



PERMANENT MISSION OF FINLAND
TO THE OSCE

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VERBAL NOTE

The Permanent Mission of Finland to the OSCE presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey Finland's Annual Information Exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security in accordance with Decisions 4/03 and 1/09 of the Forum for Security Co-operation.

The Permanent Mission of Finland to the OSCE avails itself of this opportunity to renew to all the Permanent Missions and Delegations and to the Conflict Prevention Centre the assurances of its highest consideration.

15 June 2009



To the
Permanent Missions and Delegations to the OSCE
The Conflict Prevention Centre (CPC)

Vienna

OSCE Code of Conduct on Politico-Military Aspects on Security

FINLAND

*Annual Information Exchange on the Implementation
of the Code of Conduct*

Valid as of 15 June 2009

INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

FINLAND's information, year 2009

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

Conventions and protocols ratified by Finland:

Relevant United Nations Conventions

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York on 14 December 1973

International Convention Against the Taking of Hostages, done at New York on 17 December 1979

International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997 - acceptance 2002

International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999 - acceptance 2002

Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963

Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971

Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 - accession 2000

Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991 - acceptance 2001

International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on 13 April 2005 - acceptance 2009

Relevant Council of Europe Conventions

Council of Europe Convention on the Prevention of Terrorism (ETS 196)

European Convention on the Suppression of Terrorism (ETS 90)

Protocol amending the European Convention on the Suppression of Terrorism (ETS 190)

Convention on Cybercrime (ETS 185)

European Convention on Extradition
(ETS 24) - accession

Second Additional Protocol to the European Convention on Extradition
(ETS 98) - accession

European Convention on Mutual Assistance in Criminal Matters
(ETS 30) - accession

Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
(ETS 99) - accession

European Convention on the Compensation of Victims of Violent Crimes
(ETS 116)

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
(ETS 141)

Ratification preparations underway in Finland

Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at London on 14 October 2005

Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at London on 14 October 2005

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism
(ETS 198)

Other conventions and protocols signed by Finland

Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)

Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
(ETS 182)

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

A Government Bill (188/2002) for the enactment of new provisions on terrorist offences, to be added, *inter alia*, to the Penal Code, was submitted to Parliament in October 2002. The Bill was passed in January 2003, subject to certain changes made on the basis of the comments given by the Law Committee. The amendments (17/2003 & 18/2003) were ratified by the President of the Republic with effect as of 1 February 2003.

On 17 January 2008, Finland ratified the Council of Europe Convention on the Prevention of Terrorism. When the Council of Europe Convention on the Prevention of Terrorism was implemented in Finland, public incitement to an offence referred to in Chapter 17, section 1 of the Penal Code was included among the offences carried out with terrorist intent listed under Chapter 34a, section 1(1)(2) of the Code. On the same occasion, section 4(1) was amended. Chapter 34a of the Penal Code was supplemented with separate provisions on training for the commission of an offence carried out with terrorist intent and on recruitment for the commission of an offence carried out with terrorist intent (sections 4 a and 4 b respectively). These amendments to the Penal Code took effect on 1 May 2008.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The essential tasks of the Finnish Defence Forces are the surveillance of the land and sea territory and airspace, the protection of the country's territorial integrity and the defence of the country. The Defence Forces may support other authorities in responding to non-military threats such as major disasters, and situations involving terrorism. Necessary legislative amendments to allow enhanced military support from the Defence Forces to the police in situations involving terrorism are completed.

There are no plans to revise the Defence Forces' essential tasks. A substantial part of preventing and combating terrorism per se falls to the mandate of the police, legal and other authorities. In spite of this as well as the fact that combating terrorism has not been defined as a separate task for the FDF, the Defence Forces are contributing effectively to the national and international efforts against terrorism by participating in international military cooperation and peace support operations (gathering and sharing intelligence, assisting in the promotion of stability). The threat of terrorist strikes against troops must be taken into account during international crisis management and peacekeeping operations. The defence forces also take part in international and national Proliferation Security Initiative exercises to interdict trafficking of WMD and related material. The Defence Forces' essential tasks, surveillance of the land and sea territory and airspace and the protection of territorial integrity are also an integral part of the comprehensive preparedness against terrorism.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- **Financing of terrorism;**
- **Border controls;**
- **Travel document security;**
- **Container and supply chain security;**
- **Security of radioactive sources;**
- **Use of the Internet and other information networks for terrorist purposes;**
- **Legal co-operation including extradition;**
- **Safe havens and shelter to terrorists and terrorist organizations.**

