

European Bureau for Conscientious Objection Questionnaire for EBCO Annual Report 2024

A - Status of conscription

1. Is conscription into obligatory military service currently applied?

Currently the conscription into obligatory military service is not applied in Portugal.

C - Countries without conscription

9. Has any legislation regarding obligatory military service (conscription) been abolished, or has it merely been suspended, meaning that it could be reimposed at any time?

The Portuguese military service model was established in the Law No. 174/99, September 21 (Military Service Law) and its Regulation (Decree-Law No. 289/2000, November 14). Currently the conscription into obligatory military service is not imposed in Portugal given the fact that compulsory military service formally terminated in 2004. Since then, professionalization model is fully established and in peace time, military service is exclusively volunteer based.

10. Is there an ongoing registration procedure for those liable for military service? Is it possible for a conscientious objector to refuse to be registered? From what age is registration required?

Portuguese citizens are subject to military obligations from the first day of the year in which they turn 18 years old until the last day of the year in which they turn 35.

In the year the citizen reaches 18 years old, he or she is automatically registered in the military census and included in what is called the Recruitment Reserve¹. Also in that year, or in the following year, at the age of 19, the citizen is summoned to attend National Defence Day. Once this military duty is fulfilled, the citizen returns to the Recruitment Reserve, where he or she will remain, until the completion of thirty-five years old, unless they decide to join the military.

¹ *Recruitment Reserve: citizens subject to military obligations but who have not yet served in the military. According to the Military Service Law, citizens are part of this reserve recruitment mechanism until the age of 35 and may be called up for periods ranging from 4 months to 1 year, in cases where the satisfaction of the basic needs of the Armed Forces is affected or the pursuit of the permanent objectives of national defence policy is impaired.*

For those who choose to join the Armed Forces and render military service, there are basically two possible options:

Entering the permanent staff, a special recruitment mechanism, which confers a more stable and permanent contractual relation with the Military Institution.

Entering the voluntary and contract regimes, which are considered normal recruitment mechanisms and have time-limited duration, a twelve-month service or a contract that can reach up to six years in most military specialties or eighteen years, in specific military professions.

If they wish to do so and meet the defined requirements, contract military personnel can also apply to permanent staff vacancies. If this does not occur until the end of the contract period, they return to the civilian labor market and stay in the Availability Reserve, where they remain until the age of 35.

The right to conscientious objection has been recognized 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 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).

11. If suspended, are there specific provisions regarding the circumstances in which it could be reinstated and the process to be followed?

The Military Service Law (Law No. 174/99) stipulates safeguard mechanisms provided for exceptional situations. In fact, 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, the Portuguese law provides for exceptional recruitment mechanisms, namely the recall and mobilization (see Articles 34 and 36 - Law No. 174/99). The activation of these mechanisms is operationalized by calling-up citizens from the Recruitment Reserve and from the Availability Reserve.

² Availability Reserve: citizens who have already completed military service, namely under contract, and are still subject to military obligations (up to the age of 35) and may be called up for a total period of two months (for recycling and training, or military maneuvers). These citizens can also be called up in case of danger of war or imminent or effective aggression by foreign forces, serving in the Armed Forces if these conditions are maintained, and military mobilization is not decreed.

12. *Would reinstatement mean that previous legislation regarding conscientious objection would remain applicable? If so, please answer sections F and G with regard to such legislation.*

Yes. According to current legislation, the right to conscientious objection entails exemption from military service both in peacetime and in wartime (see Article 1 (2) of Law No. 7/92 of May 12).

D- School system

13. *Is attendance at any days of introduction to the armed forces or military careers or other programmes which could be seen as preparatory to military recruitment an obligatory part of the secondary education curriculum?*

There are no preparatory military recruitment programmes that constitute obligatory components of the secondary education curriculum in Portugal.

14. *Do armed forces have access to personal data of students?*

No.

