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1 Introduction

1. This report covers views of the Union of Conscientious Objectors (AKL) on areas of relevance to the UN International Convention on Civil and Political Rights (ICCPR). The general description on the Finnish conscription and the conscientious objection is provided in **Chapter 2: Basic information on the conscription and conscientious objection in Finland**. Current changes on the issue are provided in **Chapter 3: New developments regarding conscientious objection to military service since 2019**. The recommendations of the Union of Conscientious Objectors are provided in **Chapter 4: Recommendations**.
2. The report was made on 30 March 2021 by the Union of Conscientious Objectors.

2 Basic information on the conscription and conscientious objection in Finland

3. Finland has compulsory conscription for males. Conscripts must serve 165, 255 or 347 days. If a conscript avers that serious reasons of conscience founded on conviction prevent him from carrying out the military service, they can apply for 347 day-long alternative civilian service (non-military service) in the call-ups or during the military service. Applications to non-military service must be accepted automatically by the law.

2.1 The duration of non-military service

4. In the last Universal Periodic Review of Finland in 2017 the Human Rights Council asked Finland to: “ensure that civilian alternatives to military service are not punitive or discriminatory” (A/HRC/36/8)¹. In the seventh periodic report of Finland (CCPR/C/FIN/7)² also the Human Rights Committee reiterated its concerns that the length of non-military service is almost twice the duration of the period of service for the rank and file, and recommended the State party to ensure that the length and nature of the alternatives to military service are not punitive in nature.
5. The duration of non-military service is always 347 days. Meanwhile, those who serve in the army mostly spend shorter time in duty: 43 percent of conscripts serve 165 days in the army, 14 percent 255 days and 43 percent 347 days.³ In military service conscript’s own motivation has an effect for their imposition to certain durated service. The aim is to find enough conscripts willing to serve in the longer services.
6. Those who become conscientious objectors after performing their military service must apply for supplementary service. Supplementary service is obligatory and its duration is 40 days in maximum by law, but contemporarily 5 days in practice. Meanwhile, most reservists of the military are not serving in the refresher courses. When comparing the refresher courses and the supplementary service it seems like conscientious objectors from the reserve are treated in a discriminatory way.

2.2 Non-military service under civilian control

7. The Human Rights Council has previously recommended Finland to “ensure that civilian alternatives (...) remain under civilian control” (A/HRC/36/8). In 2021 the Human Rights Committee also noted with concern that “while such alternative service is under the direction of the Ministry of Employment and the Economy, military personnel still take part in relevant working groups and committees determining the nature and duration of alternative service.” (CCPR/C/FIN/7.) Still, there are some matters that implicate that non-military service is not fully under civilian control.
8. In the Working Group to Examine the Needs of Changes to Non-Military Service Act, which was active in 2017-18, there were members from The Ministry of Defence, military headquarters and The Union of Conscripts. Those military parties are deciding about the issues concerning conscientious objectors to military service. The human rights expertise and interests of non-military servicemen was left mostly on the shoulders of the member from The Union of Conscientious Objectors. He raised up and defended alone the concerns and recommendations that The Human Rights Council has previously iterated.

2.3 Problems when applying to non-military service

9. The Non-Military Service Act obligates authorities to provide information about the possibility to apply for non-military service. Act's section 104 says: “*The Ministry of Employment and the Economy, the Centre for Non-Military Service, and the Defence Forces must provide those liable for conscription with sufficient information on the possibility to apply for, and the content of, non-military service.*”
10. The Human Rights Council draw attention in the theme in its Resolution 24/17: “[*The Council*] affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service -- [and] -- welcomes initiatives to make such information widely available, and encourages States, as applicable, to provide information to conscripts and persons serving voluntarily in the military services about the right to conscientious objection to military service.”
11. In the seventh periodic report of Finland (CCPR/C/FIN/7) also the Human Rights Committee was concerned about “the insufficient dissemination of information about the right to conscientious objection and alternatives to military service.”
12. This obligation is not realized. Firstly, there is not much information about non-military service before the call-ups or during the call-ups.
13. Finnish males receive a call-up letter on the year they turn 18 years old. On the letter there is a call-up notice, a questionnaire to ascertain military service and state of health⁴ and a guide book for military service⁵. There is not any information about non-military service in the call-up notice. In the questionnaire there are questions about what kind of wishes the draftee has for army service. In the whole call-up letter there is neither possibility to announce about the wish to serve in the non-military service nor information about how to apply to it.
14. The call-ups are organised by the Finnish Defence Forces and the municipality. It differs how the non-military service is presented in the call-ups. Normally it is mentioned quickly, sometimes not at all. Often the atmosphere is propagandist: there are screenings of films made by Defence Forces and often there are war veterans giving speeches. Sometimes the manner of speaking makes non-military service sound

suspicious and negative. Conscientious objectors need to find information about non-military service by themselves from the internet.

