

NB: Unofficial translation  
Ministry of Employment and the Economy, Finland  
July 2015

**Non-Military Service Act (1446/2007)**  
(as amended by the Act No 940/2013)

**Chapter 1 - General provisions**

**Section 1 - Scope of application**

This Act lays down provisions on liability for non-military service based on the national defence obligation.

A person liable for military service who avers that serious reasons of conscience founded on conviction prevent him from carrying out the service laid down in the Conscription Act (1438/2007) will be exempted from such service and assigned to perform non-military service as provided for in this Act.

This Act will also be applied to women who apply for non-military service after the designated period laid down in section 4, subsection 1, of the Act on Women's Voluntary Military Service (194/1995).

**Section 2 - Definitions**

For the purposes of this Act:

- 1) *a person liable for non-military service* means a person whose non-military service application has been approved;
- 2) *a service location* means an administrative sector or community the Centre for Non-Military Service has approved as a location of service for non-military service;
- 3) *a basic training period* means a period of service persons liable for non-military service undertake at the Centre for Non-Military Service at the beginning of the service, the objective of which is to support general civic education, develop general readiness related to civil defence and rescue operations, and to provide the basic skills for carrying out the work service;
- 4) *work service* means the non-military service carried out at the service location after the basic training period;
- 5) *a civil reserve* means persons who have completed their non-military service or persons approved for non-military service after service completed in accordance with the Conscription Act or the Act on Women's Voluntary Military Service, until the end of the year during which they turn 50;
- 6) *a civil militia* means persons liable for non-military service who have not yet started their non-military service or have interrupted the service, and persons liable for non-military service who no longer belong to the civil reserve, until the end of the year upon which they turn 60;
- 7) *supplementary service* means supplementary training provided to persons approved for non-military service after completing their military service under the Conscription Act or the Act on Women's Voluntary Military Service.

**Section 3 - Content of non-military service**

Non-military service comprises a basic training period, non-military work service useful to society, supplementary service, extraordinary service, and service during mobilisation.

Work service is performed mainly with respect to duties associated with social services, health care, education and culture, rescue services, civil defence, or environmental protection.

**Section 4 - (717/2012) Period of non-military service**

The period of non-military service is 347 days.

**Section 5 - Liability for non-military service**

A person liable for non-military service is either liable for non-military service or belongs to the civil reserve or civil militia.

Liability for basic training and work service included in non-military service ceases at the end of the year during which the person liable for non-military service reaches the age of 30.

**Chapter 2 - Non-military service authorities**

**Section 6 - The Ministry of Employment and the Economy and the Advisory Committee on Non-Military Service Affairs**

Non-military service is managed, steered and developed by the Ministry of Employment and the Economy.

The Ministry of Employment and the Economy is assisted in the development and planning of non-military service by the Advisory Committee on Non-Military Service Affairs, appointed by the Government. Provisions concerning the term, composition and details on duties of the advisory committee are laid down by Government decree.

**Section 7 - Centre for Non-Military Service**

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

The duties of a Centre for Non-Military Service include:

- 1) ordering persons liable for non-military service to enter service;
- 2) training persons liable for non-military service;
- 3) supervision of persons liable for non-military service;
- 4) issuing a non-military service certificate pursuant to section 8 of the Passport Act (671/2006) to those liable for non-military service before the commencement of non-military service;
- 5) implementation of the compensation of the accommodation costs of persons liable for non-military service; and
- 6) other practical implementation of non-military service.

The separate unit of the Southeast Finland's Centre for Economic Development, Transport and the Environment acts as the Centre for Non-Military Service. (940/2013)

Subsection 4 - Repealed (940/2013)

**Section 8 - Service locations**

The service location's tasks include assigning the service duties to the persons undertaking non-military service, arrangements for induction related to service duties, and the upkeep of those liable for non-military service, supervision related to service, and keeping a register of all persons liable for non-military service. In addition, upon request, the service location shall provide persons there undertaking non-military service with a non-military service certificate for making a passport application as referred to in section 8 of the Passport Act.

The Centre for Non-Military Service or the following institutions and organisations approved by it can act as service locations:

- 1) a central government authority or public enterprise, or independent state agency or an association under public law;
- 2) a municipal authority;
- 3) a religious community or a parish or joint body of such as referred to in section 2 of the Freedom of Religion Act (453/2003);
- 4) a community, association or foundation under private law, engaged in non-profit activities.

However, the following cannot act as locations of non-military service:

- 1) political parties entered in the political party register;
- 2) organisations pursuing employer or employee interests;
- 3) communities whose main purpose is the acquisition of profit or other direct financial gain for the community or those involved in its activities.

Criminal liability for acts in office applies to the staffs of service locations whenever they are performing their duties regarding non-military service matters. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974). (940/2013).

### **Section 9 - Handling of applications for a service location of non-military service and cancellation of a right to act as a service location**

The Centre for Non-Military Service approves service locations upon application. The application must be submitted in writing and shall include the necessary information on the applicant's capacity to fulfil the financial and administrative obligations required from a service location for non-military service. Information on the person in charge of the supervision of those undertaking non-military service as referred to under section 45 shall also be included in the application and the decision on its approval.

Before making a decision on an application filed by a religious community referred to in section 8, subsection 2, paragraph 3, or a community referred to in paragraph 4 of the same subsection, the Centre for Non-Military Service shall request a statement on the application for a service location from the Defence Command Finland.

After hearing a service location that seriously neglects its duties referred to in section 8, subsection 1, the Centre for Non-Military Service can rescind its right to act as a service location. Such a decision on cancellation shall be made in writing. This would not prevent the location from filing a new application for a service location.

### **Section 10 - Placement obligation of persons liable for non-military service**

When the number of persons liable for non-military service remaining without a service location exceeds the accommodation and placement resources of the Centre for Non-Military Service, the Government must immediately issue an order, upon submission by the Ministry of Employment and the Economy, on the minimum number of persons liable for non-military service to be placed in the administrative sectors of various ministries.

### **Section 11 - Specific provisions**

More specific provisions on the handling of applications for a service location for non-military service are laid down by Government decree.

Provisions concerning the staff of the Centre for Non-Military Service and the qualification requirements of said staff are laid down by Government decree.

### **Chapter 3 - Start of non-military service liability and determining the service location**

#### **Section 12 - 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 Conscription Act. Applications may not be made before call-up.

In the case of a call-up, an application to do non-military service should be submitted 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 to the Centre for Non-Military Service or Defence Forces regional office. The application must be made on a form confirmed by the Ministry of Employment and the Economy, and any averment of serious reasons of conscience based on a conviction referred to in section 1 should be attached to the application. The application must be signed.

A person liable for military service residing permanently in a foreign country may also submit the application to do non-military service to a Finnish embassy, other diplomatic representation or consulate. When receiving the application, it must be immediately checked for the contact information referred to in section 17, subsection 1, after which it must be passed onto the Defence Forces regional office without delay.

#### **Section 13 - Processing of non-military service applications**

Non-military service applications must be processed without delay. Call-up boards or Defence Forces regional offices must approve all applications that comply with the requirements laid down in section 12. Commanders of military units and the Centre for Non-Military Service must pass on all applications submitted to them to a Defence Forces regional office for approval. Call-up boards and Defence Forces regional offices must without delay notify the Centre for Non-Military Service that the non-military service application has been approved.

After approval, the applicant becomes liable for non-military service and is exempt from carrying out the service laid down in the Conscription Act or the Act on Women's Voluntary Military Service.

The provisions concerning the status of persons liable for non-military service who have completed the service laid down in the Conscription Act or the Act on Women's Voluntary Military Service, in the case of a decision on extraordinary service referred to in section 64 and during the mobilisation referred to in section 65, are laid down in sections 18, 64 and 65.

#### **Section 14 - Assignment to non-military service**

The Centre for Non-Military Service concerned issues those liable for non-military service with an order stating when their service will begin during the year when the application was approved or during the two years following the year of approval, unless the person liable for non-military service has been granted a deferment.

A verifiable order stating when the service will begin shall be issued to those liable for non-military service, no later than two months before the service begins. The order can also be issued at shorter notice during the calendar year when the person liable for non-military service turns 29, or in other cases upon the person's approval.

An order stating when the service will begin can be issued to persons liable for non-military service and residing in a foreign country, via the relevant Finnish embassy, other diplomatic representation or consulate.

If necessary, the Centre for Non-Military Service must request executive assistance from the police in locating persons liable for non-military service and delivering the order to them.

A person who has failed to report for non-military service by the specified time due to a legitimate impediment must begin his service immediately after the impediment ceases to exist, unless the Centre for Non-Military Service has ordered him to perform said service at some other time.

