

African Children in Armed Conflict: An Examination of Legal Protection and Practical Challenges

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Abstract

Armed conflict remains one of the most significant threats to the rights and well-being of children in Africa, despite the existence of an extensive body of international, regional, and domestic legal protections. This article examines the effectiveness of the legal protection of African children in armed conflict by analyzing the applicable normative frameworks alongside judicial interpretations and practical realities across conflict-affected African states, with particular reference to Cameroon. Adopting a doctrinal and qualitative methodology, the study analyses international humanitarian law, international human rights law, African regional instruments, relevant case law, and reports from the United Nations and other international bodies. The findings reveal a persistent gap between strong normative commitments and weak implementation, driven by fragile domestic institutions, limited accountability, and protracted conflicts. Although African regional instruments provide context-sensitive protections, enforcement mechanisms remain underdeveloped, and impunity continues to undermine deterrence. The article contributes to existing scholarship by offering a holistic, multi-layered legal analysis that links normative frameworks, jurisprudence, and empirical challenges affecting children in armed conflict in Africa. It concludes that while legal protection is normatively robust, its practical effectiveness remains limited, and meaningful improvement requires strengthened domestic enforcement, child-centered reintegration strategies, and enhanced regional and international cooperation.

Keywords: African children, armed conflict, children in armed conflict, legal protection, and practical challenges

1. Introduction

Armed conflicts across Africa have disproportionately affected children, exposing them to extreme physical, psychological, and social harm. Children in conflict zones are often recruited, coerced, or forced into participation in hostilities or support roles, such as messengers,

porters, or spies, violating their fundamental rights and undermining their development.¹ Despite efforts by national governments and international actors, recruitment and use of children in armed groups persist in many

¹ Haupt, N. (2025). Keeping the spotlight on Africa's child soldiers. Institute for Security Studies.

regions, particularly in West and Central Africa, where verified cases have shown thousands of children associated with government forces or armed movements.¹ These patterns highlight a grim reality: children remain among the most vulnerable populations in conflict, subjected to risks far beyond the intended protections of existing laws.

International and regional legal frameworks provide a comprehensive basis for protecting children in armed conflict. The United Nations Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict set minimum standards for protecting children from recruitment and participation in hostilities, with the CRC's Optional Protocol explicitly raising the age of voluntary and compulsory recruitment to 18 years.²

Additionally, regional instruments such as the African Charter on the Rights and Welfare of the Child reinforce these protections within African contexts and affirm states' obligations to safeguard children's rights during armed conflict. Despite this robust normative framework, enforcement remains inconsistent, and significant gaps persist between legal norms and the lived realities of children in conflict settings.³

Scholarly analysis suggests that the persistence of child recruitment and continued violations reflect not only enforcement challenges but also broader political, social, and economic factors that weaken protection mechanisms on the ground. Research has characterized much of the current legal protection as "paper protection," where treaties and conventions have limited practical impact due to weak implementation, lack of resources, or competing political priorities.⁴ Moreover, the psychosocial consequences experienced by former child soldiers underscore the depth of harm and the

need for integrated legal, humanitarian, and rehabilitative responses beyond legal prohibition alone.⁵ This article examines the effectiveness of international and regional legal frameworks in protecting African children affected by armed conflict and identifies the practical challenges that continue to limit meaningful protection and recovery.

2. Conceptual Clarification

This section addresses key concepts related to this study. They shall be addressed seriatim.

2.1 African Children

Statutorily, a child is defined as every human being below the age of eighteen years under Article 1 of the Convention on the Rights of the Child (CRC, 1989)⁶ and Article 2 of the African Charter on the Rights and Welfare of the Child (ACRWC, 1990).⁷ Black's Law Dictionary⁸ defines a child as "a person under the age of majority," highlighting legal incapacity and the need for special protection. In this study, 'African children' refers to all persons below eighteen years residing in African states who are affected by armed conflict, whether directly or indirectly. This includes children recruited or used by armed forces or groups, displaced by violence, subjected to sexual exploitation, denied access to education, or exposed to psychological trauma. Insights from Nkwiyr K.A (2024)⁹ emphasize that civilians in conflict zones, including vulnerable populations, often suffer from weak protection mechanisms and enforcement gaps, which also indirectly affect children.

2.2 Armed Conflict

International humanitarian law distinguishes between international and non-international armed conflicts as reflected in the Geneva

¹ *Ibid.*

² Ang, L. (2022). Article 38: The right to protection from armed conflict. In *Children in human rights and humanitarian law* (pp. 379–390). Springer.

³ Mushoriwa, L., & Nortje, W. (2025). A failure by African states or a gap in the law? An appraisal of the African and international legal framework for the protection of child soldiers. *International Criminal Law Review*, 25(1), 51–74.

⁴ Francis, D. J. (2007). 'Paper protection' mechanisms: Child soldiers and the international protection of children in Africa's conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

⁵ Hynd, S. (2020). Trauma, violence, and memory in African child soldier memoirs. *Culture, Medicine, and Psychiatry*, 45(1), 74–96.

⁶ United Nations. (1989). Convention on the Rights of the Child. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁷ Organization of African Unity (OAU). (1990). African Charter on the Rights and Welfare of the Child.

