



REPÚBLICA
PORTUGUESA

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DE RECURSOS HUMANOS E
ANTIGOS COMBATENTES

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ASS: *Questionnaire About EBCO's anual Report 2021*

Dear Alexia Tsouni,

On behalf of the portuguese Minister of Defense we attach our responses to the
Questionnaire about EBCO's Annual Report 2021.

Yours sincerely,

O CHEFE DO GABINETE

Filipe João
Orfão
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**1. How was the conscription ended? It was suspended or abolished?
Which year and by which law/decision?**

In Portugal, compulsory military service formally terminated in 2004.

Until 1991 Portugal had a conscription model. From 1991 until 2004 a mixed model was in force: compulsory military service coexisted with regimes based on voluntary military service.

In 1999, article 59 of Law No. 174/99, September 21 (Military Service Law) set a deadline of no more than 4 years for the gradual elimination of compulsory military service. During this transition period (1999-2004), the military personnel in the compulsory regime gradually decreased and the number of volunteers increased. From 2004 onwards, the professionalization model was fully established and, in peacetime, military service is exclusively volunteer-based.

2. How was the human right to conscientious objection to military service first recognised? Which year and by which law/article of Constitution?

The right to conscientious objection has been recognised in general terms in article 41 (6) of the Constitution of the Portuguese Republic since 1976 and derives from the right to freedom of thought, conscience and religion, and can only be limited under the constitutional terms.

Article 276 (4) of the Constitution enshrines the right to conscientious objection to military service, and provides that conscientious objectors to military service shall perform civilian service of a duration and hardship equivalent to that of armed military service.

3. *What is the legal minimum age for voluntary enlistment in peace time, in case of general/partial compulsory mobilization, and in war time?*

According to Law No. 174/99, of September 21 (Military Service Law), the minimum age for military service in peacetime is 18.

According to the same Law, the period in which Portuguese citizens are subject to military obligations runs from the first day of the year in which they turn 18 years old to the last day of the year in which they turn 35 years old. Nevertheless, in time of war, the maximum age limit set for the military duties can be changed by law.

It is also important to refer that in the event of imminent or effective war or aggression by foreign forces, or in cases where the fulfilment of the fundamental requirements of the Armed Forces is affected, Portuguese law provides for exceptional recruitment mechanisms, namely the call-up and mobilization (Articles 34 and 36 - Law No. 174/99). The activation of these exceptional mechanisms can be operationalized by calling-up citizens from the recruitment reserve (civilians) and from the availability reserve (former military).

4. *How is the human right to conscientious objection recognised for the professional members of the military?*

Although the right to conscientious objection has greater application in conscription regimes, the Constitution of the Portuguese Republic still maintains the right to conscientious objection, which allows voluntary military personnel to exercise this right.

In this context, arising from the constitutional provision, article 40 of the Military Service Law (Law no 174/99) establishes that for citizens subject by law to military service, it is grounds for exemption from military duties to be recognized as conscientious objectors under the terms of the respective legislation (Law no. 7/92, of May 12, Law on Conscientious Objection, amended by Law No. 138/99, of August 28).