

Non-Military Service Act (1723/1991)

Chapter 1. General provisions

Section 1. Liability for non-military service.

A person liable for military service who avers that serious reasons of conscience founded on religious or ethical conviction prevent him from carrying out the service laid down in the Military Service Act (452/50) will in peacetime be exempted from such service and assigned to do non-military service as provided for in this Act.

Section 2. Substance of non-military service.

Non-military service comprises work useful for society. It includes training aimed at providing the basic skills needed for carrying out the work service, and at supporting general civic education.

Work service is done mainly in the social welfare or health care field, or educational or cultural field, or in duties related to environmental protection or rescue services.

Section 3. Period of non-military service.

The period of non-military service is 395 days.

Section 4. Non-military service authorities.

Non-military service is directed and supervised by the Ministry of Labour.

A Centre for Non-Military Service is responsible for the implementation of non-military service in an official capacity subordinate to the Ministry of Labour and for the supervision of those liable for non-military service. There can be one or more such centres. (1271/1993)

If there are several Centres for Non-Military Service, their jurisdictions are specified as laid down by decree. (1271/1993)

Centres for Non-Military Service and non-military service units act as service locations. (1271/1993)

Section 5. Placement requirements for persons undergoing non-military service.

If necessary, the Government can set an annual minimum for the number of persons undergoing non-military service to be placed in the administrative sectors of the various ministries.

Chapter 2. Start of non-military service liability

Section 6. Applying for non-military service.

A person liable for military service can apply to do non-military service before, during or after service in accordance with the Military Service Act. Applications may not be made before call-up. (1248/2000)

An application to do non-military service should be submitted in the case of call-up to the call-up board, in the case of a person already performing military service to the commander of the military unit concerned, and in other cases after call-up to the Centre for Non-Military Service or headquarters of the military province. An averment of the serious reasons of conscience based on conviction referred to in section 1 should be attached to the application, the formal layout of which is approved by the Ministry of Labour. (1271/1993)

Section 7. Processing of non-military service applications.

Applications must be processed without delay. The call-up board or military province headquarters must approve all applications that comply with the requirements laid down in section 6. Commanders of military units must pass on all applications submitted to them to the military province headquarters for approval. (1271/1993)

After approval, the applicant becomes liable for non-military service and is exempted from carrying out the service laid down in the Military Service Act.

Call-up boards and military province headquarters must without delay notify the Centre for Non-Military Service concerned that the non-military service application has been approved. (1271/1993)

Section 8. Implementation of non-military service.

The mother tongue of persons undergoing non-military service must be taken into account when the service location is specified. Both Finnish- and Swedish-speaking persons undergoing non-military service are entitled to do their non-military service in their mother tongue. (439/2000)

A person undergoing non-military service may not be assigned to do his non-military service for his employer. The same applies to a service location with which the serviceman has a close link because of studies, a former employment relationship or some other reason. (439/2000)

A Centre for Non-Military Service issues the person undergoing non-military service with a non-military service assignment and specifies the service location where he will do his non-military service. Following application by the person undergoing non-military service or service location, the centre also rules on transfer to another unit during the period of work service.

What chapter 8a of the Military Service Act (63/51) provides concerning the supervision of those liable for military service also applies to the supervision of those liable for non-military service. (1248/2000)

Section 9. Non-military service assignments.

The Centre for Non-Military Service concerned issues those liable for non-military service with a verifiable order stating when their service will begin, in good time before the service starts.

A person who fails to report for non-military service at the appointed time because of a legitimate impediment must start his service as soon as that impediment no longer exists, unless the centre has ordered him to start service at some other date.

Unless section 10, paragraph 1, and section 12 require otherwise, those liable for non-military service must be assigned to start their service within the year of approval of the application referred to in section 6 and the two calendar years following it.

Chapter 3. Exemption, deferment and leaves from performance of non-military service

Section 10. Exemption on health grounds.

On the basis of a report from a physician specified by the Centre for Non-Military Service, the centre can exempt a person liable for service from the performance of non-military service either entirely or for a fixed period if that person does not possess the physical or mental requirements for performing non-military service, or cannot perform the service because of a bodily injury or illness. (1271/1993)

The Centre for Non-Military Service will order a new medical examination for a person exempted for a fixed period. (1271/1993)

What is provided concerning the fitness for service of those liable for military service is also valid, as applicable, to the service fitness of a person liable for non-military service and the examinations made to establish it.