⁸ Nkwiyr, K. A. (2024). Prospects and challenges of the protection of humanitarian relief workers in the underway armed conflicts in the Northwest and Southwest regions of Cameroon. *International Journal of Research and Innovation in Social Science*, 8(09), 891–908.
<https://rsisinternational.org/journals/ijriss/Digital-Library/volume-8-issue-9/891-908.pdf>

Conventions of 1949¹ and Additional Protocol II (1977).²

Black's Law Dictionary³ defines armed conflict as "a state of hostility involving armed forces," encompassing both internal and international hostilities. Jurisprudence and scholarly commentary agree that armed conflict exists where there is protracted violence between state forces and organized armed groups, or among such groups within a state. In this study, armed conflict includes all forms of internal and cross-border hostilities in Africa that directly affect children, with particular reference to protracted insurgencies and separatist conflicts such as those in Cameroon, which have severely disrupted civilian protection.⁴

2.3 Children in Armed Conflict

Statutorily recognized in Article 38 of the CRC⁵ and Article 22 of the ACRWC,⁶ children in armed conflict are those who are recruited, used, or otherwise affected by hostilities. This includes both direct involvement as combatants, porters, messengers, or spies and indirect harm through displacement, sexual violence, attacks on schools, or psychological trauma. Scholarly definitions emphasize victimhood; legal scholars describe these children as "persons whose physical, psychological, and social development is disrupted by exposure to organized violence." This study adopts a victim-centered perspective, recognizing that any participation by children in hostilities is typically coerced rather than voluntary.

2.4 Legal Protection

Statutory frameworks for legal protection include Articles 19, 38, and 39 of the CRC,⁷ the Optional Protocol to the CRC on the involvement of children in armed conflict (2000),⁸ Article 22 of the ACRWC, and relevant provisions of the Rome Statute of the

International Criminal Court⁹, which criminalize the conscription and use of children under fifteen in hostilities. Black's Law Dictionary³ defines legal protection as "the safeguarding of rights through the application and enforcement of law." Insights from Nkwiyr¹⁰ emphasize that protection frameworks are ineffective without functional institutional mechanisms, enforcement, and compliance monitoring, highlighting the implementation gaps that exist in conflict-affected Cameroon.

2.5 Practical Challenges

Practical challenges refer to real-world obstacles that impede the enforcement of legal protection for children in armed conflict. Academic literature conceptualizes these as "structural and contextual constraints that limit the effectiveness of normative frameworks." UN reports and scholarly studies identify displacement, school closures, lack of access to justice, psychological trauma, poverty, and persistent impunity as major practical challenges. In Africa, these challenges are amplified by protracted conflicts and fragile governance structures, creating a significant gap between legal standards and lived realities, demonstrating that protection cannot be ensured by law alone.¹⁰

3. Methodology

This study employs a qualitative research design,¹¹ using doctrinal and analytical approaches to examine the legal protection of African children in armed conflict and the practical challenges associated with enforcing these protections.¹² Given that the research focuses on legal instruments, policies, and documented experiences of children in conflict zones, a qualitative methodology allows for an in-depth exploration of both normative legal frameworks and the real-world challenges affecting their implementation.¹³ This approach aligns with the theoretical framework, integrating Human Rights Theory and Child-Centered Protection Theory to analyze both the legal and practical dimensions of child

¹ International Committee of the Red Cross (ICRC). (1949). Geneva Conventions of 12 August 1949.

² International Committee of the Red Cross (ICRC). (1977). Additional Protocol II to the Geneva Conventions.

³ Garner, B. A. (Ed.). (2019). *Black's Law Dictionary* (11th ed.). Thomson Reuters.

⁴ United Nations. (2000). Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ International Criminal Court. (1998). Rome Statute of the International Criminal Court.

¹¹ Patton, M. Q. (2015). *Qualitative research & evaluation methods* (4th ed.). Sage.

¹² Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage.

¹³ *Ibid.*

protection.¹

The study relies on a desk-based review of primary and secondary sources. Primary sources include international legal instruments such as the United Nations Convention on the Rights of the Child (CRC), the Optional Protocol on the involvement of children in armed conflict, and regional instruments like the African Charter on the Rights and Welfare of the Child (ACRWC).

Secondary sources include peer-reviewed journal articles, reports from international and regional organizations (e.g., International Committee of the Red Cross, UNICEF, Institute for Security Studies), and policy analyses relevant to child protection in African armed conflicts.² These sources provide both normative and empirical insights into the effectiveness of legal protections and the challenges in their enforcement.

In addition, the study uses case study analysis to illustrate practical challenges in specific African contexts. Cases from Nigeria, the Democratic Republic of Congo, and South Sudan are examined to highlight the recruitment of child soldiers, gaps in law enforcement, socio-economic vulnerabilities, and rehabilitation efforts.³ Data from these cases were analyzed thematically to identify patterns, gaps, and practical obstacles to effective child protection.⁴ This combination of doctrinal research and case study analysis allows for a comprehensive understanding of both the legal frameworks and the real-world circumstances that affect African children in armed conflict.

The methodology ensures that the study addresses the research objectives: assessing the adequacy of existing legal protections, evaluating enforcement challenges, and identifying actionable recommendations to improve the safeguarding of children. By linking legal analysis with practical observations, the study provides a nuanced understanding of both the normative obligations and the

implementation gaps in protecting African children in conflict settings.⁵

4. Theoretical Framework

This study is anchored in Human Rights Theory and Child-Centered Protection Theory, which provide the conceptual basis for understanding the legal protection of children in armed conflict and the challenges in enforcing these protections. Human Rights Theory, as developed by Jack Donnelly (2013),⁶ posits that all individuals, regardless of age, possess inherent rights that must be protected by states and the international community. In the context of armed conflict, this theory underscores the moral and legal obligation of states and non-state actors to safeguard the rights of children, including the right to life, education, health, and protection from recruitment into hostilities. It provides the normative justification for international treaties and regional instruments designed to protect children, such as the CRC, its Optional Protocol, and the African Charter on the Rights and Welfare of the Child.⁷

Complementing this, Child-Centered Protection Theory, advocated by Paulo Sérgio Pinheiro (2006),⁸ emphasizes the specific needs and vulnerabilities of children in conflict settings, recognizing that children are not merely passive recipients of protection but have distinct developmental, psychological, and social needs that must be addressed for effective safeguarding. This theory helps explain why legal instruments alone may be insufficient if they are not supported by practical interventions such as rehabilitation, reintegration, and community-based protection programs.