Financing of terrorism

Financing of terrorism is criminalised in the Finnish Penal Code, in Chapter 34a, section 5. A person shall be sentenced for the financing of terrorism to imprisonment for at least four months and at most eight years, if he or she directly or indirectly provides or collects funds in order to finance, or is aware that these shall finance a terrorist offence or an offence of general endangerment as defined in Chapter 34 or Chapter 34 a (1) of the Penal Code. An attempt is punishable. The criminalisation of terrorist financing is consistent with the the International Convention for the Suppression of the Financing of Terrorism, ratified by Finland in June 2002, and the EU Framework Decision on combating terrorism. The obligation to freeze terrorist assets imposed by the UN Security Council has been implemented in the EU by common positions and regulations adopted by the Council.

In Finland, the implementation of the relevant instruments required revision of the Sanctions Act (Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union, Act No 659/1967) and of Chapter 46 of the Penal Code. The amendments to the national legislation entered into force in May 2002. The Sanctions Act, together with the Penal Code, provides for sanctions and forfeitures to be imposed for violations of UN Security Council resolutions and EU Council regulations. According to Chapter 46 of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation shall be sentenced for a regulation offence to a fine or to imprisonment for no more than four years.

The new Act on Preventing and Clearing Money Laundering and Terrorist Financing entered into force on 1 August 2008. The purpose of the amended Act is to cover the obligations laid down in Directive 2005/60/EC of the European Parliament and of the European Council of 26 October 2005 on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing, as well as the related FATF recommendations. The purpose of the Act is to prevent money laundering and terrorist financing, to promote their detection and investigation, and to reinforce the tracing and recovery of the proceeds of crime.

The Financial Supervisory Authority is the new authority for supervision of Finland's financial and insurance sectors. Since 1 January 2009, this Authority has been responsible for most of the supervisory functions previously undertaken by the Financial Supervision Authority and the Insurance Supervisory Authority. The Financial Supervisory Authority supervises the enforcement of the new Act on Preventing and Clearing Money Laundering and Terrorist Financing by the credit and financial institutions and provides training on the provisions of the new Act. The Money Laundering Clearing House, which is a unit of the National Bureau of Investigation, is responsible for preventing both money laundering and the financing of terrorism.

When money transfer services are provided by banks, full license is required and the services are supervised by the Financial Supervision Authority. Any alternative money transmitting business provided other than by banks requires registration, and AML/CFT laws are applied to it. The authority responsible for registering the business is the Provincial State Office of Southern Finland.

Particularly with regard to the non-profit sector, a special license is needed for money collection and the running of a lottery in Finland. Money collection and the running of a lottery are supervised by the Ministry of the Interior. To prevent any misuse and criminal behaviour, the new Money Collection Act defines more efficient license conditions and allows, among other things, a more efficient supervision of accounts and practical operation on money collection.

Border controls

The Border Guard is responsible for guarding Finland's land borders, for supervising incoming and departing traffic (both road and waterborne), as well as for checks related to the entry and departure control of persons. Furthermore, the Border Guard supervises the observance of the legislation on the possession of firearms, ammunitions and other dangerous items, drugs, radioactive materials, explosives and other materials.

While the Border Guard is the leading authority responsible for the guarding of borders and border checks in Finland, also the Police and the Customs carry out border checks at certain border crossing points. Furthermore, the Border Guard Act outlines the customs and police tasks to be performed by the Border Guard. A Government Decree provides for cooperation between the Police, the Customs and the Border Guard. This close cooperation and exchange of information between the authorities, for instance concerning persons wanted for offences, is aimed at optimising the efficiency of counter-terrorism activities with the available resources

Finnish Customs updates constantly the training program to make sure that Customs Officers are able to take the possibility of terrorism into account in their every day work. There has been training concerning e.g. dual use goods and information of chemicals, different kind of biological weapons, radioactive materials and explosives. There is also many kind of equipments in border points in use. Radiation detectors and different kind of x-ray machines are every day tools in ports, airports and land borders.

