

Denmark

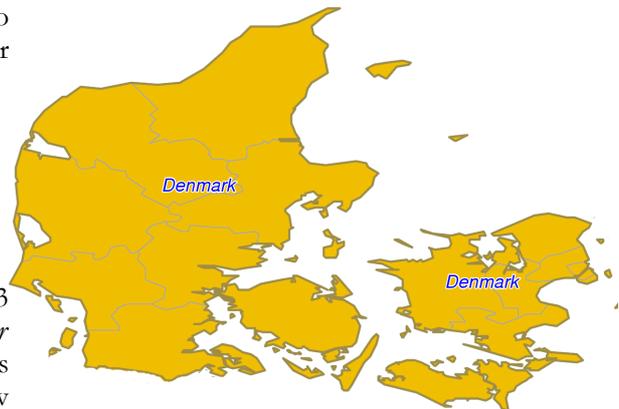
Issues

- Denmark still maintains conscription. The right to conscientious objection is not recognised for professional soldiers.

Military recruitment

Conscription

Conscription is enshrined in art. 81 of the 1953 Constitution, which states: "*All men able to bear arms are under the obligation (...) to the defence of the nation*"¹. The present basis of conscription is the 2006 National Service Law (Værnepligtsloven)².



The length of military service is between 3 days and 14 months, depending on the branch of the armed forces and the rank attained. Most conscripts perform a 4 months' military service.

All men between the ages of 18 and 30 are liable for military service. The National Service Law does not cover the self-governing territories of the Faroe Islands and Greenland. If a young man moves to mainland Denmark after living in one of those territories for ten years or more, he is not liable for military service.

The selection of conscripts is by balloting, as the number of young men available for military service is much greater than the number considered necessary by the Danish National Forces. Selection involves drawing lots during medical examination, which takes place during newly introduced "Danish Defence Days" (Forsvarets dag). The lots are actually not drawn by the conscripts themselves but by the military authorities. Apparently this is because once somebody ate his lot ticket, which meant they had to suspend the draft that day in order to find out which lot number had been eaten.

The lot numbers range from 1 to 35,000. Firstly, conscripts who have applied to serve voluntarily are drafted, whatever lot number they might have. From the remaining conscripts only those with the lowest numbers are drafted, until the necessary amount is reached. Therefore it takes some months, before conscripts are told whether or not they must serve. Conscripts drawing a 'blank' are not called up but transferred to a reservist-category liable to be called up in wartime.

There are more conscripts than the armed forces need. Therefore in practice only 30 to 50 percent of all liable conscripts are called up for military service. Most conscripts in the armed forces have volunteered to serve³.

Voluntary applications for military service can be made from the age of 17 when the person has special reasons to do so, for example for reasons of education.

Professional soldiers

The newly introduced "Danish Defence Days" are not only important for the recruitment of conscripts, they are also a tool to attract professional soldiers. At those days (which are also open for women), all men and women declared suitable for military service receive a presentation on Danish Defence and the emergency management services. The presentation comprises information about military service, employment and career opportunities and response force contracts, etc. After the presentation those found suitable or partly suitable for military service may, if they so wish, conclude an agreement on military service and employment following individual guidance⁴.

1 UN Commission on Human Rights, 1994. Report of the Secretary-General prepared pursuant to Commission resolution 1993/84 (and Addendum). United Nations, Geneva.

2 Bekendtgørelse af værnepligtsloven, LBK nr 225 af 13/03/2006 Gældende, <https://www.retsinformation.dk/Forms/R0710.aspx?id=6463>

3 Reports by Militaernaegterforeningen 1987, 1992-97.

4 Consolidated implementation basis for "Danish Defence Agreement 2005 – 2009",

<http://forsvaret.dk/NR/rdonlyres/BD0DB719-4F0F-41A4-AEEDB-4F28C602FCE0/0/20050318Implementeringsnotatet6.pdf>

Conscientious objection

Conscientious objection for conscripts

The right to conscientious objection has been legally recognised since 1917. Its present legal basis is laid down in the 2006 National Service Law and the 2006 Civil Service Act (Militærnægterloven, 226/2006)⁵. Art. 1 of the Civil Service Act states: "*Conscripts for whom military service in any form is judged, from available information, to be incompatible with the dictates of their conscience, may (...) be exempted from military service on condition that they are engaged in other national work, which is not, however, serving any military purpose.*"

Procedure

Written applications must be made to the conscientious objection administration board of the Ministry of the Interior within four weeks of receipt of call-up papers. According to the government, all kinds of reasons of conscience (religious, ethical) are acceptable but applications based solely on political grounds are not to be granted.

There are no individual examinations of applications and in practice almost all applications are granted, provided the word conscience is mentioned. CO groups have evolved a standard formula that is said to be generally acceptable to the authorities.

Applications can be made while serving, in which case the application needs to be more elaborate and should include an explanation as to when and where the applicant's conflict of conscience took place.

Conscientious objection for professional soldiers

The Civil Service Act only applies to conscripts, and not to soldiers who joined the Armed Forces voluntarily. According to information provided by the Royal Danish Embassy, professional soldiers do always have the right to resign, albeit with three months notice⁶. However, certain trainings within the Armed Forces require the soldier to sign a "duty to serve" contract, the length of which depends on the duration of the training. In case a soldier wants to resign prematurely before the end of his/her contract, this might lead to repayment of training expenses.

Draft evasion and desertion

penalties

Draft evasion and desertion are punishable under the Military Penal Code, but COs are not subject to its provisions.

Desertion is punishable according to Article xx of the Military Penal Code (Militær straffelov)⁷.

Refusal to perform substitute service is punishable by a fine and up to a year's imprisonment under art. 6 of the 2006 Civil Service Act. The length of imprisonment is equivalent to the length of time that should have been served.

total objection

Up to the mid-1990s, every year about 25 people refuse to perform both military and substitute service, all of them Jehovah's Witnesses. They were normally twice sentenced to a fine. After a third refusal they were sentenced to imprisonment to the length of time that they should have served. This normally meant six months' imprisonment, as the judges considered them to refuse to perform the shortest possible service. In practice total objectors were usually released when they had served half the prison sentence. Then, as a rule, they were expected to hand over DKK 9,000 to cover costs of board and lodging while in prison⁸.

More recent cases of total objection are presently not known.

5 Bekendtgørelse af lov om værnepligtens opfyldelse ved civilt arbejde, LBK nr 226 af 13/03/2006, <http://www.militaernaegter.dk/sw164.asp>

6 Royal Danish Embassy: The right to conscientious objection. 13.DAN.2, 14 March 2008

7 <https://www.retsinformation.dk/Forms/R0710.aspx?id=6435>

8 Maeland, Henry John 1993. Accommodation of Conscience - The Scandinavian Experience.