



## QUAKER COUNCIL FOR EUROPEAN AFFAIRS

### The Right to Conscientious Objection in Europe: A Review of the Current Situation

#### Country Report: SWEDEN

##### Conscription

Conscription is regulated by the 1994 Total Defence Service Act (1809/94), which brought together all previously existing legislation on military service.<sup>1</sup>

The length of military service is 7.5 months, between 10 and 15 months for officers, and between 18 and 20 months for those serving in the navy.

All men between the ages of 18 and 47 are liable for military service.

Swedish defence policy is based on the concept of total defence, which means that all inhabitants are obliged to participate in national defence in case of emergency or war. Total defence consists of military service, civil defence service and general service. Conscription only takes place into military service and civil defence service. General service does not involve any form of training, but means that one may be called up for service in time of war or emergency. All Swedish citizens (both men and women) and all foreigners living in Sweden are liable for general service between the ages of 16 and 70.

In recent years, the total defence system has been reviewed extensively. Apart from the Green Party, there seems to be political consensus to maintain conscription in the future. In 2000, a government commission even proposed making military service compulsory for women as well, but this proposal was eventually withdrawn. Although conscription will remain in place, the number of conscripts that is needed by the armed forces is decreasing. Consequently, fewer and fewer young men are actually recruited.

##### Statistics

The armed forces comprise 33,900 troops, including 15,900 conscripts. Every year, approx. 50,000 young men reach conscription age. Approx. 40 per cent are recruited.

After medical examination, conscripts are assigned to either military service, civil defence service or the training reserve. Those assigned to the training reserve (approx. 60 per cent of eligible recruits) are not called up for any service in peacetime.

##### Conscientious objection

###### Legal basis

The right to conscientious objection has been legally recognized since 1920. Its present legal basis is the 1994 Total Defence Service Act (1809/94).

###### Scope

Both religious and non-religious grounds for conscientious objection are legally recognized. According to the Total Defence Service Act, CO status is to be granted if someone "can be assumed as having such a personal conviction about the use of weapons against another person so that this conviction is inconsistent with a combatant role" (Chapter 3, Par. 16).

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<sup>1</sup> English translation of the Total Defence Service Act, [www.pliktverket.se](http://www.pliktverket.se)

### **Time limits**

There are no time limits for submitting CO applications. Applications can be made by serving conscripts. In this case, the applicant must explain more elaborately how and why his problems of conscience started. His military service needs to be postponed until the application is decided on (Chapter 3, Par. 19). The Total Defence Service Act does not contain specific provisions for reservists, but the wording of Chapter 3, Par. 19 suggests that the procedure for reservists is the same as for serving conscripts.

There are no legal provisions for the right to conscientious objection for professional soldiers.<sup>2</sup>

### **Procedure**

Applications must be made to the National Service Administration (Ministry of Defence). Since 1991, personal interviews are no longer part of the application procedure. Applications that are submitted before starting military service, or within six months of obtaining knowledge about call-up for service, are approved without further investigation (Chapter 3, Par. 18). Consequently, most applications are almost automatically granted.

### **Substitute service**

The length of substitute service is 7.5 months, which is the same as military service.

Substitute service is administered by the National Service Administration (Ministry of Defence). Substitute service can be performed in institutions of civil defence, such as fire protection, rescue service, social work and maintenance work on railways and roads.

Substitute service does not have an entirely non-military character as the Ministry of Defence administers it and it is clearly linked to the total defence system. COs are granted non-combatant status, which means that they are guaranteed not to be involved in using weapons or "such activities that are combined with actual combat tasks, e.g. maintaining order or guard duty" (Chapter 1, Par. 6).

However, the Ministry of Defence has been criticized regularly for not informing conscripts about the possibility of applying for non-combatant status. The difference between COs having non-combatant status and other conscripts serving in civil defence service is often unclear to new conscripts.<sup>3</sup>

During wartime, all conscripts who have served in the civil defence service are given a war posting with a civil defence institution, such as the national railways administration or the civil aviation administration (Total Defence Service Act, Chapter 2, Par. 13). The Total Defence Service Act does not contain specific provisions on the wartime posting of COs, and it does not specify if and how the non-combatant status of COs is guaranteed during wartime. In the past, Swedish CO groups have expressed concern that it is not clear how far the National Service Administration makes a distinction in its administration between COs having non-combatant status and other conscripts in the civil defence service.<sup>4</sup>

### **Practice**

Every year, between 1,500 and 2,000 CO applications are made. Approx. 90 per cent of applications are granted.<sup>5</sup>

According to the Swedish government, applications are not granted if they are solely based on political motives.<sup>6</sup> As most applications are not individually examined, it is not clear how such an assessment is made.

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<sup>2</sup> Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001.

<sup>3</sup> European Bureau for Conscientious Objection: Conscription and CO in Sweden (country report), 2001, [www.terra.es/personal/beoc.ebco/COoverview/sweden.htm](http://www.terra.es/personal/beoc.ebco/COoverview/sweden.htm)

<sup>4</sup> War Resisters' International: Refusing to bear arms - A world survey on conscription and conscientious objection to military service, 1998.

<sup>5</sup> Statistics provided by the Swedish Ministry of Defence, in: European Bureau for Conscientious Objection/Heinrich Böll Foundation: European Union without Compulsory Military Service - Consequences for Alternative Service, 2000.

<sup>6</sup> United Nations Commission on Human Rights, 56th session, Civil and political rights, including the question of conscientious objection to military service, Report of the Secretary-General submitted pursuant to Commission resolution 1998/77 (E/CN/. 4/2000/55).

**Total objectors**

According to the Swedish government, approx. 400 conscripts per year refuse to perform both military service and substitute service.<sup>7</sup>

Violations of total defence service regulations are punishable under Chapter 10 of the Total Defence Service Act. Total objectors are usually fined and receive a conditional sentence. After a year they will receive a new call-up. Those who continue to refuse service are usually sentenced to up to four months' imprisonment. The law permits a conscript to be called-up an indefinite number of times, but in practice it is rare for more than two call-up orders to be issued.<sup>8</sup>

There are no Jehovah's Witnesses amongst the total objectors. Since 1966, Jehovah's Witnesses are legally exempt from military service, on proving membership and participation in its activities.

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<sup>7</sup> Council of Europe Committee on Legal Affairs and Human Rights (2001).

<sup>8</sup> European Bureau for Conscientious Objection (2001).