Section 11. Exemption on the basis of foreign citizenship.

On application, a Centre for Non-Military Service can exempt a Finnish citizen liable for non-military service from carrying out all or part of the service if that person is not only a Finnish citizen but also the citizen of another state and has completed service equivalent to non-military service or conscript service in that other state. (1271/1993)

If special cause exists, a Centre for Non-Military Service can, on application, exempt a Finnish citizen liable for non-military service from carrying out that service if he is also a citizen of another state and does not reside or live permanently in Finland, as long as he does not have any actual ties with Finland. (1271/1993)

What has been agreed between Finland and Norway, Sweden and Denmark concerning the non-military service liability of a Finnish citizen who is also a citizen of one of those countries also applies.

Section 12. Deferment.

A Centre for Non-Military Service can grant deferment of performance of non-military service for a maximum of three years at a time if the deferment can be considered absolutely essential in terms of vocational qualification, the pursuit of studies, the arrangement of financial circumstances, or some other comparable, specifically personal, reason. Members of Parliament must be granted deferment in order to carry out their duties. A deferment cannot be granted for longer than the end of the calendar year during which the person concerned reaches the age of 28. Deferment applications must be processed urgently.

Deferment can also be applied for during non-military service.

Section 13. Liability to start service.

Submission of an application for exemption or deferment is not a legitimate impediment to reporting for service.

A Centre for Non-Military Service orders persons liable for non-military service to start their service as soon as possible after the deferment ends, and persons exempted from service for a fixed period as soon as they become capable of service.

Section 14. Leaves.

Persons undergoing non-military service are entitled to 20 days' personal leave without expressly providing cause, and to six days' paternity leave on the birth of their own child. If a person undergoing non-military service has distinguished himself particularly during his service period, he can be granted a total of up to 30 days' efficiency leave. These leaves are counted as service time. (1222/1998)

For weighty personal reasons, a person undergoing non-military service can be granted leave totalling up to six months, but this is not counted as service time. (456/1992)

The service location decides whether to grant leave.

Chapter 4. Performance of non-military service and end of non-military service liability

Section 15. Service locations.

Non-military service is carried out:

- 1) in the service of a government administration authority or public enterprise, an independent state agency or an association under public law;
- 2) in the service of a municipality or intermunicipal authority or a joint body of such;
- 3) in the service of the Finnish Evangelical-Lutheran Church or Orthodox Church, or a parish or joint body of such; or
- 4) in the service of a Finnish body or foundation under private law, engaging in non-profit activities approved by the Ministry of Labour (1248/2000).

However, the bodies referred to in paragraph 1, subparagraph 4, above do not include political parties entered in the political party register or bodies pursuing employer or

employee interests, or bodies whose main purpose is the acquisition of profit or other direct financial gain for the body or those involved in its activities.

Only a central government, municipal or intermunicipal authority can act as a Centre for Non-Military Service.

Section 15a (1248/2000) Procedure for approving a service location.

Before approving the application of a body referred to in section 15, paragraph 1, subparagraph 4 above, the Ministry of Labour must ask for an opinion on the matter from the Advisory Committee on Non-Military Service and the Ministry of Defence.

Section 16. (1271 /1993) Organization of non-military service.

The Centre for Non-Military Service and service location agree in writing with the Ministry of Labour on the organization of non-military service. The agreement must include information about the person responsible for non-military service matters at the service location as referred to in section 19.

The head of the Centre for Non-Military Service and the staff dealing with non-military service matters perform these functions under public liability.

Non-military service is performed in Finland, with the exception of any short journeys abroad that may be ordered.

Section 17. Safeguard for conviction.

The service must be arranged in such a way that service duties do not conflict with the convictions of persons undergoing non-military service.

Section 18. Prohibition on discrimination.

Non-military service may not be arranged in such a way that the person undergoing non-military service is discriminated against because of his race, origin, language, religion, political or other opinions, or any other comparable cause.

Section 19. Specification and supervision of service duties.

The head of the service location or such person as is ordered to deal with non-military service matters at the service location, who functions in these duties with public liability, specifies the service duties and arrangements for induction related to work service, and is responsible for supervision and discipline concerning persons undergoing non-military service.

Section 20. Repealed

Section 21. (1271/1993) Duties of persons undergoing non-military service.

A person undergoing non-military service is required to carry out conscientiously the service duties specified for him and to comply with orders issued by the Ministry of

Labour, the Centre for Non-Military Service and the service location that are necessary for the organization and performance of non-military service.

