
BELGIUM

Kingdom of Belgium

Population: 10.3 million (2.1 million under 18)

Government armed forces: 40,800

Compulsory recruitment age: Conscription suspended

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 6 May 2002

Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

Belgium backed a “straight-18” position, but had yet to amend its national legislation to exclude the possibility of under-18s serving in the armed forces. Legislation ruled out the deployment of under-18s in hostilities at all times.

Context

Belgium is among the top 13 countries dominating the world trade in small arms. During the 1990s assault weapons produced in Belgium turned up in countries where the use of child soldiers was extensive, including Angola, the Democratic Republic of the Congo, Rwanda and Sierra Leone.¹ An amendment to a 1991 law regulating the small arms trade, adopted in March 2003, banned licences for exports to countries “where it has been established that child soldiers are aligned with the regular army”. However, the law applies to child soldiers under the age of 16 only.² There were continuing allegations that criminal suspects, demonstrators, asylum-seekers and unauthorized immigrants were subjected to ill-treatment, excessive use of force and racist abuse by law enforcement officers.³

Government

National recruitment legislation and practice

The armed forces have been a professional volunteer force since 1995. Although conscription has been suspended since 1992, legislation regulating compulsory military service has not been repealed. Under the Acts on the Militia (1962), during peacetime conscripts must register during the year they turn 16 for the call-up in the year they are 19 (Article 4). In wartime “militiamen shall be part of the recruitment reserve from 1 January of the year in which they reach the age of 17 until the time when they are taken into the army or their military obligations come to an end. This reserve can only be called up in the event of war or a threat to the territory” (Article 2). As long as

these laws are not repealed, it remains possible for 16 year olds to be recruited at time of war.⁴

A law introduced on 22 March 2001 ruled out participation of under-18s in armed combat, stating: “In wartime, recruits undergoing training who have not reached 18 years cannot participate in armed combat operations” (Article 152).⁵

On its ratification of the Optional Protocol in May 2002 Belgium declared that the minimum age for voluntary recruitment into the armed forces is not lower than 18 years and that it is forbidden for anyone under the age of 18 “to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement”. The declaration also stated that non-governmental militias were prohibited, regardless of the age of those involved.⁶

Military training and military schools

There are a number of military schools, including the Royal Military Academy, a university, the Royal Defence College for postgraduates, and French and Dutch language academies for non-commissioned officers.⁷

According to a Royal Order (*Arrete Royale*) of 11 August 1994, as amended on 21 June 2001, recruits may present themselves for training as non-commissioned officers (*sous-officiers*) once they have completed secondary education; the minimum age is not specified (Article 9). Candidates for training as regular soldiers must be 16 by the end of the year in which their training begins, so may be 15 years old when admitted (Article 9). All candidates are required to sign an oath stating that they will be subject to military regulations (Article 5).⁸ On 19 February 2002 the Defence Minister told parliament that recruits were permitted to start non-commissioned officer training at military schools at 16, but that they were not considered part of the armed forces and would “never be engaged” in military operations.⁹

1 *Small Arms Survey 2002*, Graduate Institute of International Studies, Geneva, 2002, <http://www.smallarmssurvey.org>.

2 Law of 16 January 2003, adopted in March 2003, Ministry of Justice, <http://www.just.fgov.be>.

3 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

4 Information from Child Soldiers Coalition Belgium, <http://www.enfant-soldat.be>; Initial report of Belgium to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add 4, 6 September 1994, <http://www.ohchr.org>.

5 Ministry of Justice, op. cit.

6 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

7 Ministry of Defence, <http://www.mil.be> (Departments, Training and Schools).

8 Ministry of Justice, op. cit.

9 Information from Child Soldiers Coalition Belgium, February 2004.