



Constitutional Protection Of Children From Recruitment And Use In Armed Conflict In Cameroon: The Boko Haram Crisis

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Abstract: Cameroon's 1996 Constitution provides the core domestic framework for protecting children from recruitment and use in armed conflict. Through its Preamble and the supremacy clause in Articles 45 and 46, the Constitution incorporates international child protection norms including the CRC, ACRWC, and OPAC into the national legal order. A historical review of Cameroon's constitutional evolution demonstrates a gradual strengthening of commitments to human dignity, equality, and the protection of vulnerable groups. However, in conflict-affected areas such as the Far North, constitutional guarantees remain weak in practice, as Boko Haram continues to recruit and exploit children. Limited judicial independence, restricted access to constitutional justice, weak decentralisation, and operational constraints impede effective enforcement. The analysis concludes that although the Constitution offers a comprehensive normative foundation for preventing child recruitment, its protective potential depends on stronger implementation mechanisms and greater institutional commitment.

Index Terms - Component, formatting, style, styling, insert.

I. INTRODUCTION

The recruitment and use of children in armed conflict remain among the most egregious violations of international human rights and humanitarian law. Globally, thousands of children continue to be exploited as fighters, porters, spies, or in other capacities by armed groups and, in some cases, state forces. Cameroon has not been insulated from this phenomenon. Since 2014, the Boko Haram insurgency in the Far North Region has generated patterns of child abduction, forced conscription, indoctrination, and exploitation, with boys and girls used in hostilities, intelligence gathering, and even suicide missions.¹ These recurring violations reveal both the vulnerability of children in conflict settings and the centrality of a strong domestic legal architecture capable of preventing, prohibiting, and responding to such abuses.

At the heart of Cameroon's domestic legal system lies the 1996 Constitution,² which provides the principal normative foundation for the protection of fundamental rights and the incorporation of international child protection norms. The Constitution's Preamble, which possesses full constitutional force, affirms the State's commitment to human dignity, equality, and the protection of vulnerable groups a commitment reinforced by

¹ Human Rights Watch, *Cameroon: Boko Haram's Deadly Impact on Children*, HRW Report, 2017, pp. 5-12. See also UNICEF, *Cameroon Humanitarian Situation Report*, 2020, pp. 3-6.

² Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972

Articles 45 and 46, which establish the supremacy of duly ratified treaties within the domestic legal order. This monist approach ensures that international instruments such as the Convention on the Rights of the Child (CRC)³, the African Charter on the Rights and Welfare of the Child (ACRWC)⁴, and the Optional Protocol on the involvement of children in armed conflict (OPAC)⁵ form an integral part of Cameroon's internal legal regime, enjoying authority even above ordinary legislation. As scholars such as Charles Fombad argue, this constitutional design signals an aspiration toward a more open, rights-oriented, and internationally aligned legal system⁶.

Understanding the constitutional role in child protection requires situating the 1996 Constitution within Cameroon's broader legal and political history. Following independence in 1960 and the reunification of the former British Southern Cameroons with French Cameroun in 1961, the country experimented with a federal constitutional structure, intended to preserve legal and cultural pluralism.⁷ However, the federal system was replaced by the 1972 Unitary Constitution,⁸ which significantly centralised power in the executive, weakening institutional checks and diluting local governance structures. As Ndongko notes, this centralisation undermined the development of judicial independence and the growth of constitutional litigation in Cameroon.⁹ The 1996 constitutional revision sought to correct these deficiencies by providing stronger human rights guarantees, affirming the supremacy of international law, and introducing mechanisms aimed at decentralisation and increased accountability.

Despite these strong normative commitments, substantial gaps persist in the enforcement of constitutional child protection guarantees. In conflict-affected zones such as the Far North, constitutional protections often remain aspirational. Limited state presence, insecurity, weak decentralisation, and persistent governance constraints allow armed groups to exploit children with relative impunity. Reports from UNICEF, Human Rights Watch, and the International Crisis Group document repeated instances where children have been abducted, coerced, or recruited by Boko Haram, while others have been detained by Cameroonian authorities on suspicion of association with armed groups sometimes without adequate due-process safeguards.¹⁰ These realities expose a significant implementation gap between constitutional ideals and practical protection on the ground.

Institutional factors further compromise constitutional efficacy. The judiciary though constitutionally independent remains structurally vulnerable to executive influence, limiting its capacity to fully operationalise constitutional and treaty-based protections.¹¹ The Constitutional Council,¹² which became operational only in 2018, restricts access to a narrow category of political actors, thereby excluding individuals and civil society organisations from invoking constitutional rights directly. This limited access significantly weakens the justiciability of child-related constitutional claims. Furthermore, decentralisation provisions remain largely unimplemented, resulting in weak local governance structures incapable of delivering meaningful child protection services in high-risk regions.

Against this backdrop, examining the constitutional framework becomes imperative. The Constitution is not merely a symbolic document; it defines the legal hierarchy, outlines state obligations, establishes the

³ The Convention on the Rights of the Child (CRC), adopted by the UN General Assembly on 20 November 1989, is the leading international treaty on the rights and protection of children. Cameroon ratified the CRC on 11 January 1993, making its provisions legally binding.

