was collecting my meager salary. That's how I got my money and started working on my behalf” (Child offender8, 2018).

The results showed that these children lived in a small house for rent in one of the poorest areas of the capital city because they were economically destitute to live in a healthy environment.

Another kids responded as follows: *“I lived with my employer, I worked for her as a seller of juice and cold water in the neighborhoods of Bujumbura capital city”* (Child offender11, 2018).

Data has also found that, there were a few number of child workers who were living with their family. These children were working on their own as loads carrier in downtown and these children were doing that job to support their families with income.

All these categories of street children being deprived of the normal process of socialization in society, such as staying close to family or being school-bound, are

branded as delinquents (Javis, 2008, p.3). In 2008 the streets of Burundi had a population of 3,000 children, some of whom lived there and others only worked there, these children are in most cases from rural areas that have abandoned their families ... this group of children is considered to be dangerous in relation to their strategy of life in the streets, characterized by work, theft, drugs, sexual relations, all acts described by the society as acts of aberration (CERFOPAX, 2010, p.15).

5. 1. 2. 3 Child - Parents Relationship

This section presents the types of relationship that existed between participants and their parents. The relationship between children and parents is an important factor because it traces the experience that the child has lived within his family environment, the experience lived in the family opens a way to identify the factors causing delinquency of children. The relationships have been grouped into four parental styles which are authoritarian, authoritative, uninvolved, and permissive.

To finally understand the accuracy of the relationship between children and their parents the following question was asked, ***“How was the relationship between you and your Mother/ Father?”***

A 16-year-old child of parents from disadvantaged neighborhoods in the capital who was arrested for theft and then condemned for four years testifies that his family is poor, which is why he could not bear to stay with his family. Despite the fact that the school are free of charge at the primary level, his parents were not able to meet other needs related to his education, he lacked didactic materials such as uniforms and notebooks. He adds that the relationship between him and his father was not nearly good. His father was violent towards the children and their mothers, the father was a drunkard. The child to escape the violence of his father spent the days in the streets of the capital city to work in order to help his mother and siblings, the child said to have always returned late at night not to be in contact with his violent father . The child ends by also saying that even his mother has ended up becoming uninvolved. The mother could not ask for anything because the child has become, in a way, a child head of a family who provides for the food needs of his mother. Moreover, the data indicated that some children suffered directly from the

physical and psychological abuse from their parents, as well as the suffering of their family's difficult economic situation without being subjected to the violence from their parents or guardians

Another 16-year-old child, who also dropped out of 5th grade of Middle School, before he was arrested, was living with his small farmer parents, also noted that:

“Between me and my father is the same. The relationship is very bad; it is authoritarian relationship. He used to beat me and also beat my mother and my young brothers and sisters, that why I left home and come to Bujumbura capital city. With my father it was always abuse, always violence in the family. My father was always drunk during the nights. My father was the only master of the house, no one would oppose his wishes, and he was never able to listen to the opinions of other members of his family. As for my mother, between me and my Mother, the relationship is not too much good, as I refused to go to school while public primary school is free of charge. She didn't like me a lot. But she was not as violent as my father. She has even visited me here in the center but my father I have never seen it here” (Child offender9, 2018).

The results revealed that children were subjected to domestic violence that led them to decide to live in the streets as their refuge, but also to meet their economic needs, because street children were engaged in the work by carrying charging, scavenging and recovering used products for recycling that they sold at the price per kilogram, but also some children embarked on theft and other antisocial acts. This experience of family abuse of the street child has transformed the behavior of children into delinquent children.

Considering the results obtained related to the lived experience of the participants in relation to the Parent-Child relationship. This study supports the attachment theory regarding the causative factors of uncommon behavior that the offending children of this study display. Bowlby's (1951) studies draw "theoretical conclusions" that shows how the effects of poor attachment between mothers and their young children continue to affect the child throughout his life with significant consequences, detrimental to psychological construction of the child and his social relation. The child grows up with an unhealthy personality that instantly guides the child in the tendencies of juvenile delinquency (Corby, 2006, p.158). Wasserman, Miller, Pinner, and Jaramillo (1996) also add that the regular lack of parental control over children and poor attachment drive girls and boys to delinquency.

To further understand the effects of family violence on child offenders. The staff was asked to indicate if they had identified any psychological problems in the children. The staff members were answering the question, ***“What are the personality traits of the child offenders in this center?”***

The results highlighted the presence of a violent personality that children manifested as soon as they arrived at the center. This was an emotional problem that was accompanied by depression, the signs of trauma and frustration. One participant emphasized the origin of the unstable personality of children in these words:

“Many of the children who live in this center have trauma caused by the lived experience of the hard life that exist in their family and social environment. Others are orphans and were street children. Shortly they are not stable emotionally. I mean that some of them are violent at their arrival and have a sign of depression, and stress. Trauma caused by hard life that existed in their family and social environment” (Psychologist, 2018).

Furthermore, the Social welfare officers were asked to respond to the question, ***“What kind of interventions are there for the treatment of child offenders' criminal behavior?”*** This question sought to determine if the problem of the personality of the children was being dealt with in the rehabilitation center.

One participant responded:

“...Interventions consist of treating the child with psychological treatments. Children benefit from different types of treatment depending on their problems. But also, the agents of the center reinforce in children the activities aimed at modifying criminal behavior of the children, which is about the main mission of the center” (Social worker2, 2018).

A psychologist participant who took care of the children for 3 years answered the following: *“The center provides counseling, and other kinds of psychological interventions, it depends on the situation of the child as all of them don't have the same problems”* (Psychologist, 2018).

Furthermore, the results of the study also showed the participation of child offenders in other acts of non-compliance repealed by law. In fact, the results indicate that, in addition to stealing children, also used narcotics, and participated in the destruction of property and

the disruption of public order. In the literature, the authors have placed much greater emphasis on the relationship between drug abuse and antisocial behavior. Baron & Hatnagel, 1997; Gaetz & O'Grady, have confirmed that "Addiction and substance use are clearly associated with criminal activity".

To investigate the situation of possible drug abuse among children participating in this study. The children were asked to answer the question, "*What types of substances / drugs do you usually consume?*"

A 15-year-old delinquent child, who was waiting for the trial for four months in the rehabilitation center, left his family because his father did not want to pay for his education and that his mother was in a hard relationship with her son too. The child has paved the street to fend for himself alone, in collaboration with other three street children whom he has forged a friendly relationship they have chosen the streets of one of the poor neighborhoods as their homes. He and his friends were arrested for public order offenses.

