



European Bureau for Conscientious Objection

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Subject: **MEMO on EBCO concerns and recommendations for the full implementation of the human right to conscientious objection to military service in Finland**

Brussels, 31 August 2022

Dear Minister,

First of all I would like to **thank you**, on behalf of the European Bureau for Conscientious Objection (EBCO), for our upcoming meeting on September 6th in Helsinki, during our visit and General Assembly in Finland.

We welcome the fact that Finland recognises the human right to conscientious objection to military service, which is guaranteed, amongst others, by Article 9 of the European Convention, protecting freedom of thought, conscience and religion. However, **we would like to express some concerns and present our recommendations**, based on the European and international standards and recommendations.

The UN Human Rights Committee examined Finland's seventh periodic report on the International Covenant on Civil and Political Rights on its 131st session which was held in March 2021, and issued the following concluding observations relating to conscientious objection to military service¹:

"The Committee is concerned that the Act Repealing the Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases (330/2019) has removed the exemption from military and civilian service accorded to Jehovah's Witnesses, in contrast to the Committee's previous recommendations to extend such exemption to other groups of conscientious objectors (CCPR/C/FIN/CO/6, para. 14). It also notes with concern that the regular duration of alternative non-military service amounts to the longest period of military service and 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. It is also concerned about the insufficient dissemination of information about the right to conscientious objection and alternatives to military service (art. 18).

The State party should: (a) ensure that alternatives to military service are not punitive or discriminatory in terms of their nature or duration and remain of a civilian nature, outside military command; (b) 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; and (c) intensify its efforts to raise awareness among the public about the right to conscientious objection and the availability of alternatives to military service."

¹ Available at:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/CCPR_C_FIN_CO_7_44648_E.pdf

The review of Finland included contributions on conscientious objection from civil society organizations such as Union of Conscientious Objectors-AKL² and IFOR³.

The Committee's criticism towards the situation of conscientious objectors has further increased compared to previous conclusions issued in 2013.

In April 2021 EBCO urged Finland to urgently comply with the recommendations of the UN Human Rights Committee, to stop prosecuting and imprisoning conscientious objectors, and amend the civilian service which is still extremely punitive and discriminatory.⁴

EBCO also highlights the need to implement the Human Rights Committee's recommendation to "*intensify its efforts to raise awareness among the public about the right to conscientious objection and the availability of alternatives to military service.*" Finnish people assigned male at birth 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 health⁵ and a guidebook for military services⁶. But there is no information about non-military service in the call-up notice and the information given in the guidebook is very limited and approximately one paragraph in length.

Another ongoing concern is that there are still delays and difficulties for military servicemen who develop conscientious objection and decide to apply for alternative service. Each year AKL receives several reports on this issue⁷. In these cases, people have experienced oppression and pressure and have unjustifiably been questioned about their conscience.

EBCO recommends Finland to guarantee equal access to information regarding the non-military service for conscripts and ensure the same possibility also during the military service.

The Parliamentary Committee on Development of Conscription and fulfilling national defence obligation published its report on 26 November 2021.⁸ As the framework conditions set for the work, the Committee's suggestions were expected to produce "operational added value to military national defence, support the maintenance and strengthening of the will to defend the country and increase equality among citizens". The government of Finland set the Committee on 5 March 2020, after the introduction by the Ministry of Defence.⁹ The Committee consisted of members from all parliamentary parties. The appointment decision presented by MOD also set a task to examine development needs of non-military service for the benefit of comprehensive security.

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;

² Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=INT%2fCCPR%2fCSS%2fFIN%2f44417&Lang=en

³ Available at:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/INT_CCPR_CSS_FIN_44423_E.pdf

⁴ <https://www.ebco-beoc.org/node/501>

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<https://puolustusvoimat.fi/documents/1948673/2258869/Kyselylomake+varusmiespalvelusta+ja+terveydentila+n+tutkimista+varten.pdf>

⁶ https://puolustusvoimat.fi/documents/1948673/105354831/Varusmies_suomi_2022_saavutettava.pdf

⁷ <https://akl-web.fi/fi/posts/kokemuksia-vitkuttelusta>

⁸ <https://julkaisut.valtioneuvosto.fi/handle/10024/163633>

⁹ <https://valtioneuvosto.fi/paatokset/paatokset?decisionId=0900908f806827ab>

- 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.

EBCO shares the concerns expressed by its member association Union of Conscientious Objectors (AKL):

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 was 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 has criticized deepening attachment of non-military service to the needs of comprehensive security as ideological rather than need-based. 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.¹⁰

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 objection during the military service would need to perform a full 347 days of non-military service no matter how many military 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 cannot 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 used 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.

¹⁰ <https://akl-web.fi/fi/posts/asevelvollisuuskomitea-julisti-maahan-militarisoinnin-mustan-perjantain>

The Committee's member Jari Myllykoski from the Left Alliance left a dissenting opinion to the report. He criticized that the committee did not propose shortening of the non-military service into the length that meets the human rights standards, demanded abandoning of the imprisonments of total objectors, highlighted the need to keep non-military service suitable for the conviction of conscientious objectors and mentioned that even indirect linking of non-military service to military preparedness is against the conviction of many conscientious objectors. He also criticized the proposals to add national defence knowledge into the school system, and its attempt to militarize the society in general.

EBCO would like to highlight its recommendations to Finland as follows:

- 1) Reduce the length of the alternative non-military service and ensure that alternative to military service is not punitive or discriminatory in its duration and nature and that it is accessible also to those who serve in the military.
- 2) Guarantee equal access to information regarding the non-military service for conscripts and ensure the same possibility also during the military service.
- 3) Release all conscientious objectors in prisons or in monitoring sentences and abolish punishments for conscientious objectors to military and alternative service.
- 4) Maintain under civilian control all committees and groups that are in charge of developing or maintaining non-military alternatives to military service and ensure their independence from the military authority.
- 5) Avoid exposing minors to military initiatives and in particular to the possibility of using weapons, even if replica or demo weapons.
- 6) Ensure international protection to conscientious objectors fleeing their countries where their rights are violated, including all those seeking to avoid involvement on either side in the current conflict in Ukraine. EBCO reminds that tourist visas are one potential route for those seeking to avoid military service to flee Russia.

We call on the Finnish government to consider such recommendations ahead of the **upcoming review at the UN Human Rights Council on the occasion of the 41st session of the UPR** and wish Finland a constructive review.

You can find **more info** as well as **EBCO's general recommendations**, applicable to all European States, on the latest **EBCO's Annual Report on Conscientious Objection to Military Service in Europe** ¹¹.

We thank you for your kind attention.

Yours sincerely,



On behalf of EBCO

Alexia Tsouni, President

EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It is entitled to lodge collective complaints concerning the European Social Charter of the Council of Europe since 2021. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.

¹¹ https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2022-03-21-EBCO_Annual_Report_2021.pdf