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To the Office of the High Commissioner for Human Rights

The situation of conscientious objectors in Finland

Duration of alternative service in Finland

At the moment the duration of the alternative service is 347 days. It was shortened from 395 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.

In its Concluding observations on the sixth periodic report of Finland (CCPR/C/FIN/CO/6, 22 August 2013), the United Nations' 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". The Committee concluded: "The State party should fully acknowledge the right to conscientious objection and ensure that the length and nature of the alternatives to military service are not punitive in nature." However, the Finnish government has not taken any initiative to correct the legislation.

The exemption of Jehova's witnesses

The Act on the exemption of Jehova'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.

In its Concluding observations on the sixth periodic report of Finland (CCPR/C/FIN/CO/6, 22 August 2013), the United Nations' Human Rights Committee reiterated its concerns "that the preferential treatment accorded to Jehovah's Witnesses has not been extended to other groups of conscientious objectors". The Committee concluded: "The State party should also extend the

preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors." However, the Finnish government has not taken any initiative to correct the legislation in this case, either.

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 sentenced to monitoring sentence instead of prison. The act allows monitoring sentences also for conscientious objectors. After the duration of civilian service was shortened on 1st of 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. Sentenced person is controlled by technical devices and by other means and is allowed to go outside his dwelling only according to 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 are still 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 missed the curfew set to him three times.

According to the estimation of Finnish Union of Conscientious Objectors, the criminal procedure was started against ca. 40 total objectors during the year 2016. They are charged either on "refusal to perform non-military service" (Non-Military Service act, section 74) or "refusing military service" (Conscription act, section 118). In both cases the convict is always sentenced to unconditional prison or monitoring sentence. The duration of the sentence is always half of his remaining service time. The amount of service time remaining for the person who is charged on "refusing military service", is considered to be that which would have been assigned to him in non-military service if he had applied for and been accepted for non-military service on the day of his mustering out.

Right for conscientious objection for the reservists

The persons who have completed military service and belong to military reserve, have a right to resign from the military reserve by applying to non-military service. After the application has been accepted, the person in question is liable to participate in "supplementary service". The supplementary service time cannot exceed 40 days (Non-Military Service act, section 58). In practice, people who have applied to non-military service after completing the military service, have been called to perform one five days long supplementary service period.

Since 2008, Finland has recognised the right for conscientious objection also during war. However, those persons who have completed the military service and applied for non-military service, but who had not begun their supplementary service before "the President of the Republic has issued a decision on extraordinary service under section 83 of the Conscription Act" or a decision on partial or general mobilisation of the Defence Forces had been made, "are liable to provide a statement of their conviction upon the request of the Investigation Committee of Conviction of Persons Liable for Military Service" (Non-Military Service act, section 18). However, the other groups of conscientious objectors are not liable to provide a statement, and their status as conscientious

objectors, who are not obliged to do military service, remains in force also during a military mobilisation without any investigation.

According to Non-Military Service act (section 59), "an order to perform supplementary service must be delivered to a person liable for non-military service within 12 months of the approval of the application for non-military service." In practice, this time is in many cases longer than 12 months.

Is a persons liable to provide a statement to the Invenstigation Committee or not, is determined on the basis of if he had "begun the supplementary service" at the moment when a decision of "extraordinary service" or mobilisation of the Defence Forces had been made. This implies that persons can be treated differently to each other because of a reason which has nothing to do with the nature of their convictions, but which depends entirely on authorities decision about when a certain person is ordered to begin supplementary service.

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