He stated:

"As usual, to resist the temptation of life on the street, I took cannabis just like the other children in my group. Before I did not smoke cannabis or cigarettes. But when I met the friends of the street, I learned to smoke and drink alcohol. I smoked to increase morality and cope with fear. But also if someone in the group does not smoke or drink, he is mistaken for a weak and will be treated as ridiculous by other members of the group. I never see drugs in this center. The use of any form of drugs in this center is a crime. The law prohibits the use of cigarettes and alcohol" (Child offender6, 2018).

The results indicated that despite the difficulties children had in their families, most children did not abuse drugs when they were in their family. It is only by being in contact with other delinquent children that they, too, have begun to abuse drugs for the sole purpose of finding a place for themselves in their new social environment. Children have consumed different types of mastiff also for what they call overcoming fear because the environment of life in the streets is hostile and merits motivation to resist, substance use and brutality make then the basis of this motivation.

Another participant spoke openly as follows:

“When a child lives in the street, he smokes what is available and especially cheaper. I was smoking cannabis, and I drank any type of alcoholic beverage that I found friends drinking. Or even if I could buy alcohol, I often bought traditional alcohol made from bananas. But since I'm in the center I have never tasted alcohol or cannabis. There are no drugs available in this center” (Child offender15, 2018).

The results found that these children using drugs were in danger because of their psychological and physical health because the children did not have the choice of the drug to consume. The children were forced to use the different drugs made available by the members of the group without refusing to consume them for fear of not being ridiculed by the other members of the group. In fact, some children have also fallen into substance abuse through the influence of their friends. Deflem (2014), citing Tasgin (2012), believes that peer group are closely linked to delinquency so that a child feels safer and more confident in their group than in the presence of their parents. Peer group members display behavior related to "addiction and crime". The group of couples removes the child from school and the parental environment to join a group of friends. As a result, children face justice and the “juvenile prison” (p.45).

Indeed, I found that some authors in the literature state the victimization of these children in terms of psychological abuse, physical ill-treatment, and neglect perpetrated in their home family.

Taking into consideration the above-mentioned results, this study supports the theory of positivism, which states that any unconventional behavior found in delinquents necessarily derives from child's external world (Çam, 2014, p. 576), in other words, it is the environmental factors in the surrounding of the child that contribute to the criminal act in delinquents. The approach of positivist theory recommends the persons responsible of the care of offenders (counselors, lawyers, etc.) take into account the offender's social background during care, the staff in charge must identify immediate needs of the social environment of the offender. Thus, the offender's treatment and rehabilitation process must be in perfect harmony with the offender's conditions (Whitehead and Lab 2013, p.51).

5. 2 RESPECT AND PROTECTION OF THE RIGHTS OF THE JUVENILE OFFENDERS IN THE REHABILITATION CENTER

This section of the study presents the results of the lived experience of the children in the rehabilitation center, the situation in which the rights of the child are protected from the time the arrest, the legal procedure until the installation in the center for the rehabilitation. The results of the process and methods for caring the rehabilitation of child offenders are also presented in this part of the study.

5. 2. 1 The Arrests of Children in Conflict With the Law

In Burundi child offenders are subject to arrest by the National Police force under different circumstances. Children categorized as delinquents are often arrested for different reasons in the streets of the city center and its surroundings. In the case of the participants of this study, the results reveal the arrests related to the control of police force in search of people living and working illegally in the city center of the capital city and even in the neighborhoods surrounding the city center. In addition, the results also showed that other children have been caught in the acts such as disturbance of the tranquility of the inhabitants, the destruction of the property of the individuals, fighting, and disobedience to the law established by the public authorities.

The results relating to the question, *“How did the police officer treat you during the arrest?”* show During the arrest, the children live several complications related to the non-respect of their rights. These complications are among other stigmatization and psychological abuse, such as insults and threatening words from the police and the public.

the following:

“Police officers are not nice to unaccompanied children like me. When he had arrested me it was bad, they treated me of idiot, bastard, thief. They threatened to rot me in prison. The police are too brutal with children of my kind, that is children who carry luggage in the markets” (Child Offender1, 2018).

It is emphasized that the terminology “unaccompanied child” mentioned by the participant refers to street children, working children and any other category of children perceived by the society of delinquent children.

Another participant aged 18, who is an orphan of his biological mother, the child who fled family violence he suffered after her father remarried to another woman. Discussed more the physical and emotional abuse inflicted upon him by police officers during his arrest. He mentioned the following:

“Mh...my arrest was brutal, the police beat me and called me names as bastard, thief and so. Our police officers are not good with street children. They believe that we street children are thief, bandits, drunken and substance consumers” (Child offender2, 2018).

This bad experience of violation of rights was lived by the child offenders 1, 2, 4, 5, 14, and child offender 15 during their arrests.

The study found a serious violation of the Havana Convention of December 14 th, 1999 on children deprived of liberty. This law recommends that members of the personnel of the judicial institutions who are in contact with child offenders to take relevant measures to promoting the well-being of child offenders and moreover this convention insists on the behavior to be adopted by police officers when arresting a child, thus police forces must take into account the child rights and prioritize to be of the welfare and the best interest of the juvenile (Zarmaten 2003-2004, p. 10).

In fact, according to my observation during the data collection I noticed that most of the children who did not mention having to undergo violence from the police officers were often those children who were arrested directly either by the population who then handed them to the police post, either the children were arrested by the police officers in the presence of the witnesses or the civilian population. Three of the street child participants who were arrested for aggravated theft related to the break-up of a commercial establishment reported were not subjected to violence during their arrests. One of them reports the following:

“The people took me and my two friends, there was no problem. It was easy. I was taken to the police station by locals who said that I and my two friends had broken and stolen a small shop at night. Because we slept outside near the small shop that was stolen at night. But it is not us thieves. We were always sleeping there every night” (Child offender3, 2018).

Another 15-year-old participant who was arrested for disobedience to public order related to the unauthorized sale of items in the city center. He said that:

“The police did not use force to stop me. The day of my arrest I was not alone, we were many, between us there were children and adults. It was a day when the police caught people working in the city center at Bata square without permission” (Child offender8, 2018).

The words of the children who mentioned not to live an arrest accompanied by the police violence showed the existence of this police brutality that was not manifested thanks to the presence of the population who was witness during the exercise of the arrest of these children.

In most cases, human rights institutions refer to the arrests of street children as arbitrary arrests. It should be noted that this study also founded that not all children experienced difficult moments during their arrests. In addition to violating the rights of children during arrest, the children were taken to police stations where they were victimized by unethical acts committed by adults, as some children were not separated from adults in the dungeons of the police.

