

## **Children of Genocide in the 21<sup>st</sup> Century: Four Case Studies of Sub-Saharan Africa**

Charles Oberg and Deborah Caselton

Charles Oberg, MD, MPH, Associate Professor of Pediatrics & Public Health, Division of Epidemiology & Community Health, School of Public Health, University of Minnesota  
Deborah Caselton, MPH, University of Minnesota

### **Abstract**

Understanding the inalienable rights of children, the definition of genocide, and the effects of genocidal acts on the growth and development of children is vital to children's health advocacy efforts. The paper will discuss both the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Prevention and Punishment of Genocide (CPPG). The CRC outlines the framework for the protection of children in society to assist every child in achieving the fullest potential in health and development. The CPPG defines genocide and what needs to be done to eliminate its presence for humanity. The intent of the paper is threefold. First, it is to encourage us not to think of genocide solely as a historical event such as the Holocaust, but rather as a persistent reality that requires constant vigilance and action as it transitions from our past into the current affairs of the 21<sup>st</sup> Century. Secondly, that as part of genocidal denial, we frequently forget that the burden of these atrocities is disproportionately placed on children. Finally, as professionals, we must be aware, informed, and active in the global effort to halt the killing of innocent children and to help heal the scars for those children and youth who have been ravaged by its effects.

### **Introduction**

This paper will examine four areas of Sub-Saharan Africa that have experienced war, genocide and crimes against humanity that emerged towards the end of the twentieth century and have transitioned into the twenty-first century. It is imperative to state that similar atrocities have occurred on all continents throughout modern time and include but are not limited to the genocide of Native Americans in the United States during the nineteenth century; Armenian in the early 20<sup>th</sup> century; Bangladesh and the "Killing Fields" of the Khmer Rouge in the 1970's; and the Balkan "ethnic cleansing" in Kosovo in the 1990's. However, this analysis will focus on four regions of the African continent and will include Darfur in eastern Africa, Rwanda and the Democratic Republic of Congo (DRC) in the southern Great Lakes region and Sierra Leone on the West African Coast. Since 1990 in Sub-Saharan Africa, fifteen countries have experienced major conflict; 16 million have been displaced and as many as 5.4 million people have died

directly from the conflict and/or the related impact of illness, malnutrition and the disruption of basic survival needs.<sup>1</sup> Scholars are now referring to it as the “Africa’s World War”.<sup>2</sup>

The purpose and overall goal of the paper is threefold. First, it is to encourage us not to think of genocide and other crimes against humanity as solely historical event such as the Holocaust, but rather a persistent reality that requires constant vigilance and action as it transitions from our past into the current affairs of the 21<sup>st</sup> Century. Secondly, that as part of genocidal denial, we frequently forget that the burden of these atrocities is disproportionately placed on children. Finally, as professionals and concerned citizens, we must be aware, informed, and active in a global effort to halt the killing of innocent children and to help heal the scars for those children and youth who have been ravaged by its effects.

### **International Efforts to Protect Children’s Rights & Define Genocide**

The Holocaust was paramount in terms of its horrific magnitude. There are always concerns that comparisons to other episodes of mass killing may draw attention away from those who died during Hitler’s “Final Solution”. It is inconceivable that his attempt to exterminate the European Jewry led to the death of almost 6 million persons with 1.5 million being children. However, genocide and crimes against humanity remain one of the most prevalent forms of preventable mortality and morbidity for children today. Therefore, it is important to examine subsequent episodes of genocide and the resultant mass killing and injuring of children while always acknowledging the sentinel place we must hold for those who perished during the Holocaust. In addition, it is imperative to examine the emergence of international laws that arose from the Holocaust and the gradual recognition that children have their own set of inalienable rights.

#### *Universal Declaration of Human Rights*

The impact of genocide took on world recognition following the defeat of Germany in 1945 and the Nuremberg Trials that followed. The newly formed United Nations in 1948 formulated and passed the Universal Declaration of Human Rights (UDHR) that provided a broad framework for the assurance of basic human rights. The preamble states that, “...recognition of the inherent dignity and of the equal and inalienable rights of the human

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<sup>1</sup> UNICEF (United Nations Children's Fund), 2005, *the State of the World's Children: Childhood under Threat*. New York: UNICEF.

