

**SUBMISSION**

**TO THE 411<sup>st</sup> SESSION OF THE UNIVERSAL PERIODIC REVIEW**

**FINLAND**

**Military service, conscientious objection and related issues**

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Founded in response to the horrors of war in Europe, the **International Fellowship of Reconciliation-IFOR** has taken a consistent stance against war and its preparation throughout its history.

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IFOR is an NGO in Consultative Status with the ECOSOC since 1979.

IFOR advocates at the UN for human rights and other relevant issues for a Culture of Peace such as the right to conscientious objection to military service, right to peace, right to life, refugees' rights, freedom of expression, disarmament and others.

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### 1. FINLAND BASIC INFORMATION

**Population** (July 2021, estimated)<sup>1</sup>: 5,587,442

#### **Compulsory military service**

Minimum recruitment age: 18.<sup>2</sup>

Duration of compulsory military service: 165, 255 or 347 days, depending on the level of training.

Women can voluntarily perform military service.

The inhabitants of the demilitarised Åland Islands are exempt from military service and can serve in a similar way at a pilot station or lighthouse service, or within some other civilian administrations.<sup>3</sup>

After completing their initial conscription obligation, individuals enter the reserves and remain eligible for mobilisation until the age of 60.<sup>4</sup>

#### **Alternative (non-military) service**

Length: 11.6 months (347 days).

Ratio to military service duration: 1 -2.1 times.<sup>5</sup>

The conscripts can apply for alternative service before or during military service.

### 2. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

#### ***Compulsory military service***

According to the Constitution of Finland, every Finnish citizen is obligated/obliged to participate in national defence. Every male Finnish citizen aged 18-60 is liable for military service, and women can apply to military service on a voluntary basis. A person liable for military service must complete either armed or unarmed military service, or non-military (civil) service. After completing military service, conscripts are mustered out into the Finnish Defence Forces' reserve.<sup>6</sup>

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<sup>1</sup> Central Intelligence Agency (CIA), The World Factbook (2021).

<sup>2</sup> Child Soldiers World Index, available here: [www.childsoldiersworldindex.org](http://www.childsoldiersworldindex.org).

<sup>3</sup> Even though the legislation provides for this possibility, in practice it has never been put in place and the Åland inhabitants are *de facto* exempted from the conscription.

<sup>4</sup> Central Intelligence Agency (CIA), *ibidem*.

<sup>5</sup> European Bureau on Conscientious Objection (EBCO), Annual report 2021, March 2021. [https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO\\_Annual\\_Report\\_2021\\_0.pdf](https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021_0.pdf)

<sup>6</sup> The Finnish defence forces website: <https://puolustusvoimat.fi/en/finnish-conscription-system>.

Therefore, military service includes conscription, refresher training, and service during mobilisation, as well as participation in call-ups and examination of fitness for service. A man liable for military service is either in service as a conscript, in the reserve or in the auxiliary reserve.

The duration of military service (conscription) is 165, 255 or 347 days, depending on the duties trained for.

### ***Exemption from military and alternative service***

Currently, all Finnish males must perform military- or alternative service, save for a particular status for those who are living in Åland Islands.

The law which completely exempted Jehovah's Witnesses from both military and alternative service was abolished on 1<sup>st</sup> April 2019.<sup>7</sup>

This was the opposite of the UN's Human Rights Committee recommendation,<sup>8</sup> namely to extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors.

### ***Recognition of CO and alternative service***

Applications to non-military service ("siviilipalvelus" in Finnish) must be accepted automatically by the law before (at the call-up) and during military service, and it is available also for reservists.

The Human Rights Council has previously recommended Finland to "ensure that civilian alternatives (...) remain under civilian control"<sup>9</sup>. 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.

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.

### ***Punitive length of alternative service***

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<sup>7</sup> Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases (330/2019).

<sup>8</sup> Human Rights Committee, concluding observations on the sixth periodic report of Finland (CCPR/C/FIN/CO/6) published the 22 August 2013, para. 14.

<sup>9</sup> A/HRC/36/8.