⁴ The African Charter on the Rights and Welfare of the Child (ACRWC), adopted by the Organisation of African Unity (OAU) on 11 July 1990, is the regional child rights treaty that reinforces and complements global standards by addressing African-specific realities affecting children. Cameroon ratified the ACRWC on 5 September 1997, thereby binding itself to its provisions.

⁵ The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), adopted on 25 May 2000, reinforces global standards by prohibiting the compulsory recruitment of anyone under eighteen and restricting their participation in hostilities. Cameroon ratified OPAC on 5 June 2013, making its obligations binding within the domestic legal order.

⁶ Charles M. Fombad, "Post-1990 Constitutional Reforms in Africa: A Preliminary Assessment", *African Human Rights Law Journal*, 2011, pp. 43-55.

⁷ Walter Gam Nkwi, *Constitutionalism and Political History in Cameroon*, Langaa RPCIG, 2015, pp. 17-36.

⁸ Law No. 72/01 of 2 June 1972 to institute the United Republic of Cameroon

⁹ Wilfred A. Ndongko, "The Political Economy of Cameroon", in Anyangwe (ed.), *Human Rights in Cameroon*, CODESRIA, 1993, pp. 101-115.

¹⁰ International Crisis Group, *Cameroon's Far North: A New Chapter in the Fight Against Boko Haram*, Africa Report No. 297, 2017, pp. 9-18.

¹¹ Charles M. Fombad & Enyinna Nwauche, "Africanisation of Constitutional Law", *Journal of African Law*, Vol. 56(1), 2012, pp. 1-23.

¹² The Constitutional Council, created by the 1996 Constitution, was formally established and operationalised through Law No. 2004/004 of 21 April 2004 to lay down the organisation and functioning of the Constitutional Council

supremacy of international norms, and sets the interpretive foundation for all child protection measures. Focusing on the Constitution therefore allows for a clearer understanding of the strengths and limitations of Cameroon's domestic legal response to child recruitment and use—an issue that sits at the intersection of constitutional law, human rights protection, and national security.

The purpose of this article is to analyse the constitutional foundations governing the protection of children from recruitment and use in armed conflict in Cameroon. By examining the historical evolution of constitutional provisions, the normative force of the Preamble, and the implications of Articles 45 and 46, the discussion highlights both the opportunities and structural weaknesses inherent in the current constitutional framework. The analysis demonstrates that while Cameroon's Constitution provides a robust normative basis aligned with international standards, its protective potential is undermined by limited enforcement capacity, structural governance constraints, weak judicial engagement, and the realities of armed conflict. Addressing child recruitment thus requires not only constitutional guarantees but also institutional reforms capable of translating those guarantees into meaningful protection for vulnerable children.

In this light, the first part examines the constitutional structure and incorporation of human rights norms, focusing on the evolution of the Constitution, the supremacy of international law, and the general framework for protecting children (II). The second part explores the Preamble as a living source of human rights, highlighting its legal authority, interpretive power, and operational significance for children's protection within conflict contexts (III). Together, these parts demonstrate that while the 1996 Constitution provides a comprehensive legal foundation, its transformative potential depends on effective enforcement and institutional commitment.

II. THE 1996 CONSTITUTION AND THE INCORPORATION OF HUMAN RIGHTS NORMS

The 1996 Constitution marks a decisive moment in Cameroon's constitutional evolution, reflecting the country's transition from centralised governance toward a legal order that recognises individual rights and freedoms. Historically, Cameroon's constitutional development from the 1961 Federal Constitution to the 1972 Unitary Constitution has oscillated between federalism and unitarism,¹³ mirroring broader tensions between state control and democratic governance.¹⁴ The 1996 revision sought to modernise this framework, introducing elements of decentralisation and reaffirming Cameroon's commitment to the protection of fundamental rights.

A) Constitutional Evolution and the Human Rights Trajectory

The Constitution of the Republic of Cameroon, adopted on 18 January 1996, represents the culmination of decades of constitutional transformation aimed at reconciling national unity with regional diversity and centralised authority with the protection of fundamental rights. Cameroon's constitutional evolution reflects a complex historical trajectory that has directly shaped its contemporary human rights framework, including the protection of children against recruitment and exploitation in armed conflict.

The journey began with the 1961 Federal Constitution, drafted following the unification of the former British Southern Cameroons with French Cameroun. This federal arrangement was designed to preserve regional autonomy while creating a cohesive national framework.¹⁵ The federal system provided a mechanism for shared governance, which theoretically allowed regions to exercise legislative and administrative control, including in matters affecting social welfare and child protection. In practice, however, institutional capacity was limited, and the federal arrangement struggled to reconcile regional interests with national imperatives. The 1972 Constitution replaced the federal system with a unitary state, centralising political authority and consolidating power in the presidency.¹⁶ While this shift aimed to foster national cohesion, it also diluted institutional safeguards and weakened the mechanisms available for the protection of individual rights.