5. 2. 2 Legal Procedures for Installing Child Offenders in Rehabilitation Centers.

The results indicate that all staff member participants in the sample population did not interfere with the legal procedures of child offender’s placement in the center. The only legal provision that the respondents take into consideration to receive a juvenile delinquent in the re-education center is the file of the juvenile justice court that accompanies the child offenders when he arrives at the center.

Participants were asked to respond to the following, *“What are the legal procedures for accepting children in conflict with the law before they arrive at the rehabilitation center?”* This question was asked to participants to found out at what level they were aware of the legal provisions to install of children who offended the law in the rehabilitation center.

One participant responded as follows: *“Here in this center, we receive children from the high level of the justice system, children arrive here accompanied by their files from the court. Here we are not in charge of the court procedures during the case. The Juvenile Justice system is the one in charge of legal procedures for these children”* (Social worker2, 2018).

Indeed, all the staff members who participated in this research recognize that juvenile justice system is responsible for judicial proceedings concerning the housing of child offenders in rehabilitation centers. However, not all children benefit from this right as prisons still house child offenders who fulfill the conditions of being placed in rehabilitation centers. This explains that the participants are aware of the existence of the law and the related procedures to shelter offending kids in the rehabilitation center for a social reintegration but they do not intervene in the legal procedures. The role of the staff members working in the center is limited to the reception and supervision of children who are sent by the institution of juvenile justice.

Another respondent expressed himself as follows:

“According to the new law related to delinquent children, before the child offenders arrive here in the center, they are first presented to the juvenile justice court, and if the child is guilty, have the chance the one who is brought here in the reeducation center, because they still a lot of children in adult prisons. Here in the center, we are not in charge of the procedures to follow during the arrest of a child offender by the police force, we are only reeducating children in conflict with the law who are brought in this reeducation center” (Psychologist, 2018).

The data proves to what extent the law for rehabilitating offending kids in Burundi is not applied for all youngsters who offended the country’s law as provided by the relevant legal texts. As a result, many juvenile delinquents are still far from enjoying absolutely their rights.

Staff members who take care of child offenders in the Rehabilitation Center are well aware of the continued detention of children in police cells and even in Burundi prisons and participants mentioned that a child in contact with the justice who can be placed in the center had a chance. This continual situation of holding some children in prisons is not

limited only to Juvenal delinquent boys, rather it continues to be practiced indiscriminately in young delinquent girls because these girls are kept in prison, and especially in sections for women where they lay out their rehabilitation into the community.

It should be noted that prison is not a social institution for the re-education of delinquent children, whatever their sex or gender. Placing young delinquent girls in prison on the pretext that this is in the woman's prisons section does not correspond to international and national rights laws in a general way and particularly the rights of the child offenders that Burundi is a signatory member. Being a woman in prison does not mean being non-criminal and non-violent to young delinquents. This contact between young child girls and criminal adult women will certainly have harmful effects on young delinquents. First, even the word “prison” has a psychological effect on children, because the rehabilitation center is different from the prison for rehabilitation. Even the degree of marginalization by the community is higher among delinquent children rehabilitated in prisons than those rehabilitated from the rehabilitation centers.

A question was asked about where children were housed before being admitted to the rehabilitation center, ***“With whom did you live before you came to this center?”***

A 16-year-old child offender from divorced parents who lived with her mother in a rented house mentioned the following:

“I lived with my family. But during my arrest I was taken to the police cell with other people. Adults and children friends who were also arrested with me. I stayed at the police station for 12 days” (Child offender4, 2018).

The findings of the study also acknowledged that some children after their arrest were taken to the police station and then again they were taken to prison before being put in the rehabilitation center. The results also found that other child offenders were held for a long time in the police cells before being placed in the rehabilitation center. This odious situation was experienced by the participants 1, 3, 4, 6, 10 and 14.

A participant aged 16 who was awaiting trial and was impeached with theft in association testified that:

“I was always living with my two friends who were also street children, I and my two friends were even together at the police station for 2 weeks before I and them were taken here to the reeducation center. In police cell there were also adult people with me” (child offender3, 2018).

In fact, the result shows also that this distasteful breach of the rights of the delinquent child has not been only limited during their arrest and detention in the police cell, rather other children were taken to Mpimba Central Prison. In the literature, the authors show the negative effects of adult prison on children.

This is the case of child offender 2, who recounted the following:

“I was living with prisoners in Mpimba Central Prison, I was taken to prison during three weeks from my arrest day. And I stayed in prison for 4 months until I was taken here to the center” (Child offender2, 2018).

5. 3 REHABILITATION MODEL OF THE CHOLD OFFENDERS AND LIVING CONDITION IN THE REHABILITATION CENTER

5. 3. 1. Legal Procedures for the Judicial Care of the Child Offenders

In this part of the research, issues related to legal procedures, length of time already spent in the center, the situation of the kids institutional position were studied together to outline the level of respect for the child right during legal procedures of their files by the system of justice for the juveniles. It should be agreed that the juvenile justice system is a newly created and implemented instrument in the Burundian justice system and the only two juvenile rehabilitation centers of child offenders were opened for the first time in 2015.

On the day of the interview, the result found that many children were already in the rehabilitation center for a period of between four months and sixteen months. Among the Fifteen delinquent children, ten of them were sentenced to between one and four years. While for several months in the center Five children were still waiting to be tried.

One of two participants who have been in the center for six months but are still waiting for the trial said the following: *“I have been here for six months and some weeks”*. When

asked about his judicial status, he continued that: *“No, I’m not convicted. I’m under arrest” (Child offender 7, 2018).*

Although in Burundi the placement of child offenders in the rehabilitation center respects the human dignity of the child in contact with the law, delinquent children remain in the rehabilitation center for a long time period without their judicial situation being decided. The results of this study show that some children were already in the center for more than 7 months and still awaiting trial. In Burundi the situation of the slowness of the files in the houses of justice is a general case for all the prisoners, this phenomenon also affects the juvenile delinquents who are in the center of rehabilitation during a long period without knowing their fate because they are waiting for lawsuits without knowing the delay of their waiting. This situation caused by the slowness of case processing at the courts level is negative affects the full enjoyment of the rights of the child offenders.

5. 3. 2 Legal Assistance During Judicial Procedures

Child offenders were further asked to indicate if they have received assistance from the day of their arrest to juridical trial and during their stay at the center. Participants were answering the following question, *“Who was assisting you during the juridical procedures? (Lawyer, judicial police officer, social worker, no one).”*

The results of the study show the assistance was taken to children from the police dungeons by judicial police officer in charge of case related to child offenders, other assistance types were carried by the social workers collaborating with the children's judge.