Section 22. Working and leisure time of persons undergoing non-military service and occupational safety.

Persons undergoing non-military service must observe the working hours specified for them by their service location. Their regular working hours may not exceed 40 a week.

The Occupational Safety Act (299/1958) and the Occupational Health Care Act (1383/2001) apply to the occupational safety of persons undergoing non-military service. (745/2002)

Persons undergoing non-military service are entitled to sufficient leisure time for rest and recreation.

Section 23. End or suspension of non-military service. The service location shall be responsible for discharging persons undergoing non-military service when:

- 1) they have completed their service in accordance with this Act;
- 2) their liability for service has ended;
- 3) they are according to a medical report incapable of service for a fairly long time;
- 4) they have been granted deferment while serving;
- 5) they have been exempted from non-military service in accordance with section 11;
- 6) they have lost their Finnish citizenship;
- 7) a crime report has been entered against them for a non-military service offence as provided below; or
- 8) the execution of a prison sentence for other than a non-military service offence is due to begin.

Unless the provisions of paragraph 1, subparagraphs 1-8, require otherwise, non-military service ceases at the end of the year during which the person concerned reaches the age of 30.

Chapter 4a. (1248/2000) Upkeep and benefits of persons undergoing non-military service

Section 23a. Upkeep of persons undergoing non-military service

Persons undergoing non-military service are entitled to free accommodation, meals, the special clothing and equipment needed for their service duties, health care, a daily allowance and free travel.

The service location is responsible for said persons' upkeep and daily allowance as referred to in paragraph 1 during this period of service. The service location may not pay a person undergoing non-military service any salary or remuneration during the period of service.

If meals cannot be arranged, the service location must pay the person undergoing non-military service a meals allowance determined in the same way as the allowance payable

to servicemen on posting journeys. The allowance is not payable on any full days during which a person undergoing non-military service is absent from service without leave.

Persons undergoing non-military service may use Defence Forces clothing as agreed between the Ministry of Labour and the Defence Staff.

Section 23b. Daily allowance

The service location pays the person undergoing non-military service a daily allowance determined in the same way as daily allowance payable for service under the Military Service Act.

The daily allowance is not payable for periods during which the person liable for service is:

- 1) absent from service without leave;
- 2) on leave as referred to in section 14, paragraph 2, insofar as the leave is not counted as service time;
- 3) incapable of service because of a self-inflicted wound or illness; or
- 4) under arrest or in detention under suspicion of a crime for which he would be sentenced to imprisonment.

What is provided elsewhere by act or decree concerning the financial and social benefits of persons liable for military service is applicable to persons undergoing non-military service unless otherwise specified in this Act.

Section 23c. Health care

Service locations shall arrange free health care for persons undergoing non-military service.

The state of health of persons undergoing non-military service must be checked within 14 days of their starting service. Said persons are at other times entitled to have a check-up by a physician if they so wish and to receive care ordered by a physician if necessary.

What is provided in the Decree on the provision of health care in the Defence Forces (371/1987) is applicable to compensation for the costs of health care.

Section 23d. Daily allowance payable for supplementary service and service location

In addition to the daily allowance specified in section 23b, persons performing supplementary service must be paid supplementary service pay, determined in the same way as the reservist pay payable to those liable for military service who are called up for reservist training for the period of service.

Section 23e. Required travel

The service location is responsible for costs arising from journeys on postings that it orders, and if necessary for costs arising from daily journeys by persons undergoing non-military service between the accommodation indicated by the service location and the service location itself. If the service location has not arranged accommodation for a person undergoing non-military service on a posting, he must be paid an accommodation allowance determined in the same way as the corresponding compensation for a conscript on a posting.

Section 23f. Free travel

Persons undergoing non-military service are entitled to free travel to their appointed service locations and back when their service ends, and to free travel when they move from one service location to another. A food allowance is payable for these journeys from Ministry of Labour appropriations as provided in section 23a, paragraph 3.

Persons undergoing non-military service are entitled to free travel from Ministry of Labour appropriations for weekend or other leave in Finland and to any other country in which they are permanently domiciled or resident. The number of free journeys is laid down by Ministry of Labour decree, taking into account the number of free journeys allowed to conscripts.

Instead of being given a free journey, a person undergoing non-military service can be given compensation for travel costs as provided separately by Ministry of Labour decree.

