



**ASEISTAKIELTÄYTYJÄLIITTO
THE UNION OF CONSCIENTIOUS
OBJECTORS**

Submission to the Office of the High Commissioner for Human Rights

50th session of the HRC, 21 March 2022

**Report of the Union of Conscientious Objectors (Aseistakieltäytyjäliitto, AKL) regarding
OHCHR report on conscientious objection to military service.**

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1. Introduction

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 report was made on 21 March 2021 by the Union of Conscientious Objectors.

1.1 About the Union of Conscientious Objectors

Aseistakieltäytyjäliitto (the Union Of Conscientious Objectors, AKL) is a Finnish anti-militarist peace organization. It acts both as an advocacy organization for conscientious objectors and an anti-militarist grassroots youth organization.

2 Basic information on the conscription and conscientious objection in Finland

Finland has compulsory conscription for males. Conscripts have to serve 165, 255 or 347 days. As an alternative, they can apply for 347 day-long 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

In the seventh periodic report of Finland (CCPR/C/FIN/7) 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. The Human Rights Council noticed the same issue on their report on Finland in 2017: “ensure that civilian alternatives to military service are not punitive or discriminatory” (A/HRC/36/8).

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.¹ 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. If there are not enough people willing to do longer service, it is possible to impose one to a certain service.

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

The Human Rights Council recommended Finland to “ensure that civilian alternatives (...) remain under civilian control” (A/HRC/36/8). 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. 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 Committee has iterated on its periodic reports of Finland.²

Military parties are deciding about the issues concerning conscientious objectors to military service. They are often supportive of ideas to change non-military service's nature more into preparise service for the time of crisis. This kind of development would be against the conscience of many conscientious objectors.

2.3 Problems when applying to non-military service

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.*”

Also the United Nation 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.”⁸

This obligation is not realized. Firstly, there is not much information about non-military service before the call-ups or during the call-ups.

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 health and a guide book for military service. 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. There is no possibility to announce about the wish to serve in the non-military service.⁴ In the 77-page guide book published by The Finnish Defence Forces the non-military service is presented in 7 sentences. There is information that it is possible to apply to non-military service but not information how to do that.⁵

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 in the call-up. 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.

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.

Secondly, the right to apply for non-military service during the army service often has problems.

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."*

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. It is common that demobilization happens many days after the draftee has told about their will to change to non-military service to the brass.

2.4 Punishments for total objectors

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.

In the seventh periodic report of Finland (CCPR/C/FIN/7) the Human Rights Committee reiterated its concerns that the preferential treatment accorded to Jehovah's Witnesses had not been extended to other groups of conscientious objectors, but it was expelled. The Human Rights Council noticed the same issue in its report on Finland in 2017: "Release prisoners detained as conscientious objectors to military service" (A/HRC/36/8).

On the 23rd of February 2018 Helsinki Court of Appeal decided to repeal a sentence given to a total objector by a district court. The court decided that sentencing total objector from refusal to perform non-military service would be discriminatory compared to Jehovah's Witnesses preferential treatment. In November 2018, The Highest Court decided to not give a right of appeal, and the decision of the Court of Appeal remained.

After the court decision at least 92 acquittal sentences were given to conscientious objectors in district courts. The situation lasted until the act which exempted Jehovah's Witnesses from conscription service was abolished on the 1st of April 2019. By abolishing the act Finland's government did conversely to the Human Rights Committee recommendation to extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors.

Onwards April 2019 all Finnish males except those who are living in the demilitarised Åland are again obligated to serve either in the army or in the discriminatory length alternative service with the deterrence of 173 days imprisonment. After repealing the preferential treatment there are more citizens under the threat of being arbitrarily imprisoned for using their human right to freedom of thought, conscience and religion.

Unlike the Finnish State Party claims on its submission, all Jehovah's Witnesses are not glad to serve in the non-military service. Some Jehovah's Witnesses in the conscription age have already been sentenced because of their total objection to any military or non-military conscription service, even if some of them do perform the non-military service now.

The case of a total objector and Jehova's Witness Matias Selin is an example of this. Due to his conviction, Selin refused to perform the non-military service in autumn 2019⁸. A district court judged Selin to the monitoring sentence from 7th September 2020 to 26th February 2021.

In its seventh periodic report the Finnish State Party did not respond about any progress made in extending the exemption from military and civilian service accorded to Jehovah's Witnesses to other conscientious objectors. There are not any responses concerning the Article 18 of the Covenant and the repealing of the preferential treatment. The total number of total objectors in Finland 2013-2020 is provided in APPENDIX 1.

3 New developments regarding conscientious objection to military service since 2019

3.1 The Parliamentary Committee to develop the conscription

There have been several approaches to give an account of the development of the compulsory military service in Finland, of which the latest took place between March 2020 and October 2021. The Parliamentary Committee that was in charge of the development of military service in the time period in question claimed that the aim of the development of the compulsory military service was to maintain the collective will to militarily defend the nation and to increase equality among citizens.

The Committee published its report⁹ on 26 November 2021. 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.

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.

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. On the other hand, it is positive that the report mentions a couple of times that the service should be in line with a person's conviction. Also, the authorities have implied that service positions would not be diminished from the prevailing state.

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. According to the Committee, the reason for the change would be equality. At the moment, those servicemen who have already started performing non-military service can not anymore be accepted to military service. The Committee also pleads that the compensation

when changing from military service to non-military service is not appropriate because the increasing comprehensive security content will make the non-military service more demanding.

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.

The Committee's report mentions some of the Human Rights Committee's recommendations but they are not taken into account in the proposals or goals. It is notable that the report does not mention at all the recommendation to halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving related prison sentences.

The committee does not propose changes for the length of non-military service. One of the arguments they use is that the shortening of non-military service might diminish the number of those who choose to serve in the military service. The development of conscription call-ups gets a lot of attention in the report, but, what is not taken into account, is the Human Rights Committee's recommendation to intensify efforts to raise awareness among the public about the right to conscientious objection and the availability of alternatives to military service.

The Committee's proposals which require legislation change will not probably happen before the next electoral term which should start in 2023. Smaller changes might happen earlier.

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

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.

In December 16, the 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 serve their service were changed to be in line with the *ne bis in idem* principle. The law changes came into force on January 1 2022¹⁰.

Sources

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APPENDIX 1: Numbers of total objectors 2013-2021

Number of refusal to perform non-military service and refusing military service authorities reported. (Sources: Statistics Finland and Non-Military Service Center)

Notification: It is possible to become a total objector in two ways. The more common way is to 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). The other way is to refuse directly from military service without applying to non-military service first. Criminal offence is then called Refusing military service (Conscription Act section 118).

	Refusal to perform non- military service	Refusing 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