<sup>2</sup> Prunier G: *Africa’s World War: Congo, the Rwandan Genocide and the making f a continental catastrophe*, Oxford University Press, New York, MY, 2009

family is the foundation of freedom, justice and peace in the world...” The Declaration then goes on to specify thirty articles delineating what these rights entail. There are two that are of particular relevance to this discussion. An article 3 proclaims, “Everyone has the right to life, liberty and security of person”. In addition, Article 5 states that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>3</sup>

*The Universal Declaration of Human Rights & Convention on the Rights of the Child*

The Universal Declaration of Human Rights (UDHR) established the universally accepted framework for human rights but left significant gaps regarding the specific rights of children. This special recognition began with Ms. Eglantyne Jebb, who witnessed and documented the devastating effects of WWI on European children. She drafted a set of children’s rights that was later adopted by the League of Nations as the Geneva Declaration of the Rights of the Child. In 1952, the United Nations adopted and reaffirmed the Declaration of the Rights of the Child and directed its members to follow its principles of protection for all children. The Declaration espoused the basic principle of civil and political as well as economic, societal and cultural rights for all children. Over the course of the remainder of the twentieth century, the United Nations tried to craft a treaty that would then do more than make a declaration but actually put the specific principles into International Law. The General Assembly on November 20, 1989, passed the U. N. Convention on the Rights of the Child (CRC). On September 1, 1990 the CRC was put into force making it the fastest international treaty to move from passage, ratification and implementation by member nations. The Convention establishes the responsibility of governments, institutions, citizens and families to ensure that the rights of the child are respected and all actions are directed toward achieving the “best interest of the child”.

The essential themes of the U. N. Convention on the Rights of the Child (CRC) include: the right to the basic needs necessary for optimal growth and development; civil and political rights; and a right to safety and protection. Safety and protection frequently is interpreted as a freedom from forced child labor and unsafe work conditions. However, it embraces a much broader focus and includes safety from child maltreatment, domestic violence, and the witnessing of violence in the home and/or the larger communities. It also encompasses freedom from sexual exploitation and death. The U.N. Convention on the Rights of the Child is the first

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<sup>3</sup> The Universal Declaration of Human Rights at, <http://www.un.org/Overview/rights.html> accessed March 1, 2009

legally binding international document to recognize the civil, political, economic, social and cultural rights of the child.<sup>4</sup>

*The UN Convention on the Prevention and Punishment of Genocide (CPPG)*

The CPPG, adopted in 1948, was established to punish genocidal acts and to protect human groups that are at risk.<sup>5</sup> The CPPG outlines the basic definition of genocide and delineates the acts that would hence be prohibited. The Convention defined genocide as the committing with the intention to destroy in whole or part a national, ethnic, racial or religious group. In addition, any one of the following five acts would constitute genocide, whether committed in time of peace or war, and represents a crime under international law.<sup>6</sup>

1. Killing members of the group;
2. Causing serious bodily harm or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within that group;
5. Forcibly transferring children of the group to another group.

**Genocidal Atrocities Committed Against Children**

Since the passage of creation of the Declaration on the Rights of the Child and the subsequent UDHR, CPPG and CRC we must acknowledge that genocide has not been eliminated but continued throughout the 20<sup>th</sup> Century and pressed into the new millennium. Author and journalist Samantha Powers in her seminal Pulitzer Prize winning book *A Problem from Hell: America and the Age of Genocide* eloquently addresses the recurring normative response to these atrocities. As a society we take each independently and lock it in time defining each by the economic, geopolitical and sociodemographic parameters of their particular historical situation and then quickly set it aside.<sup>7</sup> Frequently, we do not want to accept the realization that children

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<sup>4</sup> LeBlanc: *The Convention on the Rights of the Child—United Nations Lawmaking on Human Rights*, University of Nebraska Press, Lincoln, NE, 1995

<sup>5</sup> Mundorff K: Other People's Children: A Textual and Contextual Interpretation of the Genocide Convention, Article 2(e), *Harvard International Law Journal*, 2009; 50(1): 61-127.