¹³ Federalism is a system of government in which sovereignty is constitutionally shared between a central authority and constituent units, each possessing legally protected powers that cannot be unilaterally altered by the other. It promotes decentralisation, legal pluralism, and the accommodation of regional diversity. Unitarism, on the other hand, concentrates sovereignty in the central government, with local authorities exercising only those powers delegated to them by national legislation. Unlike in a federal system, regional autonomy in a unitary state is not constitutionally entrenched and may be withdrawn or modified at the discretion of the central authority.

¹⁴ Nkwi, Paul Nchoji, *Constitutional Development in Cameroon: Federalism and Unitarism in Historical Perspective*, (University of Yaoundé Press, 2018), p. 67.

¹⁵ *Ibid*

¹⁶ *Ibid*, p. 70.

Centralisation facilitated executive dominance over the legislature and judiciary, constraining their ability to act independently in safeguarding fundamental rights. Consequently, although human rights provisions were formally recognised, their practical protection was often subordinated to political imperatives, leaving vulnerable populations including children exposed to systemic neglect.

The 1996 Constitution sought to correct these imbalances by reintroducing elements of democratic pluralism and providing a more elaborate framework for the protection of fundamental rights.¹⁷ This revision retained a strong presidential system while expanding the constitutional recognition of human rights, including socio-economic and civil protections. As Fombad observes, the 1996 Constitution was designed to “strike a balance between strong presidentialism and constitutional liberalism,” yet the realisation of this balance has remained uneven due to persistent executive dominance, weak judicial independence, and limited institutional capacity.¹⁸

Within this historical trajectory, the protection of children particularly the prevention of their recruitment and use in armed conflict emerges not as an isolated concern but as part of a broader constitutional commitment to human dignity, equality, and social justice. The Constitution’s Preamble explicitly recognises that “*the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights.*”¹⁹ This inclusive formulation extends protection to all individuals, including children, and imposes a positive duty on the State to shield them from exploitation, abuse, or degradation.

Moreover, the Constitution situates these protections within the context of international law, reinforcing Cameroon’s obligations under global and regional human rights instruments. Through Articles 45 and 46, ratified treaties such as the CRC, ACRWC, and OPAC acquire a constitutional character, enhancing the State’s accountability for violations. The incorporation of international norms strengthens the legal foundation for child protection, signalling that the prevention of child recruitment is not only a domestic policy priority but also a binding international obligation.

The historical and normative trajectory of Cameroon’s constitutional development thus demonstrates a progressive, albeit imperfect, recognition of human rights. From the federal experiment of 1961 to the unitary centralisation of 1972, and finally to the more rights-conscious framework of 1996, constitutional evolution has gradually embedded the protection of vulnerable populations, including children, within the fabric of Cameroonian law. Yet, as subsequent sections will show, the translation of these normative commitments into effective protection has been hampered by structural weaknesses, institutional inertia, and contextual challenges, particularly in conflict-affected regions such as the Far North.

In sum, the 1996 Constitution represents both the culmination of a historical process of legal development and a foundation for ongoing efforts to safeguard children’s rights. Its recognition of human dignity, equality, and protection from exploitation provides a normative anchor for combating child recruitment and exploitation. However, the Constitution’s effectiveness is contingent upon the operational capacity of the State, the independence of the judiciary, and the robust enforcement of both domestic and international norms.

B) Incorporation of International Human Rights Norms

The 1996 Constitution of Cameroon establishes a distinctive monist framework for the integration of international human rights law into the domestic legal order. Under Article 45, duly approved or ratified treaties and international agreements, upon publication, “*override national laws.*”²⁰ This provision places international law hierarchically above ordinary domestic legislation, making ratified human rights instruments, including the CRC, the ACRWC, and the OPAC, directly applicable within the Cameroonian legal system. Article 46 complements this arrangement by mandating the Constitutional Council to assess the conformity of treaties and international agreements with the Constitution prior to ratification, creating a dual mechanism that ensures both constitutional compatibility and direct enforceability.²¹

This monist approach carries profound implications for the protection of children from recruitment and use in armed conflict. By granting direct effect to international treaties, Article 45 imposes immediate obligations on the State to respect, protect, and fulfil the rights enshrined therein.²² The State is therefore legally obliged to take legislative, administrative, and judicial measures to prevent the recruitment and exploitation of children, to prosecute perpetrators, and to provide remedial measures for victims. This includes

¹⁷ Fombad, Charles Manga, *Constitutional Law in Cameroon*, (Kluwer Law International, 2019), p. 213.

¹⁸ *Ibid*, p.218.

¹⁹ Preamble of the 1996 Constitution of the Republic of Cameroon, 18 January 1996.

²⁰ *Ibid*

²¹ Fombad, M., *Op. Cit.*, note 17, p. 221.

²² Charles M. Fombad, “The Dynamics of Constitutional Development in Cameroon,” *African Journal of International and Comparative Law* (2011); see also Enyinna Nwauche & Charles M. Fombad, “Africa’s Constitutional Culture,” *Journal of African Law*, Vol. 56(1) (2012).

the criminalisation of child recruitment, the establishment of rehabilitation and reintegration programs, and the implementation of preventive mechanisms in schools and communities.

