



**ASEISTAKIELTÄYTYJÄLIITTO
THE UNION OF CONSCIENTIOUS
OBJECTORS**

41st UPR

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Statement delivered by the representative of AKL

-full version-

I thank UPR Info for this opportunity and all of you for attending this UPR pre-session of Finland.

My name is Jyry Virtanen, I represent AKL, The Union of Conscientious Objectors of Finland and speak here also on behalf of IFOR, International Fellowship of Reconciliation, our international partner.

I myself am a conscientious objector to military service and instead of the army have gone through the route of alternative civil service. The Finnish history of conscientious objection has its roots in the time prior to WW2 and provisions for the right to conscientious objection to military service have existed since the Alternative Service Act of 1931.

AKL is an antimilitarist peace organization founded in 1974. It works as a support and advocacy organization for conscientious objectors to military service. In Finland, there are several issues connected to the right to conscientious objections which create discrimination. For instance, there are still imprisoned conscientious objectors to military service. Even though the civil service centre does not keep track of the actual number of imprisoned total objectors, the average number of reports of total objection per year has been over 46 during the last seven years. Non-military alternatives to military service are also still punitive and discriminatory, notwithstanding recommendations from also within the UN to comply with international standards. AKL strives to improve legislation on the right to conscientious objection to military service contributing to the decision-making process and raising public awareness about the discrimination against conscientious objectors. AKL networks on this topic at the international level as well and is also a member of War Resisters' International and European Bureau for Conscientious Objection.

One of the issues is the lack of information so the main day-to-day operation of AKL is to inform people about the right to conscientious objection and about alternative 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 health⁴ and a guidebook for military service⁵. 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.

Conscripts do not receive sufficient information about the possibility to perform a non-military service. Not even during the mandatory conscription events all legal men must participate on the year they turn 18. For decades AKL has been working to increase awareness of non-military alternatives to military service for example by social media campaigns and handing out leaflets in front of conscription centers.

As referred to earlier, another issue concerns the imprisonment of total objectors. In fact, if a person decides not to undergo either military or civil service, they are imprisoned for a maximum of 173 or half the number of days remaining in their civil or military service. One of the most concerning issues is the punitive alternative service which is also one of the reasons for total objection. We campaign to change it so that alternative service in Finland becomes finally not punitive or discriminatory in its nature and duration. The right to conscientious objection to military service in Finland is yet not fully in line with international standards and through the UPR process we can contribute to this purpose.

It is worth recalling that until 1998 Finland was the traditional sponsor of Resolutions on this right at the UN Human Rights Commission, culminating in Resolution 1998/77, on standards and best practice in implementing the right to conscientious objection to military service.ⁱ We look forward to a renewed commitment of Finland to protect this right as member of the Human Rights Council.

Implementation of recommendations since last UPR

In the last UPR cycle in 2017 Finland received the following recommendation by Uruguay. I quote: "Release prisoners detained as conscientious objectors to military service and ensure that civilian alternatives to military service are not punitive or discriminatory and remain under civilian control."ⁱⁱ Finland noted the recommendation and referred to the citizen's right to choose to

undergo non-military service of 362 days of duration as a non-military alternative to conscription. This is nevertheless not the actual duration of the civilian service, rather nowadays the civilian service lasts 347 days in total. In addition, Finland referred to the difference in military and non-military service pointing to civilian service as a time where an individual is entitled to "enjoy their free time" having their "freedom of movement [...] not restricted in any way."

The government did not release all detained conscientious objectors and in some cases, imprisonment has been replaced with house arrest.

No change either has been applied to the length of alternative service, which is still 347 days, meanwhile, those who serve in the army mostly spend shorter time in duty.ⁱⁱⁱ

In addition, the Committee developing the non-military service should be under the control of The Ministry of Economic Affairs and Employment, but The Ministry of Defense has set the basis for the development work, which is why the future of non-military service is not completely under civilian control.

New developments

One of the developments that happened since the last UPR is the removal of exemption from military service which Jehovah's Witnesses had before 2019. Finland thus decided contrary to the recommendation of the UN Human Rights Committee to extend the exemption from military service and alternative one granted to Jehovah's Witnesses to other objectors due to religious conscience^{iv}. The government justified this by stating that the removal of exemption from military service that Jehovah's Witnesses had was an implementation measure to promote equality within the institution of military service and that it increased equality between religious communities in Finland. It is good that equality is taken into consideration when developing the military and non-military services. The problem is however that the implementation measures to do this are not reasonable. Even though the removal of exemption from military service that Jehovah's Witnesses had can be seen as an act of promoting equality between religious groups, it does not apply to the right to conscientious objection to military service.

In fact, the civil service centre does not specifically collect information about the religion of the people applying for non-military service, and according to the manager of the centre the number of applications increased by over 400 after this legislative change. The number of total objections

almost doubled from 47 reports in 2018 to 89 reports in 2019 when the legislative change was made.

In March 2020 Finland launched the Parliamentary Committee on Development of conscription and fulfilling national defense obligation which published its report on 26 November 2021^v. Even though it is The Ministry of Economic Affairs and Employment that is responsible for the development of non-military service, the basis for the development work was set by the Ministry of Defense. This indicates that the committees and groups developing non-military service are not fully independent from the military authority.