The selection of these theories is deliberate. Human Rights Theory, as proposed by Donnelly, establishes the legal and moral imperative for protecting children, highlighting the obligation of states and international actors to enforce protective measures. Child-Centered Protection Theory, as advanced by Pinheiro,⁹ draws

¹ Donnelly, J. (2013). *Universal human rights in theory and practice* (3rd ed.). Cornell University Press.

² Mushoriwa, L., & Nortje, W. (2025). A failure by African states or a gap in the law? An appraisal of the African and international legal framework for the protection of child soldiers. *International Criminal Law Review*, 25(1), 51-74.

³ Hynd, S. (2020). Trauma, violence, and memory in African child soldier memoirs. *Culture, Medicine, and Psychiatry*, 45(1), 74-96.

⁴ Haupt, N. (2025). *Keeping the spotlight on Africa's child soldiers*. Institute for Security Studies.

⁵ *Ibid.*

⁶ Donnelly, J. (2013). *Universal human rights in theory and practice* (3rd ed.). Cornell University Press.

⁷ United Nations General Assembly. (2001). *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*.

⁸ Pinheiro, P. S. (2006). *World report on violence against children*. United Nations Secretary-General's Study on Violence against Children.

⁹ *Ibid.*

attention to the practical realities and vulnerabilities faced by children, emphasizing the need for interventions that go beyond law to include psychosocial support and rehabilitation. By integrating these perspectives, the study bridges the gap between normative legal frameworks and real-world challenges, allowing for a comprehensive analysis of both the adequacy of laws and the obstacles to their enforcement. This theoretical foundation guides the study in examining not only what protections exist, but also why they often fail to prevent the exploitation and endangerment of children in African armed conflicts.

5. Legal Framework on the Legal Protection of African Children in Armed Conflict

The protection of children in armed conflict is anchored in a multilayered legal architecture spanning international, regional, and domestic legal systems. This framework reflects the evolution of children from passive beneficiaries of humanitarian concern to autonomous rights-holders under international law.¹ While the proliferation of legal instruments demonstrates a strong normative commitment to shielding children from the effects of armed conflict, the persistence of child recruitment in Africa reveals a critical gap between legal obligation and effective implementation. This section therefore examines, *seriatim*, the legal framework governing the protection of children in armed conflict under international law, regional African law, and domestic legal systems.

5.1 International Legal Framework

International law provides the foundational norms for the protection of children in armed conflict through international human rights law, international humanitarian law, and international criminal law.

5.1.1 The United Nations Convention on the Rights of the Child (CRC) (1989)

The United Nations Convention on the Rights of the Child (CRC) (1989) represents the cornerstone of international child protection. Article 38 obliges States Parties to respect international humanitarian law applicable to children and to ensure that children under the age of fifteen do not take direct part in

¹ Happold, M. (2005). Child soldiers in international law: The legal regulation of children's participation in hostilities. *Netherlands International Law Review*, 52(1), 27–52.

hostilities.² Scholars have noted that while the CRC marked a paradigm shift in recognizing children as rights-bearers, its age threshold reflected political compromise rather than optimal child protection standards.³

5.1.2 Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC) (2000)

In response to these shortcomings, the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC) (2000) introduced the “straight-18” standard for compulsory recruitment and direct participation in hostilities. OPAC further prohibits non-state armed groups from recruiting or using children under any circumstances, thereby acknowledging the realities of contemporary conflicts dominated by irregular forces.⁴ The Protocol has been widely regarded as a significant normative advancement in international child protection law.⁵

5.1.3 International Humanitarian Law

International humanitarian law reinforces these protections through the Geneva Conventions of 1949 and the Additional Protocols of 1977. Article 77 of Additional Protocol I and Article 4(3) of Additional Protocol II recognize children as a category requiring special protection and prohibit their recruitment below the age of fifteen.⁶ These provisions are particularly relevant in Africa, where most conflicts are non-international in nature.⁷

5.1.4 International Criminal Law

International criminal law further strengthens the framework through the Rome Statute of the International Criminal Court (1998), which criminalizes the conscription, enlistment, or use of children under fifteen in hostilities. Jurisprudence from the ICC has reinforced the principle of individual criminal responsibility, thereby transforming child protection norms

² Article 38 The United Nations Convention on the Rights of the Child (CRC) (1989).

³ Ang, L. (2022). Article 38: The right to protection from armed conflict. In *Children in human rights and humanitarian law*. Springer.

⁴ McConnan, I., & Uppard, S. (2001). Children—not soldiers. Save the Children.

⁵ Brett, R., & McCallin, M. (1998). *Children: The invisible soldiers*. Radda Barnen.

⁶ Article 4(3) of Additional Protocol II 1977.

⁷ Sassoli, M. (2019). *International humanitarian law: Rules, controversies, and solutions to problems arising in warfare*. Edward Elgar.

from aspirational standards into enforceable legal obligations.¹

5.2 Regional African Legal Framework

Africa has developed a uniquely robust regional framework for the protection of children in armed conflict. The African Charter on the Rights and Welfare of the Child (ACRWC) (1990) represents a deliberate departure from the CRC by unequivocally prohibiting the recruitment and participation of children under eighteen in armed conflict. Article 22 reflects Africa's historical experiences with child soldiers and has been praised for adopting a higher protective threshold than its international counterpart.²

5.2.1 The African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) is mandated to monitor the implementation of the Charter. Through state reporting procedures, General Comments, and communications, the Committee has clarified states' obligations concerning prevention, accountability, rehabilitation, and reintegration of children affected by armed conflict. Although the Committee lacks direct enforcement powers, its jurisprudence contributes significantly to the development of African child rights law.³

5.2.2 The African Union (A.U.)

In addition, the African Union (AU) has adopted soft-law instruments and policy frameworks addressing the recruitment of child soldiers and the need for child-sensitive Disarmament, Demobilization, and Reintegration (DDR) programs. While not legally binding, these instruments reinforce treaty obligations and shape regional practice.⁴

5.3 Domestic Legal Framework

At the domestic level, states bear the primary responsibility for implementing international and regional obligations. Most African states have incorporated child protection norms into national constitutions, child rights statutes,

criminal legislation, and military laws, often setting eighteen as the minimum age for recruitment and criminalizing violations by state and non-state actors.⁵

However, scholars consistently observe that domestic enforcement remains weak due to institutional fragility, limited judicial capacity, corruption, and the continued influence of non-state armed groups.⁶ In many contexts, domestic laws exist largely on paper, offering what has been described as "paper protection" rather than effective safeguards for children.⁷

5.3.1 Enforcement, Accountability, and Remedies

Enforcement mechanisms remain a central weakness across all legal levels. Internationally, treaty bodies such as the Committee on the Rights of the Child rely on reporting and dialogue, while the ICC provides a punitive mechanism for serious violations.

