



QUAKER COUNCIL FOR EUROPEAN AFFAIRS

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

Country Report: NORWAY

Conscription

Conscription is enshrined in Article 109 of the Constitution and is further regulated by the 1953 General Compulsory Service Act (29/1953).

The length of military service is 12 months. In practice, it is regularly shortened to 8 or 9 months.

All men between the ages of 18 and 44 are liable for military service. In practice, men are seldom called up after the age of 30.

A small number of conscripts serve in the National Guards. They serve for 6 months, but have to do an annual two weeks' reservist training up to the age of 44. Conscripts who have performed regular military service also have reservist obligations up to the age of 44, but are in practice seldom called up for reservist training.¹

In recent years, Norway has reviewed its defence policy and decided to keep conscription in place. Apart from the Green Party, there seems to be political consensus to maintain conscription in the future. According to the Ministry of Defence "conscription will remain a pillar of Norwegian defence".²

Statistics

The armed forces comprise 19,000 troops, including 11,300 conscripts. Every year, approx. 32,000 young men reach conscription age.

Conscientious objection

Legal basis

The right to conscientious objection has been legally recognized since 1922. Its present legal basis is the 1965 Law on Exemption of Military Service for Reasons of Personal Conviction.

Scope

Both religious and non-religious grounds for conscientious objection are legally recognized. According to Article 1 of the 1965 Law: "If there is any reason to suppose that a conscript is unable to perform military service of any kind without coming into conflict with his serious conviction, he shall be exempted from such service by the competent Ministry or by judgement pronounced pursuant to the provisions of this Act".

Opposition to the use of nuclear weapons has also been included as a legal ground for conscientious objection. According to an amendment made to the 1965 law in 1990, beliefs "related to the use of weapons of mass destruction as they might be expected to be used in the present day defence" may be seen as a legal ground for conscientious objection.³ Norway is in fact the only European country where opposition to nuclear weapons is recognized as a legal ground for conscientious objection to military service.

¹ Information provided by Sivilarbeider (Norwegian Union of Conscientious Objectors), August 2004.

² Norwegian Ministry of Defence: The further modernisation of the Norwegian Armed Forces 2005-2008, 12 March 2004, www.odin.dep.no

³ War Resisters' International: Refusing to bear arms - A world survey on conscription and conscientious objection to military service, 1998.

Time limits

There are no time limits for submitting CO applications. When a serving conscript makes an application, he needs to be discharged from the armed forces within four weeks. During these four weeks, he will not have to carry arms.⁴

It is not clear if there are legal provisions for the right to conscientious objection for professional soldiers. A report published by the Council of Europe in 2001 suggests that the right to conscientious objection does not apply to professional soldiers.⁵ According to another source, professional soldiers may claim the right to conscientious objection and should, in this case, be released from duty. No further information is available about an application procedure for professional soldiers and there are actually no known cases of professional soldiers seeking discharge from the armed forces because of conscientious objection.⁶

Procedure

Applications have to be made to the Ministry of Justice. Applications can be made by signing a standard form that is available from the Ministry. Since 2001, no personal interview takes place during the application procedure. Consequently, applications are almost automatically granted.⁷

Substitute service

The length of substitute service is 13 months, which is one month longer than military service. Substitute service is administered by the Ministry of Justice. According to Article 10 of the 1965 Law, substitute service "must have a civilian character and must be commanded by civilians. It should have no connection with any military establishment or activity". Substitute service may be performed in government institutions, such as hospitals, but also in non-governmental organizations. A large number of COs do their substitute service in the VOKT, an educational programme on violence prevention in junior high schools and high schools. In 2004, 400 COs were employed in this programme, making it in fact the largest employer of COs.

The salary of COs is paid for by the Ministry of Justice. Employing organizations need to pay a sum of 18.3 Euros per day to the Ministry, which makes it quite attractive for organizations to employ COs. This money is given to UNICEF, meaning that employers of COs largely pay for Norway's regular contribution to UNICEF.

After completing substitute service, COs have reservist duties in the Civilian Defence Force and may be called up for an annual two weeks' reservist training. The Civilian Defence Force is aimed at supporting civilians during wartime. Its training includes training in first-aid, self-defence and administering logistics, but it does not include training with arms.⁸

Practice

During the last ten years, the number of CO applications has been relatively stable at between 2,000 and 2,500 per year. In recent years, the following number of CO applications has been granted:⁹

2001	2,364
2002	2,150
2003	2,209

⁴ Sivilarbeider (2004).

⁵ 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.

⁶ Sivilarbeider (2004).

⁷ Before 2000, the application procedure could be rather strict, as approx. 30 per cent of applications were rejected (War Resisters' International 1998).

⁸ Sivilarbeider (2004).

⁹ Norwegian Ministry of Defence: Norwegian Defence Facts and Figures 2003, www.odin.dep.no. European Bureau for Conscientious Objection: New challenges for peace: From the global to the local view, Strasbourg 9-16 March 2003 (seminar report).

Since the abolition of personal interviews in 2001, almost all applications are granted. It is believed that an application is only rejected if the applicant has been convicted for a violent offence. In 2002, three applications were rejected because the applicants had been convicted for a criminal offence in the past.¹⁰

The government has set a maximum on the number of COs that can be employed per year at 1,490. As the number of recognized COs is higher, this means that a considerable number of COs cannot start their substitute service. Consequently, between 500 and 1,000 COs per year are not called up for substitute service and are in practice exempt from serving altogether.¹¹

Total objectors

Each year, between 100 and 200 conscripts refuse to perform both military and substitute service. They are usually sentenced to “enforced completion of the service”, which means that they are forced to perform a substitute service consisting of regular substitute service duties. This is mainly relevant for Jehovah’s Witnesses. They do not want to apply for substitute service but they will comply with doing substitute service if they are sentenced to perform it.

Approximately 150 Jehovah’s Witnesses per year are sentenced to enforced service.¹²

Total objectors who do not comply with the sentence of enforced substitute service are usually sentenced to a fine and three months’ imprisonment under Article 35 of the Military Penal Law for “unauthorized absence from military service”. The Military Penal Law envisages a renewed call-up after release and a repeated three months’ imprisonment. In practice, the second sentence is often pardoned. In 2003, ten total objectors were believed to have been sentenced to imprisonment.¹³

¹⁰ European Bureau for Conscientious Objection (2003).

¹¹ Sivilarbeider (2004).

¹² Kampanjen Mot Verneplikt (Campaign against Conscription), www.pluto.no/doogie/ga/huset.kmv

¹³ Sivilarbeider (2004)