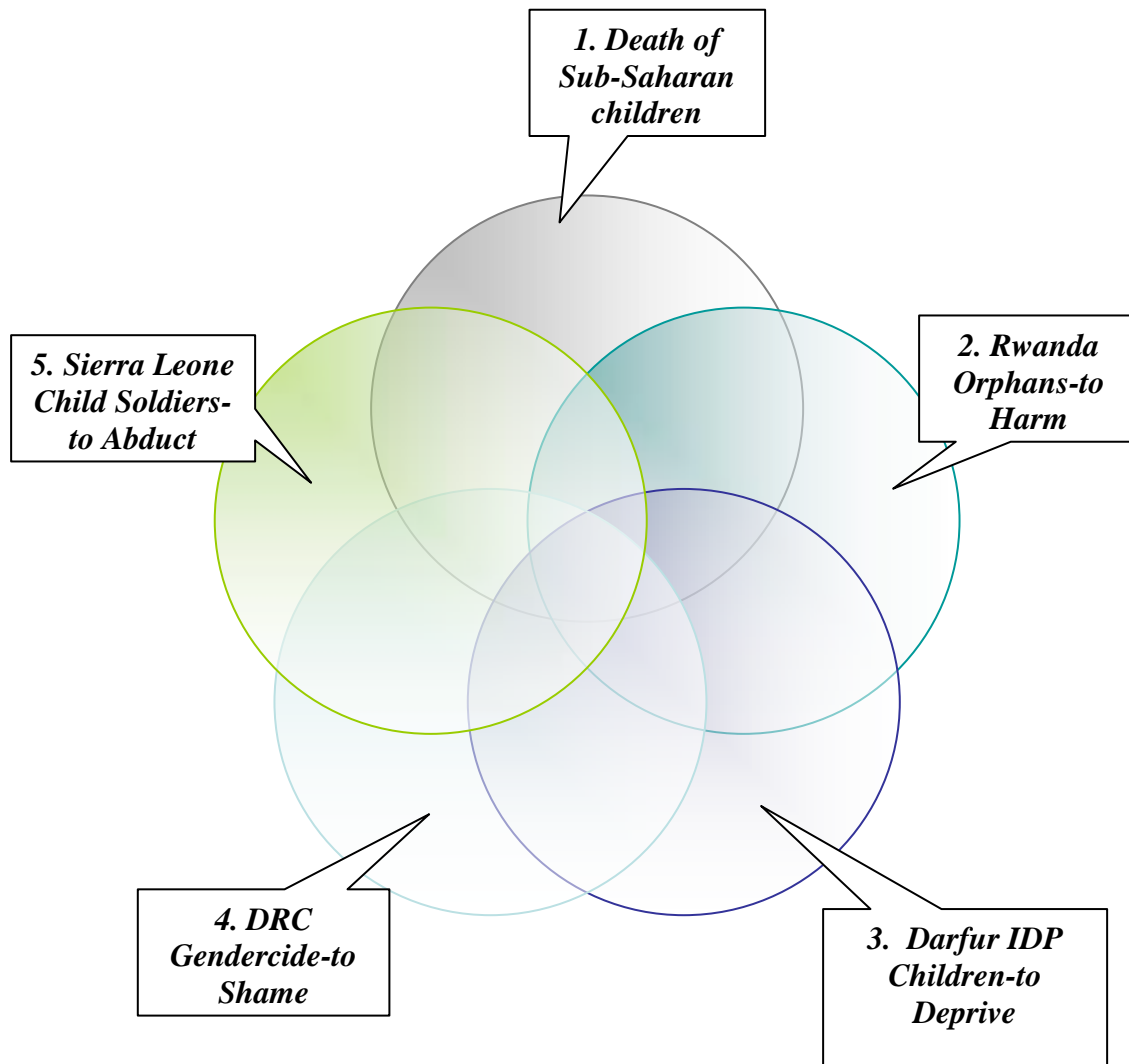
<sup>6</sup> Weissbrodt, D, Fitzpatrick J, Newman F, Hoffman M and Rumsey M: *Selected International Human Rights Instruments and Bibliography for research on International Human Rights Law (3<sup>rd</sup> edition)*, 2001, LexisNexis, pp. 55-57

