

Senegal: OPAC session

Submission to the Committee on the Rights of the Child on the initial report of Senegal on the Optional Protocol on the involvement of children in armed conflict (OPAC)

December 2023

Summary

- **Strong military enlistment standards.** Enlistment is voluntary from age 18 through open competition. The age of applicants is verified by identity documents.
- **Child recruitment during the Casamance conflict.** Child recruitment into non-state armed groups at the height of the Casamance insurgency was reportedly occasional though not widespread.
- **Weak prohibitions.** The State party has not cited or quoted domestic legislation giving effect to its intention to prohibit and criminalise the military recruitment and use of children, acknowledging that national laws have yet to be harmonised with the Protocol.
- **Military conditioning of children under obligation.** The Senegalese army's Prytanée military training school takes children from age 11.
 - **Military conditioning.** Children at the school undergo military conditioning daily, including drill and, from the fourth year, combat training. The army's own disciplinary regime is applied. Students are referred to as '*les enfants de troupe*', literally 'child soldiers'.
 - **Legal status.** Although students are not classified as members of the armed forces 'in active service', their legal status remains ambiguous.
 - **Obligations.** The parents of any child dismissed for reasons of discipline or ill health are required to repay half the state's costs of tuition and maintenance to date. The full cost is levied when the decision on removal is made by the child's parents. On leaving the school and irrespective of their age, students must continue to 'higher studies' or enter service of the state for five years under contract.
- **Children in other military training centres.** In addition to Prytanée, the State party report lists five further military training academies that enrol children, and yet the annual

call for applications to these institutions specifies 18 as the minimum age for entry. If children are enrolled in these institutions, the State party has not offered information on their ages, gender, or terms of service, or on the disciplinary practices in use.

- **Privacy violation.** The names of successful entrants to military training centres, including child entrants to the Prytanée school, are published online, together with their dates of birth and the full contact details of their parents.

Introduction

The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) present these observations as part of their project to monitor progress made by states parties in implementing the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict (OPAC).

Country situation

Population (2022):	18 million. ¹
Armed forces personnel (2022):	13,600. ²
Military service:	Compulsory in law from age 20, voluntary in practice from age 18. Two years' service minimum. Legislation provides for 'general mobilisation' in a state of war.
Conscientious objection:	No provision; no cases reported.
OPAC ratified:	2004.
OPAC report:	CRC/C/OPAC/SEN/1 , received 2016 (with Reply to the List of Issues CRC/C/OPAC/SEN/RQ/1 , received 2023)

¹ International Institute for Strategic Studies, *The Military Balance*, 2023.

² Ibid.

Issues arising

Minimum recruitment age

Although Senegal's OPAC declaration states that 20 years is the minimum age for military recruitment,³ which follows a 1991 presidential decree to the same effect,⁴ the national armed forces recruit trainees on a voluntary basis from age 18,⁵ as confirmed also in the State party report (paras 40, 56).

Invitations to enlist are issued annually by national communiqué and new recruits are selected through open competition.⁶ As of 2022, all invitations for military training academies specified a minimum age of 18 years, to be verified by both birth certificate and identity card.⁷

We have no evidence to suggest that children have been recruited into the Senegalese armed forces at any point in the last two decades.⁸

While the State party and civil society have noted that children were used by armed groups in the conflict in Casamance (1982-2014), the State party believes that this has been 'very rare' (State party report, para 61) and the former Coalition to the Stop the Use of Child Soldiers believed in 2008 that there had been 'no widespread use of children'.⁹

We have no information on how many children in the State party may have experienced armed conflict elsewhere, how these children are identified, or what support they are offered.

Prohibition of child recruitment and use

The State party makes clear its welcome intention that no child may be recruited into military service in its jurisdiction and no child may be used in hostilities.¹⁰

Senegal has assured the Committee that national law is gradually being harmonised to accord with the Protocol, though little or no legislative progress appears to have been made since

³ 'We hereby declare that the minimum age required for regular conscription and for entry into the schools for officers and sub-officers is twenty (20) years. Candidates shall enlist in an individual capacity and shall sign enlistment and re-enlistment contracts freely and in person.' UN Treaty Collection, [Chapter IV: Human Rights \(11b\)](#), 2023.

⁴ Decree No. 91-1173, 7 November 1991 [not available online].

⁵ République de Sénégal, Portail d'information pour rejoindre les Jambaars, '[Communiqués](#)', 2023.