### **Section 15 - Assigning the service location**

The Centre for Non-Military Service assigns the service location where the person liable for non-military service carries out work service. The person liable for non-military service and the service location should be heard before issuing the work service order. A person liable for non-military service may only be ordered into work service at a service location referred to in paragraph 3 or 4 of section 8, subsection 2 with his express consent.

The conviction and the mother tongue of persons liable for non-military service must be taken into account when assigning the service location. Both Finnish- and Swedish-speaking persons liable for non-military service have a right to perform their non-military service in their mother tongue.

When undertaking service, the person liable for non-military service may not have an employment or civil service contract with the service location, and may not perform work for the service location against payment outside his duties under non-military service. The service location may not pay a person liable for non-military service any salary, remuneration or other compensation for non-military service duties or work assignments during the service period.

### **Section 16 - Transfer from one service location to another during service**

The Centre for Non-Military Service takes decisions on transferring persons liable for non-military service from one service location to another during service, upon the application of the person liable for non-military service or the service location. The application for a transfer must be made in writing, and must state the grounds for the transfer and the wishes concerning the new service location.

In order to ensure the appropriate completion of service, or when substantial public interests so require, the Centre for Non-Military Service may also make decisions on transferring persons liable for non-military service from one service location to another, on its own initiative.

Before making the decision on the transfer, the Centre for Non-Military Service must hear the person liable for non-military service, and representatives of his present service location and the new service location. However, the Centre may deviate from the liability to hear said parties, if the transfer requirement is urgent or based on substantial public interests as referred to in subsection 2.

### **Section 17 - Obligation of persons liable for service to provide information**

A person liable for non-military service should ensure that information on his place of residence, address and other relevant contact information as well as issues affecting his fitness for service has been submitted to the Centre for Non-Military Service.

Persons liable for non-military service must provide the Centre for Non-Military Service with the data referred to in subsection 1 when so requested by the Centre, and reply to a written questionnaire delivered by the Centre for Non-Military Service within 14 days from the date when they were informed of the questionnaire.

#### **Chapter 4 - Processing of non-military service applications under special conditions**

##### **Section 18 - Applying for non-military service under special conditions**

If a person liable for military service files an application to perform non-military service after the President of the Republic has issued a decision on extraordinary service under section 83 of the Conscription Act, or a decision on a partial or general mobilisation of the Defence Forces, the application shall be immediately passed on to the Investigation Committee of Conviction of Persons Liable for Military Service as referred to in section 19 of this Act.

Persons liable for military service who have completed the service under the Conscription Act or the Act on Women's Voluntary Military Service and who have been approved for non-military service, but who had not begun their supplementary service before the decision referred to in subsection 1 had been issued, or a decision on partial or general mobilisation of the Defence Forces had been made, or whose application to do non-military service remains unresolved and pending before the issuance of a decision referred to in subsection 1, are liable to provide a statement of their conviction upon the request of the Investigation Committee of Conviction of Persons Liable for Military Service.

Under the circumstances referred to in subsection 2, a statement provided to the Investigation Committee of Conviction of Persons Liable for Military Service by a person liable for military service shall be processed as a new application to do non-military service for those persons liable for military service and who have already been approved for non-military service. At the same time, the decision issued by the Investigation Committee of Conviction of Persons Liable for Military Service repeals any former decisions concerning applications by said person to do non-military service.

##### **Section 19 - Investigation Committee of Conviction of Persons Liable for Military Service**

When a decision concerning extraordinary service has been issued, or during mobilisation as referred to under sections 83 and 86 of the Conscription Act, one or more Investigation Committees of Conviction of Persons Liable for Military Service will operate, attached to the Ministry of Employment and the Economy.

The committee is tasked with the investigation of personal conviction and making decisions on applications to do non-military service as referred to in section 18.

##### **Section 20 - Appointing the committee and qualification requirements of the members**

The Government will appoint the committee immediately after the President of the Republic has issued a decision on extraordinary service as referred to in section 83 of the Conscription Act, or a decision on a partial or general mobilisation of the Defence Forces. The appointment decisions will be made for the time being and will lapse after the decision issued on extraordinary service has expired or the mobilisation situation has ended.

The committee consists of a chairperson, a legally trained deputy chairperson, a military representative with expertise in liability for military service and overall national defence, with the minimum ranking of major, an expert in non-military service, a physician specialising in psychiatry,

an expert in religious and ethical convictions with a higher academic degree, and a legally trained secretary acting as a presenter of cases. Personal deputies must be appointed for every member of the committee except the chairperson.

The committee must include representatives of the defence administration, non-military service authority and judicial administration. The chairperson and the legally trained member acting as deputy chairperson must have qualifications entitling them to hold a judgeship and be familiar with the duties of a judge. Furthermore, the chairperson, the legally trained member acting as deputy chairperson and the legally trained secretary must represent sectors independent of military service and non-military service authorities. The committee is considered quorate when the chairperson or the deputy chairperson, legally trained secretary and at least half of the other members of the committee are present. Representatives of the non-military service authority or defence administration must not be in a majority among the persons present.

The members of the committee act under the judge's responsibility. When performing these duties, the chairperson, deputy chairperson and members of the committee have a right, similar to that of judges, to remain in office.

### **Section 21 - Processing of non-military service applications by the committee**

Non-military service applications must be processed without delay. The committee must approve a non-military service application if the applicant can show that his conviction is genuine and permanent by nature and prevents him from carrying out the service laid down in the Conscription Act. During the processing of the application, the applicant can be transferred to unarmed service or non-military service duties.

In committee sessions, applications shall be processed by presentation thereof. These sessions are chaired by the chairperson or deputy chairperson of the committee. The legally trained secretary acts as the presenter of the cases.

The committee will adopt the decision supported by the majority of the committee members. In the event of a tie, the board shall adopt the opinion supported by the chairperson of the meeting.

The applicant shall be verifiably informed of the committee decision immediately and the Defence Forces regional office and the Centre for Non-Military Service shall also be so notified. Submission of a new non-military service application will not prevent the implementation of the decision.

Provisions on appealing against a committee decision are laid down in section 98.

### **Section 22 - Specific provisions**

More specific provisions on the organisation and staff of the Investigation Committee of Conviction of Persons Liable for Military Service, the processing of affairs by the committee and the functioning of the committee can be laid down by Government decree.

## **Chapter 5 - Fitness for service, exemption and deferment from performance of non-military service**

### **Section 23 - Fitness for service**

Only persons liable for non-military service and found fit for such service can be ordered to undertake it. The decision on fitness for service and any change of said decision are implemented by the Centre for Non-Military Service.

Fitness for service means that the person liable for non-military service is able to complete, or can be expected to be able to complete, his non-military service. In addition, it is required that the person undertaking non-military service can do so without endangering himself or posing a service or occupational safety risk to anyone else.

Fitness for service is determined on the basis of information on the person liable for non-military service and his state of health and physical and mental abilities, as derived from:

- 1) an examination by a health care professional;
- 2) the person liable for non-military service himself; or
- 3) parties referred to in section 93.

When assessing the candidate's state of health and determining fitness for service, efforts must be made to follow practices conforming with those applied to persons carrying out service in accordance with the Conscription Act.

#### **Section 24 - Medical examination**

During service, in order to determine the state of health of a person liable for non-military service the Centre for Non-Military Service or the service location can order him to undergo a health inspection or medical examination by a physician or another health care professional, if so deemed necessary for determining the conditions for carrying out service duties or assessing fitness for service. The Centre for Non-Military Service can provide the person liable for non-military service with an order to this effect even before calling him into service or before the service has begun.

The Centre for Non-Military Service must examine the state of health and fitness for service of a person liable for non-military service within three weeks from the beginning of service. In addition, if necessary, the Centre for Non-Military Service or the service location must examine the state of health and fitness for service of a person liable for non-military service during service and at the end thereof. During supplementary service, extraordinary service, or service during mobilisation, the Centre for Non-Military Service will examine the state of health of a person liable for non-military service only when necessary.

#### **Section 25 - Testing to determine drug use**

A consenting person liable for non-military service may be required to undergo a drug test as referred to in section 2 of the Narcotics Act [(1289/1993)] (373/2008) as part of the examination referred to in section 24 above.

