

*Justice for the Innocent: Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally*

**Justice for the Innocent: Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally**

---

**Kariuki Muigua**

**Table of Contents**

Abstract..... 3

1.0 Introduction ..... 3

2.0 Impact of Conflict and Wars on the Rights of Children ..... 4

3.0 Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally ..... 6

4.0 Conclusion..... 8

References..... 9

## **Justice for the Innocent: Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally**

**Kariuki Muigua\***

### **Abstract**

*This paper discusses how children can be effectively protected in conflict situations globally. The paper discusses the impacts of armed conflicts and wars on children. It observes that children are particularly vulnerable to human right abuses in conflict situations. In light of their extreme vulnerability, the paper argues that protecting children in conflict situations is a vital global agenda for peace and development. The paper proposes reforms towards reaffirming the human and legal rights of the child in conflict situations globally towards Sustainable Development.*

### **1.0 Introduction**

Conflicts are a common phenomenon all over the world. It has been observed that conflicts are on the rise globally taking various forms including international armed conflicts and non-international armed conflicts<sup>1</sup>. It is estimated that in the modern era, there have been over 280 distinct armed conflicts around the world, with ongoing conflicts in the past 20 years numbering 30-52 at any one time<sup>2</sup>. The United Nations observes that conflicts and violence are currently on the all over the world, with many conflicts today being waged between non-state actors such as political militias, criminal, and international terrorist groups<sup>3</sup>. The rise of conflicts around the world has been attributed to several factors including unresolved regional tensions, fight for political control, a breakdown in the rule of law, poor governance frameworks, illicit economic gain, and scarcity and competition over natural resources exacerbated by climate change among other factors<sup>4</sup>.

The prevalence of conflicts globally is major impediment to the pursuit of Sustainable Development. For instance, it has been observed that conflicts and wars undermine Sustainable Development efforts by fueling the loss of life and injury, impeding economic growth, leading to infrastructure damage and deterioration of critical services including healthcare and education<sup>5</sup>. In particular, it has been observed that armed conflicts fuel economic decline, social dislocation, humanitarian disasters, and environmental

---

\* PhD in Law (Nrb),SC, FCIArb (Chartered Arbitrator),OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [April, 2026].

<sup>1</sup> United Nations Office for Disaster Risk Reduction., 'Conflict' Available at <https://www.undrr.org/hips-cluster/conflict> (Accessed on 16/04/2026)

<sup>2</sup> Overseas Conflict., Available at <https://www.ag-globalstrategies.com/overseas-conflict> (Accessed on 16/04/2026)

<sup>3</sup> United Nations., 'A New Era of Conflict and Violence' Available at <https://www.un.org/en/un75/new-era-conflict-and-violence> (Accessed on 16/03/2026)

<sup>4</sup> Ibid

<sup>5</sup> Jiang. Q et al., 'Complex Impacts of Wars on Global Sustainable Development in a Metacoupled World' Available at [https://www.researchgate.net/publication/385716943\\_Complex\\_Impacts\\_of\\_Wars\\_on\\_Global\\_Sustainable\\_Development\\_in\\_a\\_Metacoupled\\_World](https://www.researchgate.net/publication/385716943_Complex_Impacts_of_Wars_on_Global_Sustainable_Development_in_a_Metacoupled_World) (Accessed on 16/03/2026)

damage with severe consequences for both people and planet<sup>6</sup>. According to the United Nations, rising conflicts and violent organized crime persist around the world, causing immense human suffering and hampering efforts towards Sustainable Development<sup>7</sup>.

Armed conflicts and wars have adverse impacts on vulnerable populations. For instance, it has been observed that armed conflicts are now characterized by less restraint and increasing violence targeting civilians<sup>8</sup>. Civilians including women, girls and children, continue to bear the brunt of armed conflict, suffering death, injury, forced displacement, enforced disappearance, torture and sexual violence among other dangers<sup>9</sup>. In addition, the destruction of civilian infrastructure causes disruptions to electricity supply, healthcare, water and sanitation services, education and livelihoods, depriving many persons of the essential services needed to survive<sup>10</sup>. Despite not participating in armed hostilities, civilians are usually killed, wounded, treated without dignity, arbitrarily detained and/or separated from their families in conflict situations<sup>11</sup>. It has been observed that civilians are usually targeted on purpose, forced to leave their homes, and deprived of their basic rights as human beings including access to food, water and shelter<sup>12</sup>. Consequently, it is imperative to foster justice for the innocent by reaffirming and upholding the rights of civilians including children, women and girls in conflict situations globally.

