

# Luxembourg

## Issues

- Luxembourg does not recognise the right to conscientious objection for professional soldiers.

## Military recruitment

## Conscription

Conscription was abolished in 1967<sup>1</sup>.

Conscription is not enshrined in the 1868 Constitution<sup>2</sup>.

## Professional soldiers

To fulfil its NATO obligations Luxembourg has a small armed force of volunteers. Its present legal basis is the amended 1952 Military Law.

Volunteers aged between 17 and 25 may join the armed forces. They must sign on for at least three years, which can be followed by another four year contract<sup>3</sup>, up to a total of 15 years<sup>4</sup>. A 2002 law now allows EU citizens, under certain conditions (i.e. having been resident for a minimum of 36 months in Luxembourg), to join the Luxembourg Army<sup>5</sup>.

The number of volunteers in the Army has been decreasing since 1994 and Luxembourg has had some difficulty meeting personnel recruiting goals (male and female). In 2000, the Army launched a recruitment campaign aiming at making the voluntary military service more attractive and at motivating more young people to commit themselves for a minimum of 18 months. The pay was increased substantially and civilian guardians were recruited in order to allow volunteers to concentrate on their military training<sup>6</sup>.

Volunteer soldiers are the only eligible candidates for postmen, customs officers or forest wardens. Moreover they have a priority enrolment right in other areas, as for instance the police<sup>7</sup>.

## Conscientious objection

### Conscientious objection for conscripts

In 1963 a legal provision for the right to conscientious objection for conscripts had been introduced<sup>8</sup>. COs had to perform substitute service for one and a half times as long as military service. Between 1963 and 1967 there were about five known CO cases. Between 1945 and 1963 there were two CO trials<sup>9</sup>. As conscription has been abolished in 1967, the issue does presently not arise.



1 Mémorial A n° 43 de 1967: Abolition du service militaire obligatoire, <http://www.legilux.public.lu/leg/a/archives/1967/0043/a043.pdf>, accessed 29 April 2008, Mémorial A n° 46 du 08.07.1967, <http://www.legilux.public.lu/leg/a/archives/1967/0046/a046.pdf>, accessed 29 April 2008

2 Constitution, [http://www.servat.unibe.ch/icl/lu00000\\_.html](http://www.servat.unibe.ch/icl/lu00000_.html), accessed 29 April 2008

3 Lëtzebuurger Armée: Formation, Engagement: <http://www.armee.lu/chap04/c040105.htm>, accessed 29 April 2008

4 Luxembourg – National Report 2005, [http://www.nato.int/ims/2005/win/national\\_reports/luxembourg.pdf](http://www.nato.int/ims/2005/win/national_reports/luxembourg.pdf), accessed 29 April 2008

5 U.S. Department of State, Bureau of European and Eurasian Affairs: Background Note: Luxembourg, January 2008, <http://www.state.gov/r/pa/ei/bgn/3182.htm>, accessed 29 April 2008

6 Luxembourg - National Report 2004, <http://www.nato.int/ims/2004/win/luxembourg.pdf>, accessed 29 April 2008

7 Luxembourg - National Report 2004, <http://www.nato.int/ims/2004/win/luxembourg.pdf>, accessed 29 April 2008

8 Mémorial A n° 42 de 1963, <http://www.legilux.public.lu/leg/a/archives/1963/0042/a042.pdf>, accessed 29 April 2008

9 War Resisters' International: Refusing to bear arms, London, 1998, <http://wri-irg.org/co/rtba/archive/luxembourg.htm>, accessed 29 April 2008

## **Conscientious objection for professional soldiers**

There is no legal provision for conscientious objection by professional soldiers<sup>10</sup>.

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

In 1982 the Military Penal Code was revised<sup>11</sup>. According to Article 51 of the 1982 Military Penal Code, desertion is punishable in peacetime with imprisonment from two months to two years. Under certain circumstances set out in articles 52 and following, the punishment can be higher.

No information on practice is available.

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<sup>10</sup> War Resisters' International: Refusing to bear arms, London, 1998, <http://wri-irg.org/co/rtba/archive/luxembourg.htm>, accessed 29 April 2008

<sup>11</sup> Mémorial A n° 114 de 1982: Refonte du code pénal militaire, <http://www.legilux.public.lu/leg/a/archives/1982/0114/a114.pdf>, accessed 29 April 2008