Furthermore, the constitutional incorporation of international instruments enhances Cameroon's normative alignment with the global human rights regime. By elevating ratified treaties to a position superior to national legislation, Cameroon signals its recognition of binding international norms over purely domestic considerations. In practical terms, this means that domestic statutes or customary practices inconsistent with treaty obligations should, in principle, be subordinate to international standards.²³ For example, even where domestic legislation lacks explicit prohibitions against certain forms of child exploitation, the Constitution mandates compliance with the broader obligations of the CRC, ACRWC, and OPAC.²⁴ This legal hierarchy thus provides a firm normative foundation for addressing the recruitment and use of children in armed conflict.²⁵

However, the operationalisation of these obligations has been uneven, revealing a persistent implementation gap. Reports by Human Rights Watch and other human rights organisations indicate that despite constitutional incorporation, Boko Haram continues to abduct, recruit, and exploit children in the Far North Region.²⁶ Children are reportedly used as soldiers, couriers, spies, and even human shields, demonstrating the difficulty of translating normative commitments into practical protection. These ongoing violations highlight the limitations of legal supremacy without enforcement, especially in conflict-affected regions where the State's reach is contested or constrained by insecurity.

UNICEF underscores the challenges inherent in this context, noting that the translation of constitutional guarantees into functional child protection mechanisms is impeded by factors such as weak local governance, limited resources for law enforcement and social services, and inadequate coordination among institutions responsible for children's welfare.²⁷ Even where legal provisions exist, enforcement is hampered by a lack of trained personnel, insufficient monitoring and reporting mechanisms, and the absence of accessible remedies for victims. The incorporation of international norms also raises critical questions regarding justiciability and judicial engagement. While treaties enjoy supremacy over ordinary legislation, courts in Cameroon have historically demonstrated a reluctance to invoke international law directly, often deferring to domestic statutes or executive interpretation.²⁸ This judicial hesitancy reduces the practical impact of constitutional provisions designed to protect children, leaving the theoretical framework underutilised in actual enforcement contexts. Moreover, the constitutional recognition of international law creates an accountability framework for state action. In principle, failure to comply with treaty obligations can render the State internationally responsible, triggering scrutiny from UN treaty bodies or regional human rights mechanisms.²⁹ In practice, however, such accountability mechanisms are often slow, procedural, and limited in their capacity to compel immediate remedial action, particularly in conflict zones. The resulting gap underscores a critical tension: the Constitution affirms Cameroon's commitment to international child protection norms, yet systemic weaknesses in institutional capacity, judicial enforcement, and local governance continue to undermine their practical efficacy.

In sum, the 1996 Constitution's monist incorporation of international human rights norms provides a powerful legal and moral foundation for protecting children from recruitment and use. It situates Cameroon within the broader international framework, imposes binding obligations on the State, and creates the potential for legal redress. Yet, as the experience of the Far North Region demonstrates, constitutional supremacy alone is insufficient. Effective protection requires complementary statutory measures, robust institutional implementation, judicial willingness to engage international norms, and a coordinated approach that translates normative commitments into tangible protection for vulnerable children.

²³ UN Committee on the Rights of the Child, *General Comment No. 5: General Measures of Implementation*, CRC/GC/2003/5 (2003), paras. 1–24.

²⁴ See Articles 19, 32, 38, Convention on the Rights of the Child (CRC), 1989; Article 22, African Charter on the Rights and Welfare of the Child (ACRWC), 1990 and Articles 4-6, Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), 2000.

²⁵ UN Secretary-General, *Report on Children and Armed Conflict*, A/73/907–S/2019/509 (2019), pp. 3-7; UNICEF & UNODC, *Preventing Child Recruitment and Use by Armed Forces and Armed Groups: A Practical Guide* (2018), pp. 12-19.

²⁶ Human Rights Watch, *Cameroon: Boko Haram Suicide Bombers Strike Displacement Site*, Human Rights Watch, 2020, p. 2. Available at: <https://www.hrw.org/news/2020/08/25/cameroon-boko-haram-suicide-bombers-strike-displacement-site>?(accessed October 11, 2024).

²⁷ UNICEF, *Justice for Children in Cameroon, Situational Analysis*, (Internal Report), pp. 24-32.

²⁸ Fombad, M., *Op. Cit.*, note 17, p. 226.

²⁹ Nkwi, N., *Op. Cit.*, note 14, p. 67.