This paper discusses how children can be effectively protected in conflict situations globally. The paper discusses the impacts of armed conflicts and wars on children. It observes that children are particularly vulnerable to human right abuses in conflict situations. In light of their extreme vulnerability, the paper argues that protecting children in conflict situations is a vital global agenda for peace and development. The paper proposes reforms towards reaffirming the human and legal rights of the child in conflict situations globally towards Sustainable Development.

## **2.0 Impact of Conflict and Wars on the Rights of Children**

The rights of children are severely impacted in conflict situations. The United Nations observes that protracted crises have resulted in an increase of grave violations against children in several conflict

---

<sup>6</sup> African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Available at <https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363#:~:text=Armed%20conflicts%20can%20have%20a%20significant%20impact,This%20can%20compromise%20recovery%20and%20reconstruction%20efforts>. (Accessed on 16/04/2026)

<sup>7</sup> United Nations., 'Goal 16: Promote Just, Peaceful and Inclusive Societies' Available at <https://www.un.org/sustainabledevelopment/peace-justice/> (Accessed on 16/04/2026)

<sup>8</sup> What's driving conflict today? A review of global trends., Available at <https://acleddata.com/report/whats-driving-conflict-today-review-global-trends> (Accessed on 16/04/2026)

<sup>9</sup> United Nations Security Council., 'Protection of Civilians in Armed Conflict: S/2025/271' Available at <https://docs.un.org/en/s/2025/271#:~:text=2.,damaged%2C%20leaving%20patients%20without%20care>. (Accessed on 16/04/2026)

<sup>10</sup> Ibid

<sup>11</sup> United Nations Office for Disaster Risk Reduction., 'Conflict' Op Cit

<sup>12</sup> Ibid

situations<sup>13</sup>. For example, despite not participating in armed conflicts, it has been pointed out that children are usually among civilian casualties killed and maimed during war<sup>14</sup>. The United Nations Children's Fund (UNICEF) correctly notes that children do not start wars and conflicts but pay the highest price<sup>15</sup>. For example, children are more likely than adults to be killed or maimed by explosive weapons in conflict situations<sup>16</sup>.

In addition, children may become orphaned or separated from their families in conflict situations undermining their access to basic needs including food, shelter, clothing, healthcare, and education<sup>17</sup>. Further, in some contexts, children lose their parents in conflict situations forcing them to become heads of households, which leaves them vulnerable to forced labour, sexual exploitation or recruitment in armed forces<sup>18</sup>. In particular, it has been observed that boys are usually recruited as child soldiers especially in ongoing armed wars and conflicts in West and Central Africa<sup>19</sup>. On the other hand, girls are highly vulnerable to rape and other forms of sexual violence during conflict situations<sup>20</sup>. In addition, use of military tactics such as destroying schools and hospitals affect the fundamental rights of children including the right to education and the right to health<sup>21</sup>.

Children are therefore severely impacted by armed conflicts and wars. They have been identified as the most vulnerable group in any conflict situation<sup>22</sup>. Conflicts jeopardize the rights of children both now and in the future. It has been observed that prolonged exposure to war and uncertainty particularly in protracted conflict situations means that many children are in a state of toxic stress<sup>23</sup>. In these settings, children experience loss and destruction that has lifelong implications on their physical and psychological wellbeing<sup>24</sup>. In addition to losing critical health, education and protection services, the mental health and psychosocial needs of children are usually neglected in conflict situations with consequences that can last a lifetime<sup>25</sup>. It has been argued that exposure to conflict and war can have long-lasting effects on children's

