

----- Original Message -----

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Subject: Danish Ministry of Defence Personnel Agency - Questionnaire about EBCO's Annual Report 2022 [RELEASABLE TO INTERNET TRANSMISSION]

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European Bureau for Conscientious Objection (EBCO)

Att.: Alexia Tsouni

Dear Alexia Tsouni,

I hereby forward the Danish Ministry of Defence Personnel Agency (MDPA) response to EBCOs questions regarding conscientious objection to military service in Denmark.

Please see the attached document.

Kind regards,

Amina Omercajic

Administrative officer

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Answer to Questionnaire about EBCO's Annual Report 2022

In response to EBCOs questions regarding conscientious objection to military service in Denmark, please see below the answer from the Danish Ministry of Defence Personnel Agency (MDPA):

1. What is the duration of the military service, and what is the duration of the alternative social civilian service?

The duration of the civilian service/conscientious objection service (CO-service) has to be equal to the duration of the military service, from which the conscript is transferred. The duration of the service normally varies from 4 months up to 12 months, so accordingly the COs have differentiated duration of service, but to most of them, the duration of the service is 4 months.

2. How was the human right to conscientious objection to military service first recognized? Which year and by which law/article of Constitution?

The conscripts in Denmark have the right to refuse military service and service in the Danish Emergency Management Agency on the grounds of conscientious objection (CO), according to Article 1, Subsection 1, in the Act No. 226 of 13th of March 2006 of announcement of law on conscientious objectors.

This has been the case since 1917, when Denmark got its first conscription law.

CO-status is granted to a person, who objects to military service and service in the Danish Emergency Management Agency based on reasons of conscience. Objection is accepted when based on religious or ethical reasons. An application solely politically based will be refused.

Legislatives of the CO-service (law and departmental order) is unfortunately not been translated into English.

<https://www.retsinformation.dk/eli/lta/2008/995>).

3. How are the conscripts officially informed about the human right to conscientious objection to military service? What exact information about the possibility of applying for alternative civilian service is included with call-up papers?

In the call-up papers all the conscripts receive an information letter, which among other things describes the conditions of compulsory national service.

Dato: 25. januar 2023

Enhed: [Adressatkode]

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This letter also has a separate chapter on civilian service, containing information about the right to refuse military service for conscientious reasons, about the procedure of applying for CO-status, and the length and types of work in the civilian service. Along with the call-up papers for service in the military forces or for service in the Danish Emergency Management Agency the conscripts receive information about the possibility of transfer to civilian service.

4. What is the procedure for a conscript to serve alternative social civilian service, in all times (e.g. peace, national emergency, partial/general compulsory mobilisation and war)? What body decides in an individual case whether the application is accepted or rejected, and what is its composition? To which Ministry does it pertain? Please provide for the recent years the number of applications, and the number of acceptances and rejections, if any.

Are applications normally accepted without enquiry? If not, what process is followed? Does it involve a personal interview? In all cases, or only in some? For the above, please provide disaggregated data (a) between those citing religious and those citing non-religious ("ideological") grounds for conscientious objection, (b) according to denominations (for those citing religious grounds), (c) where relevant, between those applicants who have been summoned to interview and those who have not.

Application for CO-status, in all times (e.g. peace, national emergency, partial/general compulsory mobilisation and war) must be sent in writing, stating the reasons for applying, i.e. the matter of the conscience. Since July 1st 1998 the applicants have been offered a form applying for CO-status made by the CO-Administration. Use of this form is not mandatory.

An application should be sent to Danish Ministry of Defence Personnel Agency (MDPA) within eight weeks after the applicant has received his call-up papers for the military forces or for service in the Danish Emergency Management Agency. The reason for this eight-week time limit is that the military authorities should have sufficient time to find replacement for those who are granted CO-status.

An application can be sent in before the conscript has received the call-up papers, and the CO-status may be granted, but the length of the service cannot be stated until the final half-year distribution for the conscripts has taken place.

It is also possible to apply for CO-status after the eight-week time limit and after the applicant has initiated service in the military forces or in the Danish Emergency Management Agency.

Still the application should be based upon the conscience of the conscript. In this situation, the conscript also has to state the time his conscience has begun, and the reason for it. Besides, it should be ascertained, in which way the conflict has been strengthened during his service.

All the conscript have a right to apply for CO-status, but all of the above-mentioned requirements must to be fulfilled. Otherwise, the conscripts will be denied this right.

In 2022 Danish Ministry of Defence Personnel Agency (MDPA) has received and approved 11 applications for CO-status.

The number of applications for CO-status in the last 5 years is described in the table down below. There were no rejected applications.

Year	Number of applications
2018	13
2019	17
2020	4
2021	17
2022	11

As previously mentioned, CO-status can only be granted if a conscript objects to both military service and service in the Danish Emergency Management Agency on the grounds of conscientious objection (CO), and on that ground the national laws do not recognize the selective conscientious objection. Objection is accepted when based on religious or ethical reasons. An application solely politically based would be refused.

5. Is the alternative social civilian service system purely civilian indeed, managed by a non-military authority/ministry? What body is responsible for administering alternative civilian service for conscientious objectors? To which Ministry does it pertain?

Yes, the alternative civil service/ conscientious objection service established for conscientious objectors is purely civilian. During that service, the CO is placed to work in one of the many public or public funded institutions, approved by CO-Administration, Danish Ministry of Defence Personnel Agency (MDPA), for this purpose only.

Workplace:

All workplaces for conscientious objectors have been approved by CO-Administration and are mainly local (municipal) or regional government, public institutions and private institutions for the common good, that receive public funding. All workplaces are within the fields of social, health, culture, religion, peace and environment.

The COs can choose the sort of institution, they find most suitable to their interest, geographical location etc. The institutions are situated all over the country, which makes it possible for most of the COs to do their civil service near their homes. The employment of the COs must not have any military purpose. The specific rules are provided by the Ministry of Defence, and the practical organization rest with the CO-Administration.

Examples of working places are institutions for children, young people and old people, institutions for mentally and physically disabled people and cultural institutions such as museums, theatres, libraries etc. Besides it is possible to work in peace movement-organizations, organizations connected with the U.N., church organizations and environmental movement-organizations.

It is a condition, however, that the COs works as extra labor, i.e. the COs may not be hired for vacant jobs and they may not be hired to work in functions demanding special skills. Furthermore they may not work in institutions, which they are attached to or where they previously have been employed.

6. What is the legal minimum age for conscription, and what is the legal minimum age for voluntary enlistment in peacetime, in case of general/partial compulsory mobilization, and in war time?

The legal minimum age for conscription in a time of peace and war is 18.

7. How is the human right to conscientious objection recognized for the professional members of the military? What are the procedures to allow the early release of a serving member of the military who develops conscientious objections? Please provide for the recent years the number of applications, the number of acceptances, the number of rejections, and, if relevant, the grounds of rejection.

The national law on conscientious objectors applies **only** on the conscripts.

Professional military personnel are employed on contract, which means they can be given notice (dismissal) or they can give notice (resignation) according to the terms stated in their respective contracts.

8. Are there any plans to suspend/abolish conscription in the near future?

There are no plans to suspend/abolish conscription in the near future.