Submission to the Human Rights Committee concerning the consideration of the sixth periodic report of Finland:

The situation of conscientious objectors in Finland

Duration of alternative service in Finland

The duration of alternative service was shortened to 362 days on 1st of January 2008 when the current Civilian Service Act came into effect. Prior to that the duration was 395 days. Both the duration of military service and the duration of civilian service were shortened by 15 days on 1st February 2013.

At the moment there are three possible service times for the conscripts in military service: 165 days “for training in the rank and file”, 255 days “for training for demanding duties that require special and professional skills” and 347 days “for officers, non-commissioned officers and conscripts trained for especially demanding duties” (Conscription Act 1438/2007, section 37), whereas the duration of civilian service is always 347 days. The duration of civilian service is therefore over twice the duration of the shortest military service.

The exemption of Jehovah’s Witnesses

The Act on the exemption of Jehovah’s Witnesses from military service under certain conditions (645/1985) has not been amended and according to legislation the exemption cannot be granted on the basis of any other conviction.

The rapporteur appointed by the Ministry of Defence to evaluate the alternative solution models in September 2012 published his rapport in May 2013. Three alternative solution models were presented, and the extension of preferential treatment accorded to Jehovah’s Witnesses to some
other groups of conscientious objectors was mentioned as one of the possible solution models. Despite of that the question still remains unsolved and the Ministry of Defence has not given any law proposal to amend the Act 645/1985.

Conscientious objectors who have been imprisoned for refusing the alternative service

The Act on the Monitoring Sentence (330/2011) came into effect on 1st November 2011. According to it a person can be given to a ”monitoring sentence” instead of being sentenced to imprisonment. The act allows monitoring sentences also for conscientious objectors. Once the duration of civilian service was shortened on 1st February 2013, the monitoring sentence became possible for all who have refused to do military and alternative service.

In practice the monitoring sentence means home detention. The sentenced person is controlled by technical devices and by other means and is allowed to go outside his dwelling only according to a schedule set in advance and only for purposes strictly regulated in law (to take part in monitoring meetings, and to engage in work, training, action programmes or similar activities maintaining or promoting his or her functioning capacity and social skills).

The legislation leaves the decision to give a monitoring sentence instead of a prison sentence to the sentencing court. Although the majority of conscientious objectors have been sentenced to monitoring sentence since its introduction, prison sentences remain possible. If the perpetrator breaks the conditions of monitoring sentence, its execution can be interrupted and the person in question sentenced to prison. Our organisation is aware of a case, when conscientious objector’s monitoring sentence was interrupted because he had missed the curfew set for him on three occasions.

According to the information sent to our organisation by Statistics Finland, during the year 2011 18 conscientious objectors were sentenced for refusing both military and alternative service. Official statistics of year 2012 are not yet available, but according to the same source 40 such cases were reported to police during the year.

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