Section 23g. Other costs caused by the arrangement of non-military service

By agreement, the Ministry of Labour will pay the Centres for Non-Military Service other costs arising from activities under the Non-Military Service Act and Non-Military Service Decree (1725/1991). The Decree on Government Procurement (1416/1993) is not applicable to the purchase of services from such centres.

On application, exceptional unforeseen costs caused by the arrangement of non-military service can be compensated out of Ministry of Labour appropriations if they can be considered unreasonable relative to the resources of the service location.

Chapter 5. Discipline

Section 24. Disciplinary punishments.

A person undergoing non-military service who acts contrary to or fails to perform his non-military service liability can be sentenced, as a disciplinary punishment, and as laid down in more detail by decree, to:

- 1) a warning;
- 2) work in excess of the statutory hours; or
- 3) loss of daily allowance.

Work in excess of the statutory hours can be ordered up to a maximum of four hours a day for a maximum period of five days, and loss of daily allowance for up to 30 days. Only one type of disciplinary punishment may be ordered at a time for the same violation.

The person referred to in section 19 orders the disciplinary punishment after hearing the serviceman concerned.

Section 25. Ordering disciplinary punishment.

A disciplinary punishment must be in just proportion to the service violation. When punishment is being considered, attention must be paid to principles affecting the scale of the punishment according to the Penal Code and the circumstances in which the violation was committed, together with the serviceman's previous service record and behaviour.

A disciplinary punishment can be waived or the matter left solely to an oral admonition if the service violation was caused by carelessness, thoughtlessness or ignorance excusable in the circumstances, or if the violation can be considered minor otherwise.

Chapter 9 contains provisions on appeal against disciplinary punishment.

Chapter 6. Violation of liability for non-military service

Section 25a. (439/2000) Official police assistance in bringing in a person liable for non-military service for service.

If a person liable for non-military service fails to report for service or stops serving, the service location must without unnecessary delay ask the police in the service location locality for executive assistance with finding him and bringing him in for service. If necessary, the police must undertake measures to issue a warrant of apprehension for a missing person liable for non-military service.

The police must deliver a person liable for non-military service to his service location without delay unless he refuses in writing to perform non-military service or can offer a legitimate impediment for his absence. The police must forward the notice of refusal or explanation of legitimate impediment to the service location.

Section 26. Non-military service offence.

If a person liable for non-military service fails to report for service, ceases to serve or announces in writing that he refuses to perform non-military service, he shall be sentenced to imprisonment for a *non-military service offence* for a period corresponding to half of his remaining service time. The prison sentence is in full days. Less imprisonment can be ordered than the minimum laid down in chapter 2, section 2, paragraph 1, of the Penal Code.

A person undergoing non-military service who continues to substantially neglect his service duties despite being awarded disciplinary punishment can also be sentenced for a non-military service offence. A non-military service offence can only be punished once.

The public prosecutor may not bring charges for a non-military service offence unless a crime report has been made on it in accordance with section 35.

Section 27. Application of certain provisions under criminal law.

In the case of a non-military service offence, what is provided concerning legal proceedings in criminal cases, and concerning prison sentences and their implementation, shall be complied with unless this Act provides otherwise.

Section 28. Special provisions on non-military service offences.

A prison sentence ordered for a non-military service offence may not be conditional, and community service cannot be ordered to replace it. A person carrying out a prison sentence ordered for a non-military service offence is only allowed parole on the conditions laid down in section 29.

A combined prison sentence for a non-military service offence and some other offence may not be ordered, and a prison sentence for a non-military service offence may not be combined, or calculated together with, a sentence for some other offence. If a prison sentence or imprisonment instead of unpaid fines ordered for some other offence has to be carried out at the same time as a sentence for a non-military service offence, the sentence for the other offence is put into effect before the prison sentence for the non-military service offence.

A prison sentence ordered for a non-military service offence is not entered in the criminal register and may not be taken into account as grounds for harsher punishment later.

Section 29. Parole.

A person performing a prison sentence for a non-military service offence can be granted parole if he so wishes and can properly carry out his remaining non-military service in the place allotted to him.

The probationary period of a person undergoing non-military service on parole is the remaining service time. This remaining service time is determined by the Centre for Non-Military Service after receiving information from the prison governor on the sentence served. Unless special cause exists, a person undergoing non-military service is not placed under supervision. Parole can be declared forfeited if a person undergoing non-military service is found guilty of a non-military service offence. (1271/1993)

A person who has forfeited parole under section 30 is not granted parole a second time.