Regionally, the ACERWC offers normative oversight but depends heavily on state cooperation. Domestically, accountability is often undermined by amnesty laws, political instability, and weak prosecutorial systems.⁸

Importantly, the legal framework emphasizes not only criminal accountability but also rehabilitation and reintegration. Both the CRC and the ACRWC impose obligations on states to ensure the physical and psychological recovery of children affected by armed conflict. Nonetheless, DDR programs in Africa frequently suffer from inadequate funding, limited psychosocial support, and poor long-term reintegration outcomes.⁹

5.3.2 Interrelationship of Legal Regimes

Taken together, international, regional, and domestic laws form a comprehensive normative framework for the protection of children in armed conflict. However, the persistence of violations in Africa illustrates that the problem lies not in normative deficiency but in implementation failure. The interaction between legal regimes is often fragmented, and the absence of effective enforcement mechanisms allows violations to continue with relative

¹ Schabas, W. A. (2017). *An introduction to the International Criminal Court* (5th ed.). Cambridge University Press.

² Viljoen, F. (2012). *International human rights law in Africa* (2nd ed.). Oxford University Press.

³ *Ibid.*

⁴ Francis, D. J. (2007). 'Paper protection' mechanisms: Child soldiers and the international protection of children in Africa's conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

⁵ *Ibid.*

⁶ Drumbl, M. A. (2012). *Reimagining child soldiers in international law and policy*. Oxford University Press.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Haupt, N. (2025). Keeping the spotlight on Africa's child soldiers. Institute for Security Studies.

impunity. This gap between law and practice underscores the necessity of examining the practical challenges that undermine the legal protection of African children in armed conflict.

6. Effectiveness of the Legal Protection of African Children in Armed Conflict

The effectiveness of the legal protection afforded to African children in armed conflict must be assessed not by the mere existence of legal norms, but by their capacity to prevent violations, ensure accountability, and promote recovery and reintegration. From a normative standpoint, the international and regional legal framework governing child protection is robust and, in some respects, progressive. However, the persistence of child recruitment and exploitation in African conflicts reveals enduring gaps between legal promise and practical protection.

6.1 Normative and Legal Clarity

At both international and regional levels, the prohibition of child recruitment is legally clear. Article 38 of the Convention on the Rights of the Child and Articles 2 and 4 of its Optional Protocol establish minimum standards, while Article 22 of the African Charter on the Rights and Welfare of the Child adopts a stricter “straight-18” rule.¹ This clarity has influenced domestic legislation in states such as South Africa, whose Defense Act sets eighteen as the minimum recruitment age, and Kenya, where the Children Act and military regulations reflect regional norms. Scholarly analysis² confirms that Africa’s regional framework has advanced stronger normative standards than international law alone.³ Yet, conflicts in Mali and South Sudan illustrate that legal clarity does not automatically translate into compliance where state authority is contested.⁴

6.2 Influence on State Behavior and Policy Reform

Legal norms have shaped state behavior in measurable ways. In Uganda, domestic incorporation of the CRC and OPAC, alongside

the Amnesty Act, contributed to reforms within the Uganda People’s Defense Force and facilitated cooperation with child protection agencies following the Lord’s Resistance Army conflict.

In Chad, commitments under OPAC and engagement with UN mechanisms led to the formal demobilization of children from national forces in 2011. Scholars argue that such reforms demonstrate the agenda-setting power of international law, even where implementation remains fragile.⁵ In Nigeria, the Child Rights Act domesticated CRC standards, but uneven adoption across states has weakened its protective reach against Boko Haram’s recruitment of children.⁶

6.3 Enforcement and Accountability Mechanisms

Accountability remains a critical determinant of effectiveness. Article 8(2)(e)(vii) of the Rome Statute criminalizes the recruitment and use of children under fifteen,⁷ a provision enforced in the International Criminal Court’s prosecution of Thomas Lubanga Dyilo for crimes committed in the Democratic Republic of Congo. This case affirmed the justiciability of child recruitment under international criminal law. Similarly, the Special Court for Sierra Leone, drawing on international humanitarian law, recognized child recruitment as a serious crime. Scholarly commentary notes, however, that the rarity of prosecutions and limited domestic follow-up undermine deterrence across Africa.⁸

6.4 Regulations of Non-State Armed Groups

Despite clear prohibitions under Common Article 3 of the Geneva Conventions and OPAC Article 4, non-state armed groups remain the principal violators of child protection norms. In Somalia, Al-Shabaab’s systematic recruitment of children persists despite Somalia’s obligations under the CRC⁹ and ACRWC. In Central African Republic, peace agreements incorporating child protection clauses have failed to curb recruitment by militias. Scholarly analysis¹⁰ highlights the structural limits of

¹ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990).

² Viljoen, F. (2012). *International human rights law in Africa* (2nd ed.). Oxford University Press.

³ Happold, M. (2005). Child soldiers in international law: The legal regulation of children’s participation in hostilities. *Netherlands International Law Review*, 52(1), 27–52.