<sup>7</sup> Powers S: *A problem from hell—American and the age of genocide* (2003), Harper Perennial, New York, NY, p. 505

are frequently the target of ethnic cleansing and mass killings. The ramifications ripple on for decades long after the specific dates of the atrocities. This includes not only the children who perished during the genocide but those who die from the resultant starvation and famine, disease due to the disruption of health care infrastructure and to children left alone either on the streets or those who live the remainder of their childhood and adolescents in Youth Headed Households (YHH) and/or orphanages.

This section will highlight specific examples of the violation of the five components of the Genocide treaty. *Figure 1* provides a schematic of the five acts that constitute genocide and provides examples on how children have been affected.

*Figure 1. Specific Acts of Genocide against Children*



As the figure denotes, children experience immediate consequences of conflict such as death, deprivation of basic needs, and abduction to become war soldiers, as well as lasting effects such as loss of loved ones, depression, and shame.

The authors examine the inhumane killings of innocent children, the lasting impact of Youth Headed Households (YHH) in Rwanda, the plight of Internally Displaced Persons (IDP) and refugees in Darfur, the sexual violence against women and young girls in the DRC, and the

abduction of children into armies in Sierra Leone. Each example highlights a particular aspect of genocide committed against children. It is important to remember, as is reflected in the diagram, that there are many similarities that overlap each of these. However, it is not unusual that in certain occurrences of genocide, a signature approach to the crime takes priority and becomes the historical marker and previously included the gas chambers and ovens of the Holocaust and the “Killing Fields” of the Khmer Rouge.

1. *The disproportionate killing of children*

In each of the examples and in all settings, the death of children is prominent and palpable with a disproportionate rate compared to their adult counterparts due to their vulnerabilities as children. In 2008, UNICEF reported five million child deaths annually in Sub-Saharan Africa. This number is not due exclusively to the direct effect of conflict, war and genocide. However, it is the conflict that contributes significantly to both the direct as well as the indirect mortality resulting from malnutrition, disease and injury.<sup>8</sup>

2. *Rwanda’s Orphans: Causing bodily and/or mental harm*

The Rwandan massacre of 1994 resulted in the loss of many children. However, a unique experience that has emerged from this African country is the large number of children who lost parents. A recent UNICEF report found that 80% of Rwandan children interviewed had lost at least one family member. It is estimated that immediately following the genocide there were 90,000-115,000 orphans and by 1996, more than five thousand children were being cared for in 52 orphanages throughout Rwanda.<sup>9</sup> In addition, a large percentage of children and youth found themselves living together on the streets and/or in Youth Headed Households (YHH). In 1998, UNICEF reported that there were up to 300,000 children living in such households.<sup>10</sup>

Parents offer physical protection and a sense of emotional security, and the loss of a parent increases the physical and psychological risks that a child faces.<sup>11</sup> The absence of adult guardians frequently forces children into insular poverty where basic human rights are ignored or are difficult to obtain. The right to economic and social justice is denied with an inadequacy of safe nutritional food, shelter, and barriers to primary education. This adversely affects their

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<sup>8</sup> The State of Africa’s Children-2008, UNICEF, New York, NY, 2008

<sup>9</sup> Geltman P and Stover E: Genocide and the plight of children in Rwanda, *Journal of the American Medical Association*, 1997: 227; 289-294

<sup>10</sup> *The State of the World’s Children 2005: Children under threat*. UNICEF, 2004, New York, NY