Section 30. Forfeiting parole.

If a person undergoing non-military service on parole is found guilty of a non-military service offence, he is sentenced to forfeit his parole instead of the punishment laid down in section 26.

The judgement must state how much of the prison sentence remains to be served, taking account of a sentence served earlier and the non-military service carried out. Two non-military service days are then counted as equivalent to one day of imprisonment.

Section 31. Relationship between time in prison and time in non-military service.

The non-military service time remaining in the case of a person granted parole is calculated in such a way that one day of imprisonment is equivalent to two days of non-military service.

Section 32. Lapse of a prison sentence.

A prison sentence ordered for a non-military service offence lapses if implementation of the punishment has not begun within five years of the date of issue of a legally valid judgement or, if implementation has been suspended, of the date of suspension.

A prison sentence also lapses when a person granted parole has been in non-military service for the remaining service time or has been exempted from service on health grounds.

Section 33. Ending non-military service liability because of a prison sentence.

When a person sentenced for a non-military service offence has completely served his prison sentence, or when the prison sentence has lapsed, his non-military service liability is considered to have ended.

Section 34. Legal proceedings.

The public prosecutor prosecutes for a non-military service offence. The case can be tried in the general lower court of the person's domicile or the locality of the service location.

Section 35. Making a crime report.

The Centre for Non-Military Service or service location makes a crime report on a non-military service offence to the police in the serviceman's domicile or the locality in which the service location is situated. (1271/1993)

A person undergoing non-military service who is the subject of a crime report must immediately be discharged.

Section 36. (1271/1993) New service location order.

If a person liable for non-military service against whom a crime report has been entered for a non-military service offence is not given a prison sentence, the Centre for Non-Military Service must order the person back into service. The time that he has been detained because of the investigation into the case is then counted as service time in such a way that one day of detention is equivalent to two days of non-military service.

Chapter 7. Supplementary service for those who have completed their conscript service

Section 37. Supplementary service liability.

A person liable for military service who makes the application referred to in section 6 after completing his conscript service can be ordered to carry out supplementary service under the terms of this Act.

A person liable for military service who makes the application referred to in section 6 after being called up for reservist military manoeuvres or while on such manoeuvres must be ordered to carry out supplementary service in principle within 18 months of putting in the application. The applicant can also be ordered to start supplementary service after the above-mentioned 18-month fixed period if implementation of the supplementary service liability so requires, but not later than the end of supplementary service liability as referred to in section 44, paragraph 3. (1222/1998)

Section 38. Supplementary service period.

The supplementary service period cannot exceed 40 days.

Section 39. Organization of supplementary service.

The service locations arrange supplementary service in the form of non-military service training and practical work training.

Section 40. (1271/1993) Deferment of supplementary service.

The Centre for Non-Military Service can grant a person liable for supplementary service deferment from doing the service. Deferment can be granted to a person liable for service for whom such deferment is absolutely essential because of family or financial circumstances, or for reasons related to the pursuit of a profession or livelihood. Deferment can also be granted to a person liable for service who is qualifying for a job or profession or studying, and whose progress would suffer substantially without such deferment. In addition, a person undergoing non-military service can be granted deferment for special cause, if participation in a service event would cause his employer substantial inconvenience or loss.

Section 41. Leaves.

The service location can grant a person doing supplementary service leave only for weighty personal reasons.

Section 42. Supplementary service pay.

Notwithstanding what is laid down in section 20, paragraph 1, a person doing supplementary service is entitled to supplementary service pay as laid down by decree.

What is provided in section 20, paragraph 2, concerning loss of daily allowance applies correspondingly to supplementary service pay.

Section 43. Supplementary service violations.

If a person liable for supplementary service does not perform the service allotted to him, he shall be sentenced to a fine for *a supplementary service violation*.

Section 44. Other provisions.

What is laid down in sections 1 and 4-7, section 9, paragraphs 1 and 2, sections 10, 11, 13 and 15-19, sections 21-22, section 23, paragraph 1, chapter 4a, sections 24 and 25, section 26, paragraph 3 and sections 34 and 35 shall be observed as applicable in supplementary service. (1248/2000)

What is laid down in chapters 8-10 concerning non-military service liability also applies to persons liable for supplementary service unless separately provided otherwise.

Supplementary service liability ceases at the end of the year in which the person concerned reaches the age of 50.