---

<sup>13</sup> United Nations., 'The Impact of Armed Conflict on Children' Available at <https://childrenandarmedconflict.un.org/wp-content/uploads/2018/07/Children-Armed-Conflict-Annual-Report-Summary-2017-web.pdf> (Accessed on 16/04/2026)

<sup>14</sup> Ibid

<sup>15</sup> United Nations Children's Fund., 'Children under attack' Available at <https://www.unicef.org/children-under-attack> (Accessed on 16/04/2026)

<sup>16</sup> Ibid

<sup>17</sup> Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Available at <https://trainingforpeace.org/publications/protecting-childrens-rights-in-conflict-a-continental-approach/> (Accessed on 16/04/2026)

<sup>18</sup> Ibid

<sup>19</sup> Faulkner. C., 'Why Child Soldiering Persists in Africa' *Georgetown Journal of International Affairs.*, 2024

<sup>20</sup> United Nations., 'The Impact of Armed Conflict on Children' Op Cit

<sup>21</sup> Ibid

<sup>22</sup> Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Op Cit

<sup>23</sup> Save the Children., 'Surviving is Just the Beginning: The Impact of Conflict on Children's Mental Health' Available at <https://www.savethechildren.net/blog/surviving-just-beginning-impact-conflict-childrens-mental-health> (Accessed on 16/04/2026)

<sup>24</sup> Ibid

<sup>25</sup> United Nations Children's Fund., 'Protecting Children in Humanitarian Action' Available at <https://www.unicef.org/protection/protecting-children-in-humanitarian-action> (Accessed on 16/04/2026)

cognitive, social, and emotional development, impacting their ability to learn, form relationships, and thrive in adulthood<sup>26</sup>.

Armed conflicts and wars therefore have a catastrophic impact on children stripping of their fundamental rights and freedoms<sup>27</sup>. It has been observed that the most basic of rights that all children are entitled to including the right to life, survival and protection during war and conflict are being completely disregarded with many of them lacking access stable education, healthcare, nutrition and other necessities<sup>28</sup>. Further, it is estimated that children account for approximately half of the world's refugees and displaced persons, with many exposed to violence, trauma, and loss<sup>29</sup>.

With the world witnessing several armed wars and conflicts including the Israel-Hamas war, the Sudanese civil war and the Russo-Ukrainian war, children are bearing the brunt of these wars with their fundamental rights being violated, a situation that affects their physical and mental well-being, now and in the future<sup>30</sup>. Consequently, it is imperative to reaffirm the human and legal rights of the child in conflict situations globally for peace and prosperity.

### **3.0 Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally**

With armed conflicts and wars happening all over the world, the rights of children are being severely impacted. Children in conflict situations face threat to their fundamental rights including the right to life, food, health, education and shelter<sup>31</sup>. The United Nations observes that in conflict situations, children are usually killed and injured, separated from their families undermining their ability to access basic needs including food, shelter and healthcare, forcibly displaced, and detained on the basis of their or their relatives' alleged ties to parties to conflicts<sup>32</sup>. Consequently, it is imperative to reaffirm the human and legal rights of the child in conflict situations globally towards upholding justice, peace and development.

The need to uphold the human and legal rights of the child in conflict situations is stipulated under the *Convention on the Rights of the Child*<sup>33</sup>. The Convention acknowledges the special case of children in conflict situations due to their extreme vulnerability<sup>34</sup>. According to the Convention, all states are required to ensure respect for rules of International Humanitarian Law (IHL) applicable in armed conflicts which are

---

<sup>26</sup> Emen. N., & Febe. O.D., 'Impact of Conflict on Children: Psychological and Educational Perspectives' *International Journal of Social Sciences and Management Research.*, Volume 11. No. 6, 2025

<sup>27</sup> Bradford. S., 'The War in Gaza is having a Catastrophic Impact on Children, Stripping them of their Rights' Available at <https://reliefweb.int/report/occupied-palestinian-territory/war-gaza-having-catastrophic-impact-children-stripping-them-their-rights> (Accessed on 16/04/2026)

<sup>28</sup> Ibid

<sup>29</sup> Emen. N., & Febe. O.D., 'Impact of Conflict on Children: Psychological and Educational Perspectives' Op Cit

