

Updated June 2008

## DENMARK

### Conscription

Conscription is enshrined in Article 81 of the 1953 Constitution and is further regulated by the 1980 National Service Law.

Since 1 January 2006, the length of military service is 4 months.

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.<sup>1</sup>

As in most European countries, the number of available conscripts is much higher than the number considered necessary by the armed forces. Denmark is, however, the only European country where the actual selection of conscripts takes place by balloting. Selection takes place by drawing lots during medical examination. At the "Day of the Armed Forces", attendance at which is compulsory for every young man, conscripts who have applied to serve voluntarily are drafted first, whatever lot number they might have. From the remaining conscripts only those with the lowest numbers are drafted, until the necessary level in terms of numbers has been reached. The lots are not actually drawn by the conscripts themselves, but by the military authorities. Apparently, this is because someone once ate his lot ticket, which meant that the draft had to be suspended that day in order to find out which lot number had been eaten.<sup>2</sup>

### Statistics

In 2006, 5,727 young men served as conscripts, while 750 served in the rescue service and 349 were conscientious objectors.<sup>3</sup> It is thus obvious that most of the young men who would not have wished to serve in the armed forces are not called up because of the balloting system.

### Conscientious objection

#### Legal basis

The right to conscientious objection has been legally recognized since 1917. Denmark was in fact the first European country to introduce a law on conscientious objection. With the 2006 reform, the four possibilities of accomplishing the service (military service, development aid, rescue service, civilian service) have become legally co-equal. So everybody has a free choice as to which service he wants to do, in which the opting for an alternative service has simply to be explained on conscientious grounds. The duration of all services is the same, except for the rescue service, which may last up to 6 months.

#### Time limits

Applications can be made before and during military service. Applications that are made by serving conscripts should be more elaborate and should include an explanation as to when and where the applicant's conflict of conscience started. Approx. 20 per cent of CO applications are actually believed to be made by serving conscripts.<sup>4</sup>

#### Substitute service

Since 2006, the length of substitute service is the same as military service: 4 months.

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<sup>1</sup> Coalition to Stop the Use of Child Soldiers: Child Soldiers Global Report 2004.

<sup>2</sup> War Resisters' International: Refusing to bear arms - A world survey on conscription and conscientious objection to military service, 1998. Henning Sørensen: National Service Arrangements in Denmark, Paper presented at the 5th Global Conference on National Youth Service in Jerusalem, 11-15 June 2000, [www.acys.utas.edu.au/ianys/country/denmark-2000.html](http://www.acys.utas.edu.au/ianys/country/denmark-2000.html)

<sup>3</sup> Statistics provided by the Royal Danish Embassy in Berlin

<sup>4</sup> War Resisters' International (1998).

Substitute service is administered by the Ministry of Interior. It can be performed in government institutions such as hospitals, social work and cultural institutions, but also with peace and environmental organisations.

Substitute service starts with a six days' introduction course, during which COs are informed about their rights and duties.

### **Practice**

In 2006, the first year after the reform, 349 conscientious objectors accomplished civilian service, whereas 750 went to the rescue service.

Almost all applications are automatically granted. It simply has to be based on grounds of conscience.

Every year, approx. 25 COs refuse to perform both military service and substitute service. All of them are believed to be Jehovah's Witnesses.

Refusal to perform substitute service is punishable with a fine and a term of imprisonment equivalent to the length of time that someone should have served (Civilian Service Act, Article 6). Since 1996, Jehovah's Witnesses receive a suspended sentence that is replaced by a probationary term of one year with the provision that the committer does not commit an offence. During this year, they are under the supervision of the Probation Service and are obliged to carry out community service for a maximum of 240 hours.<sup>5</sup>

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<sup>5</sup> United Nations Commission on Human Rights (E/CN/.4/2000/55).