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# DENMARK

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## Kingdom of Denmark

**Population:** 5.4 million (1.2 million under 18)

**Government armed forces:** 22,880

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 27 August 2002

**Other treaties ratified** (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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## Context

Legislation was introduced in 2002 limiting the right to seek asylum and the rights of foreign nationals resident in Denmark. The scope of anti-terrorist legislation was broadened in the wake of the 11 September 2001 attacks in the USA.<sup>1</sup>

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## Government

### National recruitment legislation and practice

The constitution states that “Every male person able to bear arms shall be liable with his person to contribute to the defence of his country under such rules as are laid down by Statute”(Article 81).<sup>2</sup>

The legal basis for conscription is the 1980 National Service Act, as amended: “Conscripts who are residents of or living in this country shall appear before the medical draft in the year before they reach 18” (Section 13).<sup>3</sup> The minimum age for compulsory recruitment is 18. The term of service depends on the conscript’s duties: for example, four months for certain medical duties, eight to nine months for ordinary military service, and 12 months to serve in the Royal Lifeguard.<sup>4</sup> Conditions for alternative service, outlined in Legal Order No. 1089 of 1998, were similar to those for military service.<sup>5</sup>

Traditionally, compulsory service was for men only. A statute of 19 February 1998 allowed women to enrol voluntarily on the same terms as men. There were around 870 women in the armed forces, making up five per cent of the force.<sup>6</sup>

The Home Guard is a locally-based unpaid force comprising about 65,000 volunteers under joint military and civilian leadership, whose task is to reinforce and support the work of the armed forces.<sup>7</sup> An amendment to the Home Guard Act in 2001 increased the age of recruitment from 17 to 18.<sup>8</sup>

### Military training and military schools

A recruit may present himself before the medical board when he is 17 but may only enrol for military training from the age of 18.<sup>9</sup>

### Territories

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

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## Developments

Within the framework of the Danish Defence Agreement 2000-2004, the defence forces’ strength was being cut and ending conscription was under discussion.<sup>10</sup> While some opposition groups supported ending conscription altogether, the coalition government favoured scaling it down to a three-month term, with a focus on training, including in first aid, responding to national emergencies and security against “terrorism”.

### International standards

Denmark ratified the Optional Protocol in August 2002, stating that Danish legislation “does not permit the recruitment of any person below 18 in the armed forces”.<sup>11</sup>

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Constitutional Act of Denmark, [www.folketinget.dk/pdf/constitution.pdf](http://www.folketinget.dk/pdf/constitution.pdf).
- 3 Amended by the Consolidating Act No. 190 of 2 April 1993 and Consolidating Act No. 1088 of 23 December 1998.
- 4 National Service Act, at Ministry of Interior, <http://www.im.dk>.
- 5 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.
- 6 Royal Danish Ministry of Foreign Affairs, <http://www.um.dk>; Committee on Women in the NATO Forces [http://www.nato.int/issues/women\\_nato](http://www.nato.int/issues/women_nato).
- 7 Danish Home Guard, <http://www.hjv.dk>.
- 8 Amended by Parliamentary Act No. 123 of 17 February 2001, Ministry of Defence, <http://www.fmn.dk>.
- 9 Correspondence from the Danish Defence Command, 3 March 2004.
- 10 Royal Danish Ministry of Foreign Affairs, op. cit., (Defence and Military).
- 11 Declaration made by Denmark on ratification of the Optional Protocol, <http://www.ohchr.org>.