**Human Rights Council Resolution 36/18| Conscientious Objection to Military Service**

Information by the Portuguese Authorities

With Law 174/1999 (Law on Military Service, *Lei do Serviço Militar*), Portugal abolished conscription and started a transformation process into fully professional armed forces. After a 4-year transition period, the last conscripts were called-up for military service until September 2004. Since then, the Portuguese Armed Forces consist of professional military personnel (regulars and short-term volunteers) and civilian personnel.

However, according to Article 11 of Law 174/1999, later emended with Organic Law 1/2008, 18 years oldmale and female Portuguese citizens have to attend a National Defence Day (*Dia da Defesa Nacional*), a military duty, which is aimed at giving information on national defence and the role of the Armed Forces. And, consequently, to motivate the ones potentially interested in a military service. This Day also involve other public institutions responsible for national security, such as the National Authority for Civil Protection, the Republican National Guard, the Intervention Service in Addictive Behaviours and Dependencies and the City Councils.

Conscientious Objection

The right to conscientious objection was legally recognised in 1976. Legal provisions on conscientious objection were laid down in Law 7/1992, ruled by Decree 191/92, and last changed with Law 138/1999.

Parte superior do formulário

This Law points out that the objector has the right to present to the National Committee for Objectors a declaration stating that condition and only applies to conscripts. In this case, applications could only be made before starting military service.

Article 13 practically excludes professional soldiers from claiming the right to conscientious objection. According to this Article, the right to conscientious objection does not apply to those whose daily duties includes bearing arms, have a licence to do so or whose work is connected with the manufacture of arms and armaments.

However, while conscription has not been enforced since November 2004, an application for conscientious objection frees an objector from any military obligation, including National Defence Day[[1]](#footnote-1).

Therefore, Conscientious Objectors enjoy all rights and are subject to all duties set forth in the Constitution and in the Law, for citizens in general who are not incompatible with the position of Conscientious Objector.

They are incompatible with the position of Conscientious Objector:

* perform functions, public or private, that impose the use and possession of a weapon of any nature;
* holder of an administrative license for the possession, use and possession of a weapon of any kind;
* to be the holder of an authorization to use and carry a defence weapon when, by law, such authorization is inherent to the public or private function that it exercises;
* work in the manufacture, repair or trade of weapons of any kind, or in the manufacture and trade of their ammunition, as well as work on scientific research related to such activities.

The case of Summoning and Mobilization

Although compulsory military service ended in 2004 there are exceptions such asSummoning and Mobilization.

By a government’s bill, whenever the number of military personnel is insufficient to fulfil the fundamental requirements of the Armed Forces, citizens can be called-up to perform military service, for a period of 4 months that can be extended up to 12 months.

However, the Mobilization Law is waiting for a decree-law and pass-way regulations that will clarify the missions and expected employment of reservists, what will be very important in order to implement refreshment training.

When reservists are called-up, the Law for Conscientious Objection to Military Service deals with the alternative to the compulsory military service. The objector has the right to present to the National Committee for Objectors a declaration stating that condition.

1. In 2018, 391 18-year-old citizens requested and were granted exemption from this duty (in a universe of 138084 called-up for National Defence Day). [↑](#footnote-ref-1)