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NOTE EQUIVALENT TO AN OPINION

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NOTE EQUIVALENT TO AN OPINION ON NATIONAL MILITARY SERVICE FOR YOUNG PEOPLE WITH AN HIV-INFECTED MARITAL PARTNER

Following referral of this issue by the Minister of Defence on January 5, 1996, in connection with a specific case, the National AIDS Council, considering the matter to fall within its remit, felt that this case raised the general problem of national military service of young people living in couples of which one member is HIV-infected.

1. Although called to consider this issue by the public authorities with respect to AIDS, the Council wishes to point out that it is also relevant to other medical conditions. It considers that HIV infection should not be given special treatment in this area. It is in that sense that the Council notes with satisfaction that HIV-infected individuals may, if they wish and if their state of health permits it, do their national military service.
2. Official regulations in force largely restrict the so-called "breadwinner" exemption from national service to married couples with children. The Council considers that such regulations are unduly restrictive : firstly, they are limited to the traditional family unit, which would seem to fail to take into account changes in social norms ; secondly, the "breadwinner" concept is limited to the financial aspect. Where a member of the immediate family is suffering from a serious medical condition, "breadwinner" should be widened to take account of these two considerations. Moreover, the possibility of further postponement of national service already exists to take account of grave social circumstances , and the logic underlying this could be used in many cases in the present context, or even extended to include exemption.
3. Finally, a significant problem is posed by the loss of welfare rights by the heirs and assigns of those called up for national service. The Council draws attention to the fact that, since 1993, the law has broadened the definition of the heir or assign in such a manner that it may today be applicable to homosexual couples. However, such rights are lost when the national serviceman is enlisted. This is a further source of difficulty which needs to be resolved.