⁴ Francis, D. J. (2007). ‘Paper protection’ mechanisms: Child soldiers and the international protection of children in Africa’s conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

⁵ Drumbl, M. A. (2012). *Reimagining child soldiers in international law and policy*. Oxford University Press.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Schabas, W. A. (2017). *An introduction to the International Criminal Court* (5th ed.). Cambridge University Press.

⁹ Convention on the Rights of the Child, 1577 U.N.T.S. 3 (1989).

¹⁰ *Ibid.*

international law in regulating armed groups operating beyond effective state control.¹

6.5 Victim-Centered Protection, Rehabilitation, and Reintegration

Legal effectiveness must also be measured by victim-centred outcomes. Article 39 of the CRC and Article 22(3) of the ACRWC impose obligations relating to rehabilitation and reintegration. In Sierra Leone, these provisions informed post-conflict DDR program that prioritized the social reintegration of former child soldiers. In Uganda, community-based reconciliation mechanisms complemented legal norms, reducing stigma against returning children. Scholars observe that these examples reflect law's capacity to reshape post-conflict responses, even though underfunding and insecurity continue to limit success in states such as South Sudan and Central African Republic.²

6.6 Domestic Implementation and Structural Gaps

At the domestic level, implementation remains uneven. In the Democratic Republic of Congo, national child protection legislation exists alongside continued recruitment by armed groups, exposing enforcement weaknesses. In Cameroon, statutory child protection frameworks coexist with ongoing violence in the Anglophone regions, affecting children's safety and access to justice. Scholars describe this phenomenon as "paper protection," where legal commitments outpace institutional capacity and political will.³

6.7 Overall Assessment

Across Africa, statutory frameworks at international, regional, and domestic levels have succeeded in establishing strong legal norms and shaping state policies. However, scholarly evidence and empirical examples—from Sierra Leone and Uganda to Nigeria, Somalia, CAR, and Cameroon—demonstrate that effectiveness remains constrained by enforcement deficits, conflict dynamics, and weak institutions. Legal protection has therefore been normatively transformative but practically limited, underscoring the need for strengthened accountability, domestic implementation, and sustained child-centred interventions.

¹ Sassòli, M. (2019). *International humanitarian law: Rules, controversies, and solutions to problems arising in warfare*. Edward Elgar.

² *Ibid.*

³ *Ibid.*

7. Practical Challenges African Children in Armed Conflict

Across Africa, armed conflict has generated a consistent pattern of grave challenges for children, irrespective of the conflict's geographic location, duration, or ideological character. While international and regional legal instruments establish extensive protections, evidence from United Nations monitoring mechanisms, regional bodies, jurisprudence, and scholarly research demonstrates that African children continue to experience systematic violations of their rights. These challenges are structural, recurrent, and observable in all African states that have experienced armed conflict.

7.1 Recruitment and Use of Children by Armed Actors

Despite explicit prohibitions under Article 38 of the Convention on the Rights of the Child (CRC),⁴ Articles 1 and 4 of the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC),⁵ and Article 22 of the African Charter on the Rights and Welfare of the Child (ACRWC),⁶ children continue to be recruited by state and non-state armed actors. Judicially, the International Criminal Court (ICC) in *The Prosecutor v. Thomas Lubanga Dyilo* confirmed that conscripting and enlisting children under fifteen and using them to participate actively in hostilities constitutes a war crime under Article 8 of the Rome Statute (OAU, 1990), reinforcing that recruitment violates peremptory norms of international law. The Special Court for Sierra Leone (SCSL) similarly held in *Prosecutor v. Brima, Kamara, H & Kanu* that recruitment of child soldiers amounted to crimes against humanity and war crimes.

In Cameroon's Anglophone armed conflict, UN-verified reports document children used as fighters, messengers, and informants by armed separatist groups.⁷ Scholarly research confirms

⁴ Convention on the Rights of the Child, 1577 U.N.T.S. 3 (1989).

⁵ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2173 U.N.T.S. 222 (2000).

⁶ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990).

⁷ Francis, D. J. (2007). 'Paper protection' mechanisms: Child soldiers and the international protection of children in Africa's conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

that weak enforcement, displacement, and prolonged insecurity significantly undermine compliance with legal prohibitions across the continent.¹

7.2 Sexual Violence and Gender-Specific Harm

Sexual violence against children remains pervasive despite statutory prohibitions (CRC Articles 19 and 34;² Geneva Conventions.³ In *Prosecutor v. Bosco Ntaganda* (ICC), the Court confirmed that sexual violence against children constitutes a war crime and crime against humanity, underscoring that sexual violence in conflict is not collateral but central to patterns of abuse.⁴

In Cameroon, conflict-related sexual violence against displaced girls has been documented by UN agencies and corroborated by human rights reporting.⁵ Scholars note underreporting due to stigma, fear of reprisals, and ineffective justice systems.⁶

7.3 Attacks on Educational and the Collapse of Schooling

Children's right to education remains protected even during conflict under CRC Articles 28 and 29⁷ and international humanitarian law. In *Prosecutor v. Dominic Ongwen* (ICC), representing the Lord's Resistance Army (LRA) insurgency, the ICC recognized attacks on civilian life and infrastructure including schools as part of a broader pattern of violence, though not specifically charged, underscoring the relevance of education infrastructure in international criminal jurisprudence.⁸

In Cameroon, prolonged school closures in conflict-affected regions deprived hundreds of

thousands of children of schooling.⁹ Research shows that denying education increases vulnerability to recruitment and long-term socioeconomic exclusion.¹⁰

7.4 Displacement, Family Separation, and Legal Invisibility

The displacement of children during conflict is prohibited from resulting in statelessness or abandonment under CRC Article 7 and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).¹¹ Yet, UN data show that conflict displacement disproportionately affects children, disrupting family unity and legal identity documentation.¹²

In Cameroon, more than one million people were displaced at the peak of the Anglophone crisis, with children making up a majority of the displaced.¹³ Scholarly analysis shows that displacement compounds vulnerabilities by removing children from formal protection and social support systems.¹⁴

7.5 Inadequate Rehabilitation and Reintegration

Both Article 39 of the CRC and Article 22(3) of the ACRWC¹⁵ obligate states to ensure the physical and psychological recovery of children affected by armed conflict. International jurisprudence, including SCSL decisions on reintegration programs for former child soldiers, highlight the normative expectation for holistic reintegration approaches.