One participant answered: *“I was assisted by a social worker and a judiciary police officer in charge of children in conflict with the law” (Child offender15, 2018).*

Another participant said:

“At the police cell my assistance came from a police officer of juvenile justice, and then he handed me to another person who is called a social worker but also, a lawyer for children who came from the juvenile justice system. All of us in my group were assisted by the same persons” (Child offender11, 2018).

According to the results of this study, all participants benefited from legal assistance during their trial at the court of justice level. The results of this study at the level of the legal procedures of the welfare of juvenile delinquents. Thus, procedures have been followed by the good care of the child in the justice system. Results also showed that, in most cases, children had started to receive legal assistance from the police cells where they were detained before being transferred to the rehabilitation center. This assistance was provided through close collaboration between social workers, judicial police officers, and juvenile justice officials.

Furthermore, the results from the child offenders showed more by showing that it was the social workers who pleaded for the placement of the children in the rehabilitation center because of their ages.

As a result, to the above results, the study still supports again the theory of positivism that insists on a justice system that places youngsters in social institutions adapted to the re-education of kids in order to treat their antisocial behavior aiming to eliminate the causes that are associated with it. The positivist theory agrees with the modification of the delinquent's behavior by treatment and reinstatement of the offender into the community instead of punishing the offender by imprisonment.... "the logical extension of the focus on determinism and multiple causation is the belief in rehabilitation and treatment. Instead of punishing an individual for his or her actions, Positivist seeks to remove the root causes of the deviant behavior" (Whitehead and Lab, 2013, p. 51).

In accordance with the legal assistance that the children benefit during their legal procedures. A question to know the legal procedures to receive a delinquent child in the rehabilitation center a question was asked to the staff members.

The question was asked this way, "***What are the legal procedures for accepting children in conflict with the law before they arrive at the rehabilitation center?***" This question also aimed at identifying staff members' knowledge of the legal procedures followed during the judicial handling of juvenile delinquents outside the center until their administration in the center for community reintegration.

The results show that the staff of the rehabilitation center are aware of the procedures followed for the administration of the child offenders in the center, but the staff of the center are not involved in the legal process outside the center.

One participant noted saying that:

“Here in this center, we receive children from the high level of the justice system, children arrive here accompanied with their files from the court. Here we are not in charge of the court procedures during the case. The Juvenile Justice system is the one in charge of legal procedures for these children. Here in the center we only take care for their treatment and reeducation to facilitate their reintegration into community” (Psychologist, 2018).

The staff members of the rehabilitation center receive the juveniles by order from of the court, which transfers delinquent children to the rehabilitation center accompanying his file that explains in details the necessary information from the arrest of the child until his transfer to the rehabilitation center.

The results showed that since the arrival of the child in the rehabilitation center, there is then a sincere collaboration between the rehabilitation center and the judicial institutions in charge with the files of the child offenders in order for monitoring the kid's progress in the rehabilitation center. Furthermore, the results also showed that in addition to the judicial assistance that children receive in the center, there is also humanitarian assistance from the NGOs in charge of the child's welfare.

5. 3. 3 Implemented Social Activities in the Rehabilitation Center

This question sought to identify the social activities that delinquent children benefited from in the rehabilitation center during their stay. The results indicated that, the rehabilitation center, which is the subject of this study, is an social institution equipped with workshops to give easy access to delinquent children for learning professions such as carpentry, sewing and welding.

One responded answered:

“The activities proposed by the center are based on education and vocational training. Trades learned will enable children to become economically independent as they leave this center with professional knowledge” (Social worker1, 2018).

Another participant added that:

“Oh, at that level, children benefit from cultural activities as traditional dances, and games. Sport as football and so. But also, we teach them to become responsible and enable them to reintegrate themselves successfully into community” (Psychologist, 2018).

The results also showed that vocational education in the center is reinforced by moral education about respect for the law, respect, and love for others. All of these teachings are also accompanied by activities that respond well to the age of children. These recreational activities taught to delinquent children include the learning of traditional games and dances and other sociocultural activities for the well-being of children in the rehabilitation center.

In order to fully understand the types of social activities that child offenders receive in the rehabilitation center, a question related to social activities were asked to child offenders. The question related to social activities was as follow, “*What kind of activities does the center provide for your age? (Social, cultural and sports activities).*” The purpose of this question was to collect data on social activities other than the types of training and education that children benefited from in the center.

One of the participants argued that:

“I 'm learning games. Courses also on the law and the respect of the law. The love of the country and other children. I learn also traditional drums and traditional dances and games” (Child offender5, 2018).

The result indicates that the other activities benefiting the center's children are sports activities such as football and other physical exercises aimed at keeping children healthy. But also which are activities that are part of the child rights precisely the one of playing.

5. 3. 4 Opinions on Education and Training Available in the Rehabilitation Center

The question aimed to determine the opinion and satisfaction of delinquent children with regard to the education and training provided by the center.

The results highlighted the satisfaction of juvenile delinquents with social activities organized in their institutions, despite the fact that they mention the inadequacy of materials to facilitate full learning. Children have also emphasized the limitation of vocational vocation, which forces them to learn vocational that do not appear in their professional preferences.

15-year-old boy participant answered:

“The training that I receive here in the center is good to give the hope of reliving a life of joy here in the center and in the community that is outside the walls of this center. Teaching encourages me to become a good child in the community and in my family” (Child offender6, 2018).

He continued to say: *I would like to learn how to become a big bus driver. But here in this center there are no cars to learn to drive* (Child offender6, 2018).

Another 16-year-old participant said:

“Training is good for children, but it does not provide enough for children to be economically independent because there are not enough modern tools. First of all, some children only learn carpentry, sewing and welding. Although there are many vocations to learn outside of here. For example, I would like to become a car mechanic but here there is no such professional training” (Child offender10, 2018).

5. 3. 5 Major Problems Encountered in the Rehabilitation Center

Delinquent children were asked a question to talk about the likely problems they encounter in their life in the rehabilitation center. Participants were answering the question, ***“What are the main problems you are experiencing in this center?”***

The results described problems such as diet adaptation, pecuniary related problems, and long waiting for trials.

One participant responded the following: *“The main problems that I have here, are related to food and not to be allowed to go outside. The food is almost the same every day”* (Child offender3, 2018).

The results also found the problem of lack of visit, especially family members of delinquent children do not come often to visit their children who are housed in the rehabilitation center. The results indicated that sometimes children benefit from visits to

NGOs for the care of children in difficult circumstances, but also government agents who come to inquire about the children's files. The results indicated that sometimes children were visited by NGOs concerned with the welfare of children in difficult circumstances, but also by government agents who came to inquire about the progress of this project of the delinquent children rehabilitation.

