

**SUBMISSION**

**TO THE 131<sup>st</sup> SESSION OF THE HUMAN RIGHTS COMMITTEE**

**FINLAND**

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

Updated February 2021

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## 1. FINLAND BASIC INFORMATION

**Population** (July 2020, estimated)<sup>1</sup>: 5,571,665.

### **Military expenditure**

In millions of US\$ at current prices and exchange rates: 3,971.1m. <sup>2</sup>

Per capita: \$ 717.8<sup>3</sup>.

As percentage of gross domestic product in 2019: 1.5%<sup>4</sup> of GDP.

(This percentage has been stable since at least 2015, even though the Ministry of Defence has made a budget proposal of an increase of 54 % in 2021.<sup>5</sup>)

### **Compulsory military service**

Minimum recruitment age: 18.<sup>6</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>7</sup>

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<sup>1</sup> Central Intelligence Agency (CIA), The World Factbook (2020).

<sup>2</sup> Stockholm International Peace Research Institute (SIPRI), Database on military spending available here: <https://www.sipri.org/databases/milex>

<sup>3</sup> Ibid.

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

<sup>5</sup> Finnish Ministry of Defence, press release of 13.08.2020, available here:

[https://www.defmin.fi/en/topical/press\\_releases\\_and\\_news/fighter\\_procurement\\_will\\_increase\\_defence\\_budget.10447.news#42a52e2c](https://www.defmin.fi/en/topical/press_releases_and_news/fighter_procurement_will_increase_defence_budget.10447.news#42a52e2c)

<sup>6</sup> Child Soldiers World Index, available here: [www.childsoldiersworldindex.org](http://www.childsoldiersworldindex.org).

<sup>7</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.

After completing their initial conscription obligation, individuals enter the reserves and remain eligible for mobilisation until the age of 60.<sup>8</sup>

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

Length: 11.6 months (347 days).

Ratio to military service duration: 1 -2.1 times.<sup>9</sup>

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

### **Armed forces**

Active strength 2019 est.: approximately 23,000 (16,000 Army; 4,000 Navy; 3,000 Air Force).<sup>10</sup>

In 2018, about 24,000 conscripts were trained. In January 2020, some 12,000 new recruits began military service, of which 10,000 joined the Army. The rest are split between the Air Force, the Navy and Border Guard.

## **2. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE**

**(Articles 2, 18, 26 of the Covenant, question 20 LOIPRs)**

### ***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>11</sup>

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

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<sup>8</sup> Central Intelligence Agency (CIA), *ibidem*.

<sup>9</sup> European Bureau on Conscientious Objection (EBCO), Annual report 2020, February 2020.

<sup>10</sup> Central Intelligence Agency (CIA), *ibid*.

<sup>11</sup> The Finnish defence forces website: <https://puolustusvoimat.fi/en/finnish-conscription-system>.

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>12</sup>

This was the opposite of the UN's Human Rights Committee recommendation,<sup>13</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.

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

The alternative service is 347 days long. Non-military service includes a basic training period (28 days), community service (319 days), continual/ongoing training, additional service and service during mobilisation.

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

### ***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

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<sup>12</sup> Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases (330/2019).

<sup>13</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.

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>14</sup>

Together with the notice letter, Finnish males receive a guidebook for military service.<sup>15</sup> It is a very detailed, 77-page guidebook published by the Finnish Defence Forces. In the guidebook there are two specific sections dedicated to future conscripts (4 pages) and about the period before/prior to military service (6 pages). 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>16</sup>, contact your regional office or ask personnel during the call-up”.<sup>17</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>18</sup> has been collecting experiences from the participants who have not got enough information in the call-ups. 19

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

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<sup>14</sup> The questionnaire is available here (Finnish): [https://puolustusvoimat.fi/documents/1948673/11361558/PEVIESTOS\\_Kyselylomake\\_palvelusta\\_fi\\_2018.pdf/9e06e00d-ec77-5b25-3b23-f0fedf53bd85](https://puolustusvoimat.fi/documents/1948673/11361558/PEVIESTOS_Kyselylomake_palvelusta_fi_2018.pdf/9e06e00d-ec77-5b25-3b23-f0fedf53bd85)

<sup>15</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>16</sup> Civil service website Ed.

