

# Belgium

## Issues

- The end of conscription in Belgium also meant the end of conscientious objection.
- Belgium does not recognise the right to conscientious objection for professional soldiers.



## Military recruitment

### Conscription

Conscription was suspended on 31 December 1992 by amending the 1962 Law on Conscription, which became applicable only to conscripts drafted in 1993 and earlier<sup>1</sup>. In practice this meant that the law no longer applied to those born in 1975 and later. Since 1 March 1995 the Belgian armed forces consist of professional volunteers only<sup>2</sup>.

### Professional soldiers

The main form of advertising for a career in the Belgian Armed Forces is via advertisements in public spaces, such as buses and railway stations, and in magazines and newspapers. In addition, the Armed Forces organise a range of so-called “open days” to attract interest from especially young people.

The Armed Forces maintain 'Defensiehuizen' (recruitment offices) in several Belgian cities, who mainly target people who already have some professional training for non-commissioned officer and officer positions.

According to the Belgian Ministry of Defence, the recruitment target for 2008 was set at 1,700, while the target in previous years has been around 1,500. Generally, the military did not meet these targets in the last years.

Additionally, the military aims to recruit young people on a contract basis for 5-10 years<sup>3</sup>.

## Conscientious objection

### Conscientious objection for conscripts

Although nobody is presently being called up for military service, conscripts still have the right to conscientious objection<sup>4</sup>.

The 1980 Law on Conscientious Objection is now obsolete. On 31 December 1992 it was amended so that it became applicable only to conscripts drafted in 1993 and earlier.

### Conscientious objection for professional soldiers

There is no right to conscientious objection for professional soldiers. According to Article 52 of the Law for professional soldiers<sup>5</sup>, soldiers can “request” their dismissal at any time, but such a request can be rejected when it conflicts with service requirements. Paragraph 3 of this article lists situations in which such a request more or less automatically conflicts with service requirements:

- when the soldier has so far served for less than three years following military training;

1 Gecoördineerde Dienstplichtwetten, <http://tinyurl.com/2quv6o>

2 Directie Gewetensbezwaarden 1996. Reply to CONCODOC questionnaire.

3 Email Hans Lammerant, Vredesactie, 4 April 2008

4 Statuut van de gewetensbezwaarden, <http://tinyurl.com/2l9xov>

5 <http://tinyurl.com/2ulbpu>

- in times of crisis;
- in times of mobilisation;
- in times of war;
- in peace time when the soldiers' unit is on operation, or prepares for an operation.

In fact, in situations where it would be most likely that a conflict of conscience might arise, it is most difficult to leave the Armed Forces prematurely.

### ***Draft evasion and desertion***

Desertion is punished with military prison from two months to two years, according to Article 43 and following of the Military Penal Code (Militair Strafwetboek) from 1870<sup>6</sup>. Information on practice is not available.

The question of draft evasion does not arise as there is presently no conscription.

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<sup>6</sup> <http://tinyurl.com/32qf3e>