C) Constitutional Efficacy

Cameroon's 1996 Constitution represents one of the most comprehensive constitutional charters in Central Africa, embedding the principles of human dignity, equality, and the protection of fundamental rights.³⁰ The Preamble, which forms an integral part of the Constitution, explicitly affirms the State's commitment to uphold international treaties and conventions, including the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child.³¹ This incorporation gives international norms a constitutional footing and elevates child protection to a matter of constitutional duty. The Constitution also guarantees the right to life, liberty, education, and protection from inhuman treatment, all of which are essential for safeguarding children from recruitment, exploitation, and abuse.³² As such, the normative framework provides a solid foundation for aligning national child protection policy with international standards, reflecting Cameroon's aspiration to uphold both the letter and spirit of global human rights law.³³

Institutionally, the 1996 constitutional reforms also introduced several innovations aimed at strengthening the rule of law and enhancing accountability.³⁴ These include the principle of separation of powers, the establishment of the Constitutional Council to ensure the supremacy of the Constitution, and the formal recognition of decentralisation as a mechanism for participatory governance. The creation of oversight bodies such as the Cameroon Human Rights Commission (CHRC) further reflects the State's intention to institutionalise human rights promotion and protection.³⁵ Collectively, these constitutional arrangements demonstrate Cameroon's commitment at least in principle to creating a governance system in which the rights of vulnerable groups, including children, are safeguarded within a legally coherent and institutionalised framework.

Despite the existence of an elaborate constitutional framework, the practical realization of children's rights in Cameroon particularly their protection from recruitment and use in armed conflict remains severely limited. While the 1996 Constitution symbolically enshrines the principles of human dignity, equality, and freedom from inhuman treatment, these guarantees often remain declaratory rather than enforceable. This disjunction between constitutional promise and practical protection is rooted in systemic challenges such as weak institutional capacity, limited judicial independence, political dominance by the executive, and an underdeveloped culture of constitutional litigation.³⁶ A key determinant of constitutional efficacy lies in the ability of courts and state institutions to translate textual rights into effective judicial remedies. However, in Cameroon, the judiciary has been widely criticised for its lack of autonomy and its reluctance to challenge executive authority.³⁷ Although the Constitution recognises the separation of powers, in practice, the executive wields substantial control over judicial appointments, disciplinary measures, and administrative oversight. This has fostered a judicial environment that prioritises deference over assertiveness, particularly in politically sensitive matters such as human rights violations in conflict zones.³⁸

As Ndongko argues, Cameroon's judiciary exhibits a pattern of judicial restraint rooted not only in institutional subordination but also in a longstanding civil law tradition that privileges administrative discretion over judicial activism.³⁹ This doctrinal conservatism, coupled with an absence of a dedicated constitutional court with citizen access, has impeded the development of constitutional jurisprudence in the area of children's rights. Although the Constitutional Council was established to safeguard constitutional supremacy, its jurisdiction is narrowly defined, and its accessibility is restricted to a limited set of political actors such as the President, the Presidents of the two Houses of Parliament, and a minority of members of Parliament.⁴⁰ As a result, individuals and civil society organisations cannot directly invoke constitutional provisions, including those protecting children, to seek judicial redress.

The absence of constitutional litigation in Cameroon further compounds the problem. Unlike jurisdictions such as South Africa or Kenya, where constitutional rights are frequently litigated and judicially interpreted,

³⁰ Republic of Cameroon, *Constitution of the Republic of Cameroon (Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972)*, Preamble.

³¹ *Ibid.*, Article 45; see also African Union, *African Charter on the Rights and Welfare of the Child*, 1990.

³² Articles 1-5, Constitution of the Republic of Cameroon, 1996.

³³ UNICEF, *Child Protection Case Management Review*, Maroua, 2022, p. 17. (Internal Reports).

³⁴ Fombad, M. Charles, "Constitutional Reforms and Constitutionalism in Africa: Reflections on Some Current Challenges and Future Prospects", *Buffalo Law Review*, Vol. 59, No. 4 (2011), pp. 1007-1053.

³⁵ Cameroon Human Rights Commission (CHRC), *Rapport annuelle d'activites*, Yaoundé, 2022, pp. 11-13.

³⁶ Ndongko, A., *Op. Cit.*, note 9, p. 88.

³⁷ Fombad, M., *Op. Cit.*, note 11, p. 213.

³⁸ *Ibid.*, p. 221

³⁹ Ndongko, A., *Op. Cit.*, note 9, p. 91.

⁴⁰ Arts. 46-47 of the 1996 Constitution of Cameroon.

Cameroon's courts rarely adjudicate constitutional questions.⁴¹ Law reporting on human rights issues is sparse, and existing decisions are often unpublished, thereby limiting their precedential value and stifling the evolution of constitutional thought.⁴² This has produced what scholars describe as a "jurisprudential vacuum" a situation in which constitutional norms exist without interpretive elaboration, rendering them practically inert.⁴³ The Boko Haram crisis in the Far North Region has further magnified these structural weaknesses. Since 2014, the insurgency has systematically targeted children for recruitment, abduction, and forced labour, exploiting their vulnerability and the state's limited capacity to intervene. Reports by Human Rights Watch and the International Crisis Group document widespread abuses, including the use of children as couriers, spies, and even suicide bombers.⁴⁴ In several cases, state forces have also been accused of arbitrarily detaining children suspected of affiliation with Boko Haram, thereby violating their constitutional rights to liberty and due process.⁴⁵

In this context, constitutional guarantees though normatively robust lack operational force. The provisions of the Preamble and Articles 45 and 46, which integrate international child protection standards into domestic law, remain underutilised by both courts and administrative authorities. The gap between constitutional text and practical enforcement reveals a pattern of what constitutional theorists call "*normative dissonance*": a situation where legal norms exist in form but not in function.⁴⁶ This dissonance weakens the Constitution's capacity to serve as an instrument of social justice, particularly in times of armed conflict. Coordination between the judiciary, law enforcement, and social welfare institutions remains ad hoc, undermining a holistic response to the recruitment and exploitation of children. Even where constitutional norms are invoked, administrative inefficiency, lack of resources, and security constraints often frustrate enforcement.