Despite this, reintegration programs across Africa remain underfunded and short-term. In Cameroon, the absence of a child-specific DDR framework for former child combatants has limited rehabilitation outcomes.¹⁶ Scholars emphasize that weak reintegration increases the risk of re-recruitment and social

¹ Happold, M. (2005). Child soldiers in international law: The legal regulation of children's participation in hostilities. *Netherlands International Law Review*, 52(1), 27–52.

² Drumbl, M. A. (2012). *Reimagining child soldiers in international law and policy*. Oxford University Press.

³ Conventions of 12 August 1949 and Additional Protocols.

⁴ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90 (1998).

⁵ Sivakumaran, S. (2010). Sexual violence against men in armed conflict. *European Journal of International Law*, 21(2), 253–276.

⁶ *Ibid.*

⁷ Novelli, M., & Lopes Cardozo, M. T. A. (2008). Conflict, education and the global south: New critical directions. *International Journal of Educational Development*, 28(4), 473–488.

⁸ Schabas, W. A. (2017). *An introduction to the International Criminal Court* (5th ed.). Cambridge University Press.

⁹ United Nations. (2023). *Report of the Secretary-General on children and armed conflict*. United Nations.

¹⁰ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted 2009.

¹¹ Chimni, B. S. (2009). The birth of a "discipline": From refugee studies to forced migration studies. *Journal of Refugee Studies*, 22(1), 11–29.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Chimni, B. S. (2009). The birth of a "discipline": From refugee studies to forced migration studies. *Journal of Refugee Studies*, 22(1), 11–29.

¹⁵ United Nations. (2023). *Report of the Secretary-General on children and armed conflict*. United Nations.

¹⁶ *Ibid.*

marginalization.¹

7.6 Weak Justice System and Enduring Impunity

Domestic justice systems across Africa frequently lack capacity to prosecute violations against children. Although the Rome Statute criminalizes the conscription and use of children in hostilities,² many African states have not fully integrated such provisions into domestic law or lack the political will to enforce them.³

In Cameroon, limited investigations and prosecutions for grave violations against children have been noted, mirroring a continental pattern of impunity in conflict-affected states. The African Court on Human and Peoples' Rights has not yet issued decisions specifically on child recruitment, highlighting gaps in regional enforcement. Scholars argue that persistent impunity undermines the deterrent effects of legal norms and normalizes violations.⁴

7.7 Psychological Trauma and Long-Term Development Harm

The CRC recognizes children's right to mental health and development, yet conflict exposure inflicts severe psychological trauma. Research in African post-conflict contexts such as in Sierra Leone and Northern Uganda shows sustained mental health consequences among former child soldiers and conflict-affected children.⁵

In Cameroon, humanitarian assessments report significant psychosocial distress among children displaced by the Anglophone conflict, confirming that mental health needs in conflict extend beyond physical protection and require comprehensive psychosocial support.⁶

8. Findings

¹ Drumbl, M. A. (2012). *Reimagining child soldiers in international law and policy*. Oxford University Press.

² Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90 (1998).

³ *Ibid.*

⁴ Francis, D. J. (2007). 'Paper protection' mechanisms: Child soldiers and the international protection of children in Africa's conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

⁵ Betancourt, T. S., Borisova, I., Williams, T. P., Brennan, R. T., Whitfield, T. H., de la Soudière, M., & Gilman, S. E. (2010). Sierra Leone's former child soldiers: A follow-up study of psychosocial adjustment and community reintegration. *Child Development*, 81(4), 1077–1095.

Sierra Leone's former child soldiers: A longitudinal study of risk, protective factors, and mental health. *Journal of the American Academy of Child & Adolescent Psychiatry*, 49(6), 606–615.

⁶ *Ibid.*

The study finds that African children in armed conflict are extensively protected in law but insufficiently protected in practice, revealing a persistent gap between normative legal commitments and on-the-ground realities. At the international level, instruments such as the Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and international humanitarian law establish clear prohibitions against child recruitment, sexual violence, attacks on education, and other grave violations. These norms are reinforced by international criminal jurisprudence, particularly decisions of the International Criminal Court and the Special Court for Sierra Leone, which unequivocally criminalize the recruitment and use of children in hostilities. However, the findings demonstrate that the existence of binding legal norms and authoritative judicial precedents has not translated into consistent compliance across African conflict settings, including Cameroon.

Secondly, the study finds that regional African legal instruments provide a comparatively robust and context-sensitive framework, particularly through the African Charter on the Rights and Welfare of the Child and the Kampala Convention on internal displacement. These instruments reflect Africa's lived realities of armed conflict and displacement and impose positive obligations on states to protect, rehabilitate, and reintegrate conflict-affected children. Nonetheless, enforcement mechanisms at the regional level remain weak. The absence of extensive jurisprudence from the African Court on Human and Peoples' Rights specifically addressing child recruitment and conflict-related violations underscores a significant enforcement deficit, limiting the practical impact of regional norms.

Thirdly, the findings reveal that domestic implementation constitutes the weakest link in the protection regime. Across African states that have experienced armed conflict, national legal systems frequently lack the institutional capacity, political will, or security conditions necessary to enforce international and regional obligations. In Cameroon, despite being a party to major child protection treaties, children have continued to suffer recruitment, displacement, school closures, sexual violence, and psychological trauma during the Anglophone conflict. The study finds that limited prosecutions, weak child-specific DDR

mechanisms, and inadequate psychosocial services have significantly undermined legal protection at the national level.