During service, the Centre for Non-Military Service or the service location can oblige the person liable for non-military service to present a drug test certificate referred to in section 6 of the Act on the Protection of Privacy in Working Life (759/2004), if there is a justified reason to suspect that the person liable for non-military service has been under the influence of drugs during his term of service or that he is addicted to drugs. Furthermore, the testing is required to determine the fitness for service of a person liable for non-military service, if he is to carry out the types of duties that require precision, reliability, independent judgement or good reactive capabilities, and which if performed under the influence of drugs or drug addiction would:

- 1) endanger the life, health, service safety, or occupational safety of the person liable for non-military service or some other person;
- 2) endanger national defence or state security;
- 3) endanger traffic safety;
- 4) increase the risk of significant environmental damage;

- 5) endanger the protection, usability, integrity and quality of information received in connection with service duties and therefore harm or damage public interests protected by confidentiality provisions or endanger the protection of privacy or the rights of registered persons; or
- 6) endanger business or professional secrecy or cause more than a minor level of financial loss to the employer or a customer of the employer, provided that this could not be prevented by other means.

The person liable for non-military service may also be obliged to present a certificate as referred to in subsection 2, if he is to carry out tasks which, on a permanent basis and to a material degree, include raising, teaching, caring for or otherwise looking after a minor, or other work involving personal interaction with a minor, with no other person present.

Drug tests and the certificates of such tests are subject to the provisions of section 19 of the Occupational Health Care Act (1383/2001).

The Centre for Non-Military Service or the service location is responsible for having a test on drug use conducted as well as the costs arising from such testing.

If a person liable for non-military service refuses to present a drug test certificate referred to in subsection 2 and the service location has a justified reason to suspect that the person liable for non-military service is addicted to drugs or that he is carrying out service under the influence of drugs, his fitness for service must be immediately assessed on the basis of another examination, of the type referred to in section 24.

### **Section 26 - Exemption from service due to lack of fitness for non-military service**

During peacetime, the Centre for Non-Military Service can exempt a person liable for non-military service from the performance of service, either entirely or for a fixed period if that person is not fit for service.

On the grounds of a temporary lack of fitness for service, a person liable for non-military service can be exempted from service for a fixed period. In such a case, the Centre for Non-Military Service will order a new medical examination of the person in question. Exemption for a fixed period can be granted one or more times, for a maximum of three years at a time.

If a person liable for service has been ordered to undergo new medical examinations on the basis of subsection 2 and has not been determined fit for service in any of the examinations, he will be exempted from his service liability during peacetime by the end of the year during which he turns 25 years of age, at the latest. This exemption from service liability also requires that the person in question has not neglected his obligation to participate in the medical examinations he has been ordered to undergo.

### **Section 27 - Exemption from non-military service due to military service in another country**

Upon written application, the Centre for Non-Military Service can exempt a Finnish citizen liable for non-military service who is currently or has been a citizen of another country from carrying out all or part of the service during peacetime, if the person in question has completed at least four months of service under the peacetime service obligation of a person liable for military duty in said other country.

### **Section 28 - Exemption from non-military service due to citizenship of another country**

Upon written application, the Centre for Non-Military Service can exempt a Finnish citizen liable for non-military service from non-military service during peacetime if that person also has citizenship of another country. This exemption from service also requires that the person in question does not reside in Finland, and he can prove that his de facto ties to family, studies, livelihood or other personal affairs lie with some country other than Finland.

The decision referred to in subsection 1 above can be cancelled, and the person in question can be ordered to perform non-military service, if there is an essential change in the grounds for exemption due to the person in question taking up permanent residence in Finland before the end of the year in which he turns 30 years old.

### **Section 29 - Calling citizens of other countries residing abroad to service**

The Centre for Non-Military Service must refrain from issuing a service order to a person liable for non-military service if that person is not only a Finnish citizen but also the citizen of another country and his place of residence has been elsewhere than Finland for the last seven years.

However, notwithstanding the provisions of subsection 1, the Centre for Non-Military Service can call a person liable for non-military service to carry out his service if he moves to Finland before he turns 30 years old.

### **Section 30 - Appealing to citizenship in another country**

A person liable for non-military service who cites citizenship of another country or an international agreement as a reason for exemption from said service, must submit an account of his citizenships and performance of liability for non-military service in another country to the Centre for Non-Military Service.

Further provisions concerning fulfilment of the liability for non-military service are laid down in international agreements binding Finland.

### **Section 31 - Applying for deferment**

The Centre for Non-Military Service can grant a deferment of the performance of non-military service for a maximum of three years at a time, if said deferment can be considered absolutely essential in terms of:

- 1) a vocational qualification;
- 2) the pursuit of studies;
- 3) the arrangement of financial circumstances; or
- 4) some other, specifically personal, reason.

The written application for deferment must be submitted to the Centre for Non-Military Service. Such an application must present the grounds for seeking deferment and the period for which deferment is applied for.

A person acting as a member of Parliament, a member of the Government or a member of the European Parliament must be granted a deferment on the basis of a written notice by the person in question, if said deferment is necessary for carrying out the official duty in question. However, non-military service must be started no later than during the year when the person liable for non-military service turns 29 years old. Such notice must be submitted to the Centre for Non-Military Service, with an account of the official duty in question attached.

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

**Section 32 - Deferment decision**

The deferment decision must specify the dates upon which the deferment begins and ends.

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 with due urgency.

**Section 33 - Interrupting deferment**

A person liable for non-military service must apply for any interruption of deferment from the Centre for Non-Military Service, in writing.

The Centre for Non-Military Service can assess the fitness for service of a person exempted from service on the grounds of health for a fixed period of time, even before the fixed period has passed, if the person liable for non-military service requests such an interruption of deferment and provides the Centre for Non-Military Service with a medical certificate for the assessment of fitness for service.

**Section 34 - Liability to start service**

Submission of an application for exemption or deferment from non-military service or the filing of an appeal on a decision concerning these does not constitute a legitimate impediment to reporting for service.

The Centre for Non-Military Service must order persons liable for non-military service to begin their service as soon as possible after the deferment ends. Persons exempted from service for a fixed period must be ordered to start their service as soon as possible after they become fit for service.

**Chapter 6 - Performance of non-military service and end of non-military service liability****Section 35 - Limitation of the rights of persons liable for non-military service**

Pursuant to this Act, no additional limitations of the rights of those liable for non-military service may be imposed other than those required for the performance of the liability for service and the safety of persons liable for non-military service and other persons.

**Section 36 - Safeguard for personal conviction**

The non-military service must be arranged in such a way that service duties do not conflict with the personal convictions of persons liable for non-military service. If the person liable for non-military service announces that the service location or his service duties are in conflict with his personal convictions, the Centre for Non-Military Service can reassign him to another service location or the service location can assign him to alternative duties.

**Section 37 - Prohibition on discrimination**

Non-military service may not be arranged in such a way that, without an acceptable reason, the person liable for non-military service is placed in a discriminatory position because of his age, origin, language, religion, conviction, opinions, state of health, disability, gender, sexual orientation or any other, personal reason.

**Section 38 - Duties of persons liable for non-military service**

A person liable for non-military service is required to conscientiously carry out the service duties specified for him pursuant to this Act in a location designated for him by the Centre for Non-

Military Service, abiding by the supervisory orders issued by the Centre for Non-Military Service and the service location pursuant to this Act.

### **Section 39 - Working and leisure time of persons liable for non-military service and occupational safety**

Persons liable for non-military service must observe the working hours specified for them by their service location. Their regular working hours must total at least 36 and not exceed 40 a week.

The Occupational Safety and Health Act (738/2002) applies to the work done by persons liable for non-military service. The Occupational Health Care Act applies to non-military service unless otherwise provided in this Act.

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

### **Section 40 - Leaves**

Persons liable for non-military service are entitled to 18 days' personal leave without expressly providing just cause thereof, and to 12 days' paternity leave upon the birth of their own child. If a person liable for non-military service has distinguished himself during his service period, he can be granted a total of up to 20 days' efficiency leave. The provisions concerning leaves granted on the basis of the pregnancy, childbirth and maternity of a person liable for non-military service are determined as provided in the Act on Women's Voluntary Military Service.

For weighty personal reasons, a person liable for non-military service can be granted leave totalling up to 180 days.

The service location decides whether to grant leave and when the leave can be taken. However, leave as referred to under subsection 2 is granted by the person in charge of the service location specified in section 45.

### **Section 41 - Performance of non-military service abroad**

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

With the consent of the person liable for non-military service, the service location can order him on a journey abroad for a maximum period of 14 days.

Upon application by the service location and with the consent of the person liable for non-military service, the Centre for Non-Military Service can order him on a journey abroad for a maximum period of 2 months, if there is a specific reason for so doing related to work or training duties. The written application must be submitted to the Centre for Non-Military Service, with the written consent of the person liable for non-military service and an account of the person's work duties, service conditions and service safety attached.

The service location is responsible for costs arising from journeys and the upkeep of persons liable for non-military service abroad.