15. The Union of Conscientious Objectors has been collecting experiences from the participants who have not got enough information in the call-ups.⁶ The Union is also sharing leaflets that inform conscripts about the alternatives for military service. This campaign has continued for decades.
16. Secondly, the right to apply for non-military service during the army service often has problems.
17. The Non-Military Service Act's Section 13 appoints⁷: *"Non-military service applications must be processed without delay. Call-up boards or Defence Forces regional offices must approve all applications that comply with the requirements laid down in section 12. Commanders of military units and the Centre for Non-Military Service must pass on all applications submitted to them to a Defence Forces regional office for approval. Call-up boards and Defence Forces regional offices must without delay notify the Centre for Non-Military Service that the non-military service application has been approved."*
18. The Union Of Conscientious Objectors gets dozens of contacts every year from military servicemen who are willing to change to non-military service but who face denial or procrastination by the army brass..

2.4 Punishments for total objectors

19. Conscientious objectors who refuse to perform both military service and non-military service are called "total objectors". They are sentenced to imprisonment for a period corresponding to half of their remaining non-military service time. Maximum imprisonment period is 173 days. Since 2013, total objectors have had the chance to apply to perform monitoring sentences.
20. In its report on Finland in 2017 the Human Rights Council encouraged the State Party to: "Release prisoners detained as conscientious objectors to military service" (A/HRC/36/8). Still the Finnish State Party has not reported any progress made in extending the exemption from military and civilian service accorded to Jehovah's Witnesses to other conscientious objectors. On the contrary, The act which exempted Jehovah's Witnesses from conscription service was abolished on the 1st of April 2019.
21. In the seventh periodic report of Finland (CCPR/C/FIN/7) the Human Rights Committee said it was concerned about the fact that the preferential treatment accorded to Jehovah's Witnesses had not been extended to other groups of conscientious objectors, but it was expelled.
22. The total number of total objectors in Finland 2013-2020 is provided in APPENDIX 1.

3 New developments regarding conscientious objection to military service

3.1 The Parliamentary Committee to develop the conscription

23. The Parliamentary Committee on Development of conscription and fulfilling national defence obligation published its report on 26 November 2021⁸. Some of the Committee's proposals might have deteriorating effects for conscientious objectors if actualized, including the goals:

- to reshape the non-military service's training period with preparedness and disruption controlling contents;
 - to primarily have service positions which are liable for preparedness and are essential in comprehensive security;
 - to serve in assisting comprehensive security tasks that support anticipation and preparedness;
 - to enable non-military servicemen's mutual administrative support;
 - to enable the usage of the reserve of non-military servicemen also during other times of crises than military crises;
 - to launch complementary training for non-military servicemen to use in different readiness states and
 - to reject recognition of already performed service days when applying to non-military service from military service.
24. The Union of Conscientious Objectors (AKL) is worried that the defence regime has taken more power on the non-military service. Even the Committee's section that considered non-military service development was under The Ministry of Economic Affairs and Employment and consisted of civil servants, the basis for the development work was set by The Ministry of Defence. AKL is disappointed that the human rights expertise or The Union of Conscientious Objectors were not included in the section's work outside hearings. As a result, the Committee highlights the defensive functions of alternative service and partly overtakes human rights based approach to it.
25. AKL sees that the goal to link the non-military service more closely to the comprehensive security approach and preparedness in society might endanger the conviction based nature of the alternative service when focusing solely at crisis time instead of proactive peace building.
26. The proposal to reject recognition of already performed service days when applying to non-military service from military service means that those who develop conscientious objections during the military service would need to perform a full 347 days of non-military service no matter how many service days they have already performed. The proposal would make non-military service even more punitive than it is today in terms of its duration. At the moment the already performed military service days are compensated by using certain coefficients.
27. AKL has been criticizing the proposal as an attempt to deteriorate the right of conscientious objection and to diminish switching from military service to non-military service. AKL sees that the Committee's task to add operational value to military defence is the real reason for the goal. At the moment almost half of the non-military servicemen have served in the army before choosing the non-military service.

3.2 Progression in the implementation of *ne bis in idem* principle

28. On June 28 the Supreme Court deserted the prosecutor's application in the case of so-called second time total objector and the earlier acquitting sentence of the Court of Appeal remained. This became a preliminary ruling for dozens of total objectors who announced their objection between 23 February 2018 and 1 April 2019. At that time their adjudication was seen discriminatory compared to Jehovah's Witnesses but they were

later called again to perform their services and sentenced to imprisonments when objecting again.

29. In December 16 2021, the Finnish parliament expelled sections from the Conscription Act and Non-Military Service Act that obliged the authorities to call those who have refused to perform military or non-military service but have not been sentenced to imprisonment to be called again to perform the service. The law changes in line with the *ne bis in idem* principle came into force on January 1 2022⁹.

4 Recommendations

30. The Union of Conscientious Objectors recommends the State party to:

- Reduce the length of alternative civilian service to the shortest (165 days) or average (255 days) duration of the military service along the international Human Rights standards.
- Ensure that any group or committee considering alternative civilian service for conscientious objectors is not under military control and abides by Human Rights standards.
- Ensure that in future the non-military service will not be punitive in its nature and duration
- Provide sufficient information about the possibility to apply for non-military service both in the draft and during the military service.
- Release all conscientious objectors in prisons or in monitoring sentence and abolish any other forms of punishment of conscientious objectors.

Sources

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