

Finland

Issues

- Finland maintains conscription. The length of substitute service is punitive.
- The right to conscientious objection is not recognised for professional soldiers.

Military recruitment

Conscription

Conscription is enshrined in Article 127 of the 1999 Constitution, which states that "[e]very Finnish citizen is obligated to participate or assist in national defence, as provided by an Act."¹ The Finnish legislation concerning conscription has been completely overhauled in 2007. The new legislation came into force 1. January 2008.

Conscription is now legislated by the 2007 Military Service Law (*Asevelvollisuuslaki* 28.12.2007/1438²).

Conscription lasts 180, 270 or 362 days (6, 9 or 12 months)³. The training period for officers and non-commissioned officers or for special duties is 362 days. The period for conscripts trained for work requiring special or professional skills is 270 days, and for the other rank and file duties 180 days. About 50% of conscripts perform a 180 days' military service⁴.

All men between the ages of 18 and 30 are liable for military service. However, persons with a right of domicile on the demilitarised Åland Islands are by law exempt from conscription⁵. Reservist obligations apply up to the age of 50, and up to the age of 60 for officers. Reservist training lasts for a maximum of between 40 and 100 days, but in practice reservists are called up for training for a considerably shorter time⁶. The peacetime strength of the Army is approximately 16,500 persons, of whom 8,700 are professional soldiers. Each year, 27,000 conscripts (including nearly 500 women) and about 30,000 reservists undergo training⁷.

Since 1985, Jehovah's Witnesses are legally exempt from service in peacetime, on providing proof of membership and participation in its activities⁸.

Since 1995, women can perform a voluntary military service (not to be confused with a military career) in the Finnish Armed Forces. The requirements for being accepted to carry out women's voluntary military service are: Finnish citizenship, 18-29 years of age as well as a good state of health and suitability of other personal qualities for military training.

A woman who has received call-up papers can, in writing, give notice that she will not enter into service. Correspondingly, a woman who has begun her military service may give notice within 45 days of the date of entry into service, that she will not continue her service. A woman who has been ordered into service is subject to regulations concerning all conscripts⁹.



1 See <http://www.finlex.fi/pdf/saadkaan/E9990731.PDF>

2 Asevelvollisuuslaki 28.12.2007/1438, <http://www.finlex.fi/fi/laki/ajantasa/2007/20071438>, accessed 22 August 2008

3 The Finnish Defence Forces:: An overview – conscription, http://www.mil.fi/perustietoa/esittely/tehtavat/index_6_en.dsp, accessed 15 August 2008

4 War Resisters' International: Imprisonment of Conscientious Objectors in Finland, September 2004, <http://wri-irg.org/news/2004/un-finland04-en.htm>, accessed 15 August 2008

5 Act on the Autonomy of Åland, 16 August 1991/1144, last amended 30 January 2004/68, Article 12: "A person with the right of domicile may in place of conscription for military service serve in a corresponding manner in the pilotage or lighthouse services or in other civilian administration.", <http://www.lagtinget.ax/text.con?iPage=59&m=228>, accessed 15 August 2008

6 War Resisters' International: Imprisonment of Conscientious Objectors in Finland, September 2004, <http://wri-irg.org/news/2004/un-finland04-en.htm>, accessed 15 August 2008

7 The Finnish Defence Forces:: Strength of the Defence Forces, http://www.mil.fi/perustietoa/julkaisut/task_pv_2005_englanti/vahvuustietoja.html, accessed 15 August 2008

8 Act on the Release of Jehovah's Witnesses from Military Obligations in Certain Cases (645/1985)

9 The Finnish Defence Forces:: Conscript 2008, http://www.mil.fi/perustietoa/julkaisut/varusmies_08_en.pdf, accessed 15 August 2008

Annual conscription takes place from September to November, the exact date depending on the district in question. Male citizens who have turned 18 during the year are expected to present themselves at call-up to establish whether they are fit for service. Finnish citizens residing abroad may register by proxy. All those eligible for military service receive a draft notice in spring, even if residing abroad, assuming their address is known. If no notice has been received, the Provincial Headquarters in question, or when abroad, the nearest Embassy of Finland has to be contacted in August at the latest. Despite not having received the notice, the conscripts must take care of their recruitment duty¹⁰.