### **Section 42 - Release from service duties**

The service location can grant a person liable for non-military service a release from the performance of his service duties and the right to leave the service location for a short period on the following grounds:

- 1) recovery from illness or injury;
- 2) death or acute, serious illness of a near relative; or
- 3) other compelling personal reason.

### **Section 43 - Counting the service time**

The service time of a person liable for non-military service is counted from the day when said person enters service. The days when the service begins and ends are counted as service time.

Not counted as service time are days when the person liable for non-military service is:

- 1) absent from service without leave;
- 2) on leave granted for personal reasons as referred to in section 40, subsection 2;
- 3) incapable of service because of a self-inflicted injury or illness;
- 4) under arrest or in detention under suspicion of a crime.

### **Section 44 - Discharge from service**

The service location shall be responsible for discharging persons liable for non-military service when:

- 1) they have completed their service in accordance with this Act;
- 2) they have reached the age of 30 and their liability for service has ended pursuant to section 5, subsection 2 of this Act;
- 3) they have been exempted from non-military service on the basis of sections 26–28;
- 4) they have lost their Finnish citizenship;
- 5) they have been granted a deferment while serving;
- 6) a crime report has been entered against them for refusal to perform non-military service or for a non-military service offence; or
- 7) the execution of a prison sentence given for some reason other than refusal to perform non-military service or a non-military service offence is due to begin.

Using its own judgment, the Centre for Non-Military Service may discharge persons liable for non-military service if:

- 1) according to a medical report they are incapable of service for a fairly long period; or
- 2) they have committed a serious crime against the service location or its staff, customer or property, or they behave in a manner which demonstrates that they pose a serious risk to service or occupational safety.

Before discharging the person on the grounds referred to in subsection 2, the Centre for Non-Military Service must hear the person liable for non-military service and representatives of the service location.

The service location or the Centre for Non-Military Service must provide the person liable for non-military service with a discharge decision, specifying the completed service time and the grounds for discharge.

### **Section 45 - Supervision of persons liable for non-military service and of service duties**

The service location must have a person in charge of the supervision of persons liable for non-military service. The service location must immediately report to the Centre for Non-Military Service on any change of the person in charge, providing the contact information of the new person in charge.

Assignment of service duties and arrangements for induction related to service duties must be attended to by the person in charge referred to in subsection 1 or another person in the service of the service location appointed by him or her.

## **Chapter 7 - Upkeep and benefits of persons liable for non-military service**

### **Section 46 - Upkeep of persons liable for non-military service**

During their service, persons liable for 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 to and from their appointed service locations and for weekend or other leave.

The government is responsible for expenses arising from the free travel of persons liable for non-military service. The service location is responsible for other expenses arising from the upkeep and benefits of persons liable for non-military service and carrying out basic training or work service.

The government is responsible for all expenses arising from the upkeep and benefits of persons liable for non-military service having left without a service location and carrying out work service in the Centre for Non-Military Service. (940/2013)

The government is responsible for all expenses arising from the upkeep of persons performing supplementary service, extraordinary service or service during mobilisation. (940/2013)

### **Section 47 - Accommodation costs**

Upon the entry into service of persons liable for non-military service, the service location must assign accommodation to them in writing. The government will compensate the service location for the monthly accommodation costs of persons liable for non-military service in accordance with the location of the accommodation assigned to them, as follows:

Group I municipalities: Espoo, Helsinki, Kauniainen and Vantaa, maximum compensation 250 euros;

Group II municipalities: Other municipalities, maximum compensation 150 euros.

The maximum compensation for accommodation costs shall not exceed the actual costs. Compensable costs include rent, other remuneration for the accommodation or a comparable fixed monthly accommodation charge based on an agreement, excluding charges for financial costs or mortgage instalments. No compensation will be paid to the Centre for Non-Military Service.

If the accommodation assigned for a person liable for non-military service is an apartment owned or rented by the parents of the person in question, the maximum compensation for accommodation costs is 100 euros a month.

The service location must invoice the paid accommodation costs from the Centre for Non-Military Service in arrears, by the end of the calendar year which the accommodation costs concern. The service location must present a reliable account of the accommodation costs it has paid.

More specific provisions on the procedure concerning compensation of accommodation costs can be laid down by Government decree.

### **Section 48 - Daily allowance and meals allowance**

The service location pays persons liable for non-military service a daily allowance determined in the same way as daily allowance payable for service under the Conscription Act.

If the service location does not arrange meals, it must pay the person liable for non-military service a meals allowance determined in the same way as the allowance payable to servicemen pursuant to the Conscription Act on posting journeys.

The daily allowance or meals allowance are not payable for days not included as service time. In addition, the daily allowance is not payable for service days, when the person liable for non-military service is on leave or spending his weekly free time outside the accommodation assigned by the service location.

#### **Section 49 - Health care**

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

Provisions concerning medical examination and the inspection of fitness for service of persons liable for non-military service are laid down in section 24. In addition, during their service, persons liable for non-military service are entitled to a check-up by a health care professional if they so wish and to receive any care ordered by a physician necessary for carrying out the service.

#### **Section 50 - Daily allowance and pay for persons performing supplementary service, extraordinary service or service during mobilisation**

In addition to the daily allowance specified in section 48, persons performing supplementary service, extraordinary service or service during mobilisation are entitled to 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 service period.

The provisions concerning loss of daily allowance laid down in section 48, subsection 3 also apply to pay as referred to in subsection 1 of this section.

#### **Section 51 –Required travel**

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

More specific provisions on the compensation of required travel are laid down by decree by the Ministry of Employment and the Economy.

#### **Section 52 - Compensation of travel to service**

Persons liable for non-military service are entitled to free travel provided by the government or compensation for travel when they move from one service location to another or when they travel between their place of residence or domicile and the service location, if such travel is required for the performance of non-military service, supplementary service, extraordinary service, or service during mobilisation or entry into or discharge from such service. Travel costs to and from another country are compensated only if the person liable for non-military service resides permanently elsewhere than in Finland.

The government will also compensate a person liable for non-military service for one journey made in Finland to a job interview concerning non-military service if said interview takes place outside his place of domicile or residence. A person liable for non-military service is required to present a certificate of the interview provided by the service location before the compensation is paid.

Travel expenses are paid in accordance with the costs accrued from the use of the most economic public means of transport.

More specific provisions on the compensation of travel expenses and related procedures are laid down by decree by the Ministry of Employment and the Economy.

**Section 53 - (940/2013) Free journeys for leave**

During their service time, persons liable for non-military service are entitled to free return journeys for leave, and to return journeys for leave in connection to leaves referred to in section 40 or compensation for travel costs to their respective place of domicile or residence or, for a specific reason, to some other place in Finland to which they have specific personal ties. During their service, persons domiciled or residing permanently in another country are entitled to at least one free journey for leave to their respective place of domicile or residence abroad.

Taking account of the circumstances, these journeys must be made in the most economic way for the government.

More specific provisions on the number of free journeys for leave to abroad and compensation of travel expenses, taking account of the number of free journeys for leave to abroad of those performing service in accordance with the Conscription Act, are laid down by decree by the Ministry of Employment and the Economy.

**Section 54 - Counselling on social security issues**

If necessary, persons liable for non-military service are entitled to receive counselling on social security issues related to their service from the Centre for Non-Military Service.

**Section 55 (307/2009) - The continuation of the employment and civil service contracts of persons liable for non-military service**

Provisions on the continuation of the employment and civil service contracts of persons liable for non-military service are laid down in the Act on Continuation of the Employment Contracts and Civil Service Relationships of Persons Fulfilling their National Defence Liability (305/2009).

The director of the Centre for Non-Military Service or a person appointed by him or her must inform persons liable for service, prior to the end or interruption of service in question, of what is provided in section 5 of the above-mentioned Act.

**Section 56 - Other benefits to which persons liable for non-military service are entitled**

That which has been laid down in the provisions on financial and social benefits of those liable for military service in other acts or decrees also applies to persons liable for non-military service, unless otherwise provided in this Act.

**Section 57 - (940/2013) Unexpected costs arising from arrangement of non-military service**

Upon written application, the Centre for Non-Military Service may compensate the service location for exceptional and unexpected costs incurred in the arrangement of non-military service, if such

costs can be considered unreasonable with a view to the economic conditions of the service location.

## **Chapter 8 - Supplementary service**

### **Section 58 - Supplementary service liability**

A person liable for non-military service who has completed said service under the Conscription Act or the Act on Women's Voluntary Military Service and has filed an approved application for non-military service after completing the service in question, is liable to participate in supplementary service.

Supplementary service liability ceases at the end of the year in which the person liable for non-military service reaches the age of 50.

The supplementary service time cannot exceed 40 days.