One participant said: *"I do not have people visits. The person who visits me is the social worker in charge of my file, but also there are visits of people from NGOs who defend the rights of children"* (Child offender7, 2018).

These results on the problems that the children encounter in the center during their socialization, are also supported by results on the answers given by the members of the staff on the following question, ***"What are the challenges facing children in conflict with the law in this center?"***

The results show that the biggest challenges facing children are insufficiency of understanding of the law, freedom deficit long with economic issues.

One participant responded as follow:

"The children want to be free, they don't understand what the law means. They suffer economically as they used to get money from different sources, but here they don't earn money. They used to eat what they wanted but, in this center, they eat the government's food they don't have a choice, they must eat what are presented to them. They suffer economically" (Social worker1, 2018).

Another participant said that:

"The challenges are those of not being on the position of free movement, they are children who used to earn money by stealing and other by working as luggage carriers in different markets, that means that the major challenge is related to economic issues" (Psychologist, 2018).

5. 3. 6 Existing Social Relations in the Rehabilitation Center

This question sought to identify the types of relationships that delinquent children had developed since their arrival in the rehabilitation center. The results of the study show positive behavioral development in children in conflict with the law, because between them they have a good relationship and even between them and the staff members of the center, there is no presence of difficulties in terms of relationship. Participants were

invited to answer the following question, ***"Do you have any problem with other children who live in this center? If yes, what? What kind of problem?"***

"I do not have problems with other children in the center either. Before I had problems of course, I was fighting with them at my first days. But over time and with the help of the psychological education provided by the center, I realized that there was no need to quarrel with other children. I had learned that we are all children and brothers" (Child offender4, 2018).

Another participant said:

"Ahh, ahh, with my friends here either, I do not have any serious problems, I live in peace with the other children here in this center, if once there is a dispute, the agents put us together and they listen to us and after the agents of the center help us to solve our problems. I say that these are not serious problems because the social workers and psychologists of the center teach us to solve ourselves our problems ourselves, which is why there are no serious problems between us and even between us and the workers at this center. The little clash happens between us children during games and it is something normal and easy to overcome" (Child offender1, 2018).

The result indicates the presence of minor problems, especially when children arrive in the center, but these problems are quickly solved by the intervention of the social workers and psychologists of the center, the result also shows that the intervention of care by the staff helps children by making them able to resolve their quarrels themselves. This is also essential in the construction of the personality of the child offenders because helps them to manage conflict themselves.

Moreover, participants were asked the following question, ***"Are there any problems you have with employees in this center? If yes, What kind of problem?"***

A 17-year-old respondent who had been in the center for four months and was sentenced to two-and-a-half years on public order and property offenses said: *"I do not have any problems with the employees at this center. The employees here are friends of all the children who live in this center"* (Child offender11, 2018).

The result shows that there is a peaceful climate between delinquent children and staff members, this climate is characterized by the feeling of love, security and trust. In fact,

the result shows that the children in the rehabilitation center do not experience violence from the staff working in this center without considering the categories of staff because the question was asked in a general way to see if at least the children would mention a case of violence committed by any staff member.

In order to better understand this trust, this security and this love that delinquent children say to be experiencing at the center, the following question was asked, ***“How do you feel in the center? (Trust, love, do not feel safe, etc.)?”***

“Actually, in this center I feel good because I do not see any serious problems. I can even say that I feel safe, and even the rehabilitation program proves a love the Burundian state has for children in conflict with the law. The State of Burundi shows the will to protect delinquent children” (Child offender14, 2018).

The results also showed that in the rehabilitation center, child offenders are protected against drugs and against negative influences that can affect their physical and psychological health.

Another participant said that:

“In this center, I feel too good. It's not like in prison where I was before coming here. Here children do not mistreat each other. I cannot find drugs here. Since I arrived here I have not even smoked a cigarette. And the social workers here always tell me that drugs destroy life. I'm not afraid of this center. In prison, I was always scared because there were people more vicious and mean that I ever saw. There is much security here for the children” (Child offender2, 2018).

Another 16 years old respondent answered:

“My days go well in the center. I always do daily activities planned by the center, and free time I rest or I play with friends” (Child offender12, 2018).

5. 4 RESPONSES TO WAHT SHOULD BE DONE IN THE REHABILITATION CENTER TO LEAD AN EFFECTIVE COMMUNITY REINTEGRATION.

Respondents' views and suggestions for successful community reintegration of child offenders were collected the following question, ***“In your opinions what do you think that the center can do for you to lead an effective reintegration into the community?”***

Participants expressed the following ideas and suggestions:

The body in charge of the center should equip the center with sufficient tools to enable the center to effectively teach the children vocational activities of their choices. The trades are important because after being released, the child who got good vocational training will be able to work and earn a living legally, which will make the child an economically independent person. The government should set up a primary and secondary school to convince the children to continue their studies from the level they abandoned. In this way, the children will leave the center with a level of study a little advanced compared to the level they had before coming to the rehabilitation center, then during the release of the child the center must cooperate with the schools that are out to finally reintegrate the child and find the means to finance the child's studies.

Participant 4 was 18 years old on the day of the survey, having dropped out of school in 7th grade of middle school, residing in the center for eight months, he was a child worker, was arrested for public disorder for selling goods in downtown without municipality permission had responded as follows:

“In my opinion, I believe that the center should be equipped with modern tools and materials for training different trades to children. So that children should be trained to apprenticeship trades of their choices that will enable them to find a job that regenerating income once released from here. That will help the children to work in a legal way and avoid problem-related to economic dependence” (Child offender4, 2018).

The example above shows not only at which level children want to lead a conventional life after their release, but also expresses the need for moral support motivated by apprenticeship of trades and a quality education.

This study support Coyle (2002) who believe in opportunities for training and education to have a positive effect on young children because young children are open to constructive opportunities (p.128).

Another 15-year-old street child from a poor family living in the countryside who had been living in the center for six months and a week was arrested for theft in association and was awaiting trial, said like this:

“Considering what I am learning here in the center, I believe that in order to live well in the community, children will have to go back to school to study and have diplomas. For those who do not want to go back to school, the center should have manual apprenticeship trades, such as masonry, welding, carpentry, sewing, auto mechanics, sheet metal workshop, and other trades that can be learned quickly. That way each child will have a choice to make. And after learning a good job the children of the center can live and work legally in the community. If not the center should build schools inside here so that children who want to continue their study should be able to study and then when their term of stay ends, they will be reintegrated to schools outside and be supported to finish their studies” (Child offender16, 2018).