After completing military service, conscripts pass to the reserve. The new Conscription Act allows for selective activation of reservists even in situations which do not require even partial mobilisation (articles 78–89)¹¹.

Professional soldiers

About 50% of the Finnish army is made up of professional soldiers, and probably an even higher number of the Navy and Air Force.

Soldiers serve essentially under the same general contract as other persons employed by the state, which can be in form of a permanent post or a fixed-term contract. However, in addition there are regulations on military discipline and on personnel in crisis management operations.

Conscientious objection

Conscientious objection for conscripts

With the overhaul of legislation on conscription, also the legislation on conscientious objection has been overhauled. Conscientious objection is now regulated by the civilian service act 2007 (*Siviilipalveluslaki* 28. December 2007/1446)¹². As the conscription act also applies to women who wish to perform a voluntary military service, the civilian service act also applies to those women (article 1).

An application for conscientious objection is possible at any time, before, during and after military service (article 12). Applications must be made to the Ministry of Defence. Applications can be made with a standard application form that is available from the Ministry. Since 1987, there is no personal interview during the application procedure. Consequently, applications are almost automatically granted.

Unlike before, an application is now also possible in times of crisis or war. However, under those circumstances the application will be dealt with by a specially constituted board, which includes one member from the military. It is possible to appeal against the decision of the board (articles 18-22).

According to article 4 of the new act, the period prescribed for non-military service is 362 days¹³ - equal to the longest possible service time for conscripts, and twice as long as the service time of 50% of conscripts.

Conscientious objection for professional soldiers

The new act on civilian service does not include the right to conscientious objection for professional soldiers.

Draft evasion and desertion

penalties

Draft evasion is punished with a fine and a new call-up, which has led some into a repeating circle of fines and call-ups, if they refuse to comply¹⁴.

The case of total objector Antti Rautiainen is one example. Rautiainen has consistently refused to attend call-ups every time he has been called up since November 1997. Since then he has been called up altogether 20 times, and went to prison at least three times (59 days in 2001, 15 days in 2005, 16 days in 2007). In November 2005,

10 Embassy of Finland, Canberra, Consulate of Finland, Sydney: Military service, <http://www.finland.org.au/public/default.aspx?nodeid=35617&contentlan=2&culture=en-US>, accessed 15 August 2008

11 Asevelvollisuuslaki 28.12.2007/1438, <http://www.finlex.fi/fi/laki/ajantasa/2007/20071438>, accessed 22 August 2008

12 Siviilipalveluslaki 28.12.2007/1446, <http://www.finlex.fi/fi/laki/ajantasa/2007/20071446>, accessed 22 August 2008

13 Ministry of Employment and the Economy: Non-military service, <http://www.tem.fi/?1=en&s=2309>, accessed 15 August 2008

14 Email from Kaj Raninen (2003), Re: WRI draft section on Finland for OSCE report, 7 July 2003.

Rautianinen was finally exempted from military service, officially for medical reasons, and against his will and without proper medical examination. However, at that point he still had some unpaid fines (because he had not attended the call-ups) which had then been converted into prison sentences¹⁵.

Since the length of substitute service has become twice as long as military service in 1998 (due to the reduced length of military service), the number of total objectors has increased significantly. According to estimates by Aseistakieltäytyjäliitto, approximately 70 conscientious objectors declare themselves total objectors annually.

Total objectors are sentenced according to two different laws, depending on whether they first applied for legal recognition as conscientious objector or not.

Total objectors who are recognised as conscientious objectors and subsequently refuse to perform substitute service are sentenced according to Article 75 of the Civilian Service Act. According to the article, the maximum sentence is half of the remaining service time. However, if the sentence is less than half the remaining service time, then the total objector can be called up to finish his service after serving the prison sentence. The remainder of his service time is then calculated on the basis that each day in prison equals two days of civilian service. In practice, this means that the courts have not much choice when sentencing a total objector.

Total objectors who did not apply for conscientious objector status will be sentenced according to the Conscription Act.

15 War Resisters' International: FINLAND: Total objector Antti Rautiainen imprisoned. co-alert, 24 July 2007; War Resisters' International: FINLAND: Four Finnish Conscientious Objectors sentenced to imprisonment, co-alert, 17 November 2005; War Resisters' International: Finland: Total objector Antti Rautiainen was arrested, co-alert, 20 August 2001