<sup>30</sup> Bradford. S., 'The War in Gaza is having a Catastrophic Impact on Children, Stripping them of their Rights' Op Cit

<sup>31</sup> Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Op Cit

<sup>32</sup> United Nations Security Council., 'Protection of Civilians in Armed Conflict: S/2025/271' Op Cit

<sup>33</sup> United Nations General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989

<sup>34</sup> Ibid

relevant to the child<sup>35</sup>. In particular, the Convention requires all states to ensure protection and care of children who are affected by an armed conflict including through allowing access to basic necessities such as shelter, food, water and healthcare, preventing the recruitment and use of children in armed forces and promoting physical and psychological recovery and social reintegration of a children affected by armed conflicts<sup>36</sup>.

At a regional level, the *African Charter on the Rights and Welfare of the Child*<sup>37</sup> provides for the protection of children in conflict situations in Africa. The Charter requires state parties to ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child<sup>38</sup>. It also requires state parties to take all necessary measures to ensure that no child takes a direct part in hostilities and refrain in particular, from recruiting any child to participate in armed conflicts<sup>39</sup>. The Charter further requires state parties to take all feasible measures to ensure the protection and care of children who are affected by armed conflicts<sup>40</sup>. With Africa facing several ongoing and protracted armed conflicts, it has been correctly noted that implementing the African Charter on the Rights and Welfare of the Child is vital towards ensuring the protection and preservation of life, survival and development of children in Africa<sup>41</sup>.

Upholding the human and legal rights of the child in conflict situations is therefore a key agenda both globally and in Africa. In order to achieve this ideal, it is imperative for parties involved in armed conflicts to allow freedom of movement for humanitarian aid in order to ensure that basic services such as food, clothing, water, medical care and shelter are provided to vulnerable populations including children in conflict situations<sup>42</sup>. Further, it is necessary for parties to armed conflicts to refrain from recruiting children as child soldiers<sup>43</sup>. There is need to criminalize the use of child soldiers in conflict situations, enhance reporting and monitoring mechanisms, build resilient communities, and hold perpetrators accountable towards upholding the rights of children<sup>44</sup>. Further, supporting families and communities affected by armed conflict and other violence is key towards ensuring that children retain or regain access to education and healthcare among other basic needs<sup>45</sup>. Designing and implementing effective conflict management strategies is also key towards upholding the rights of the vulnerable including children. It has

---

<sup>35</sup> Ibid, article 38 (1)

<sup>36</sup> Ibid, articles 38 & 39

<sup>37</sup> African Union., 'African Charter on the Rights and Welfare of the Child' Available at [https://au.int/sites/default/files/treaties/36804-treaty-african\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf) (Accessed on 16/04/2026)

<sup>38</sup> Ibid, article 22 (1)

<sup>39</sup> Ibid, article 22 (2)

<sup>40</sup> Ibid, article 22 (3)

<sup>41</sup> Ibid

<sup>42</sup> European Commission., 'International Humanitarian Law' Available at [https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en) (Accessed on 16/04/2026)

<sup>43</sup> Faulkner. C., 'Why Child Soldiering Persists in Africa' Op Cit

<sup>44</sup> Ibid

<sup>45</sup> International Committee of the Red Cross., 'Protected Persons: Children' Available at <https://www.icrc.org/en/law-and-policy/protected-persons-children> (Accessed on 16/04/2026)

been observed that by embracing peace, dialogue, and harmony, it is possible to minimize and prevent conflicts from spiraling and affecting the rights of the vulnerable including children<sup>46</sup>.

#### **4.0 Conclusion**

Children are among the most vulnerable civilian populations in conflict situations. Armed conflicts and wars affect the fundamental rights of the child including the rights to life, food, health, education and shelter<sup>47</sup>. It is therefore imperative to reaffirm the human and legal rights of the child in conflict situations globally by enhancing their access to basic services such as food, clothing, water, medical care and shelter, supporting families and communities affected by conflicts in order to effectively protect children, and fostering effective conflict prevention and management in order to minimize the impact of armed conflicts and wars on children<sup>48</sup>. Reaffirming the human and legal rights of the child in conflict situations is an important global and regional agenda towards achieving justice for the innocent for peace, development and prosperity.