15. *Do military institutions offer temporary programs to students under 18 to learn more about military careers?*

Yes, there are some programs, adapted to different age groups, which try to introduce young people to the professional reality of the Armed Forces. Some of these programs and initiatives (e.g. "Defence+Youth", "Citizenship and the Armed Forces") include contact with the different activities and professions that exist in the various military units and bases of the Navy, Army and Air Force, which makes it possible to pass on information and place the military career in the universe of possibilities for young people's vocational choices.

16. *Are military personnel involved in teaching classes at schools, on a temporary or long-term basis?*

No

D - Voluntary recruitment into military service

17. *What incentives or measures are used by the national armed forces to encourage voluntary recruitment? (financial incentives, scholarships, career prospects, advertising, etc.)*

In Portugal there is a regulation of incentives for military service (Decree-Law No.78/2018, October 11).

The current regulation classifies incentives into four main areas:

- ✓ Acquisition of educational and professional qualifications;
- ✓ Financial and material benefits;
- ✓ Support the transition to the labor market;
- ✓ And social and family benefits.

Beginning with the acquisition of educational and professional qualifications, there is a special quota for Portuguese Public Higher Education, meaning that military personnel who have rendered military service under legally defined conditions, may apply for access in two and a half percent of the vacancies set annually by universities. Also associated with the pursuit of higher studies, we find the tuition fees subsidy, for which the contracted military can apply.

In what concerns the more material or financial incentives, the legislation provides unemployment protection, since after military service, those who have served the Armed Forces in a contract regime, are entitled to unemployment benefit for the same period of service, up to a maximum of thirty months.

At the end of the military contract, and as compensation for its temporary nature and the impossibility of renewal of contract, military personnel are entitled to a financial compensation, which varies according to the number of years of service.

In terms of support for the transition to the labor market, it is important to highlight the existence of a support mechanism for the creation of self-employment and entrepreneurship and support programs for companies that hire military and former military personnel.

There is also a set of incentives regarding access to public employment, with vacancies reserved for military and ex-military personnel not only for the permanent staff of the Armed Forces, but also in organizations such as the Police Forces, the National Republican Guard, Prison Guard Forces, the Judiciary Police, the Forest Rangers, among others.

Finally, in terms of the key social and family benefits, the incentive regulation states that the children of contracted military personnel are entitled to a contingent of five percent of the existing vacancies in the public and private establishments of registered networks of pre-school education.

It also guarantees that military personnel and their respective families are entitled to medical care and auxiliary diagnostic assistance in equal terms to those applied for the permanent staff military.

18. What is the minimum age for recruitment?

18 years old.

19. What was the total first-time military recruitment in recent years? Please disaggregate by age, gender and (if appropriate) whether as conscripts or volunteers.

Total first-time military recruitment for the voluntary and contract regimes, that is, the number of candidates for the three branches of the Armed Forces that initiated the initial military training period (all volunteers):

- Year 2020 = 3054
- Year 2021 = 3132
- Year 2022 = 2539
- Year 2023 = 2192
- Year 2024 = 2327

20. What legislation governs voluntary recruitment into military service?

Recruitment into military service is established in the Law No. 174/99, September 21 (Military Service Law) and its Regulation (Decree-Law No. 289/2000, November 14).

21. What is the duration of service initially required?

In the case of the voluntary regime, the maximum duration is 12 months. In the contract regime, it can be up to 6 years. In this case, the period for contract renewal is variable (in some services/military specialties the initial contract period is 2 years, but in others it lasts 3, 4 or even 6 years, depending on the initial training length). There is also the special contract regime, which can last up to a maximum of 18 years, but currently it is only in force for 28 functional areas of a more technical nature. The period for contract renewal is also variable, like in the contract regime.

22. What proportion of recruits sign up for a second period of the same length or longer?

The statistical data about contract renewals are in the sphere of the Armed Forces services (Navy, Army, Air Force).

23. How many persons were called up for reserve service, and of what duration?

There were no people being called up for reserve service.

F. Application process for recognition of conscientious objectors

24. What process is used to decide upon applications for the recognition of conscientious objectors?

The decision is a deliberation by the National Commission of Conscientious Objectors, as disposed in article 25 of the Law 9/92, May 12 (amended by law 138/99, August 28), under requirement of conscientious objector statute made and submitted by the citizen.