There are other serious concerns. Firstly, the parliamentary committee proposed that the non-military service would be more linked to comprehensive security in the future; this proposal is concerning because it would not respect the conscience of objectors and possibly not aim at proactive peacebuilding. The committee has also proposed that the reserve of people who have done the non-military service could be used for comprehensive security tasks also at other times.

Another concern is about military servicemen who apply for alternative service given the committee's proposal to no longer compensate the duration of alternative service for those applying during their military service, thus making non-military service even more punitive. The above Committee's proposals raised a public discussion about the future of the military and non-military service concerning, for instance, the extension of conscription to the whole age group regardless of gender. The Defense forces are willing to at least double the number of women that perform a voluntary military service.^{vi}

A positive development concerns the respect of the principle "ne bis in idem" which did affect many total objectors. On December 16th, 2021, the Finnish parliament expelled 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 perform the service. The law changes, in line with the ne bis in idem principle, came into force on January 1, 2022.^{vii}

After the Russian invasion in Ukraine in February 2022 the non-military service centre of Finland has received a record number of reserve objection applications. According to an email sent by the manager of the civil service center, until the 11th of August 2022 at least 3114 people have applied

for reserve objection. Between the years 2000 and 2021 the average number of applications has been approximately 300.

The Finnish military reserve consists of people who have carried out military service. These people also have the right to resign from the reserve. Reserve objectors must carry out a supplementary service that normally lasts five days in practice at the civilian service centre. After this training, the reserve objectors no longer are part of the military reserve, and they are comparable with people who have carried out a complete non-military service.

The war in Ukraine has also increased the number of objectors who refuse to engage in the war and try to flee from Russia, Ukraine and Belarus to look for protection abroad. As a neighboring country Finland is and should be directly involved in ensuring protection for those asylum seekers who do not want to bear weapons and can be discriminated in their own countries. AKL supports the international protection of these asylum seekers and demands the Finnish government to ensure that they are granted asylum in Finland.

AKL has also launched a project to offer legal counseling to Russian conscientious objectors applying for asylum in Finland. Another development which will likely lead to a concerning increase of the militarization in Finland is its NATO membership application in May 2022.

Ongoing concerning issues

Concerning the issues already mentioned such as the discrepancy in duration between military and alternative service, which amounts to discrimination and should be eliminated, the punishment of total objectors and the lack of sufficient information about the possibility to perform a non-military service, it is worth to recall that the Human Rights Committee has also raised concerns about "the insufficient dissemination of information about the right to conscientious objection and alternatives to military service."^{viii}

On the contrary, the army invests a lot of resources to promote military service and it is quite alarming that the Finnish Defence Forces run many programs and projects to get in touch with Finnish underage children. 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.^{ix} The 'Intti tutuksi' project consists of visits to garrisons that offer students an introduction to military equipment and tasks.^x The aim is to prepare children for conscription and voluntary

military service for women^{xi}. There is also, the Intti Familiarization Day, a day designed for youngsters to be familiarized with the armed forces, also offers visits to military garrisons for 6th-grade children (11 years old). Children can try out the conscripts' equipment, including rifles^{xii}.

The Finnish Defense Forces, moreover, 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.^{xiii} This situation, together with the insufficient and biased information on alternative service before and during call-up, strengthens the conclusion that there is no real and balanced information to young people and that there is a prominence of militaristic exposure for children.

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

Recommendations

Following on the above it would be relevant to recommend Finland to:

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.

I thank you for your attention.

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ⁱ Up to date the most comprehensive Resolution on this right is the Human Rights Council Resolution 24/17.

ⁱⁱ 3 May 2017, A/HRC/36/8, Para 100.84.

ⁱⁱⁱ Website of the Finnish Defence Forces: <https://intti.fi/en/in-service>

^{iv} CCPR/C/QPR/7, 16th April 2019, para 20. See also Concluding Observation to the 2013 Review CCPR/C/CO/FIN/6, 22nd August 2013, para 14.

^v The conclusion of the Parliamentary Committee: https://iulkaisut.valtioneuvosto.fi/handle/1_0024/163633

^{vi} An article from the Finnish news agency MTV: <https://www.mtvuutiset.fi/artikkeli/varusmiespalvelus-mullistumassa-kevyet-siviilipalveluspestit-saa-pian-unohtaa-naiset-kutsuntoihin-2026-lisaa-b-miehia-erikoistehtaviin/8467442#gs.a332kr>

^{vii} Article from the Finnish newspaper Ilta-Sanomat: <https://www.is.fi/kotimaa/art-2000008350214.html>

^{viii} CCPR/C/FIN/7.

^{ix} Official website of the programme (in Finnish) <https://maavoimat.fi/-/intti-tutuksi-koululaisille>.

^x 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>.

^{xi} 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>.

^{xii} Local newspaper Reimari" website <http://www.reimari.fi/2017/09/19/intti-tutuksi-kuudesluokkalaisille/>

^{xiii} *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>

^{xiv} Experiences from people wanting to apply for alternative service during military service (in Finnish): <https://akl-web.fi/fi/posts/kokemuksia-vitkuttelusta>