Another critical factor undermining constitutional efficacy is the limited decentralisation of justice and governance. The 1996 Constitution introduced the principle of decentralisation as a means of enhancing local participation in governance. However, the implementation of this provision has been slow and inconsistent, leaving local authorities in conflict-affected regions with inadequate resources and institutional autonomy to implement child protection measures. The resulting governance vacuum allows insurgent groups like Boko Haram to exploit local vulnerabilities, undermining both the authority of the state and the protective reach of the Constitution.

The implementation gap stems from the coexistence of formal constitutional commitment and practical institutional weakness. While Cameroon's Constitution articulates a strong normative framework aligned with international human rights law, its efficacy depends on the capacity and willingness of state institutions to operationalise these commitments. Bridging this gap requires not only judicial reform and enhanced access to constitutional justice but also the strengthening of local governance, accountability mechanisms, and the rule of law.⁴⁷ As the situation in the Far North demonstrates, the true measure of constitutional efficacy lies not in the elegance of legal drafting but in the state's ability to translate rights into protection for the most vulnerable.⁴⁸ For children exposed to recruitment and exploitation by Boko Haram, the Constitution remains a powerful symbol of hope but without effective enforcement, it risks being little more than a "paper shield."⁴⁹

III. The Preamble as a Living Source of Children's Rights

The Preamble of the 1996 Constitution of Cameroon functions as more than a historical or symbolic declaration; it serves as a living source of fundamental rights, including the protection of children. This constitutional text provides a normative and interpretive foundation for safeguarding children from recruitment, exploitation, and abuse, guiding both legislative action and judicial interpretation. Viewed through a dynamic lens, the Preamble is not static; it evolves in relevance and application according to social, political, and conflict-related realities. In contexts such as the Boko Haram crisis in the Far North Region, its principles offer

⁴¹ Fombad, M., *Op. Cit.*, note 17, p. 226.

⁴² *Ibid*, p.228.

⁴³ Nkwi, N., *Op. Cit.*, note 14, p. 67.

⁴⁴ Human Rights Watch, *Op. Cit.*, note 734, p. 68.

⁴⁵ *Ibid*

⁴⁶ Fombad, M., *Op. Cit.*, note 17, p. 230.

⁴⁷ UN Committee on the Rights of the Child, *General Comment No. 5: General Measures of Implementation*, CRC/GC/2003/5 (2003), paras. 15–24

⁴⁸ International Crisis Group, *Cameroon's Far North: A New Chapter in the Fight Against Boko Haram*, Africa Report No. 297, 2017, pp. 9–15

⁴⁹ Human Rights Watch, "*These Children Need Justice*": *Cameroon's Treatment of Children Accused of Association with Boko Haram*, 2018, pp. 14–22.

an essential legal and moral compass for the State and institutions tasked with protecting children, reinforcing the constitutional commitment to human dignity, equality, and the rights of the child.

A) The Legal Status and Interpretive Authority of the Preamble

The Preamble of the 1996 Constitution of Cameroon occupies a unique position within the domestic legal hierarchy. Unlike many civil law jurisdictions, where preambles are often treated as symbolic or declaratory statements without direct enforceability, Cameroonian jurisprudence has accorded the preamble full constitutional force.⁵⁰ Landmark decisions of the Constitutional Council and the Supreme Court have confirmed that the preamble is not merely aspirational; rather, it constitutes a binding normative instrument that can be invoked directly in legal proceedings.⁵¹ This interpretation effectively transforms the preamble into a living source of law, bridging the gap between formal constitutional text and practical judicial application. As Fombad notes, the integration of the preamble into the operative text of the Constitution represents a pivotal moment in Cameroonian constitutionalism.⁵² By elevating the preamble from a symbolic introduction to a substantive catalogue of rights, the drafters provided courts and state authorities with a robust interpretive lens through which to adjudicate matters relating to human dignity, equality, and the protection of vulnerable groups including children affected by armed conflict. This transformation reflects a broader trajectory in Cameroonian constitutional law, which has historically oscillated between centralisation and the protection of individual rights, as highlighted by Nkwi.⁵³

The interpretive authority of the preamble extends beyond declaratory guidance. Courts may invoke its provisions to fill gaps in statutory law, resolve ambiguities in domestic legislation, and ensure government action aligns with fundamental rights obligations.⁵⁴ In particular, it serves a dual function: first, as a normative standard validating the applicability of ratified international instruments, such as the CRC, ACRWC, and OPAC; second, as a judicial interpretive tool that provides a principled basis for evaluating the legality and proportionality of State actions affecting children. The preamble also informs administrative and policy practice. Institutions such as the Ministry of Social Affairs, the Cameroon Human Rights Commission, and local child protection committees can reference its provisions when designing interventions, monitoring compliance, or assessing the legality of governmental action.⁵⁵ It thus functions as a living normative guide, shaping not only judicial reasoning but also the operational strategies of the State in protecting children from exploitation in armed conflict. Importantly, this interpretive authority interacts with the broader legal system. By constitutionally incorporating international human rights instruments, the preamble ensures that ratified treaties enjoy direct domestic effect, aligning national law with globally recognised standards.⁵⁶ This linkage strengthens both the legal and moral foundation for child protection, ensuring that recruitment, forced labour, and other forms of child exploitation are subject to legal scrutiny and potential judicial redress.