25. What information is provided to conscripts regarding the possibility of applying for recognition?

There is no conscription in Portugal.

26. What body is responsible for deciding upon applications?

The National Commission of Conscientious Objectors (CNOC) works at the Portuguese Institute of Sport and Youth (IPDJ). It is the IPDJ that ensures the planning, organization, and coordination of the civic service of conscientious objectors and manages all matters relating to obtaining the status or renouncing it.

27. Who sits in the responsible body?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

28. In recent years, how many applications were received? How many were successful on first consideration; how many unsuccessful applications were appealed, and with what results?

These data should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

29. Are you able to indicate on which grounds any were rejected?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

30. How can the decision be appealed?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

31. What are the legal provisions for those who also refuse to perform alternative service?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

G. Terms of alternative service

32. If alternative service is/would be required of conscientious objectors, under what authority are the arrangements administered?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

33. What is the duration of alternative service?

Article 276 (4) of the Constitution of the Portuguese Republic enshrines the right to conscientious objection to military service.

Article 5 of the Law on Conscientious Objection (Law no. 7/92, May 12, amended by Law No. 138/99, August 28) states that civic service to be performed by conscientious objectors comprises a period of training, lasting three months, and a period of actual service, equal in length to compulsory military service. The training period comprises a general training phase and a specific training phase, which will consider the objectors' educational and professional qualifications and the characteristics of the institution where the civic service will be carried out.

34. To what duration of military service would the objector otherwise have been liable?

There is no compulsory military service in Portugal. At the age of 18/19, all Portuguese citizens are summoned to attend National Defence Day (military duty), that lasts for a day. If conscientious objection is recognized, the citizen is released from that military duty.

35. What is the rate of remuneration?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

36. How does the rate of remuneration compare to that of military conscripts?

There is no conscription in Portugal.

37. Which bodies offer alternative service placements?

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

38. *Are conscientious objectors assigned to placements, or do they have a free choice?*

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

39. *Is it possible to perform alternative service while continuing to live at one's permanent address?*

This information should be provided by the National Commission of Conscientious Objectors (CNOC - IPDJ).

H. Conscientious objection during military service of conscripts/volunteers

40. *What legislation or regulations would apply to the case of a serving member of the armed forces who applied for release having developed a conscientious objection?*

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, May 12, Law on Conscientious Objection, amended by Law No. 138/99, August 28).

41. *What procedures are followed in the event of an application?*

The human resources departments of the different Armed Forces services analyze the application and follow the legal framework applicable.

42. *What information is available to serving personnel about the right of conscientious objection and the means of applying for release?*

Information about the right of conscientious objection is not announced or published, but the different Armed Forces services are able to inform the military about the theme, if necessary.

43. *Have any such cases been recorded in recent years? Please give details of the number of applications, the number of acceptances.*

In recent years, Portuguese MOD have no record of serving member of the Armed forces having developed conscientious objections.

44. *Give details, if relevant, of the grounds for any rejections.*

Nothing to report.

45. *How many persons were prosecuted for desertion? Were any of these persons who had declared themselves conscientious objectors? What was the outcome, and what sentences were imposed?*

Information and/or data relating to the cases referred to in the question, if any, are in the sphere of the Armed Forces services (Navy, Army, Air Force).

H. Conscientious objection after military service

46. *What legislation or regulations would apply to the case of a reservist who applied for recognition as a conscientious objector?*

The same (Law no. 7/92, May 12, Law on Conscientious Objection, amended by Law No. 138/99, August 28).

47. *Have any persons sought to refuse reserve service on this basis in recent years? With what results?*

Not applicable. Since the current model of military service has been in force, no reserves have ever been activated.

J. Asylum for conscientious objectors

48. *Would it be possible for you to obtain statistics on approvals/rejections of those asylum applications in your country that were citing conscientious objection?*

Portuguese MOD has no access to such data.

K. Developments since last year

Nothing to report.