The alternative service is 347 days long. The length of the alternative, non-military service is potentially punitive: it lasts more than double the shortest period of military service (165 days).

In the previous review of Finland, the issue has been raised and a specific recommendation was addressed but it was only noted by the interested State<sup>10</sup>.

### ***Procedural aspects: lack of information available on alternative service***

The *Non-Military Service Act* obligates authorities to provide information about the possibility of applying for non-military service. Section 104 of the Act says/states: “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.”

Finnish males receive a call-up letter in the year they turn 18 years old. In the letter there is a call-up notice, a questionnaire to ascertain military service and state of health. In the call-up notice, there is not any information about non-military service or the possibility of opting for it.<sup>11</sup>

Together with the notice letter, Finnish males receive a guidebook for military service.<sup>12</sup> The non-military service is presented in a short paragraph of 14 lines, and there is only a sentence about the application procedure that says: “For information on how to apply for non-military service go to [siviilipalveluskeskus.fi](https://siviilipalveluskeskus.fi)<sup>13</sup>, contact your regional office or ask personnel during the call-up”.<sup>14</sup>

In addition, during the call-ups, non-military service is presented by the Armed forces in a hasty manner. Sometimes the manner of speaking makes non-military service sound suspicious and negative for them and for Finnish society, thus resulting in a form of social pressure on young males. Indeed, the Finnish Union of Conscientious Objectors (AKL)<sup>15</sup> has been collecting experiences from the participants who have not got enough information in the call-ups. 16

According to these accounts, the insufficient and sometimes biased information that young men received during their call-up, added to the fact that before/prior to the call-up they only received official information about conscription, leads to the conclusion that information on alternative service is far from sufficient and there is (little or) no real choice between military and alternative ser-

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<sup>10</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/36/8](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/8)

<sup>11</sup> The questionnaire is available here (Finnish): [https://puolustusvoimat.fi/documents/1948673/11361558/PEVIES-TOS\\_Kyselylomake\\_palvelusta\\_fi\\_2018.pdf/9e06e00d-ec77-5b25-3b23-f0fedf53bd85](https://puolustusvoimat.fi/documents/1948673/11361558/PEVIES-TOS_Kyselylomake_palvelusta_fi_2018.pdf/9e06e00d-ec77-5b25-3b23-f0fedf53bd85)

<sup>12</sup> Guidebook “Conscript 2020. A guide for you to carry out your military service” published by the Finnish Defence Forces, available here (English): <https://intti.fi/documents/1948673/2258487/Conscript+Guide+2018/08f3c6e6-6fae-4305-b765-53d4847a7893/Conscript+Guide+2018.pdf>

<sup>13</sup> Civil service website Ed.

<sup>14</sup> Ibid. dem. Pag. 17: “For information on how to apply for non-military service go to [siviilipalveluskeskus.fi](https://siviilipalveluskeskus.fi), contact your regional office or ask personnel during the call-up.”

<sup>15</sup> The Union of Conscientious Objectors (AKL Aseistakieltäytyjäliitto) is a grassroots, Finnish, anti-militarist peace organisation founded in 1974. It works in the interest of conscientious objectors, but it is also a non-military youth organisation. Website: <https://akl-web.fi/en>.

<sup>16</sup> The same issues are raised by the interviewees of semi-structured, thematic interviews related to a Finnish study about the reasons why some conscripts raise critical voices concerning their relationship with conscription and their role as reservists. The interviewees were reservists who were resigning from reserve status (no. = 33) and persons liable for non-military service (no. = 38). Jarkko Kosonen, Puustinen Alisa and Tallberg Teemu, “Saying no to military service – obligation, killing and inequality as experienced problems in conscription-based military in Finland”, *Journal of Military Studies*, 2019; 8 (special issue), p. 46–57 (available here: <https://content.sciendo.com>).

vice.

### ***The right of conscientious objection for serviceman***

The Non-Military Service Act's Section 13 states: "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." Nevertheless, the right to apply for non-military service during the army service often presents difficulties such as denial and unjustified delay.