⁶ Ibid.

⁷ Ibid.

⁸ For example, see Coalition to Stop the Use of Child Soldiers, [Child soldiers global report 2001: Senegal](#), 2001; Child Soldiers International, *Louder than words: An agenda to end state use of child soldiers*, 2012.

⁹ Coalition to Stop the Use of Child Soldiers, [Child soldiers global report 2008: Senegal](#), 2008.

¹⁰ State party report, para 38; Reply to list of issues, para 7.

ratification in 2004. In particular, while the State party claims that child recruitment is 'prohibited' in Senegal, it has not cited evidence of domestic legislation to this effect. In the absence of evidence to the contrary, the recruitment and use of children does not appear to be a criminal offence, and nor do other transgressions under the Protocol.

It is possible that Decree 91-1173/PR/MFA, 1999, *Rules for Recruitment into the Armed Forces* expressly prohibits child recruitment, but this decree predates the adoption of the Protocol. The State party report is ambiguous on the matter¹¹ and the decree does not appear to be accessible online.

In the absence of legally enforceable prohibition, children may be exposed to recruitment and use in a time of war, for which national legislation still allows for the 'general mobilisation' of Senegalese citizens.¹²

Military conditioning of children

Prytanée military training school

As of 2022, 500 boys were enrolled at the residential **Prytanée Militaire Charles N'Tchoréré** military training school in Saint Louis,¹³ which is managed and staffed by the armed forces.

The armed forces classify Prytanée as a 'military preparatory school'.¹⁴ Referred to as *les enfants de troupe*, literally 'child soldiers',¹⁵ students are under military discipline and undergo military conditioning daily alongside a regular curriculum.

On the occasion of the school's 100th anniversary in 2023, its military commander described the institution as the 'incubator of model citizens' with the purpose of 'training the nation's servants'.¹⁶

Selection

¹¹ State party report, para 56-57.

¹² Ibid.

¹³ République de Sénégal, Reply of the State party to the list of issues, 2023.

¹⁴ République de Sénégal (Ministère des Forces Armées), ['Demande d'admission d'un enfant aux écoles militaires préparatoires'](#), 2023.

¹⁵ République de Sénégal, Ministère des forces armées, ['Au cœur du prytanée militaire de Saint Louis'](#) [video], 2019; Radio-Télévision Sénégalaise, ['Spécial: Centenaire de Prytanée militaire de Saint Louis'](#) [video], 2023.

¹⁶ Original: *'incubateur de citoyens modèles... former les serviteurs de la nation'*. Radio-Télévision Sénégalaise, ['Spécial: Centenaire de Prytanée militaire de Saint Louis'](#) [video], 2023, 38.56 and 39.14.

Entry to Prytanée is determined by open competition and subject to a military medical exam.¹⁷ 50 Senegalese students are newly enrolled annually, all boys, normally from age 11.¹⁸ (For reasons unknown, the call for new applicants in 2023 was limited to boys from age 13.¹⁹)

In addition to Senegalese students, male students are also selected from 14 other African nations, and made up 27% of the student body in 2023.²⁰

In a practice that appears to be routine, all the new students' names and addresses in 2022 were published online, together with their dates and places of birth, and names of their parents or guardians.²¹ This compromises the security of children and breaches their right to privacy.

Military discipline

A video on the army's website shows children at the school under full military discipline.²² Indeed, the disciplinary practices at Prytanée are the same as used by the Senegalese army:

'[S]tudents are expected to follow the rules of conduct and respect for hierarchy and military discipline in place in the army [...] The sanctions applicable to undisciplined students are imposed in accordance with the general disciplinary regulations in force in the army'. (State party report, paras 41-42.)

The State party includes a welcome caveat that such discipline incorporates 'strict respect for the physical and moral integrity of the human person'.²³ Nonetheless, in view of the State party's decision to apply its army's disciplinary arrangements to children at Prytanée, it would be useful to know how they are safeguarded against the stressors, and in particular its coercive and punitive elements that are common to military disciplinary arrangements worldwide. It would also be useful to know how the State party guarantees students' right to be heard in these conditions, what are the punishments for transgressions, and whether students have the right to raise a complaint.