Fourthly, the study finds that armed conflict systematically multiplies children's vulnerabilities, rendering legal protections largely aspirational without corresponding structural support. Recruitment of children, sexual violence, attacks on education, and forced displacement are not isolated violations but interconnected harms that reinforce one another. Evidence from Cameroon and other African conflicts shows that prolonged school closures increase recruitment risks, displacement erodes access to justice and identity documentation, and psychological trauma remains largely unaddressed in post-conflict recovery frameworks. These findings confirm that legal protection without integrated humanitarian, educational, and psychosocial interventions is insufficient.

Finally, the study finds that impunity remains a central obstacle to effective protection. While international case law establishes accountability norms, prosecutions remain rare within domestic jurisdictions across Africa. This persistent impunity weakens deterrence, normalizes violations against children, and perpetuates cycles of abuse in ongoing and post-conflict settings. The findings therefore confirm that the effectiveness of legal protection for African children in armed conflict is high in normative design but low in operational impact, largely due to enforcement failures, structural fragility, and the protracted nature of contemporary African conflicts.

9. Conclusions

This study has examined the legal protection of African children in armed conflict through an integrated analysis of international, regional, and domestic legal frameworks, supported by judicial decisions, scholarly literature, and practical evidence from conflict-affected states, including Cameroon. The analysis demonstrates that while the legal architecture governing the protection of children in armed conflict is extensive and normatively robust, its effectiveness remains fundamentally constrained by persistent implementation and enforcement failures. International and regional instruments clearly prohibit the recruitment and use of children in hostilities, sexual violence, attacks on education, and other grave violations,

yet these protections have not translated into consistent safeguards for children across African conflict settings.

The study further establishes that the African regional legal framework offers context-sensitive and progressive protections, particularly through the African Charter on the Rights and Welfare of the Child and the Kampala Convention. However, the limited development of regional jurisprudence and weak enforcement mechanisms have curtailed the transformative potential of these instruments. At the domestic level, the findings are revealed.

Importantly, this study contributes to existing knowledge by providing a holistic, multi-layered legal analysis that bridges normative law, judicial interpretation, and empirical realities of African armed conflicts. Unlike studies that focus solely on international norms or isolated case studies, this article integrates international criminal jurisprudence, African regional instruments, and domestic implementation challenges to demonstrate how legal protections operate and fail across interconnected legal orders. By incorporating contemporary African conflict contexts, including Cameroon, and systematically linking legal norms to practical challenges such as displacement, education disruption, and psychosocial harm, the study advances a more nuanced understanding of the limits and potential of child protection law in Africa.

The study also underscores that the challenges faced by African children in armed conflict are interconnected and mutually reinforcing. Recruitment, displacement, denial of education, sexual violence, psychological trauma, and impunity do not occur in isolation but form a continuum of harm that legal norms alone cannot disrupt. While international criminal jurisprudence has affirmed accountability standards, the rarity of domestic prosecutions and the limited reach of international courts weaken deterrence and normalize violations. This reality highlights the limits of law when divorced from institutional capacity, social support structures, and sustained political commitment.

In conclusion, the effectiveness of legal protection for African children in armed conflict remains high in normative design but low in practical impact. Bridging this gap requires more than the proliferation of legal instruments;

it demands strengthened domestic implementation, functional accountability mechanisms, child-centered reintegration strategies, and robust regional and international cooperation. Without such measures, legal protections risk remaining symbolic rather than transformative. Ensuring meaningful protection for African children in armed conflict therefore remains not only a legal obligation but a moral and developmental imperative essential to sustainable peace and justice on the African continent.

10. Recommendations

Drawing from the findings of this study, which reveal a persistent disconnect between the existence of comprehensive legal protections and their limited practical impact on the lives of African children in armed conflict, this section advances targeted recommendations aimed at strengthening implementation, accountability, and protection outcomes. These recommendations are structured thematically to address the core deficiencies identified in the legal, institutional, and operational frameworks governing child protection in conflict settings. Collectively, they seek to transform normative commitments into effective safeguards capable of responding to the complex realities faced by children affected by armed conflict across Africa.

10.1 Domestic and Effective Enforcement of Child Protection Laws

African states should prioritize the full domestication and effective enforcement of international and regional legal instruments protecting children in armed conflict. Although most African countries are parties to the Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and the African Charter on the Rights and Welfare of the Child, these obligations often remain weakly reflected in domestic legal systems. States should enact clear and comprehensive legislation criminalizing the recruitment and use of children by both state and non-state armed actors, in line with international criminal law standards, and ensure that such offences are justiciable before domestic courts. Child-sensitive procedures should also be incorporated to ensure that affected children are treated as victims rather than offenders.

10.2 Strengthening Accountability and Combating Impunity

The study demonstrates that impunity remains a central obstacle to effective protection. To address this, African states should strengthen domestic accountability mechanisms by enhancing the capacity of law enforcement agencies, prosecutors, and judiciaries to investigate and prosecute grave violations against children. Specialized units trained in child protection, international humanitarian law, and international criminal law should be established within national justice systems. Where domestic remedies prove ineffective, greater reliance should be placed on regional and international mechanisms, including the African Court on Human and Peoples' Rights and the International Criminal Court, to reinforce accountability and deterrence.

10.3 Institutionalization of Child-Specific DDR and Reintegration Programs

Child-specific Disarmament, Demobilization, and Reintegration (DDR) programs should be institutionalized as a core component of post-conflict recovery in Africa. Reintegration efforts must go beyond short-term demobilization to include sustained psychosocial support, access to formal education, vocational training, and community-based reconciliation mechanisms. The absence of comprehensive child-focused DDR frameworks in contexts such as Cameroon underscores the need for structured national policies aligned with Article 39 of the Convention on the Rights of the Child and Article 22 of the African Charter on the Rights and Welfare of the Child.