<sup>17</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>18</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>19</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>).

alternative service is far from sufficient and there is (little or) no real choice between military and alternative service.

### ***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>20</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 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.

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<sup>20</sup> Information received from the Finnish Union of Conscientious Objectors (AKL) on September 2020.

- 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.

According to official Finnish Statistics, the number of cases per year is as follows:<sup>21</sup>

<b>Year</b>	<b>Refusal to perform non-military service (Number of cases per year)</b>	<b>Refusing military service (Number of cases per year)</b>
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

The average number of cases is 40 per year and we see a significant increase of numbers in 2019.

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.

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

<sup>21</sup> Tilastokeskus (Statistics Finland) website: [https://www.stat.fi/index\\_en.html](https://www.stat.fi/index_en.html).

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>22</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>23</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>24</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.

### ***Liberty of movement and freedom to choose one's residence and leave any country***

Those living abroad may be eligible for a postponement or waiver – but those who do not carry out military or non-military service are usually after age 28, but only until the end of the year they turn 30.

Moreover, the regional office of the armed forces can exempt from peacetime military service a Finnish citizen who is also the citizen of another country, lives abroad and "does not have any real ties to Finland".

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<sup>22</sup> Information received from the Finnish Union of Conscientious Objectors (AKL) in December 2020.

<sup>23</sup> Ibid.

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

### 3. THE RIGHTS OF THE CHILD

#### (ARTICLE 24 OF THE COVENANT)

The Finnish Defence Forces run many programmes and projects to get in touch with Finnish underage 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>25</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>26</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.

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 draft-ees, but also the possibility of having a demonstration on how to use an anti-tank weapon.<sup>27</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>28</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>29</sup>

This situation, together with the insufficient and biased information on alternative service

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<sup>25</sup> Official website of the programme (in Finnish) <https://maavoimat.fi/-/intti-tutuksi-koululaisille>.

<sup>26</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>.

<sup>27</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>28</sup> Local newspaper Reimari” website <http://www.reimari.fi/2017/09/19/intti-tutuksi-kuudesluokkalaisille/>

<sup>29</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>

before and during call-up, strengthens the conclusion that there is no real and balanced choice between military and alternative service.

Indeed, the State party clearly disseminates a message to children, and young men and women, predicated on one single choice: that of military service.

#### 4. RECOMMENDATIONS

IFOR kindly requests the Committee to consider the following recommendations in its Concluding Observations to the Seventh Periodic Report of Finland.

##### **Conscientious objection to military service (Articles 2, 18, 26 of the Covenant, question 20 LOIPRs)**

- The State party should reintroduce the exemption from military and civilian service and extend it to all groups of objectors; *or, in second order that*
- The State party should fully acknowledge the right to conscientious objection and ensure that the length and nature of the alternative to military service is not punitive in nature and that the forms of alternative service are compatible with the reasons for conscientious objection, *and*
- The State party should guarantee that Finnish males who turn 18 years old have equal access to information about the non-military service. The current unbalanced information could be corrected with a specific guidebook, similar to the one on military service that they already receive, and introducing a specific/particular section in the call-up notice letter; *and furthermore*
- The State party should respect the *ne bis in idem* principle and cease prosecuting total objectors for the same offence more than once.

##### **The rights of the child (Article 24 of the Covenant)**

- The State party should avoid exposing minors, especially very young children, to the possibility of using weapons, even if replica or demo weapons;

- The State party should create a programme about the alternative to military service, in order to give a fair and balance information for children when they will turn 18 years old;
- The State party should undertake efforts to include peace education in the school curricula and in teacher training courses.

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