Travel document security

Travel documents in Finland are issued with biometric identifiers. Passports are equipped with high quality security features and security printed. The photo is laser printed.

At the moment into the microchip is stored the same information as on passports data page and a photo of the passport holder. In accordance with the EU regulations latest June 29, 2009 into the microchip will be stored two finger prints.

Passports can be issued only with in the national passport data system. The data system is controlled by the national police.

Container and supply chain security

Due to several regulations concerning EU common security and safety risk analysis Finnish Customs creates new organizational structures (National Risk Analysis Center) and automated risk analysis systems. These improvements make the risk analysis more effective and better coordinated process.

There will also be national guidelines for security and safety risk analysis and examinations. Finnish Customs has good cooperation with licensing (e.g. dual use goods) authorities. Cooperation includes information sharing, training and common risk analysis.

There is also close cooperation with police and border guard.

Security of radioactive sources

Cooperation between authorities is a cornerstone of nuclear security in Finland. Finnish Customs and STUK (The Security Technology Laboratory of the Radiation and Nuclear Safety Authority) have cooperation, which includes e.g. information sharing, training and joint projects to improve and update

the detectors. Finnish Customs controls border crossing traffic of radioactive materials with license control and examinations based on risk analysis but also random selection or alarms of automated detectors.

Finnish CBRNE Task Force aims to advance measures to deter, prevent, detect, and respond to illicit CBRN activities, and to enhance coordination and cooperation between national authorities involved in the counter-CBRN effort. The Task Force is lead by the Police Department of the Ministry of the Interior, it has members from ten authorities, and it is linked to several other counter-CBRN expert organisations.

STUK is developing detection and analysis applications suitable for nuclear security in-field missions. The emphasis is on data management: reliable radionuclide identification, real-time data transfer, and off-site expert analysis of radionuclide spectral information gathered by the in-field operative teams.

As part of the national effort to combat illicit trafficking of nuclear and other radioactive materials, the STUK launched in 2008 a joint multi-year border monitoring development project. The project will cover updating technical equipment as well as operational procedures, such as data transfer to enable swift off-site analysis. While the implementation of radiation monitoring at borders is fully under the jurisdiction of the Finnish Customs, STUK's role is to provide expert advice. The cooperation between the two authorities involves concept planning, technical specifications, and operations: interpretation of alarms and analysis of measurement results.

Joint training courses for the Finnish and Russian Customs authorities are organised within the bilateral cooperation programme of Finland and the Russian Federation in the area of nuclear non-proliferation. The courses include lectures and practical exercises at STUK, at the St. Petersburg Customs Academy, and at Customs points at harbours and border crossing stations at the Finnish-Russian border.

With regard to security of radioactive sources and the regulatory control of the use of radiation in industry and in medical applications, the Finnish Radiation Act was amended in 2005 to comply with the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radioactive Sources (IAEA, Vienna, 2004). National regulatory guidance was also revised to include detailed requirements on the security of radioactive sources. Radiation and Nuclear Safety Authority (STUK) controls the safety and security of radioactive sources by prior authorisation, regular inspections and national register of radioactive sources.

Use of the Internet and other information networks for terrorist purposes

The use of the Internet for both an operational and propaganda purposes (radicalisation and recruitment) will continue to increase in the future. Internet has already had a crucial role in the globalising the extremism ideology and in the future it will continue to have a significant impact for the extremists, especially for the manufacturing and the dissemination of the propaganda material.

Because of the technical and the multinational structure of the Internet, it makes it hard for the national authorities to efficiently control the use of the Internet for the terrorist purposes. Also the increasing technical capabilities of the extremists and the advanced and in many cases free security technology (e.g. anonymity, encryption) and communication makes it easier to communicate, disseminate material and use the Internet as an operational tool.

