

**Submission by the International Fellowship of Reconciliation  
to the 128<sup>th</sup> Session of the Human Rights Committee**

**PORTUGAL**

**(Military service, conscientious objection and related issues)**

Updated January 2020.

**Basic information**

**POPULATION (November 2018, estimated<sup>1</sup>)** 10,355,000

**MILITARY RECRUITMENT: Conscription applied 1910–2004. Recruitment now voluntary.  
MINIMUM AGE<sup>2</sup>: 18.**

**CONSCIENTIOUS OBJECTION: Provisions were introduced in 1976.**

**Approximate male population reaching 18 years old annually<sup>3</sup>:** 62,130

**ARMED FORCES active strength, November 2018<sup>4</sup>:** 27,200  
**as a ratio of the number of men reaching “military age” annually<sup>5</sup>:** 43.8%

**MILITARY EXPENDITURE: US \$ equivalent, 2018<sup>6</sup>** \$ 4,248m  
**Per capita** \$ 413  
**As % of GDP** 1.8%

In its Fourth Periodic Report under the International Covenant on Civil and Political Rights, Portugal makes two cross-referenced statements regarding military service “Ordinary military service ceased to be required in 2004. However, exceptional recruitment is still possible, in case the fundamental needs of the armed forces cannot be met through contract or volunteer recruitment (Act 174/92, of 21-9, as amended by Organic Act 1/2008, of 6-5). All citizens who turn 18 in a given year must be

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<sup>1</sup> Source: The Military Balance 2019 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

<sup>2</sup> Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers London, September 2012.

<sup>3</sup> Calculated from the population breakdown given in The Military Balance 2019.

<sup>4</sup> As quoted by to the International Institute of Strategic Studies (London) in The Military Balance 2019.

<sup>5</sup> This giving a very crude indication of the proportion of the male population who experience some form of military service.

<sup>6</sup> Stockholm International Peace Research Institute (SIPRI), April 2019.

present at the commemorations of National Defence Day.”<sup>7</sup> and “The right to objection of conscience still applies to military obligations imposed upon Portuguese citizens.”<sup>8</sup>

It has been confirmed that this indeed means that those with conscientious objections are not required to participate in National Defence Day.<sup>9</sup>

These features represent an example of very good practice. First, with the suspension of conscription it is made clear that arrangements for conscientious objectors will be in place should it ever be reimposed. And second, the replacement of military service by the obligation to attend a day's programme directed towards “sensibilisation” on military issues (and encouraging voluntary recruitment) has been accompanied by provisions enabling conscientious objectors. This has not been the case in, for example, France, where similar “days” were instituted when conscription ended.

The only outstanding issue with regard to conscientious objection is therefore the situation of serving members of the armed forces.

Portugal is a member state of the Council of Europe, the Committee of Ministers of which recommended in 2010:

“42. Professional members of the armed forces should be able to leave the armed forces for reasons of conscience.

43. Requests by members of the armed forces to leave the armed forces for reasons of conscience should be examined within a reasonable time. Pending the examination of their requests they should be transferred to non-combat duties, where possible.

44. Any request to leave the armed forces for reasons of conscience should ultimately, where denied, be examined by an independent and impartial body.

45. Members of the armed forces having legally left the armed forces for reasons of conscience should not be subject to discrimination or to any criminal prosecution. No discrimination or prosecution should result from asking to leave the armed forces for reasons of conscience.

46. Members of the armed forces should be informed of the rights mentioned in paragraphs 41 to 45 above and the procedures available to exercise them.”<sup>10</sup>

With particular reference to this recommendation, it is therefore appropriate that any member state of the Council of Europe be asked what would happen in the event that a “professional” member of the armed forces developed a conscientious objection to military service. Would there be a possibility of early release? How would such a release be categorised? Would any form of financial or other penalty apply? Would an application for release have a suspensory effect, preventing the serviceman or servicewoman from being ordered to perform duties which could be foreseen to present a clear conflict of conscience?

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<sup>7</sup> CCPR/C/PRT/4, 25<sup>th</sup> February, 2011, para 109.

<sup>8</sup> Ibid, para 208.

<sup>9</sup> War Resisters International [http://wri-irg.org/programmes/world\\_survey/country\\_report/en/Portugal](http://wri-irg.org/programmes/world_survey/country_report/en/Portugal) (23<sup>rd</sup> October, 2008).

<sup>10</sup> CM/Rec(2010)4, 24<sup>th</sup> February 2010.