The results showed that children in child offenders want the participation in both formal and informal education in order to reintegrate their communities as social actors capable of contributing to the development of their countries in their future lives.

Since education is a heart of the child rights, its good quality is also the basis of a better life and an indestructible development insurance for human beings - education guarantees individual freedom, economic independence and provides the assets for development (UN, 1989). Many organizations believe that education is a reliable instrument for combating the prevalence of child poverty, vulnerability and neglect (UNESCO, 1995).

To find out more about what child offenders think on their own successful social reintegration, a question about their future plan was administered as follows, ***“What are your plans after your release from the center?”***

A 17-year-old child who was a street child and fatherless and at the same time head of the family (his mother, two little brothers and a little sister), accused of disturbing public order and convicted to two years and six months explained his future plan as follows:

“I will stay in the center for two and a half years. I am 17 years old and the day of my release I will be between 19 years old, my plan future is to become a responsible man able to support again myself and my family by acceptable means by the law. Outside I have my mother and my little brothers and sister. I see that I have to learn the advice and teaching I receive in this center so that it can help me to handle my life well with the community once I will be out of the center” (Child offender11, 2018).

Given the insistence of delinquent children on formal and informal education, hoping that the center would develop further, it made us aware of the social activities offered by the

center to child offenders during their child-rearing process. rehabilitation. Thus a question was addressed to the participants for this purpose.

The question was asked to the social welfare officers as follows, *“What kind of social activities does the center provide for children?”*

In fact, the rehabilitation center is a social institution in charge of the reinsertion of delinquent children in the community, the insertion is realized using a method of supervision such as vocational training, civic and moral education. The social activities of the center place much more emphasis on civic and moral engagement alongside formal and informal training. Participants see vocational training more as life insurance for children in their community life because children opt for a professional life in order to continue to support their economic needs themselves by conventional means.

One participant mentioned that:

“The best of the activity is the training of different métier, every child finds himself a métier that seem to be good for him. This métier enables them to face economical problem once released from the reeducation center. Children are educated on the respect of the law and the love of their country, and also the respect of the others. Another one is the way children here are psychologically preparing to reintegrate into community life. I’m sure if a child is well prepared psychologically on how to become a good member of the community, this child is ensured to live a lawful life. Children do not understand the law at the same time they do not know their rights. The center mission to treat juvenile offenders friendly that why we insist on teaching them to understand what the law really means and what are their rights” (Psychologist, 2018).

The result found that social activities planned by the center also include physical education sessions and activities related to the culture and traditions of the country to allow children to keep in touch with their traditions and culture, which also prepares their sociocultural reintegration. Thus, one respondent attested:

“The social activities planned for children in this center are generally related to cultural activities, games, and traditional dances. In fact, activities that orient children in social life with others, these activities prepare them for a personal reintegration into the community. During the children's stay in this center, children in conflict with the law learn trades. These activities will make children capable of supporting themselves financially. Children are also educated here in the center, and other children are psychologically prepared to return back to schools to continue education after their release” (Social worker1, 2018).

To get a clearer idea of what should be done to allow a good community reintegration of child offenders in Burundi. The participating staff members were invited to answer the following question, ***“In your opinions, what are other suitable ways to ensure the well-being of children in conflict with the law?”***

“I think the government has to empower more family-child relations. The family has to provide children all necessary need. And the child offender’s rehabilitation must be focused on well-being on the reinforcement protection of the child justice system by providing a more developmental program. But to the well-being of the child offenders will be unsure when all children in conflict with the law will be removed from prison. There are still some children in prison. And we have only two rehabilitation centers in Burundi, we need other centers to be established so that all the children who are in prisons will benefit from the reeducation centers rather than suffering in prison. The two centers hold only boys but girls still in prisons with criminal women. The family has to provide children all necessary need. And the child offender’s rehabilitation must be focused on well-being on the reinforcement protection of the child justice system by providing a more developmental program” (Social worker1, 2018).

The result shows that there is an insufficiency of rehabilitation centers at the national level. But It is to highlight that this policy of rehabilitating child offenders is recently put into practice in Burundi. So much remains to be done to provide legal support to all delinquent children in Burundi. According to the results obtained, this project of rehabilitation is a pilot project for Burundi, on this, much more efforts are still to be made so that this program can be beneficial to all the juvenile delinquents.

Another participant answered:

“According to me. I can say that for now as this project is as the study of how to find ways of protecting child offenders, we still wait to see what could be done more. I know that the government and its partners are working hard to ensure that this project becomes very effective in Burundi. This project is as a preparation study of how to find ways of protecting child offenders” (Psychologist, 2018).

The results also show the hope that the participants have of this project of rehabilitation of the young offenders in Burundi. It should be noted that the social policy of rehabilitation of the child offenders in Burundi is a project under study because it is the first time that

Burundi reintegrates into community the juvenile delinquents through the public social structures.

5. 5 OPINION ON THE EFFECTIVENESS OF THE NEW SOCIAL POLICY FOR THE REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW.

A question related on the effectiveness of the rehabilitation project was asked to staff members in order to get their point of view. The question was asked as follow, *“What do you think about the effectiveness of the law in force on reintegration centers for child offenders?”*

One participant responded that:

“The new law is step ahead in term of success of child rights promotion. It is effective in the way that children are facing justice system that meet their status of children” (Social worker2, 2018).

Another social worker participant said:

“The effectiveness of this law in force is that children are not ill-treated during their spent in the center. There is a success as there is only a small number of recidivism in this center” (Psychologist, 2018).

The last question aimed to know the views of staff members on the effects of rehabilitation on child offenders. Participants answered as follow:

“I would like firstly to congratulate our government for the child offender’s rehabilitation project. I hope the place of a delinquent child is not a punishment but is to be treated and then find a new way to fight against recidivism. The well-being of child offenders is a priority in our government’s new children in conflict with the law’s policy. I see that this project provides child welfare, child dignity respectively and that means the new law is promoting the best interest of the child offenders” (Psychologist, 2018).

Another participant said the following:

“It is a positive policy that our country is succeeding in the field of human rights. The children are not ill-treated. All of them are children no any adult criminal among them. That means child offenders’ rights and dignity are respected. In

other word the best interest of the child in conflict with the law is priority once is facing justice system” (Social worker2, 2018).