The Finnish Security Police concentrates its resources mainly for monitoring the situation and the websites and forums domestically. The Finnish Police Act regulates the counterterrorism activities of the Finnish Police in the Internet environment.

Legal co-operation including extradition

Furthermore Finnish legislation contains prohibitions against extradition for political offences. According to Section 2(1) of the Act on Extradition between Finland and the other Nordic Countries, a Finnish citizen shall not be extradited for a political offence. Section 3 of the Act provides that a person who is not a Finnish citizen may be extradited for a political offence only if the offence or a similar act is punishable under Finnish law. According to Section 6 of the Extradition Act, no one shall be extradited for a political offence.

However, extradition is permitted if a political offence also includes or involves another offence which is not of a political nature, and if the act as a whole cannot be considered mainly political. In the Act on Extradition between Finland and other Member States of the European Union, the political nature of an offence is not a ground for refusing extradition.

In this context, the PIA refers to Finland's withdrawal of its reservation to the European Convention on the Suppression of Terrorism. The ground stated for the withdrawal was the changed interpretation of the concept of a political offence, amounting to the view that offences under Article 1 of the Convention cannot be deemed political in any circumstances. The change of interpretation was influenced by such factors as the anti-terrorist conventions adopted by the UN. These conventions oblige states to criminalise certain acts of violence and to take measures to make the perpetrators liable. Finland did not consider it justifiable any longer to retain the widest possible discretion.

On the basis of the above, terrorist offences cannot be regarded as political offences. This interpretation has been reiterated again for instance in the context of the Council of Europe Convention on the Prevention of Terrorism (Government bill HE 81/2007 vp.). Article 20(1) of the Convention provides that none of the offences referred to in the Convention shall be regarded as a political offence. Other anti-terrorist conventions binding on Finland contain provisions to the same effect. Thus, in practice, Finland cannot refuse extradition on the ground of regarding a terrorist offence as a political offence. Following this principle does not necessitate an express legal provision thereon.

It is a different matter that Finland may refuse extradition on the ground that the person in question would be subjected to political persecution in the state requesting extradition. Section 5(1)(6) of the Act on Extradition between Finland and other Member States of the European Union and section 7 of the Extradition Act contain an express provision to this effect.

The Security Police is responsible for countering terrorism in Finland. Intensive exchange of information between security and law enforcement authorities is essential in the daily counterterrorism work. This activity is done through several institutions and organisations, such as Interpol, Europol, the PWGT (Police Working Group on Terrorism) and the CTG (Counter Terrorist Group).

The exchange of information with foreign partners focuses on general-level information, needed especially in preventive activity. In addition, operational information is requested and exchanged on case-by-case basis. The supply of information is regulated by the Act on the Processing of Personal Data by the Police.

Safe havens and shelter to terrorists and terrorist organizations

Finland is not a target country for any kind of terrorism, and the terrorist threat faced by Finland can be considered low. There are however strong indications that groups and networks participating in conflicts in various countries receive support from Finland.

The counterterrorism activity of the Finnish Security Police aims at identifying the dangers threatening Finland at earliest possible stage and preventing them from being realised. The following methods are used for achieving this aim:

1. Monitoring and analysing of international terrorism and phenomena relating to it.
2. Identifying the phenomena relating to terrorism, its development and the criminality connected with it.
3. Identifying persons and organisations active in Finland potentially posing a risk

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

In Finland, military crisis management is regulated by the Act on Military Crisis Management. The act takes into consideration the development of international crisis management activities, in order for Finland to be able to participate in full in crisis management tasks, especially within the framework of the United Nations, European Union and North Atlantic Treaty Organisation's Partnership for Peace.