<sup>11</sup> Ledward A & Mann G: The Best Interests of “Separated” Children in Rwanda, *Cultural Survival Quarterly*, 2000; 24(2): 59+. Accessed from ProQuest Database on April 23, 2008

growth and development. A recent study revealed that a majority of young children living in YHH are in fair or poor health and that depression and social isolation are frequent symptoms.<sup>12</sup>

3. *Children of Darfur: Inflicting conditions of life lacking basic survival needs*

It is now estimated by the United Nations that up to 3 million children of Darfur are in harm's way. As the Janjaweed (Devil on a Horse) attacked villages, it has resulted in the mass displacement of Sudanese to internal displacement camps and/or to refugee camps in Chad. It has been estimated by UNICEF that 1.8 million children have been internally displaced and/or traveled externally to refugee camps.<sup>13</sup> Once displaced, children continue to be particularly vulnerable. This displacement exacerbates the malnutrition, acute and chronic disease, as well as the emotional trauma of lost loved ones, confinement and the ongoing fear of attack by armed militias. The genocide includes a "strategy of systematic and deliberate starvation" of those who are trying to survive in displacement camps within the Darfur borders.<sup>14</sup>

In Sudan, food production was devastated, livestock attacked, and humanitarian aid blocked.<sup>15</sup> With children being deprived of basic needs, 18% of displaced children less 5 years of age suffer from acute malnutrition (wasting) and 48% are chronically malnourished (stunted), according to the World Health Organization (WHO). In 2004, the WHO stated that up to 70,000 of the displaced individuals in Darfur died as a result of the condition in which they were living, including those in the camps. In 2007, acute malnutrition rates in Darfur rose above the emergency level reaching 16.1 percent. In addition, IDP camps are reporting reductions in the availability of clean, potable water. With poor sanitation and food insecurity, disease and death consumes the camps. Finally, nearly one million school-age children are still out of school in this region.<sup>16</sup>

4. *DRC: Sexual violence against women and young girls*

The Democratic Republic of the Congo (DRC) has suffered through two wars since 1996. In addition to the grotesque human right violations that surround children in DRC such as "shooting, mutilating, stabbing, and burning of children alive," rape, sex trafficking, and

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<sup>12</sup> Boris NW, Thurman TR, Snider L, Spenser E and Brown L: Infants and young children in youth-headed households in Rwanda: Implication of Emerging Data. *Infant Mental Health Journal*, 2006; 27: 584-602

<sup>13</sup> Steidle B: *The Devil Came on Horseback—Bearing Witness to the Genocide in Darfur* (2007), Public Affairs, New York, NY

<sup>14</sup> Flint J & De Waal A: *Darfur—A short history of a long war* (2005), Zed Books, LTD, New York, NY, p. 113

<sup>15</sup> Wolf FR: Sudan: Living in Terror, *Mediterranean Quarterly*, 2001; 27-32.

<sup>16</sup> World Health Organization: Health Action in Crisis-Sudan at, <http://www.who.int/hac/crises/sdn/en/index.html> retrieved March 7, 2009

exploitation are also evident.<sup>17</sup> Sexual violence against women and girls has been a particularly heinous pattern of abuse and torture with over 42,000 women and girls experiencing rape and sexual slavery since the beginning of the second war in August 1998.<sup>18</sup> In the South Kivu province alone, 27,000 sexual assaults were officially reported in 2006.<sup>19</sup> Many of these assaults include rape, genital mutilation, and insertion of objects into the genitals (Freedson and Singh 2006). These atrocities have numerous physical and mental health implications for the women and young girls. Health problems include HIV and other sexually transmitted diseases, sterility, venereal disease, and gynecological fistulas.<sup>20</sup> (Freedson 2006, Mathias et al 2008). Other consequences of this sexual violence are humiliation, ostracization from families and communities, or unwanted pregnancy.<sup>21</sup>