The other participant said:

“The policy of reintegration of children in conflict with the law by the reeducation centers is a success in the respect of the right of the child, it first aims the promotion of the best interest of the child offenders. Children are cared for according to their ages despite their Juvenile delinquency status. The reintegration policy in the community of these delinquent children is a practice of the well-being of the youngsters in the sense that the dignity of the adolescent is the priority reason why this reintegration passes by the reeducation center in which children learn their rights and at the same time are treated when they have behavioral problems. This policy is not punitive but rather reparative of personality and criminal behavior” (Social worker1, 2018).

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

At the end of research study, our objective was to evaluate the social policy of rehabilitation centers for child offenders in Burundi in the perspective of the rights of the child. Day in day out, in Burundi, delinquent children are arrested by the police for various reasons. These juvenile delinquents are accused generally of disorderly conduct, disruptive behavior, fights; and crimes such as property offenses related to theft, robbery in an association and aggravated theft. However, it should be noted that most of these children arrested by the police in Burundi were street children who, even before being on the streets, had fled their families for various social reasons such as poverty, family violence, and neglect.

Since the year 2015, the authorities of Burundi had taken the initiative to root out delinquent children in the country's prisons and to place them in social structures adapted to the care of juvenile delinquents, a first in Burundi's system of justice. As part of this research , the Rumonge child offender's rehabilitation center was the case study.

This study's sample included 18 people among them 15 children in conflict with the law and 3 staff members namely 2 social workers and 1 psychologist who was chosen purposely to assess the effects of the newly rehabilitation law on child offenders in Burundi.

The results of these studies are satisfactory in that the effects of the child reintegration practice in accordance with the law are positive because delinquent children are separated from adult detainees. In addition to the rehabilitation centers, juvenile delinquents benefit from social-psychological treatments for the modification of the unconventional behavior, in addition to these treatments delinquent children are educated to the learning of the trades to facilitate their future lives in the community after their integration. Findings have

shown that this policy of rehabilitating juvenile delinquents in Burundi is adequate because it meets the best interest of the children.

The result also showed that in spite of this effectiveness, there are probably challenges that are affecting the complete or long-term efficiency of this policy.

The insufficient budget allocated to this policy of rehabilitation, the insufficiency of the centers of rehabilitation, the lack of the centers of rehabilitation for young girl delinquents, and the sufficient lack of the preparation of the host community are the great challenges that the results of this study have found.

This study draws the conclusion that the promotion of juvenile offenders is Burundi's Government responsibility and the civil society, the community, and their families. In fact, all these social institutions should work together to strengthen the social policy of community reintegration of child offenders and to fight against the probable causes pushing these children into juvenile delinquency.

6. 2 RECOMMENDATIONS

6. 2. 1 To the Government

The Government of Burundi through its Ministry of Justice should create other construction projects for other rehabilitation centers for child offenders in order to promote the well-being of all youngsters who are still detained in the charges for adult criminals.

We also recommend that the Government of Burundi build rehabilitation centers for young girl offenders who are in women 's prisons so that these girls can also be re-educated through adequate social institutions.

The Ministry of Justice should make the placement of children in conflict with the law in the rehabilitation centers a right and not a chance factor as mentioned by one of the participants among the staff members of the rehabilitation center.

The government should put in place a mechanism to facilitate the peaceful arrest of juvenile offenders, as children suffer police violence during their arrests.

The result of the study showed a lack of sufficient community preparation on the reintegration of children, on this the Government should manage the program of community preparation on the reception of juvenile who broke the law who are reintegrated into community.

The State of Burundi should create a platform for collaboration between State Social Institutions, Private Social Structures and Community Groups to study together the problems related directly to the phenomenon of delinquent children in Burundi in order to find a solution that will serve to eradicate the roots that cause this phenomenon of juvenile delinquency.

6. 2. 2 Recommendation to the Civil Society

National Non-Governmental Organizations in charge of child welfare should work closely with public institutions responsible for juvenile offenders to reach an agreement on private rehabilitation centers establishment.

Street child care associations should set up sections to provide shelter and care for delinquent adolescents in order to support the government in its policy of reintegrating law breaker youngster.

Private social institutions, or in other words, non-profit organizations that take care of the protection of children in difficult situations, including street children and children who have broken the law, should educate individuals, families, and communities about

children's rights. This will prevent the maltreatment of children at family and community level.

Burundian civil society organizations specializing in the rights of children should increase their efforts to recover all street children still in the streets of Burundi's urban centers. This may reduce the risk of incarceration of street kids staying and doing job in the streets of urban centers.

6. 2. 3 Recommendations to the Community

The members of the community should open their hearts by confiding to the rehabilitated children because to welcome the delinquent children rehabilitated by the centers of rehabilitation will prevent the recidivism in the delinquency of these children.

Community members should agree to collaborate with the state and private organizations that take care of children who have broken the law in order to put in place a national mechanism for the protection of young people at the individual, family and community level.

Community members should stop pointing fingers at juvenile delinquents because their children along with other needs of the adolescents to live in the community peacefully.

6. 2. 4 Recommendations to the Future Researchers

Since my work has been delimited only to the cases of juveniles in the rehabilitation center of Rumonge province, future researchers should also stress the importance of conducting researches on the rehabilitation center of Ruyigi province to study the rehabilitation project on youngster delinquents who are held in there.

Future researchers should also conduct research in the form of re-education house building projects to place delinquent girls in re-education centers for their category. This will help to avoid mixing girls who have broken the law with criminal women in prisons.

Future researchers should also pursue research on the lives of delinquent children rehabilitated in their future lives after reintegration into the community to examine the efficacy of the law of reintegration of juvenile in conflict with the law.

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APPENDICES

APPENDIX 1: ORIGINALITY REPORT



HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
YÜKSEK LİSANS TEZ ÇALIŞMASI ORJİNALLİK RAPORU

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
SOSYAL BİLİMLER ENSTİTÜSÜ ANABİLİM DALI BAŞKANLIĞI'NA

Tarih: 08.07.2019

Tez Başlığı: Burundi'de Kanunla İhtilafa Düşen Çocuklara Rehabilitasyon Merkezlerinin Etkisi: Rumonge Rehabilitasyon Merkezi Örneği.

Yukarıda başlığı gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam 102 sayfalık kısmına ilişkin, 08.07.2019 tarihinde şahsım/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda işaretlenmiş filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı % 7'dir.

Uygulanan filtrelemeler:

- 1- Kabul/Onay ve Bildirim sayfaları hariç
- 2- Kaynakça hariç
- 3- Alıntılar hariç
- 4- Alıntılar dâhil
- 5- 5 kelimedenden daha az örtüşme içeren metin kısımları hariç

Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Çalışması Orijinallik Raporu Alınması ve Kullanılması Uygulama Esasları'nı inceledim ve bu Uygulama Esasları'nda belirtilen azami benzerlik oranlarına göre tez çalışmamın herhangi bir intihal içermediğini; aksinin tespit edileceği muhtemel durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.