The Finnish Union of Conscientious Objectors (AKL) receives dozens of contacts every year from military servicemen who wish to change to non-military service, but who face denial or procrastination by the armed forces.<sup>17</sup>

### ***Criminal offences and total objectors***

Total objectors are eligible persons that do not want to perform any service included in the Finnish conscription system.

Some total objectors complain about the entire conscription system and refuse to perform civilian service under any circumstances. Some others primarily criticise the shortcomings of the civilian service system.

There are two criminal offences with which total objectors<sup>18</sup> can be charged, and it depends on the way they express their objection:

- Refusal to perform non-military service (Non-Military Service Act, Section 74). This is the most common offence, concerning cases when, having applied for non-military service, an eligible man refuses to perform it.
- Refusing military service (Conscription Act, Section 118). This offence applies when an eligible man refuses the military service without applying before to non-military service.

Almost a hundred of total objectors were acquitted from district courts in 2018 and 2019 because adjudication was seen as discriminatory when compared to Jehovah's Witnesses who were exempted from conscription.

After the abolition by law of the exemption for Jehovah's Witnesses (1<sup>st</sup> April 2019), the situation for total objectors changed and the preceding law was again applied.

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<sup>17</sup> Information received from the Finnish Union of Conscientious Objectors (AKL) on September 2020.

<sup>18</sup> See Annex 1.

Those who refused military service before the change of law, on the principle of the law at the time of commencing service, were acquitted, even though court proceedings were held after the repeal of the Exemption Act.

According to the Non-Military Service Law, those who refused after the change and who have not been sentenced to imprisonment, will be called upon again to serve their non-military service. The length of the imprisonment is half the unperformed non-military service time (173 days), because a day of imprisonment is considered by law as two days of non-military service.

Since November 2020, there have been 44 reports of the offence of refusal to perform non-military service. In addition, there have been several reports of the offence of refusing military service.<sup>19</sup>

Moreover, in December 2020, at least 13 total objectors who were once acquitted, were subjected to another trial and sentenced to imprisonment by district courts. All of them have appealed to the Court of Appeal.<sup>20</sup>

The UN Human Rights Commission, already in its resolution 1998/77, set out criteria for alternative service, and those criteria have been recalled also by the UN Human Rights Committee and the UN Human Rights Council<sup>21</sup>.

Indeed, UN bodies recommend that States with a system of compulsory military service provide various forms of alternative service which are compatible with the reasons for conscientious objection. Therefore, the State has to provide forms of alternative service compatible with the reasons of conscience, also for those that are total objectors, or preferably avoid asking them to perform any kind of alternative service.

### 3. THE RIGHTS OF THE CHILD

The Finnish Defence Forces run many programmes and projects to get in touch with Finnish under-age males and females.

In 2016, the Finnish Defence Forces launched the five-year project “Get to know the army” (in Finnish, ‘Intti tutuksi’) whose targets are children of 15 and 16 years old.<sup>22</sup> The project expects to get in touch with every school and reaches approximately one third of 9<sup>th</sup> graders every year (22,000 pupils)<sup>23</sup> from all the country.

The ‘Intti tutuksi’ project consists of visits to garrisons that offer students an introduction to military equipment and tasks. The aim is to prepare children for conscription and voluntary military service for women.

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<sup>19</sup> Information received from the Finnish Union of Conscientious Objectors (AKL) in December 2020.

<sup>20</sup> Ibid.

<sup>21</sup> See, inter alia, Human Rights Council Resolution on Conscientious objection to military service of 8 October 2013 (A/HRC/RES/24/17).

<sup>22</sup> Official website of the programme (in Finnish) <https://maavoimat.fi/-/intti-tutuksi-koululaisille>.

<sup>23</sup> Local newspapers that give news about the project in specific areas (in Finnish):

Kouvolan Sanomat <https://kouvolansanomat.fi/uutiset/lahella/daed2f7e-815e-46df-9765-f9dd963a6eac>, Karjalainen <https://www.karjalainen.fi/uutiset/uutis-alueet/maakunta/item/101880>, Lestijoki <https://www.lestijoki.fi/uutinen/572109> and Lappeenrannan uutiset <https://www.lappeenrannanuutiset.fi/paikalliset/1751220>.