Although rape has often been seen as a *consequence* of war and conflict, this idea is no longer accurate. Machel 2000 states, “These forms of sexual attack and exploitation were dismissed as the inevitable side-effects of armed conflict. A more accurate view is that sexual attacks and exploitation are systematic during armed conflict to humiliate and terrorize”.<sup>22</sup> In a momentous step forward the UN Security Council in June 2008 passed Resolution 1820 classifying rape as a weapon of war. The resolution reiterates the status of sexual violence as a war crime, a crime against humanity, a form of torture and a constituent act of genocide.<sup>23</sup>

##### 5. *Sierra Leone: The transfer & illegal abduction of children*

On the west coast of Africa another civil war continued for over a decade from 1991-2002 in the country of Sierra Leone. It is estimated to have claimed 250,000 lives and displaced 1.3 million persons rendering half the country homeless with a large number of refugees fleeing

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<sup>17</sup> Freedson J & Singh S: Children and Armed Conflict in the Democratic Republic of the Congo, *UN Chronicle*, 2006; 4: 35-37.

<sup>18</sup> Kalere JM: Genocide in the African Great Lake States, *International Criminal Law Review*, 2005; 5: 463-484.

<sup>19</sup> Responding to threats today: DR Congo Overview at, <http://www.ushmm.org/conscience/alert/congo/contents/01-overview/> retrieved March 10, 2009

<sup>20</sup> Mathias O, Solbjorg S, Luhirri R, & Mukwege D: Sexual violence related fistulas in the Democratic Republic of Congo, *International Journal of Gynecology and Obstetrics*, 2008; 193: 265-269.

<sup>21</sup> Machel, G (Sept 2000) Chapter 5: “Ending Gender-Based Violence and Sexual Exploitation” In the Impact of Armed Conflict on Children: A Critical Review of progress made and obstacles encountered in increasing protection for war-affected children. *International Conference on War-Affected Children*; pp. 18-21.

<sup>22</sup> Machel, G (Sept 2000) Chapter 2: “Child Soldiers” In The Impact of Armed Conflict on Children: A Critical Review of progress made and obstacles encountered in increasing protection for war-affected children. *International Conference on War-Affected Children*; p. 19

<sup>23</sup> United Nations Security Council Resolution Number 1820 at, <http://daccessdds.un.org/doc/UNDOC/GEN/N08/391/44/PDF/N0839144.pdf?OpenElement>, retrieved March 10, 2009

to neighboring countries.<sup>24</sup> The war began with the Revolutionary United Front (RUF) rebels, funded by Libya and entering from Liberia with the intent of overthrowing the government of the All People's Congress (APC). As the civil war raged on, the abduction of children from their families and community became a recruitment strategy utilized by both the rebels and the government. It has been estimated that over 10,000 child combatants participated in the conflict on either side of the civil war and that half of the RUF combatants were between 8 and 14 years of age.<sup>25</sup> These child soldiers were exposed to physical, emotional, and mental abuse and were forced to commit heinous acts against the enemy and civilians.

Children as young as six years of age were abducted and forced to participate in the war as combatants. In addition, the child soldiers were tortured, brainwashed, drugged and forced to commit atrocities such as brutal indiscriminant killings and the maiming of the enemy through amputations. It has been estimated by Handicap International that over 20,000 persons were mutilated with over 5000 upper-limb amputations thus becoming the symbol of the Sierra Leone conflict.<sup>26</sup> Girls were often recruited as sex slaves, which frequently leads to HIV/AIDS infection and other STI transmissions. Richard Wilson described his experience in a child soldier demobilisation camp, "We meet a group of boys, mostly 13-16 years old, who were kidnapped by the rebels when they were 8 years old and put in the front line as cannon fodder against government troops".<sup>27</sup> The extreme brutality experienced, witnessed, and committed by these young child combatants has dire consequences on their growth and development, such as the loss of self, difficulty reintegrating into one's family and/or community, post-traumatic stress, and anti-social and violent behavior.<sup>28</sup>

## Conclusion

The magnitude of the crimes both in terms of their frequency and severity may at times desensitize and immobilize both a personal as well as community response. However, there are

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<sup>24</sup> Medeiros E: Integrating mental health into post-conflict rehabilitation-the case of Sierra Leonean and Liberian "Child Soldiers", *Journal of Health Psychology*, 2007; 12: 498-504

