



Conscience and Peace Tax International

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Submission to the 100th Session of the Human Rights Committee: October 2010 Conscientious objection to military service and related issues BELGIUM

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After a campaign going back at least to the 1930's, a law exempting conscientious objectors from obligatory military service in Belgium was finally approved in 1964.¹

On 31st December 1992, the Law on Conscription (1962) and the Law on Conscientious Objection (1980) were amended so as to apply only to those liable for military service in 1993 or earlier – i.e. those born before 1975. The last conscripts completed their military service at the end of February 1995, since when Belgium's armed forces have been entirely composed of volunteers. The two Laws remain on the statute books, however, and it must be assumed that any future amendment reinstating obligatory military service would be accompanied by a reinstatement of the arrangements for conscientious objectors.

The only residual issue is the situation of a “professional” member of the armed forces who develops a conscientious objection. No such instances have been recorded, but in the absence of specific provisions an individual serviceman or -woman need not have drawn attention to any conscientious objections when seeking release.

It is recorded that members of the armed forces can “request their dismissal” without explanation at any time. However the relevant provision lists a number of situations in which such a request will normally be rejected as conflicting with

¹Prasad, D. & Smythe, T., Conscription - a world survey: compulsory military service and resistance to it, War Resisters International, London, 1968, pp. 12 – 16.

“service requirements”: during the first three years following training; while on, or detailed for, active service; during times of crisis, mobilisation or war.²

Therefore, although this provision might be used by conscientious objectors seeking release from military service, it is clearly not drafted with conscientious objection in mind, nor is it adequate to deal with the possible eventualities. Subject to translation difficulties, the word “dismissal” is also ominous. What exactly appears on the employment record of a person who leaves the armed forces on this basis?

Belgium might therefore be usefully asked whether it has considered joining those States which have made formal provision for the release of any serving member of the armed forces who develops a conscientious objection.

² Professional soldiers and the right to conscientious objection in the European Union (Information against war, repression, and for another society No. 5 – Documentation produced for Tobias Pflüger MEP (Vereinigte Europäische Linke / Nordische Grüne Linke (GUE/NGL) Parlamentsfaktion Europäische Parlament, October 2008), p13.