Tarih ve İmza

Adı Soyadı: Ramadhan SHABANI

Öğrenci No: N15125180

Anabilim Dalı: Sosyal Hizmet

Programı: Sosyal Hizmet

DANIŞMAN ONAYI

UYGUNDUR.

Prof. Dr. Özlem CANKURTARAN

THE EFFECTS OF THE REHABILITATION CENTERS ON THE CHILDREN IN CONFLICT WITH THE LAW IN BURUNDI: CASE STUDY OF THE RUMONGE REHABILITATION CENTER

ORJINALLIK RAPORU

%7	%7	%4	%
BENZERLIK ENDEKSI	İNTERNET KAYNAKLARI	YAYINLAR	ÖĞRENCİ ÖDEVLERİ

BİRİNCİL KAYNAKLAR

1	www.unicef.org İnternet Kaynağı	%1
2	uir.unisa.ac.za İnternet Kaynağı	<%1
3	kehnsjam5.blogspot.com İnternet Kaynağı	<%1
4	www.tandfonline.com İnternet Kaynağı	<%1
5	www.openaccess.hacettepe.edu.tr:8080 İnternet Kaynağı	<%1
6	www.frnsi-onlus.org İnternet Kaynağı	<%1
7	www.ipjj.org İnternet Kaynağı	<%1
8	www.crin.org İnternet Kaynağı	<%1

APPENDIX2: ETHIC DECLARATION



T.C.
HACETTEPE ÜNİVERSİTESİ
Rektörlük

Tarih: 31.05.2018 18:51
Sayı: 35853172-755.02.06-
E.00000072768



Sayı : 35853172-755.02.06
Konu : Ramadhan SHABANI Hk.

SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRLÜĞÜNE

İlgi : 14.05.2018 tarihli ve 44061 sayılı yazı.

Enstitünüz Sosyal Hizmet Anabilim Dalı tezli yüksek lisans programı öğrencisi **Ramadhan SHABANI**'nın **Prof. Dr. Özlem CANKURTARAN** danışmanlığında yürüttüğü "**Burundi'de Rehabilitasyon Merkezlerinin Kanunla İhtilafa Düşen Çocuklara Etkisi: Rumonge Rehabilitasyon Merkezi Örneği**" başlıklı tez çalışması Üniversitemiz Senatosu Etik Komisyonunun **15 Mayıs 2018** tarihinde yapmış olduğu toplantıda incelenmiş olup, etik açıdan uygun bulunmuştur.

Bilgilerinizi ve gereğini rica ederim.

e-İmzalıdır
Prof. Dr. Rahime Meral NOHUTCU
Rektör Yardımcısı

Özlem Cankurtaran
Prof. Dr. Özlem Cankurtaran

Evrakın elektronik imzalı suretine <https://belgedogrulama.hacettepe.edu.tr> adresinden 5b3060fb-f52f-4f78-8538-ecd4179bb5ec kodu ile erişebilirsiniz. Bu belge 5070 sayılı Elektronik İmza Kanunu'na uygun olarak Güvenli Elektronik İmza ile imzalanmıştır.

Hacettepe Üniversitesi Rektörlük 06100 Sıhhiye-Ankara
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APPENDIX 3: SEMI-STRUCTURED INTERVIEW GUIDE FOR CHILD OFFENDERS

Name of the institution: The Rumonge Rehabilitation for Children in Conflict with the Law

I. Social-Demographic Characteristics of the Child

- Gender:
- Age:
- Education level:
- Are your parents a live?

II. Information about the child's family

- Where were you living before being arrested?
- With whom did you live together before your arrest?
- In which province do your family live?
- What is the economic situation of your family?
- How was your relationship with your mother? (Democratic relationship, related relationship, authoritarian relationship, etc.):
- How was the relationship between you and your father? (Democratic relationship, related relationship, authoritarian relationship, etc.):

III. Information on respect and protection of the rights of juvenile offenders

- How did the police officer treat you during the arrest?
- With whom did you live before you came to this center?
- For how long have you been here in this center?
- How long will you stay in this center?
- For what reasons are you in the rehabilitation center?

- Who was assisting you during the legal procedures? (Lawyer, judicial police officer, social worker, no one):
- Are you under arrest?
- Are you convicted?
- Who are the people who come to visit you?
- How is the rate with the people who visited you?

IV. Perceptions of juvenile delinquents about the rehabilitation center

- What types of substances / drugs do you usually consume?
- How do you feel in the center? (Trust, love, do not feel safe, etc.)?
- What kind of training do you get in this center?
- What other kind of training do you want benefit from in this center?
- What do you think about the training you got in this center?
- What kind of activities does the center provide for your age? (Social, cultural and sports activities)
- How do you spend your daily life in this center?
- What are the main problems you are experiencing in this center?
- Are there any problems you have with employees in this center? If yes, What kind of problem?
- Do you have any problem with other children who live in this center? If yes, what? What kind of problem?
- In your opinions what do you think that the center can do for you to lead an effective reintegration into the community?
- What are your plans after your release from the center?

Thank you very much for your participation in this research.

APPENDIX 4: SEMI-STRUCTURED INTERVIEW GUIDE FOR STAFF MEMBERS

I. Demographic Characteristics

Age:

Sex:

Work area:

Position:

II. The effectiveness of the new social policy for the rehabilitation of children in conflict with the law.

Q1: How many children in conflict with the law are there in this Center?

Q2: What are the first three crimes that are seen as the reason for the arrest of the children you have taken since the opening of the Center?

Q3: What are the legal procedures for accepting children in conflict with the law before they arrive at the rehabilitation center?

Q4: What are the personality traits of the child offenders in this center?

Q5: What kind of social activities does the center provide for children?

Q6: What kind of interventions are there for the treatment of child offenders' criminal behavior?

Q7: What are the challenges facing children in conflict with the law in this center?

Q8: What are the effective ways used to reintegrate children into their community?

Q9: What are the challenges facing the practicability of rehabilitation provisions of child offenders?

Q10: What are the activities planned by the center to ensure that children have a better life after they are released?

Q11: What are the effects of the new rehabilitation law on the rights of the child in criminal behavior? (Child welfare, respect for child dignity, the best interest of the child)

Q12: What do you think about the effectiveness of the law in force on reintegration centers for child offenders?

Q13: In your opinions, what are other suitable ways to ensure the well-being of children in conflict with the law?

Thanks for your participation this study.