Chapter 8. Registers and data protection.

Section 45. Register of persons undergoing non-military service. (1271/1993)

The Centre for Non-Military Service keeps a register of all persons under it liable for non-military service and supplementary service, which contains the data needed in order to arrange for their supervision and service. (1271/1993)

The following data on each person liable for service are entered in the register:

- 1) name and personal code;
- 2) domicile, address and telephone number;
- 3) training and occupation;
- 4) mother tongue;
- 5) citizenship other than Finnish;
- 6) fitness for service;
- 7) data related to service location and time;
- 8) data on any crime report concerning a non-military service offence or supplementary service violation, any penalty awarded for the offence or implementation of a prison sentence; and
- 9) the grounds for discharge or the end of service liability.

The following documents related to performance of non-military service are appended to the said register in manual form:

- 1) the applications referred to in section 6;
- 2) the medical reports required to establish fitness for service;
- 3) the documents related to crime reports on non-military service offences and supplementary service violations;
- 4) the documents related to appeal applications as referred to in this Act; and
- 5) the serviceman's personal card and medical record card.

Data on conviction, family relations and social and financial situation essential for specifying the starting date and service location of a person liable for service can also be added to the Centre for Non-Military Service register. (1271/1993)

If a Centre for Non-Military Service ceases operations, the register must be handed over to the Ministry of Labour, which can pass it on to a new Centre for Non-Military Service. (1271/1993)

Section 46. (1271/1993) Collecting and keeping data in the register of persons undergoing non-military service.

Persons liable for military service shall enter the data referred to in section 45, paragraph 2, subparagraphs 1-5, in the application referred to in section 6, together with their wishes concerning their service performance. In the notification concerning a new person liable for non-military service referred to in section 7, paragraph 3, the military province headquarters sends the Centre for Non-Military Service a copy of the application, information on his fitness for service, and the data affecting his service period. In return, the centre sends the military province headquarters the data referred to in section 45, paragraph 2, subparagraphs 1-7, concerning a person transferring to conscript service.

The data on a person liable for non-military service are removed from the register at the latest at the end of the year in which he reaches the age of 50. His personal card and medical record card, provisions on the keeping of which are laid down by decree, are then transferred to the military province headquarters.

Centre for Non-Military Service register-keeping practices do not occasion any change in what is provided concerning the register-keeping of military province headquarters.

Section 47. Personal cards and medical record cards of persons undergoing non-military service.

The following entries are made on the personal card referred to above in section 45, paragraph 3, subparagraph 5, the formal layout of which is approved by the Ministry of Labour:

- 1) the person's name and personal code;
- 2) his domicile, address and telephone number;
- 3) his training and occupation;
- 4) his mother tongue;
- 5) his fitness for service;
- 6) data on his service location, duties and time, including any data on disciplinary punishments; and
- 7) the grounds for discharge.

The physician at the service location enters the data on the serviceman's state of health needed for performance of service on the medical record card, the formal layout of which is approved by the Ministry of Labour.

The Centre for Non-Military Service enters the data referred to in paragraph 1, subparagraphs 1-5, on the serviceman's personal card. The service location must ensure

that the data referred to in subparagraphs 6 and 7 are entered on the card. If the serviceman moves from one service location to another, his personal card and medical record card are also transferred, and passed to the centre when he is discharged. (1271/1993)

Section 48. Service location's register of persons undergoing non-military service.

The service location keeps a register of all serving persons undergoing non-military service which includes both the data on their personal cards and medical record cards and supplementary data in accordance with section 47, and also any other data needed in order to arrange and complete their service. The register can include data on servicemen's state of health with regard to performance of service, on any disciplinary measures, and on any crime reports concerning non-military service offences and supplementary service violations.

Paragraph 2 has been repealed.

Section 49. Right to obtain information.

Centres for Non-Military Service are entitled to obtain the following information, in addition to what is provided above, concerning a person liable for service subordinate to them: (1271/1993)

- 1) from the Population Register Centre, the military authorities, or in individual cases the police or other authorities, address data needed to supervise persons liable for non-military service, and in addition from the military authorities, notwithstanding confidentiality provisions, data on a serviceman's state of health of significance when a matter related to establishing his fitness for service is being handled; (456/1992)
- 2) from the physician who checked the serviceman's fitness for service, notwithstanding confidentiality provisions, a statement on health data of significance for establishing his fitness for service; and
- 3) from the police and prison authorities, notwithstanding confidentiality provisions, the data referred to in section 45, paragraph 2, subparagraph 8.