### **Section 59 - An order to supplementary service**

The Centre for Non-Military Service may arrange supplementary service in the form of training assignments and practical training. The Centre for Non-Military Service will specify the time, location and duration of supplementary service.

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. If the implementation of the service so requires, the order can be delivered at a later date, but, at the latest, before the supplementary service liability ends.

The Centre for Non-Military Service shall provide those liable for non-military service with a verifiable order stating when their service will begin, no later than two months prior to the beginning of supplementary service.

### **Section 60 - Cancelling an order concerning supplementary service**

The Centre for Non-Military Service can cancel an order it has issued for supplementary service if the person liable for non-military service has sustained an injury or fallen ill before the commencement of the service, in such a way as to prevent him carrying out the planned service. In addition, the order can be cancelled if the person ordered to carry out the supplementary service resides permanently in another country and the Centre for Non-Military Service had not been informed of this when issuing the order.

### **Section 61 - Exemption from supplementary service**

Upon application, the Centre for Non-Military Service can exempt a person liable for non-military service from assigned supplementary service if:

- 1) exemption from service is absolutely essential due to family or financial circumstances, or for reasons related to the pursuit of a profession or livelihood;
- 2) the person is qualifying for a job or profession or studying, and his entry into a study programme or progress would suffer substantially without such exemption;
- 3) his participation in the supplementary service would cause his employer substantial inconvenience or loss; or
- 4) some other comparable, specifically personal, reason exists.

A person liable for non-military service must be issued with a new order for supplementary service immediately after the grounds for exemption cease to exist.

A written application for exemption must be submitted to the Centre for Non-Military Service, with an account of the grounds for exemption attached. Such an exemption concerns only the supplementary service specified in the exemption decision and does not prevent the issuance of a new order for supplementary service. The submission of an application for deferment does not constitute a legitimate impediment to reporting for service.

A person liable for non-military service acting as a member of Parliament, a member of the Government or a member of the European Parliament must be granted exemption from supplementary service on the basis of a written notice submitted to the Centre for Non-Military Service by the person in question, if said exemption is necessary to carrying out the official duty in question. The notice must be submitted to the Centre for Non-Military Service in writing, with an account of the official duties attached.

### **Section 62 - Leaves during supplementary service**

The Centre for Non-Military Service can grant a person performing supplementary service leave in respect only of the paternity leave referred to in section 40, subsection 1 or weighty personal reasons referred to in subsection 2. During supplementary service, persons liable for non-military service are not entitled to the efficiency leave referred to in section 40, subsection 1 or personal leave.

### **Section 63 - Other provisions applicable to supplementary service**

Unless otherwise provided in sections 58–62, the provisions concerning persons liable for non-military service and the performance of service are applied to persons liable for supplementary service.

However, that which is laid down in section 14, subsections 1 and 2, sections 31–33, section 39, subsection 1, and section 41 shall not be observed as applicable to supplementary service.

## **Chapter 9 - Extraordinary service and service during mobilisation**

### **Section 64 - Extraordinary service**

Considering any prevailing disturbance and its requirements, the objective of extraordinary service is to train and complement crisis preparedness related to the civilian duties of persons liable for non-military service, in such a way that persons liable for non-military service are able to act and are available for ordering into service during mobilisation.

When there is a serious disturbance to normal conditions or in a state of emergency, the President of the Republic may, upon a proposal by the Government, confer the Centre for Non-Military Service with the right to order persons liable for non-military service and belonging to the civil reserve into extraordinary service.

It can be stipulated that such service should begin immediately.

That which is laid down in sections 83–85 of the Conscription Act is applicable to the duration and cancellation of the decision concerning extraordinary service, as well as to exemption and discharge from extraordinary service. The Centre for Non-Military Service takes decisions concerning exemption and discharge from service.

### **Section 65 - Service during mobilisation**

The President of the Republic will take the decision to mobilise persons liable for non-military service upon a proposal by the Government.

Persons liable for non-military service shall be called to service during mobilisation by order of the Centre for Non-Military Service or, if necessary, by a public notice issued by the Ministry of Employment and the Economy. Persons liable for non-military service can be ordered to enter service immediately. During the partial mobilisation referred to in section 86 of the Conscription Act, persons liable for non-military service and belonging to the civil reserve can be ordered into service. During general mobilisation, those liable for non-military service and belonging to the civil militia can also be ordered into service, but people who have reached the age of 50 can be ordered into service only with the consent of Parliament.

During general mobilisation, persons liable for non-military service, and exempted from conscript service on the grounds of health during peacetime, can be ordered to attend a fitness for service examination as referred to in section 24 and ordered into service if deemed fit for service.

During mobilisation, persons liable for non-military service perform their service under the supervision and subordination of the Centre for Non-Military Service, or a rescue authority as referred to in section 4 of the Rescue Act [(468/2003)] (379/2911), or various authorities participating in rescue operations and civil defence as referred to in section 6, subsection 1, paragraphs 5–10 of the above-mentioned Act, or under the supervision and subordination of the Ministry of Education and other agencies of the administrative sector. During mobilisation, the above-mentioned authorities act as service locations.

Notwithstanding the provisions of subsection 4, the Defence Forces are entitled to order persons liable for non-military service or persons who have applied to non-military service to enter service during mobilisation if they have been asked to submit an account of their personal conviction to the Investigation Committee of Conviction of Persons Liable for Military Service and whose conviction, subsequent to the investigation, has not been found to prevent their placement in the service of the Defence Forces.

In a mobilisation situation, the Centre for Non-Military Service shall order the number of persons liable for non-military service it deems necessary to be placed at the disposal of the authorities referred to in subsection 4, as long as they have not been exempted from service in accordance with section 67, subsections 1 and 2 or reserved for health care duties within the reservation system concerning health care professionals in a state of emergency, or obliged to do general work duty or work duty in health care pursuant to the Emergency Powers Act [(1080/1991)] (1552/2011).

### **Section 66 - Provisions applicable to extraordinary service and service during mobilisation**

That which is laid down in sections 23–26 and sections 35–38, section 39, subsections 2 and 3, sections 42 and section 43 and section 44, subsection 1, paragraph 4 and section 44, subsection 2, on the arrangement of service shall be applied to extraordinary service and service during mobilisation.

### **Section 67 - Leaving an order to enter service unissued upon application, due to the public interest**

Upon the application of an employer, the Centre for Non-Military Service can leave an order to enter extraordinary service and service during mobilisation unissued if so ordering a person liable for non-military service could pose a risk to the general economy or other essential public interests.

Neither shall any order to enter extraordinary service and service during mobilisation be issued to persons serving in duties referred to in section 31, subsection 3.

More specific provisions on the application procedure referred to in subsection 1 can be laid down by a Ministry of Employment and the Economy decree.

## **Chapter 10 - Service violations and discipline**

### **Section 68 - Service violation**

A person liable for non-military service who neglects the performance of duties associated with service as referred to in section 38 or otherwise acts against his service obligation may be subject to disciplinary punishment as provided in this Act. After having been informed of a service violation, a person in charge of the service location referred to in section 45 shall submit a written notice of the service violation to the Centre for Non-Military Service, unless, due to the minor nature of the violation, the punishment is waived or the matter is left solely to an oral admonition.

### **Section 69 - Investigation of a service violation**

Upon receiving a notice of a service violation, the Centre for Non-Military Service must conduct an investigation into the case in question. When investigating the case, the Centre for Non-Military Service must acquire the material concerning the violation and required to solve the case, information on the culpability of the suspected person liable for non-military service and other matters affecting the case.

The Centre for Non-Military Service must draw up a record of the investigation. The centre must conduct an oral hearing of the person liable non-military service during the course of the investigation. The Centre for Non-Military Service must verifiably order the person liable for non-military service to attend the hearing. Prior to the hearing, the person liable for non-military service must be informed of the case for which he will be heard, as well as the capacity in which he will be heard. The hearing will be conducted at a time specified by the Centre for Non-Military Service, either at the service location or the Centre for Non-Military Service. A record of the hearing must be submitted to the person liable for non-military service for reading and revision, and remarks made by the person liable for non-military service must be recorded on the document.

Before issuing a sentence in a disciplinary matter, the person liable for non-military service must be given the opportunity to become acquainted with the record of investigation and other material acquired during the course of the investigation, and to provide an explanation on the same.

### **Section 70 - Disciplinary punishments**

A person liable for non-military service who has committed a service violation can be sentenced, as a disciplinary punishment, to:

- 1) a written warning;
- 2) work in excess of the statutory hours;
- 3) loss of daily allowance; or
- 4) loss of rights to personal leave.

Only one type of disciplinary punishment may be ordered for the same violation.