<sup>25</sup> Sesay A. (ed.) (2003) Civil Wars, Child soldiers and post conflict peace building in West Africa. AFSTRAG, Largos

<sup>26</sup> Immigration here and there: Sierra Leone's amputees: Those left to beg :

[http://www.immigrationhereandthere.org/2008/01/amputees\\_in\\_sierra\\_leone.php](http://www.immigrationhereandthere.org/2008/01/amputees_in_sierra_leone.php), retrieved March 10, 2009

<sup>27</sup> Wilson RA: Children and War in Sierra Leone: A West African Diary, *Anthropology Today*, 2001; 17(5): 20-22, Accessed from <http://www.jstor.org/stable/2678293> on April 23, 2008.

<sup>28</sup> Medeiros E: Integrating mental health into post-conflict rehabilitation-the case of Sierra Leonean and Liberian "Child Soldiers", *Journal of Health Psychology*, 2007; 12: 498-504

a number of steps which can be taken so as to reverse the course of the few decades. First, the United States must ratify the UN Convention on the Rights of the Child. It is unimaginable that the U.S. remains the only UN member state, besides Somalia which lacks a functioning government that has not ratified this international commitment to our world's children. With the recent election and a change in the US Presidency, now may be the time to press for ratification by the Senate.

Secondly, there is a growing awareness that an international response is necessary to address acts of genocide, mass murders and other crimes against humanity. In Rome at the end of the 20<sup>th</sup> Century (July 17, 1998) 120 nations voted to create the International Criminal Court (ICC) and in July 1, 2002 it was ratified by the necessary 60 countries and its jurisdiction began. The ICC is an expansion and institutional formalization of a tribunal that had been established for the former Yugoslavia (1993) and Rwanda (1994).<sup>29</sup> The ICC is designed to provide an ongoing mechanism for investigating and prosecuting genocide and other crimes against humanity. For example, the ICC issued an arrest warrant for Sudanese President Omar al-Bashir in March 2009.<sup>30</sup> Upon this ICC action, Sudan has since withdrawn permission to over thirteen humanitarian Non-Governmental Organizations (NGOs) from the Darfur region, in itself a potential crime against humanity. The global community must stay vigilant in efforts to stand and demand justice.

In addition to the prosecution of crimes already committed there is a growing awareness for the need of prevention. The U.S. Holocaust Museum has just issued a seminal report, *Prevention of Genocide: a Blueprint for U.S. Policymakers*, authored by Madeleine K. Albright and William S., which highlights a number of recommendations designed to create an early warning & rapid response approach in the prevention of genocide<sup>31</sup>. These include:

1. Create an interagency Atrocities Prevention Committee at the National Security Council (NSC) to analyze threats;
2. Create an international diplomatic network for information sharing;
3. Provide assistance to build capacity with international partners including the UN.

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<sup>29</sup> Jones A: *Genocide—a Comprehensive Introduction* (2006), Rutledge Press, New York, NY

<sup>30</sup> Genocide Intervention Network: Stop the Darfur Genocide at, <http://www.genocideintervention.net/> retrieved March 7, 2009

<sup>31</sup> Albright MK & Cohen WS (2008) *Preventing Genocide-A Blueprint for US Policy Makers*, the US Holocaust Memorial Museum, the Academy of Diplomacy, and the Endowment of the United States Institute of Peace, Washington, DC

It will be essential that the global community and UN member states work collaboratively to monitor potential hot spots of conflict so as to intercede and prevent the emergence of deliberate genocidal intent and action.

Finally, we need to support our colleagues who are participating in humanitarian relief efforts through the United Nations, UNICEF and the multitude of NGOs. We must assist those children who have survived genocide as they struggle to restore their health and rediscover their dreams through humanitarian efforts and the reincorporation of these children into family and community. In addition, efforts must be undertaken to facilitate this transition so as minimize past trauma and to promote their health, development and eventual autonomy and well-being.

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