During the visit, students can perform different tasks. One of the most questionable is the possibility of shooting with laser rifles that are remarkably similar to weapons used by draftees, but also the possibility of having a demonstration on how to use an anti-tank weapon.<sup>24</sup>

Also, the Intti Familiarisation Day, a day for familiarisation youngsters with the armed forces, also offers visits to military garrisons for 6<sup>th</sup>-grade children (11 years old). Children can try out the conscripts' equipment, including rifles.<sup>25</sup>

The Finnish Defence Forces are often present at events that attract many youngsters, such as study fairs and gaming fairs. At their exhibition stand, the armed forces often offer the option to try simulations.<sup>26</sup>

This situation, together with the insufficient and biased information on alternative service before and during call-up, strengthens the conclusion that there is no real and balanced choice between military and alternative service.

#### 4. CONCLUSIONS AND RECOMMENDATIONS

In the previous 3rd cycle, Finland has noted the recommendation made by Uruguay to “Release prisoners detained as conscientious objectors to military service and ensure that civilian alternatives to military service are not punitive or discriminatory and remain under civilian control”.<sup>27</sup>

**IFOR, therefore, kindly invites the members States to address the following recommendations to Finland:**

- **release all conscientious objectors in prisons or in monitoring sentence, and abolish any other forms of punishment of conscientious objectors, including total objectors;**
- **fully acknowledge the right to conscientious objection and ensure that the length and non-military service are compatible with the reasons for conscientious objection;**

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<sup>24</sup> Both questionable activities are described in the newspaper article “Recruitment to the army starts as early as high school - for a 15-year-old girl, it worked in four hours” (in Finnish), on Yleisradio Oy (Finland's national public broadcasting company) website: <https://yle.fi/uutiset/3-10973737>.

<sup>25</sup> Local newspaper Reimari” website <http://www.reimari.fi/2017/09/19/intti-tutuksi-kuudesluokkalaisille/>

<sup>26</sup> *Ruotuväki* (official magazine of the Finnish Defense Forces) website <https://ruotuvaki.fi/-/puolustusvoimien-osasto-kuhisi-uteliaita-nuoria-studia-messuilla>; Armed forces at the Informatic fair “Digitoday”, magazine “Ilta-Sanomat” <https://www.is.fi/digitoday/esports/art-2000005781725.html>

<sup>27</sup> A/HRC/36/8/Add.1 - Para. 64.

- **ensure that applications for alternative civilian service are considered by an independent body from the military system, complying with international standards;**
- **guarantee that Finnish people who turn 18 years old have equal access to information about the non-military service and that the access to the same information is also provided during military service;**
- **avoid exposing minors, especially very young children, to the possibility of using weapons, even if replica or demo weapons.**

## ANNEX 1

### NUMBERS OF TOTAL OBJECTORS 2013-2021

Reported numbers<sup>28</sup> of refusal to perform non-military service and refusing military service.

In order to be a total objector in Finland someone has to:

1. most commonly, apply to non-military service and refuse to perform it.  
In this case a criminal offence is called *Refusal to perform non-military service* (Non-military service act section 74).
2. refuse directly military service without applying to non-military service.  
The criminal offence in this case is called *Refusing military service* (Conscription Act section 118).

| Year | Refusal to perform non-military service | Refusal military service |
|------|---|--------------------------|
| 2010 | 20                                      | 4                        |
| 2011 | 21                                      | 0                        |
| 2012 | 40                                      | 1                        |
| 2013 | 37                                      | 0                        |
| 2014 | 41                                      | 0                        |
| 2015 | 44                                      | 0                        |
| 2016 | 31                                      | 1                        |
| 2017 | 32                                      | 0                        |
| 2018 | 36                                      | 1                        |
| 2019 | 90                                      | 3                        |
| 2020 | 46                                      | 10                       |
| 2021 | 34                                      | Currently unknown        |

<sup>28</sup> Sources: Statistics Finland and Non-Military Service Center <https://www.siviilipalveluskeskus.fi/en/frontpage/>