During the service period, loss of daily allowance can be ordered two times at the most for up to 30 days at a time. 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 per disciplinary punishment. The loss of rights to personal leave can be ordered for up to a maximum of four days per punishment.

### **Section 71 - Ordering a disciplinary punishment**

The Centre for Non-Military Service will impose any disciplinary punishment concerned after it has completed the investigation of the service violation. The disciplinary punishment must be imposed within one month of the oral hearing. The Centre for Non-Military Service will make a written decision on the disciplinary case, specifying the violation, the time and place of the violation, the type and scale of disciplinary punishment, the applicable sections of legislation, and the grounds for the decision.

A disciplinary punishment must be in just proportion to the service violation. When punishment is being considered, attention must be paid to the circumstances in which the violation was committed, own efforts of the person liable for non-military service to prevent or reduce the impact of the violation, as well as the previous service record and behaviour of the person liable for non-military service.

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

Any decision on a disciplinary punishment must be dated and signed. The Centre for Non-Military Service must verifiably notify the person liable for non-military service of the decision. The time at which the decision was submitted to the person liable for military service must be recorded in the decision or the attached notification certificate. Appeal instructions must be attached to the decision.

## **Chapter 11 - Violation of non-military service obligation**

### **Section 72 - Violating the obligation to provide information**

Any person liable for non-military service who repeatedly fails to answer a written enquiry verifiably submitted by the Centre for Non-Military Service as referred to in section 17 shall be sentenced to a fine for a *violation of the obligation to provide information*, unless a more severe punishment is provided for elsewhere in the Act.

### **Section 73 - Violation of supplementary service obligation**

If a person liable for supplementary service fails to report for service, interrupts the service or refuses to perform the service allotted to him, he shall be sentenced to a fine for a *violation of supplementary service obligation*.

### **Section 74 - Refusal to perform non-military service**

If a person liable for non-military service fails to report for the basic training or work service referred to in section 3 of this Act, interrupts the service or announces in writing that he refuses to perform non-military service, he shall be sentenced to imprisonment for *refusal to perform non-military service* for a period corresponding to half of his remaining service time.

A person carrying out a prison sentence ordered for refusal to perform non-military service can be granted parole if he commits himself to properly carrying out his remaining non-military service. It is also required that the age limit laid down in section 5, subsection 2 does not prevent completion of service.

Refusal to perform non-military service can only be punished once.

### **Section 75 - Non-military service offence**

A person liable for non-military service, who continues to substantially neglect his service duties in accordance with section 38 despite being subjected to disciplinary punishment, shall be sentenced to imprisonment for *a non-military service offence* for a maximum period corresponding to half of his remaining service time.

A person carrying out a prison sentence ordered for a non-military service offence can be granted parole if he commits himself to properly carrying out his remaining non-military service. It is also required that the age limit laid down in section 5, subsection 2 does not prevent completion of service.

If the prison sentence ordered for a non-military service offence is less than half of the remaining service time, the Centre for Non-Military Service will order the sentenced person to continue the performance of non-military service after the imprisonment, in accordance with the remaining service time. The non-military service time remaining after a prison sentence is calculated in such a way that one day of imprisonment is equivalent to two days of non-military service.

The Centre for Non-Military Service will issue an order on the commencement of service after the sentence for a non-military service offence has become effective, or after the prison sentence has been served or rescinded. If the completion of liability for non-military service so requires, the service obligation of a person sentenced for a non-military service offence will continue even after the end of the year when the person liable for non-military service has turned 30 years old.

### **Section 76 - Refusal to perform non-military service during supplementary service or mobilisation**

If, after receipt of an order to enter supplementary service or service during mobilisation, a person liable for non-military service fails to report for service, interrupts the service or refuses to perform non-military service, he shall be sentenced to imprisonment for *refusal to perform non-military service during supplementary service or mobilisation* for a maximum period of two years.

### **Section 77 - Non-military service offence during supplementary service or mobilisation**

A person liable for non-military service who continues to substantially neglect his service duties during supplementary service or mobilisation, despite being subjected to disciplinary punishment, shall be sentenced to imprisonment for *a non-military service offence during supplementary service or mobilisation* for a maximum period of two years.

A sentence for a non-military service offence during supplementary service or mobilisation will also be applied to any person liable for non-military service who, aiming to avoid the performance of non-military service:

- 1) injures himself or damages his health or attempts to do so; or
- 2) submits false information to the non-military service authority.

### **Section 78 - Report of an offence**

A report on offences referred to in sections 72–77 will be filed by the Centre for Non-Military Service on the basis of any service violation report submitted by the service location. This report on an offence must be submitted to the police in the domicile of the person liable for non-military service or the locality in which the Centre for Non-Military Service is situated. The report on an offence must specify the service time carried out by the person liable for non-military service and his remaining service time, as well as other matters affecting the investigation.

The prosecutor may not bring charges for a non-military service offence referred to in sections 72–77 if the Centre for Non-Military Service has not filed report on an offence thereon. (485/2011)

A person liable for non-military service who is the subject of report on an offence referred to in section 74 or 75 must be immediately discharged.

### **Section 79 - New service order**

If a person liable for non-military service against whom a report on an offence has been entered for refusal to perform non-military service or a non-military service offence is not charged with the offences in question or given a prison sentence, the Centre for Non-Military Service must order the person back into service. The time during which he has been detained due to the investigation of 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.

### **Section 80 - Application of the Penal Code and legal proceedings**

In the case of non-military service, the offences referred to in sections 72–77 above, the provisions concerning legal proceedings in criminal cases and fines, and prison sentences and their implementation shall apply, unless this Act provides otherwise. Punishment for any violation of the obligation to provide information referred to in section 72 and violation of the supplementary service obligation referred to in section 73 may also be ordered in accordance with legal proceedings complying with the Act on Legal Proceedings (692/1993).

### **Section 81 - Special provisions on refusal to perform non-military service and non-military service offences**

A prison sentence ordered for a non-military service offence on the basis of section 74 or 75 above may not be conditional, and community service cannot be ordered to replace it. The prison sentence is in full days. A shorter term of imprisonment can be ordered than the minimum laid down in chapter 2 c, section 2, subsection 2, of the Penal Code (39/1889).

No combined prison sentence for a non-military service offence in accordance with section 74 or 75 above, and any other offence, may 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 must be served concurrently with a sentence for a non-military service offence or refusal to perform a non-military service, the sentence for the other offence will be put into effect before the prison sentence for the non-military service offence.

A person performing a prison sentence for refusal to perform non-military service or a non-military service offence is not entitled to be placed under probation.

A prison sentence ordered for a non-military service offence in accordance with sections 74–77 above will not be entered in the criminal register and may not be taken into account as grounds for harsher punishment on a later occasion.

**Section 82 - Parole**

The probationary period of a person liable for non-military service and on parole for a sentence passed on the basis of an offence in accordance with section 74 or 75 is the remaining service time. This remaining service time is determined by the Centre for Non-Military Service after receiving information from the prison authority on the sentence served. Unless some special cause exists, a person liable for non-military service will not be placed under supervision.

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.

A person who has forfeited parole under section 83 will not be granted parole a second time.

**Section 83 - Forfeiting parole**

If a person liable for non-military service and on parole for refusal to perform non-military service under section 74 is found guilty of an offence under section 74 or 75, he will be sentenced to forfeit his parole instead of the punishment laid down in the section in question.

If a person liable for non-military service, on parole and sentenced for a non-military service offence under section 75 is found guilty of another non-military service offence, he will be sentenced to forfeit his parole. In addition, a court can impose a new punishment on said person in accordance with section 75, subsection 1.

The ruling must state the length of prison term to be performed, taking consideration of any previously performed punishment and non-military service. When calculating the days served, two days of non-military service shall be equivalent to one day of imprisonment.

**Section 84 - Lapse of a prison sentence**

A prison sentence imposed for refusal to perform non-military service or a non-military service offence will lapse if implementation of the punishment has not begun within five years of the date of a legally valid judgement being issued or, if such implementation has been suspended, of the date of said 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 85 - Ending non-military service liability due to a prison sentence**

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

If necessary, the liability for service of a person sentenced for a non-military service offence will continue even after the prison sentence has lapsed or the service has been completed in the manner described in section 75, subsection 4 above, unless the person liable for non-military service has been exempted from service on health grounds.

The prison facility must inform the Centre for Non-Military Service of the release of any person referred to in subsections 1 and 2.

**Section 86 - (485/2011) The trial and the court's and prosecutor's obligation to provide information**

Charges for the offences referred to in sections 72–77 can be tried in the general lower court of the person's domicile or the locality of the Centre for Non-Military Service.

The court must inform the Centre for Non-Military Service of its decision on any case concerning an offence under sections 72–77, or of the withdrawal of the case. The prosecutor must make a similar announcement if he or she takes a non-prosecution decision on a case concerning the offences specified above.