Military training

The curriculum at Prytanée is based on the civilian curriculum up to the 'fourth year' (para 41), at which point students begin a military curriculum including military training. Students are given

¹⁷ République de Sénégal, Portail d'information pour rejoindre les Jambaars, '[Communiqués](#)', 2023; République de Sénégal (Ministère des Forces Armées), '[Demande d'admission d'un enfant aux écoles militaires préparatoires](#)', 2023.

¹⁸ State party report, para 41.

¹⁹ République de Sénégal, Ministère des forces armées, '[Ouverture du concours d'entree au Prytanée militaire de St. Louis, session 2023](#)', 2023.

²⁰ Radio-Télévision Sénégalaise, '[Spécial: Centenaire de Prytanée militaire de Saint Louis](#)' [video], 2023.

²¹ Reference withheld to protect privacy of students and their families.

²² République de Sénégal, Ministère des forces armées, '[Au cœur du prytanée militaire de Saint Louis](#)' [video], 2019.

²³ For example, see Child Soldiers International, '[Why 18 matters: A rights-based analysis of child recruitment](#)' (2018); D Gee, '[The first ambush? Aspects of military training and employment](#)' (2017); and CRIN, '[The 'pressure cooker': Child recruitment and suicide in the British armed forces](#)' (2023).

'vocational training as soldiers' from the beginning of the fifth year (at which point, students who enrolled at age 11 are presumably 15) (State party report, para 41).

All students undergo military conditioning exercises daily, such as drill, marching, and the military salute.²⁴ Training includes 'combat techniques' (State party report, para 41). It would be useful to know whether combat training includes the use of weapons.

Status of trainees

In its reply to the list of issues on OPAC, the State party declares that students at Prytanée are not 'members of the military on active service' and would not be mobilised for armed conflict (para 9). Despite these assurances, it would be helpful to know whether students, whether in or out of 'active service', are classified in law or in practice as members of the armed forces.

Obligations

Highly restrictive obligations are imposed on children and their parents, for which parental consent is required at the point of enrolment. As of 2023:

- **Minimum term of service.** Parents/guardians are required to consent to their child remaining at the school for five years.
- **Summary dismissal.** Any child may be dismissed summarily for disciplinary reasons or poor health ('*inaptitude physique*'),²⁵ at which point the parents are required to pay half of the school's cost in training that child to date, provided that the levy does not exceed, for each year, one-tenth of the parents' annual salary.²⁶
- **Denial of effective right to leave.** No child is allowed to leave the school at will unless parents first pay the state the full costs of their maintenance to date, irrespective of their salary.²⁷ Since very few parents are likely to have the means to pay such a fee, the

²⁴ République de Sénégal (Ministère des Forces Armées), '[Au cœur du prytanée militaire de Saint Louis](#)' [video], 2019.

²⁵ République de Sénégal (Ministère des Forces Armées), '[Demande d'admission d'un enfant aux écoles militaires préparatoires](#)', 2023.

²⁶ '*Une retenue égale à la moitié des frais consentis par l'État pour l'entretien de l'élève dans son séjour à l'école est exercée soit sur le traitement des parents (ou du tuteur s'étant porté garant) soit sur les ressources personnelles des parents ou de l'enfant s'il en a. Le prélèvement opéré dans ces conditions sur le traitement des parents (solde d'activité ou pension de retraite) ou sur les ressources personnelles ne pourra excéder par an, le dixième du montant de ce traitement ou de ces ressources.*' Trans: 'A charge equivalent to one-half of the costs paid by the State to maintain the pupil during the period spent at the school is raised either against the parents' salary (or that of the guardian acting as guarantor) or on the personal savings of the pupil's parents or child if there be one. In these conditions, the levy raised against the parents' salary (payment for work or retirement pension) or personal savings shall not exceed one-tenth, *per annum*, of said salary or savings.' Ibid.

²⁷ 'Le retrait d'un enfant en cours des études par les parents ne peut être admis que contre le remboursement intégral des frais d'études déjà engagés.' Trans: 'The removal of a child during their studies by their parents can only be permitted against the full reimbursement of the costs already paid for those studies.' Ibid.

practical implication of this rule is that most children at Prytanée are obligated to remain, irrespective of their wishes.

- **Subsequent obligation of service.** On graduation from the school, any student who does not wish to progress to ‘higher education’ (*‘études supérieures’*) is required to enter service of the state, the nature of which is not specified, for five years.²⁸

Children in other military training institutions

In addition to Prytanée, the State party report lists five further military training academies that enrol children (Table 1).