---

<sup>46</sup> United Nations Development Programme., 'Mediation and Dialogue as a Cornerstone of Peacebuilding' Available at <https://www.undp.org/iraq/stories/mediation-and-dialogue-cornerstone-peacebuilding> (Accessed on 16/04/2026)

<sup>47</sup> Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Op Cit

<sup>48</sup> International Committee of the Red Cross., 'Protected Persons: Children' Op Cit

## References

African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Available at <https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363#:~:text=Armed%20conflicts%20can%20have%20a%20significant%20impact,This%20can%20compromise%20recovery%20and%20reconstruction%20efforts>

African Union., 'African Charter on the Rights and Welfare of the Child' Available at [https://au.int/sites/default/files/treaties/36804-treaty-african\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf)

Bradford. S., 'The War in Gaza is having a Catastrophic Impact on Children, Stripping them of their Rights' Available at <https://reliefweb.int/report/occupied-palestinian-territory/war-gaza-having-catastrophic-impact-children-stripping-them-their-rights>

Emen. N., & Febe. O.D., 'Impact of Conflict on Children: Psychological and Educational Perspectives' *International Journal of Social Sciences and Management Research.*, Volume 11. No. 6, 2025

European Commission., 'International Humanitarian Law' Available at [https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en)

Faulkner. C., 'Why Child Soldiering Persists in Africa' *Georgetown Journal of International Affairs.*, 2024

International Committee of the Red Cross., 'Protected Persons: Children' Available at <https://www.icrc.org/en/law-and-policy/protected-persons-children>

Jiang. Q et al., 'Complex Impacts of Wars on Global Sustainable Development in a Metacoupled World' Available at [https://www.researchgate.net/publication/385716943\\_Complex\\_Impacts\\_of\\_Wars\\_on\\_Global\\_Sustainable\\_Development\\_in\\_a\\_Metacoupled\\_World](https://www.researchgate.net/publication/385716943_Complex_Impacts_of_Wars_on_Global_Sustainable_Development_in_a_Metacoupled_World)

Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Available at <https://trainingforpeace.org/publications/protecting-childrens-rights-in-conflict-a-continental-approach/>

Overseas Conflict., Available at <https://www.ag-globalstrategies.com/overseas-conflict>

Save the Children., 'Surviving is Just the Beginning: The Impact of Conflict on Children's Mental Health' Available at <https://www.savethechildren.net/blog/surviving-just-beginning-impact-conflict-childrens-mental-health>

United Nations Children's Fund., 'Children under attack' Available at <https://www.unicef.org/children-under-attack>

United Nations Children's Fund., 'Protecting Children in Humanitarian Action' Available at <https://www.unicef.org/protection/protecting-children-in-humanitarian-action>

United Nations Development Programme., 'Mediation and Dialogue as a Cornerstone of Peacebuilding' Available at <https://www.undp.org/iraq/stories/mediation-and-dialogue-cornerstone-peacebuilding>

***Justice for the Innocent: Reaffirming the Human and Legal Rights of the Child in Conflict Situations Globally***

United Nations General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989

United Nations Office for Disaster Risk Reduction., 'Conflict' Available at <https://www.undrr.org/hips-cluster/conflict>

United Nations Security Council., 'Protection of Civilians in Armed Conflict: S/2025/271' Available at <https://docs.un.org/en/s/2025/271#:~:text=2.,damaged%2C%20leaving%20patients%20without%20care>

United Nations., 'A New Era of Conflict and Violence' Available at <https://www.un.org/en/un75/new-era-conflict-and-violence>

United Nations., 'Goal 16: Promote Just, Peaceful and Inclusive Societies' Available at <https://www.un.org/sustainabledevelopment/peace-justice/>

United Nations., 'The Impact of Armed Conflict on Children' Available at <https://childrenandarmedconflict.un.org/wp-content/uploads/2018/07/Children-Armed-Conflict-Annual-Report-Summary-2017-web.pdf>

What's driving conflict today? A review of global trends., Available at <https://acleddata.com/report/whats-driving-conflict-today-review-global-trends>