

> ----- Original Message -----

> From: Gabinete Ministra MDN <gabinete.ministra@mdn.gov.pt>

> To: "'ebco@ebco-beoc.org'" <ebco@ebco-beoc.org>

> CC: Apoio MDN <apoio.mdn@mdn.gov.pt>, Gabinete do Secretario de Estado da Defesa Nacional <gabinete.sedn@mdn.gov.pt>

> Date: 06/12/2022 15:09 EET

> Subject: Portal do Governo: Questionnaire for EBCO's Annual Report 2022

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> N/REF: 6908/2022

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> Dear Alexia Tsouni

> President

> European Bureau for Conscientious Objection

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> Please find attached the response requested to the questionnaire for EBCO's Annual Report 2022.

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> Best regards

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> -----Mensagem original-----

> De: noreply@portugal.gov.pt <noreply@portugal.gov.pt>

> Enviada: 1 de novembro de 2022 13:37

> Para: Gabinete Ministra MDN <gabinete.ministra@mdn.gov.pt>

> Assunto: Portal do Governo: Questionnaire for EBCO's Annual Report 2022

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> Data:2022-11-01, 12:35

> De: European Bureau for Conscientious Objection ebco@ebco-beoc.org

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> Brussels, 1 November 2022

>

> Dear Ministry,

> On behalf of the European Bureau for Conscientious Objection (EBCO), I am writing to you to kindly ask you to provide us some brief information for our Annual Report "Conscientious Objection to Military Service in Europe 2022", covering all the Council of Europe member states.

> As an International Non-Governmental Organisation particularly experienced in the field of conscientious objection to military service, EBCO enjoys participatory status with the Council of Europe, where inter alia our Annual Reports are observed in different divisions promoting and monitoring the implementation of human rights.

> Therefore, in order to collect the updated information, we have prepared the following brief questionnaire:

> 1. How was the conscription ended? It was suspended or abolished? Which year and by which law/decision? Please share it with us. In case it has only been suspended, what measures are in place to ensure that military service remains on voluntary basis, and what are the plans to finalise its abolition?

> 2. How was the human right to conscientious objection to military service first recognised? Which year and by which law/article of Constitution? Is it recognised in peace time, in general/partial compulsory mobilisation, and in war time?

> 3. What is the legal minimum age for voluntary enlistment in peace time, in general/partial compulsory mobilisation, and in war time?

> 4. How is the human right to conscientious objection recognised for the professional members of the military? What are the procedures to allow the early release of a serving member of the military who develops conscientious objections?

Please provide for the recent years the number of applications, the number of acceptances, the number of rejections, and, if relevant, the grounds of rejection.

> Please also kindly check the section about your country in the previous EBCO Annual Report 2021 here: https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf and send us any update, if available.

> We would be grateful to you if you could reply to us by the end of November 2022. Thank you in advance.

> Sincerely yours,

>

> Alexia Tsouni

> President

> European Bureau for Conscientious Objection

European Bureau for Conscientious Objection (EBCO)

www.ebco-beoc.org (<http://www.ebco-beoc.org>)

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Questionnaire for EBCO's Annual Report 2022

1. The conscription ended in december 2004. It was abolished by the Law 174/99, from setember 21, which established that in peace time military service is voluntary. This Law provided, in article 59, that compulsory military service was gradually eliminated within a maximum period of 4 years from its entry into force, which took place in november 2000 with the approval and entry into force of the regulation of military service law.

2. The right to conscientious objection to military service was recognised for the first time in 1976, by the Portuguese Constitution (article 41) which established that "Conscientious objectors will render unarmed military service or civil service appropriate to their situation."

Article 276 of the Portuguese Constitution establishes that conscientious objectors to militay service will perform civic service of duration and hardship equivalent to that of armed military service.

The right to conscientious objection to military service is recognized in peace time, in compulsory mobilization (general or partial) and in war time.

3. The minimum age in all situations is 18 years old.
4. As the provision of military service is voluntary, there will be only exceptional situations in which a military becomes a conscientious objector. Portuguese law does not establish any limitation, and in this case the recognition of conscientious objection implies that the military leaves the Armed Forces.

The Military Service Law establish that all young people in the year they turn 18 have the duty to attend the National Defense Day. The aim of this obligation is to make young people aware of the issue of national defense and publicize the role of the Armed Forces in the military defense of the Republic.

Young people can request the application of the status of conscientious objection in order to be exempted from the participation in the National Defense Day.