When a court is hearing a case referred to in sections 72–77 and the defendant does not have a defence counsel or attorney, and due to the nature of the case or for some other reason he can be assumed to be incapable of defending himself, a defence counsel must be appointed for him. A defence counsel can also be appointed during the preliminary investigation, regardless of whether the case goes to trial or not. Provisions concerning the appointment of a counsel and reimbursement and compensation paid to the counsel, as laid down in chapter 2 of the Criminal Procedure Act (689/1997), shall apply.

## **Chapter 12 - Registers and data protection**

**Section 87 - Register of non-military service and its purpose**

The register of non-military service is a national personal register on persons liable for non-military service maintained by means of automatic data processing. The register of non-military service is kept for the purpose of applying and ordering into service, the planning and arrangement of service, the determination of fitness for service, supervision, and the placement of persons liable for non-military service in a state of emergency.

The register of non-military service can also include manually maintained documents related to the performance of non-military service.

**Section 88 - (940/2013) Register controllers**

The Centre for Non-Military Service is responsible for the general functionality, data protection and specification of the type of data to be entered in the register, the integrity of register functions and other duties of register controllers laid down in the Personal Data Act (523/1999).

The Centre for Non-Military Service specifies the user rights to the register of non-military service for various groups of users as required by their work duties. The Centre for Non-Military Service grants user rights to the personnel of the Centre for Non-Military Service as well as the persons in charge of service locations as referred to in section 45. Under the auspices of the licence granted by the Ministry of Employment and the Economy, the persons in charge may grant limited user rights to the register of non-military service to other persons working in the service locations and handling the affairs of persons liable for non-military service.

The Centre for Non-Military Service acts as users and controllers of the register of non-military service as regards duties falling within their scope of authority. The service locations act as users and controllers of the register of non-military service as regards data on those liable for non-military service, and who are in their service, as specified hereinafter in section 90, subsection 1.

The physicians at the Centre for Non-Military Service and service locations assessing the fitness of service of a person liable for non-military service on the basis of section 23, and conducting the

fitness for service examination as referred to in section 24 act as register controllers as regards data to be entered on the medical record card of those liable for non-military service.

### **Section 89 - Responsibility for data entered in the register of non-military service**

Register controllers entering data in the register of non-military service are responsible for the accuracy of data entered in the register as well as the legality of entry and use of data in the management of their own duties.

### **Section 90 - Data entered in the register**

The following data concerning persons liable for non-military service is entered in the register of non-military service, for the purpose of performing the duties referred to under section 87:

- 1) name and history of name since the person has turned 15;
- 2) personal identity code;
- 3) gender;
- 4) mother tongue;
- 5) citizenship;
- 6) marital status;
- 7) education;
- 8) occupation;
- 9) type of driving licence;
- 10) home municipality, address and other contact information;
- 11) information on legal incompetence and supervisor of interests;
- 12) fitness for service information;
- 13) data related to service location and time;
- 14) data related to performance of service duties;
- 15) data on interrupting service or discharge from service;
- 16) data concerning determination, use and verification of travel rights;
- 17) name and address of the next of kin;
- 18) data on any disciplinary punishments or other penalties imposed.

In addition, a medical record card of persons liable for non-military service is maintained, wherein the physician of the Centre for Non-Military Service and the service location enters data, relevant to service performance, on the state of health of the person liable for non-military service.

The following data can also be entered in the register of non-military service:

- 1) data on a personal conviction or religious community, if this is relevant to the arrangement of the service or assignment of a service location;
- 2) data on reports of an offence, sanctions and the implementation of prison sentences concerning refusal to perform non-military service, a non-military service offence, a violation of the obligation to provide information, or a supplementary service violation, as well as data on a prison sentence imposed for any other crime, if this is relevant to the arrangement of the service or service assignment of the person liable for non-military service;
- 3) data on the detention of a person liable for non-military service in a prison facility or his treatment in a hospital or some other facility associated with social or health care, for the purpose of contacting the person liable for non-military service and ordering him into service;
- 4) data on medical diagnoses, medical statements and other status-of-health data relevant to the determination and verification of fitness for service, for placement in work service and the assessment of a possible placement in a state of emergency;
- 5) data concerning being ordered into non-military service;
- 6) data related to appeals under this Act.

### **Section 91 - (940/2013) Keeping and transferring medical record cards**

The service location will submit the medical record card of a person liable for non-military service to a health care organisation appointed for the person liable for non-military service.

When a person liable for non-military service moves from one service location to another, the location of service must immediately transfer the medical record card to the new service location.

After persons liable for non-military service have been discharged, their medical record cards must be passed immediately to the Centre for Non-Military Service.

### **Section 92 - Removing information from the register of non-military service**

The data concerning persons liable for non-military service specified in section 90, subsection 1 and the data entered on the medical record card referred to in section 90, subsection 2 is removed from the register of non-military service at the end of the year when the person liable for non-military service reaches the age of 60. At that time, the data will be transferred to the Military Archives of Finland.

The data concerning persons liable for non-military service as referred to in section 90, subsection 3 will be removed from the register of non-military service five years from the date upon which the persons were discharged from service for the fulfilment thereof. If the data has been received and entered in the register after the service was completed, and the person liable for non-military service belongs to the civil reserve or civil militia, the data will be removed five years from the date when it was entered and, at the latest, by the end of the year when the person liable for non-military service reaches the age of 60.

If the authority acting as Centre for Non-Military Service changes, the Centre for Non-Military Service must immediately hand over the organised register on persons liable for non-military service to the new Centre for Non-Military Service.

Provisions concerning the purpose of archiving and the nature of documents to be transferred to the archives are laid down in the Archive Act (831/1994).

### **Section 93 - Outside information sources**

For the purpose of performing their statutory duties, the Centre for Non-Military Service have a right to obtain information necessary for the register of non-military service, confidentiality provisions notwithstanding, as follows:

- 1) data from the population register referred to in section 13, subsection 1, paragraphs 1–3, 5, 11, 14, 19 and 20 referred to in the Act on the Population Information System and the Certification Services of the Population Register Centre (661/2009) for the purposes of arranging non-military service and the supervision of persons liable for such service;
- 2) data from military authorities affecting the service time, fitness for service data and status of health data, if these are relevant when matters related to establishing a fitness for service of the person liable for non-military service are being handled;
- 3) data from the health centre and physician who examined the fitness for service of the person liable for non-military service on his state of health, if these are relevant with regard to verifying his fitness for service;
- 4) data from health centres, mental health clinics, hospitals, or any other parties associated with mental health work on mental health services given to a person liable for non-military service as

- referred to in the Mental Health Act (1116/1990) if these are relevant for the purposes of assessing fitness for service or arranging the service;
- 5) data from the Finnish Immigration Service on the citizenship of the person in question, to determine whether the person is liable for service in Finland;
  - 6) data from the police authorities, and prosecuting and prison authorities, on reports on an offence, consideration of charges, sanctions imposed and the implementation of prison sentences concerning refusal to perform non-military service, non-military service offences, violation of the obligation to provide information or supplementary service violation if this is relevant for the purpose of arranging service or the supervision of persons liable for non-military service;
  - 7) data from judicial administration records on criminal matters handled by the courts where the penalty has been imprisonment, for the purposes of assessing the suitability for service or placement in service of a person liable for non-military service. Obtaining data from criminal records is separately provided for in the Criminal Records Act (770/1993);
  - 8) data from prison authorities on persons liable for military service that are currently held in a prison facility and their release date in order to make the necessary arrangements for ordering said persons into non-military service and their service assignment;
  - 9) data from social or health care institutions and other similar institutions on persons liable for non-military service currently in an institution and who are unable to leave the institution freely, and on when they will be released in order to make the necessary arrangements for ordering them into non-military service and their service assignment;
  - 10) data from Social Insurance Institution of Finland on persons liable for non-military service who have been granted disability pension pursuant to the National Pensions Act (568/2007) or handicap compensation pursuant to the Act on Disability Benefits (570/2007) in order to determine their fitness for service and placement in service;
  - 11) data from the Ministry of Employment and the Economy keeping the register of the obligation to work in a state of emergency on persons liable for non-military service on whom a work order has been imposed as persons under an obligation to work, for the purposes of ordering them into service during mobilisation. (940/2013)

The service location is entitled to obtain the following information:

- 1) data from the Centre for Non-military Service on the education and work experience of a person liable for non-military service, before selecting an individual person liable for non-military service for the purposes of assessing his suitability for the work in question;
- 2) data from the physician who checked the fitness for service of the person liable for non-military service on the state of health of a person liable for non-military service in its service, confidentiality provisions notwithstanding, if this is relevant with regard to establishing his fitness for service.