Notwithstanding confidentiality provisions, the service location is entitled to obtain from a physician a statement on a serviceman's state of health in so far as this has significance for his fitness for service.

Section 50. Public access to documents.

Provisions are laid down below in this Act on public access to documents and registers containing personal data on persons liable to non-military service as referred to in this Act.

Unless section 51 requires otherwise, persons working at the Ministry of Labour, a Centre for Non-Military Service and a service location may not, without the person liable for service's consent, reveal any data concerning his state of health, financial or social standing or conviction, or any other information concerning his personal circumstances. (1271/1993)

Section 51. Surrender of information.

The personal data referred to in this chapter can be given or surrendered to:

- 1) the person concerned as laid down in chapter 3a of the Act on the Accessibility of Public Documents and, with his written consent, in individual cases also to others;
- 2) the Ministry of Labour, a Centre for Non-Military Service, service locations and military province headquarters in accordance with this Act and because of mobilization as referred to in chapter 12 of the Decree on Application of the Military Service Act (63/51); and (1271/1993)
- 3) some other authority by virtue of law.

If special cause exists, the Ministry of Labour can on application give permission for the surrender of personal data for scientific research or statistical or other acceptable purposes if the surrender fulfils the requirements of section 19, paragraph 1, subparagraph 3, of the Personal Data File Act (471/87).

What is provided in the Act on the Accessibility of Public Documents concerning the surrender of data or the right of the relevant ministry to give permission for the disclosure of confidential data does not apply to the provision and surrender of personal data.

Chapter 9. Appeal

Section 52. (1271/1993) Appealing a call-up board or military province headquarters decision.

What is provided in the Military Service Act concerning appeal against a call-up board or military province headquarters decision on a military service matter applies concerning appeal against a call-up board or military province headquarters decision on the application referred to in section 7.

Section 53. Appealing a Centre for Non-Military Service decision.

A Centre for Non-Military Service decision concerning a service location, as referred to above in section 8, can be appealed by petitioning the provincial court within whose judicial district the centre lies. The petition of appeal must be lodged with the centre within seven days of the date on which the person undergoing non-military service was informed of the decision. The centre must send the petition of appeal and related documents, and its opinion on the matter, to the provincial court without delay. The appeal must be processed urgently. Appeal does not preclude implementation of the decision.

Unless otherwise provided in this Act, a Centre for Non-Military Service decision can be appealed by petitioning the provincial court within whose judicial district the centre lies. The petition of appeal must be lodged with the centre within 30 days of the date on which the person undergoing non-military service was informed of the decision. Appeal against a decision on deferment and exemption does not preclude the start of service.

Section 54. (1271/1993) Appealing a Centre for Non-Military Service decision.

The person undergoing non-military service concerned must attach to his appeal against a non-military service decision his wishes concerning how the decision should be changed, and the grounds for them. A copy of the Centre for Non-Military Service decision should be appended to the appeal, with evidence of the date on which document was served.

Section 55. Appealing a disciplinary punishment.

A person undergoing non-military service awarded a disciplinary punishment may appeal the decision to order the punishment by petitioning the provincial court within whose judicial district the service location lies. However, if the service location is an authority whose decisions are appealed to the Supreme Administrative Court under the general provisions on appeal, the appeal should be addressed to the Supreme Administrative Court.

The petition of appeal, which must state the serviceman's wishes and the grounds for them, must be lodged with the service location within seven days of the date on which the serviceman was informed of the decision. The service location must without delay pass on the petition of appeal and the documents appended to it, and its own opinion on the matter, to the appellate authority. The appeal must be processed urgently.

A disciplinary punishment may not be carried out before the decision has taken on the force of law. If the decision has been appealed to a provincial court, however, it can be carried out once the court has issued its ruling on the appeal. By contrast, a disciplinary punishment can be carried out immediately if implementation would otherwise be impossible within the serviceman's remaining service time.

Section 56. Appealing a decision on the surrender of information.

If a Centre for Non-Military Service or service location has refused to surrender data from the register of persons undergoing military service, the party asking for the information can appeal the decision to the Ministry of Labour. The petition of appeal must be lodged with the Ministry within 30 days of the date on which the party was informed of the decision. (1271/1993)

A Ministry of Labour decision concerning an appeal as referred to in paragraph 1 can be appealed as provided for in the Act on the Application of Administrative Law (586/1996). (1222/1998)

Section 57 has been repealed.