The legal status and interpretive authority of the preamble endows it with more than symbolic significance. It is a binding, actionable instrument that informs judicial reasoning, guides administrative practice, and anchors the State's obligations toward vulnerable populations. By codifying the normative principles of international and domestic child protection law, the preamble functions as a living source of rights, capable of shaping both jurisprudence and practical child protection measures in Cameroon.

B) Recognition of Children's Rights and Constitutional Hierarchy

The Preamble of the 1996 Constitution, by explicitly referencing principles of human dignity, equality, education, and freedom from inhuman or degrading treatment, constitutes an implicit but substantive recognition of children's rights within the domestic legal framework.⁵⁷ While the Constitution does not contain a dedicated chapter on children, these normative statements collectively provide constitutional grounding for protecting children against recruitment, exploitation, and other forms of abuse. By linking these rights to universal principles enshrined in the Universal Declaration of Human Rights, the United Nations Charter, and the African Charter on the Rights and Welfare of the Child, the Preamble embeds internationally recognised child protection standards into Cameroon's domestic law.

⁵⁰ See Preamble of the 1996 Constitution of Cameroon.

⁵¹ Fombad, M., *Op. Cit.*, note 11, p. 221.

⁵² *Ibid*, p. 222.

⁵³ Nkwi, N., *Op. Cit.*, note 14, p. 67.

⁵⁴ Ndongko, A., *Op. Cit.*, note 9, p. 88.

⁵⁵ Konings, Pascal, *The Politics of Neoliberal Reforms in Africa: State and Civil Society in Cameroon*, (Langaa RPCIG, 2011), p. 135.

⁵⁶ See Preamble of the 1996 Constitution of Cameroon.

⁵⁷ *ibid*

The hierarchy of norms is further reinforced through Article 45,⁵⁸ which accords primacy to duly ratified international treaties over national legislation. This constitutional mechanism ensures that instruments such as the CRC, the OPAC, and the ACRWC are directly integrated into the domestic legal system, conferring upon them a constitutionally privileged status. In practical terms, this means that any domestic legislation or administrative action inconsistent with these instruments should, in principle, yield to the obligations imposed by these international instruments, thereby elevating the protection of children to a constitutionally sanctioned imperative. The combined effect of the Preamble and Article 45 creates a dual normative framework: first, a domestic constitutional anchor for child protection, and second, a direct channel for the applicability of international child protection norms.⁵⁹ This synergy provides a robust legal foundation for prohibiting the recruitment and use of children by armed forces or non-state actors, aligning domestic law with Cameroon's international obligations. It situates child protection not merely as a policy objective but as a constitutional mandate, reflecting the State's duty to respect, protect, and fulfil children's rights.

Despite this normative clarity, enforcement challenges persist. While constitutional rights are theoretically justiciable, procedural limitations undermine their practical accessibility. The Constitutional Council, the principal body responsible for reviewing conformity with constitutional provisions, does not entertain individual petitions, restricting direct judicial recourse for victims of child rights violations.⁶⁰ Furthermore, limited awareness among local authorities, weak judicial capacity, and constrained institutional resources in conflict-affected regions such as the Far North reduce the operational effectiveness of these constitutional protections.⁶¹ Consequently, the hierarchical primacy of international child protection norms remains underutilised, with constitutional provisions often functioning as guiding principles rather than enforceable rights in day-to-day practice.

Nevertheless, the constitutional hierarchy provides a critical framework for accountability. It establishes clear obligations for the State to implement child protection measures, guides legislative drafting, and informs judicial interpretation. By explicitly integrating international child protection instruments into the constitutional order, the Preamble and Article 45 collectively elevate the normative and legal status of children's rights, offering a foundation upon which statutory, institutional, and policy interventions can be built to mitigate the risks posed by armed conflict. The recognition of children's rights in the Constitution, coupled with the hierarchical primacy of international instruments, provides both moral and legal authority for the protection of children in Cameroon. While enforcement mechanisms remain limited, the constitutional framework constitutes a powerful normative and jurisprudential tool, signalling the State's formal commitment to safeguarding children from recruitment and exploitation.