The Centre for Non-Military Service is entitled to obtain the data referred to in subsection 1 over a technical connection as agreed with the relevant register controller. (940/2013)

#### **Section 94 - Surrendering information**

In addition to what is provided for in the Act on the Openness of Government Activities (621/1999), the register of non-military service may surrender information, confidentiality requirements notwithstanding, concerning the performance of non-military service to the Finnish Immigration Service for the determination of citizenship matters, and, on request, to the employer of a person who is doing or has done non-military service on the end of service for the application of section 5 of the Act on the Continuation of the Employment Contracts and Civil Service Relationships of Persons Fulfilling their National Defence Liability, if the employer proves that the employment contract or civil service relationship is in force. (307/2009)

Register controllers can surrender the data referred to under this section over a technical connection or in machine-language form. Before any data is released over a technical connection, the party requesting information must present a data security statement as referred to in section 32, subsection 1 of the Personal Data Act.

## **Chapter 13 - Appeal**

### **Section 95 - Appealing against a call-up board or Defence Forces regional office decision**

That which is provided for in chapter 12 of the Conscription Act concerning an appeal against a call-up board or a Defence Forces regional office decision on a military service matter applies to appeals against a call-up board or Defence Forces regional office decision on the application referred to in section 12.

### **Section 96 - Appealing against the Centre for Non-Military Service or service location decision**

A Centre for Non-Military Service decision concerning a service location or transfer from one service location to another can be appealed against by petitioning the provincial court within whose judicial district the Centre for Non-Military Service lies. The petition of appeal must be lodged with the Centre for Non-Military Service within 14 days of the date on which the applicant was informed of the decision. The Centre must send the petition of appeal and the related documents, and its opinion on the matter, to the appellate authority without delay. The appeal must be processed urgently. Such an appeal does not preclude the implementation of the decision, unless otherwise ordered by the appellate authority.

Unless otherwise provided in this Act, Centre for Non-Military Service decisions and service location decisions other than those referred to in subsection 1 can be appealed against by petitioning the provincial court within whose judicial district the authority that made the decision lies. Appeals concerning ordering into non-military service, interruption or deferment of service, or exemption and discharge from service do not preclude the implementation of the decision, unless otherwise ordered by the appellate authority.

The provincial court decision can be appealed against by petitioning the Supreme Administrative Court, if the Supreme Administrative Court grants a retrial permit.

### **Section 97 - Appealing a disciplinary punishment**

A person liable for non-military service and awarded a disciplinary punishment may appeal against the decision to impose the punishment by petitioning the provincial court within whose judicial district the service location lies.

The petition of appeal must be lodged with the Centre for Non-Military Service within 14 days of the date on which the person liable for non-military service was informed of the decision. The centre must forward the petition of appeal and the related documents, and its opinion on the matter, to the appellate authority without delay. The appeal must be processed urgently.

A disciplinary punishment may not be carried out before the decision has legal force. If the decision has been appealed against before a provincial court, it may still be implemented once the court has issued its ruling on the appeal. By contrast, a disciplinary punishment can be carried out immediately after the Centre for Non-Military Service has given its decision, should the implementation of the punishment otherwise be impossible within the remaining service time of the person liable for non-military service.

The provincial court decision can be appealed against by petitioning the Supreme Administrative Court if the Supreme Administrative Court grants a retrial permit.

### **Section 98 - Appealing against an Investigation Committee of Conviction of Persons Liable for Military Service decision**

A decision concerning approval for non-military service made by the Investigation Committee of Conviction of Persons Liable for Military Service may be appealed against by petitioning the Helsinki Administrative Court within 14 days of the date on which the applicant was informed of the decision.

The documents related to the decision must be submitted to the Administrative Court within the appeal period. The Administrative Court must process the appeal urgently. Such an appeal does not preclude the implementation of the decision, unless otherwise ordered by the Administrative Court.

The Administrative Court decision can be appealed against by petitioning the Supreme Administrative Court if the Supreme Administrative Court grants a retrial permit.

### **Section 99 - Application of the Act on the Application of Administrative Law**

In addition to what is provided in sections 95–98, the Act on the Application of Administrative Law applies to appeals (586/1996).

## **Chapter 14 - Miscellaneous provisions**

### **Section 100 - Transfer to service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service**

A person liable for non-military service who wishes to perform service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service must apply to the Centre for Non-Military Service to this effect, in writing. The application must be approved without delay if it states that the conviction referred to in section 1 no longer prevents the performance of service in accordance with the acts referred to, and if the person liable for non-military service has not been assigned on an earlier occasion from non-military service to service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service, on the basis of a similar application. The application may no longer be submitted if the non-military service has begun or after the end of the year during which the person liable for non-military service reaches the age of 28.

However, if the application referred to in subsection 1 is submitted after the person liable for non-military service receives his assignment for non-military service, the assignment for non-military service must be complied with until the Centre for Non-Military Service has reached a further decision on the basis of the application and cancelled the assignment given.

The Centre for Non-Military Service must, without delay, inform the Defence Forces regional office that the application has been approved.

### **Section 101 - Service time in the case of a transfer from service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service to non-military service**

The Centre for Non-Military Service decides on how much service time remains in the case of a person transferring from service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service to non-military service, by deducting from the total service period of

347 days laid down in this 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 of 347 days by the service time allotted to the person concerned under the Conscription Act or the Act on Women's Voluntary Military Service. (940/2013)

That which is provided in this section does not apply to a person liable for non-military service who has applied for non-military service after having completed the service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service.

#### **Section 102 - Application of general administrative acts**

The Administrative Procedures Act (434/2003), the Language Act (423/2003), the Personal Data Act, and the Act on the Openness of Government Activities must be observed in the processing of an administrative matter pursuant to this Act, unless otherwise provided in this Act.

#### **Section 103 - Executive assistance provided by the police to bring a person liable for non-military service into service**

If a person liable for non-military service fails to report for service or interrupts it, the service location must, without undue delay, request executive assistance from the police of the domicile of the person liable for non-military service or the place where the service location lies, in order to find him and bring him into service. If necessary, the police must take the necessary measures to send out a warrant of apprehension on an unattainable person liable for non-military service.

The police must, without delay, bring to the service location any person liable non-military service unless he notifies in writing that he refuses to serve or unless he has a legitimate impediment explaining his absence. The police must pass on this notification on refusal to serve or statement on a legitimate impediment to the location of service.

#### **Section 104 - Obligation of authorities to provide information**

The Ministry of Employment and the Economy, the Centre for Non-Military Service, and the Defence Forces must provide those liable for conscription with sufficient information on the possibility to apply for, and the content of, non-military service.

### **Chapter 15 - Entry into force and transitional provisions**

#### **Section 105 - Entry into force**

This Act enters into force on January 1, 2008.

#### **Section 106 - Repealed Acts**

This Act repeals the Act of December 30, 1991 (1723/1991) on non-military service and later amendments to it.

If other acts or decrees make reference to the Non-Military Service Act in force upon the entry into force of this Act, the provisions of this Act will apply instead of the act referred to.

#### **Section 107 - Transitional provisions**

With the exceptions set out below, the provisions of this Act will also apply to those persons liable for non-military service who have begun their non-military service before this Act has entered into force.

The provisions on service time of section 4 and section 40, subsection 1 concerning the amount of personal leave shall not be applied to persons liable for non-military service who began their non-military service before this Act entered into force.

What is laid down in section 18, subsection 2 shall not be applied if the person who has completed his service has been approved for non-military service before this Act entered into force.

The provisions on the supplementary service obligation in chapter 8 of this Act shall not be applied to persons liable for non-military service who have completed their service in accordance with the Conscription Act or the Act on Women's Voluntary Military Service and approved for non-military service before this Act entered into force.

The entry into force of this Act does not affect any decisions on the commencement of service or granting deferment made on the basis of the act in force upon the entry into force of this Act.

As regards proceedings and punishments, service violations committed before the entry into force of this Act shall be processed in accordance with the provisions in force at the time when the service violations were committed.

Upon the entry into force of this Act, the Defence Command Finland shall forward to the register on persons liable for non-military service the basic information, fitness for service information, state of health information for the determination of fitness for service, and data on applications and decisions concerning those liable for non-military service referred to in section 67 of this Act and included in the register of non-military service.

The service location applications pending at the Ministry of Employment and the Economy and the applications pending in the Military Provinces referred to in section 67 upon the entry into force of this Act shall be transferred ex officio to the Centre for Non-Military Service for its consideration.

Measures necessary for the implementation of this Act may be undertaken prior to the Act's entry into force.