Contrary to this information, all the annual invitations for applications to these institutions in 2022 specified a minimum age of 18 years, verified by birth certificate and identity card.²⁹

It therefore remains unclear whether children are enrolled in these institutions and it may be useful to seek clarification from the delegation in the dialogue.

If children are enrolled, it will be important to discover:

- Their age, gender, and background;
- Whether children are placed under military discipline or any other coercive behaviour regime;
- What the curriculum is, and in particular whether it includes combat and weapons training;
- Whether children are under obligation of any kind, and in particular whether they are free to leave at will; and
- Whether children have the right to raise a complaint and how it is handled.

Suggested questions and recommendations for the State party

Questions

We encourage the Committee to commend the State party on setting a strong standard on children’s rights by restricting military enlistment to adults.

In addition, we suggest the following questions for the delegation:

²⁸ *‘A l’issu du cycle secondaire propre aux Écoles Militaires Préparatoires, l’élève qui ne désire pas poursuivre ses études supérieures devra contracter un engagement de cinq (05) ans dans un corps de l’État.’* Trans: ‘On leaving the secondary education cycle specific to Military Preparatory Schools, the pupil who does not wish to continue their higher education must enter a contract for five years’ service in a State body.’ Ibid.

²⁹ République de Sénégal, Portail d’information pour rejoindre les Jambaars, [‘Communiqués’](#), 2023.

1. **Legislation.** What legislative progress has been made to give force to the Protocol in domestic legislation since ratification in 2004, particularly:
 - a. Does national legislation yet expressly prohibit and criminalise the military recruitment and use of children in all circumstances, including in a time of war?
 - b. Does such prohibition extend to non-state armed groups?
 - c. Does Decree 91-1173/PR/MFA, 1999, *Rules for Recruitment into the Armed Forces* offer any legislative protections for children in this respect?
2. **Children affected by armed conflict.** Can the State party provide more information on how many children on its territory have experienced armed conflict elsewhere, how these are identified, or what support they are offered?
3. **Military training of children.** With respect to Prytanée military training school in Saint Louis:
 - a. Can the State party explain what is the policy rationale for giving children 'vocational training as soldiers'?
 - b. What is the legal status of children at the school; are they classified as members of the armed forces, even if not on 'active service'?
 - c. If a child is expelled, why are the parents made to pay 50% of all maintenance and tuition costs to date, or 100% if parents decide themselves to withdraw their child from the school, according to the contract of enrolment?
 - d. Why do children leaving the school remain under legal obligation, if they do not continue to 'higher studies' (*études supérieures*), to enter service of the state for five years?
 - e. What practical measures ensure that disciplinary arrangements at the school, which are drawn directly from those of the army, are consistent with the dignity and rights of the child, including the right to be heard, and the right to have their best interests made a primary consideration? For example, are any punishments used in army training that are expressly forbidden at the school? In what other ways are children safeguarded against the stressors common to a military training setting?
 - f. What is the nature of the 'combat techniques' that children perform? Are weapons involved and, if so, how?
 - g. In view of children's right to privacy, why are the names of children accepted for enrolment published online, together with their dates of birth and names and addresses of their parents?
4. **Children in other military training institutions.** The State party report explains that five other military training institutions enrol children, but application documents on the army website specify a minimum age of 18 for all institutions except Prytanée. Can the delegation clarify whether these institutions take children, how many, on what terms,

what the disciplinary arrangements are, whether they are under legal obligation of any kind?

Recommendations

We suggest the following recommendations for the State party:

1. Amend legislation to give force to the Protocol in domestic law, particularly to prohibit and criminalise the military recruitment and use of children in all circumstances by state armed forces and non-state armed groups.
2. Develop appropriate support programmes to identify, document, and aid migrant or other vulnerable children on the State party's territory who have been associated with armed conflict.
3. Amend legislation and regulations, as appropriate, to ensure that children at military training schools cannot be:
 - a. Classified in law or practice as members of the armed forces and are not subject to military law;
 - b. Subject to military discipline, particularly punished using methods inconsistent with the dignity and rights of the child; and
 - c. Trained in combat and the use of weapons.
4. Amend the contract of enrolment for military training schools so as to enable children to leave at will and without financial or other penalty, and ensure that children cannot be required to enter a contract of service on graduation.
5. No longer publish online any identifying details of children accepted for enrolment at military training schools.