C) The Constitution in conflict Context

The 1996 Constitution of Cameroon provides a robust and comprehensive normative framework for the protection of children, even in situations of conflict. The Preamble of the Constitution articulates a strong normative stance on human dignity and social justice, affirming the State's duty to safeguard every child's development and welfare.⁶² This demonstrates the Constitution's aspirational power as both a rights-based charter and a legal foundation for policy formulation. The constitution enshrines fundamental rights such as the right to life, liberty, education, and protection from inhuman treatment, and integrates international human rights standards directly into domestic law under Articles 45 and 46. These provisions ensure that ratified treaties such as the CRC and its Optional Protocol on the Involvement of Children in Armed Conflict form part of Cameroon's internal legal order.⁶³ This legal structure underscores a clear constitutional commitment to the protection of vulnerable populations, particularly children exposed to recruitment and exploitation in armed conflict.

While the 1996 Constitution provides a robust normative framework for child protection, its practical effectiveness is contingent upon the State's capacity to enforce these rights, particularly in conflict-affected regions. The Far North Region of Cameroon, plagued by ongoing Boko Haram insurgency, exemplifies the limits of constitutional guarantees in the absence of effective state presence and institutional support.⁶⁴ In areas where government authority is weak or overstretched, children remain highly vulnerable to recruitment, abduction, and exploitation, revealing the gap between constitutional promises and operational realities.

⁵⁸ The 1996 Constitution of Cameroon

⁵⁹ UNICEF, Justice for Children in Cameroon, Situational Analysis, (Internal Report), p,33.

⁶⁰ Ndongko, A., *Op. Cit.*, note 9, p. 88.

⁶¹ Human Rights Watch, *Op. Cit.*, note 755, p. 67.

⁶² Preamble of the Cameroon Constitution, 1996.

⁶³ Articles 45-46, The Constitution of Cameroon, 1996.

⁶⁴ Ndongko, A., *Op. Cit.*, note 9, p. 88.

Empirical evidence underscores this challenge. Human Rights Watch and UNICEF have documented numerous instances in which children, particularly boys aged 12 to 17, were forcibly recruited by Boko Haram or detained by state security forces under suspicion of collaboration.⁶⁵ These reports illustrate a dual failure: on the one hand, armed groups exploit the inability of the State to exercise effective control; on the other, the constitutional system struggles to provide remedies due to institutional constraints and limited access to justice. Consequently, even though the Constitution enshrines rights to life, liberty, education, and protection from inhuman treatment, these rights remain largely aspirational in regions affected by armed conflict. This reality highlights the need for complementary statutory and institutional mechanisms. Additionally, institutions such as the Cameroon Human Rights Commission (CHRC) and regional child protection committees play a critical role in monitoring compliance, investigating violations, and coordinating protective interventions. The Constitution, therefore, must be understood not in isolation but as part of a broader legal and institutional ecosystem, in which statutory law and functional agencies translate constitutional norms into tangible protection measures.

Moreover, the Constitution's application in conflict contexts is shaped by judicial capacity and political will. Courts and administrative bodies face operational challenges, including insecurity, limited resources, and competing priorities, which impede the enforcement of child protection rights.⁶⁶ The justiciability of constitutional rights, particularly for children, is further constrained by the absence of mechanisms for individual petition before the Constitutional Council, reducing the avenues for legal redress in practice. As a result, constitutional rights, while normative anchors, require effective statutory frameworks, institutional support, and international cooperation to achieve meaningful protection on the ground. The experience of the Far North Region demonstrates that constitutional guarantees for child protection are necessary but insufficient in isolation. They provide the legal and moral foundation for safeguarding children, but their effectiveness depends on the capacity and willingness of the State, reinforced by statutory legislation and operational institutions, to implement and enforce these rights. The Constitution thus sets the aspirational standard, while complementary mechanisms translate this aspiration into practical protection, particularly in environments where armed groups challenge State authority.

IV. CONCLUSION

The protection of children from recruitment and use in armed conflict in Cameroon ultimately rests on the State's ability to translate its constitutional and international commitments into tangible safeguards. The 1996 Constitution offers a robust normative foundation by explicitly incorporating ratified treaties into the domestic legal order and granting them supremacy over ordinary legislation. Through this monist framework, the CRC, the ACRWC, and OPAC acquire direct legal force and impose binding obligations on the State to prevent the exploitation of children, prosecute perpetrators, and ensure rehabilitation for victims. Yet, as the experience of the Far North demonstrates, constitutional promises do not automatically yield effective protection on the ground. Persistent institutional weaknesses ranging from limited judicial independence to restricted access to constitutional justice and inadequate decentralization continue to undermine the enforcement of rights and the operationalization of treaty obligations. Bridging the gap between constitutional text and lived reality requires more than legislative alignment; it demands a coordinated effort to strengthen governance structures, accountability mechanisms, and the rule of law at both national and local levels. The fight against child recruitment by Boko Haram cannot succeed in an environment where constitutional guarantees remain aspirational rather than actionable. Meaningful progress will depend on empowering institutions responsible for monitoring violations, enhancing community-level resilience, and ensuring that international norms are applied consistently by courts and administrative authorities. Ultimately, the Constitution provides Cameroon with a powerful legal instrument for the protection of children, but its effectiveness will be measured not by its eloquent provisions, but by the extent to which it delivers safety, justice, and dignity to those most vulnerable to conflict-related abuses.

⁶⁵ Human Rights Watch, *Op. Cit.*, note 755, p. 67.

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