Section 58. (1222/1998) Application of the Act on the Application of Administrative Law.

In addition to what is provided in sections 53-56, the Act on the Application of Administrative Law applies to appeal.

Chapter 10. Miscellaneous provisions

Section 59. Transfer to service in accordance with the Military Service Act.

A person liable for non-military service who wishes to do service in accordance with the Military Service Act must apply to a Centre for Non-Military Service to this effect in writing. The application must be approved without delay if it states that conviction as referred to in section 1 no longer prevents performance of service in accordance with the Military Service Act, and if the person liable for non-military service has not earlier been assigned from non-military service to service in accordance with the Military Service Act on the basis of a similar application. The application may not be submitted after starting non-military service or after the end of the year during which the person liable for non-military service reaches the age of 28. (1222/1998)

If the application referred to in paragraph 1 is submitted after the person liable for non-military service receives his assignment to non-military service, the assignment must be cancelled. However, the assignment to non-military service must be complied with until another decision is reached on the basis of the application.

The Centre for Non-Military Service must without delay inform the military province headquarters that an application has been approved. (1271/1993)

Section 60 has been repealed.

Section 61. (1271/1993) Service period in the case of transfer from conscript service to non-military service.

The Centre for Non-Military Service decides how much service time remains in the case of a person transferring from military service to non-military service by deducting from the total service period laid down in the Non-Military Service Act an upwardly rounded figure obtained when the number of military service days already served are multiplied by a proportionality factor obtained by dividing the non-military service period laid down in the Non-Military Service Act by the service period allotted to the person concerned under the Military Service Act.

What is provided in this section does not apply to a person liable for supplementary service.

Section 62. Additional service for absence without leave.

Days of absence from non-military service without leave are not counted as service time.

Section 63. Executive assistance from the police.

At the request of the service location, the police must bring in to the service location any person undergoing non-military service absent from service without legitimate impediment unless he informs the police or the service location in writing that he refuses to serve.

Section 64. Application of the Administrative Procedures Act.

The Administrative Procedures Act (598/82) must be observed in processing an administrative matter under this Act, also when the matter is being processed by a service location where the said Act does not otherwise apply.

Section 64a. (1271/1993) Application of the Act on Public Procurement.

The Act on Public Procurement (1505/92) does not apply to the purchase of services from a Centre for Non-Military Service.

Section 65. More detailed provisions and regulations.

More detailed provisions on the implementation of this Act will be issued by decree.

If necessary, the Ministry of Labour can issue a Centre for Non-Military Service, service location and person liable for non-military service with regulations on the arrangement and performance of non-military service. (1271/1993)

Chapter 11. Provisions on entry into force and transitional provisions

Section 66. Entry into force.

This Act enters into force on January 1, 1992.

This Act repeals:

- 1) the Act of February 21, 1969 (132/69) on non-military service and civilian service and later amendments to it; and
- 2) the Act of January 14, 1972 (23/72) on the punishment of certain persons liable for military service who refuse to perform active service.

Section 67. Service time of persons assigned to non-military service before 1987.

The service time of persons assigned to non-military service before January 1, 1987 is 360 days.

Section 68. Application of the Act to persons assigned to non-military service and service to compensate for reservist military manoeuvres under earlier law.

The provisions of this Act also apply to persons undergoing non-military service who started their service before this Act comes into effect.

A person undergoing non-military service who has done at least 395 days of non-military service is exempted from service when this Act comes into effect and his non-military service liability is considered to have ended.

An application for service to compensate for reservist military manoeuvres submitted before this Act comes into effect is also valid after it takes effect, and the applicant can be assigned to supplementary service as provided in section 37, paragraph 1.

Section 69. Earlier provisions on offences.

What this Act provides concerning a non-military service offence and supplementary service violation and the implementation of punishments for them must be applied after the Act comes into effect to persons sentenced under earlier law for evasion of non-military service or an insubordination offence as a person undergoing non-military service.

Section 70. Reducing prison sentences.

A person sentenced before this Act comes into effect for evasion of non-military service or an insubordination offence as a person undergoing non-military service to over 197 days' imprisonment is exempted from serving the part of the sentence in excess of 197 days. The prison governor decides on such exemption.

A punishment from part of which the person concerned has been exempted under paragraph 1 is considered fully served.