10.4 Protection of Education During Armed Conflict

The protection of education should be treated as a central pillar of child protection in armed conflict. States must take concrete measures to prevent attacks on schools, the military use of educational facilities, and prolonged school closures. Compliance with international humanitarian law obligations should be reinforced through national legislation, military doctrine, and training of armed forces. Post-conflict reconstruction strategies should prioritize the rapid rehabilitation and reopening of schools, recognizing education as both a protective tool against child recruitment and a foundation for long-term peace-building.

10.5 Integration of Psychological and Mental Health Support

The findings reveal that psychological trauma is

one of the most neglected consequences of armed conflict for African children. States, in collaboration with international organizations and civil society actors, should integrate psychosocial and mental health services into humanitarian responses and post-conflict recovery frameworks. Mental health support should be culturally appropriate, child-centered, and accessible to displaced and conflict-affected populations. Recognizing mental well-being as an integral aspect of child protection is essential to ensuring meaningful recovery and social reintegration.

10.6 Strengthening Regional and International Cooperation and Monitoring

Finally, enhanced regional and international cooperation is essential to improving protection outcomes. African Union institutions, particularly the African Committee of Experts on the Rights and Welfare of the Child, should intensify monitoring of state compliance with child protection obligations in conflict settings and issue more targeted, enforceable recommendations. Improved data collection, reporting mechanisms, and early-warning systems—particularly through collaboration with United Nations agencies would strengthen prevention, enable timely intervention, and ensure that legal protections translate into tangible improvements in the lives of African children affected by armed conflict.

References

Ang, L. (2022). Article 38: The right to protection from armed conflict. In *Children in human rights and humanitarian law* (pp. 379–390). Springer.

Betancourt, T. S., Borisova, I., Williams, T. P., Brennan, R. T., Whitfield, T. H., de la Soudière, M., & Gilman, S. E. (2010). Sierra Leone's former child soldiers: A follow-up study of psychosocial adjustment and community reintegration. *Child Development*, 81(4), 1077–1095.

Brett, R., & McCallin, M. (1998). *Children: The invisible soldiers*. Radda Barnen.

Chimni, B. S. (2009). The birth of a “discipline”: From refugee studies to forced migration studies. *Journal of Refugee Studies*, 22(1), 11–29.

Chimni, B. S. (2009). The birth of a “discipline”: From refugee studies to forced migration studies. *Journal of Refugee Studies*, 22(1), 11–29.

Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage.

Donnelly, J. (2013). *Universal human rights in theory and practice* (3rd ed.). Cornell University Press.

Drumbl, M. A. (2012). *Reimagining child soldiers in international law and policy*. Oxford University Press.

Francis, D. J. (2007). ‘Paper protection’ mechanisms: Child soldiers and the international protection of children in Africa’s conflict zones. *The Journal of Modern African Studies*, 45(2), 257–282.

Garner, B. A. (Ed.). (2019). *Black’s Law Dictionary* (11th ed.). Thomson Reuters.

Happold, M. (2005). Child soldiers in international law: The legal regulation of children’s participation in hostilities. *Netherlands International Law Review*, 52(1), 27–52.

Haupt, N. (2025). Keeping the spotlight on Africa’s child soldiers. Institute for Security Studies.

Hynd, S. (2020). Trauma, violence, and memory in African child soldier memoirs. *Culture, Medicine, and Psychiatry*, 45(1), 74–96.

International Committee of the Red Cross (ICRC). (1949). Geneva Conventions of 12 August 1949.

International Committee of the Red Cross (ICRC). (1977). Additional Protocol II to the Geneva Conventions.

International Criminal Court. (1998). Rome Statute of the International Criminal Court.

McConnan, I., & Uppard, S. (2001). Children—not soldiers. Save the Children.

Mushoriwa, L., & Nortje, W. (2025). A failure by African states or a gap in the law? An appraisal of the African and international legal framework for the protection of child soldiers. *International Criminal Law Review*, 25(1), 51–74.

Nkwiyyir, K. A. (2024). Prospects and challenges of the protection of humanitarian relief workers in the underway armed conflicts in the Northwest and Southwest regions of Cameroon. *International Journal of Research and Innovation in Social Science*, 8(09),

891–908.
<https://rsisinternational.org/journals/ijriss/Digital-Library/volume-8-issue-9/891-908.pdf>

Novelli, M., & Lopes Cardozo, M. T. A. (2008). Conflict, education and the global south: New critical directions. *International Journal of Educational Development*, 28(4), 473– 488.

Organization of African Unity (OAU). (1990). African Charter on the Rights and Welfare of the Child.

Patton, M. Q. (2015). *Qualitative research & evaluation methods* (4th ed.). Sage.

Pinheiro, P. S. (2006). World report on violence against children. United Nations Secretary-General's Study on Violence against Children.

Sassòli, M. (2019). *International humanitarian law: Rules, controversies, and solutions to problems arising in warfare*. Edward Elgar.

Schabas, W. A. (2017). *An introduction to the International Criminal Court* (5th ed.). Cambridge University Press.

Sivakumaran, S. (2010). Sexual violence against men in armed conflict. *European Journal of International Law*, 21(2), 253–276.

Theresa S Betancourt 1, Robert T Brennan, Julia Rubin-Smith, Garrett M Fitzmaurice, Stephen E Gilman. (2010). Sierra Leone's former child soldiers: A longitudinal study of risk, protective factors, and mental health. *Journal of the American Academy of Child & Adolescent Psychiatry*, 49(6), 606–615.

United Nations General Assembly. (2001). Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

United Nations. (1989). Convention on the Rights of the Child.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

United Nations. (2000). Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

United Nations. (2023). Report of the Secretary-General on children and armed conflict. United Nations.

United Nations. (2023). Report of the Secretary-General on children and armed conflict. United Nations.

conflict. United Nations.

Viljoen, F. (2012). *International human rights law in Africa* (2nd ed.). Oxford University Press.