When taking a decision on Finland's participation, it is necessary to consider the rules of international law and especially the aims and principles of the UN Charter. The Act takes into consideration the role of the UN Security Council as a provider of mandates for the operations of other organisations as well as the fact that, alongside of the UN, the implementing party of an operation can be some other international organisation or group of countries. In general, operations in which Finland participates must be authorised by the UN Security Council. Exceptionally, Finland can participate also in an operation that does not have a UN mandate or a UN mandate cannot be obtained due to the Security Council being incapable of reaching a decision or where a mandate is not sought based on for example the wishes of a party involved or the insignificance of the operation, or where the mandate is received after the operation has begun. Even in such case, the implementation of an operation can be beneficial and necessary from the point of view of international security. In this case, its implementation can be based on a request put forward by the host nation or parties involved.

According to law, the number of crisis management personnel can be at most 2,000 persons. The Act also includes regulations concerning soldiers' right to use force in crisis management missions.

Finland participates in NATO-led KFOR operation in Kosovo. Finland has deployed two companies and elements to the Multinational Task Force Center (MNTF C). In addition to this Finland have staff officers both in MNTF(C) HQ and HQ KFOR Main. The current number of Finnish troops is around 450.

Finland participates in the EU-led operation "ALTHEA" in Bosnia and Herzegovina. Finland has deployed troops to the Multinational Task Force North (MNTF N) enabling units. In addition to this Finland has deployed staff officers to TF HQ and EUFOR HQ and liaison and observer teams. The current number of Finnish troops is around 50.

Finland participates also in the NATO-led ISAF operation in Afghanistan. Finland has deployed troops to the PRT (Maymana, Mazar-e-Sharif) HQ ISAF. The current number of Finnish troops is around 100. Finland is also planning to deploy additional 100 persons for 4-5 months to RC(N) in order to support the upcoming presidential and provincial elections in Afghanistan.

Finland participates in UN MINURCAT II Chad operation. The total strength is around 60 personnel.

Finland has deployed staff officers to UNMIL, UNMIS and ATALANTA and is also participating in two UN military observer missions: UNTSO (14), UNMOGIP (5) as well as in the OSCE Mission in Georgia (1). These contributions will be maintained.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Finland underscores the importance of the UN as the cornerstone of multilateral arms control and disarmament machinery as well as the principal forum for multilateral treaty regimes. Finnish arms control policy highlights the promotion of security and development as well as human rights. Therefore, in the field of arms control, Finland pays particular attention to the linkage between arms control and international security in order to build up development in the comprehensive manner.

Finland's sincere purpose is to fulfil the various obligations included in international arms control agreements in an open and transparent manner by following not only the letter but the spirit of different agreements and commitments. The provisions of various arms control treaties and other international obligations, in so far as they are of a legislative nature, are brought into force by an Act. As described in Section II of this questionnaire, Finland has constitutionally established procedures to ensure that the performance of all authorities, officials and other bodies of the Government are supervised. What comes to the different type of political arms control agreements and commitments, Finland implements them as literally as any other legally binding commitment.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

During the Finnish Presidency of the OSCE in 2008 Finland aimed at enhancing both OSCE's normative work as well as project work on small arms and light weapons. During the Finnish presidency the OSCE adopted an important decision on small arms at its Ministerial Council meeting in Helsinki on 5 December. The decision, which is politically binding to all 56 OSCE participating States, requests them to establish, or reinforce, a legal framework for lawful brokering activities within their national jurisdiction by the end of 2010. The decision also encourages all OSCE States to implement the International Tracing Instrument in their national laws and procedures. The Ministerial Council also tasked the Organization to hold a comprehensive review of its small arms commitments in 2009. All these measures will further contribute to minimizing the risk of diversion of SALW into illegal markets and reinforcing export controls in respect of SALW.

Finland is committed to the aims of UNSCR 1325 and has integrated them in internal and external policies. Finland will continue to give political and financial support to further these aims in the OSCE and other international forums.

Finland started to prepare a National Action Plan on the UN Security Council Resolution 1325 on Women, Peace and Security in 2007. The National Plan was developed as a joint effort between several Ministries, the Office of the President, academia and civil society. This collaboration created a comprehensive and coherent plan with wider commitment to its implementation. Special attention was given to coordination with other simultaneous and parallel initiatives. The Government Reports (2009) on Security and Defence and on Human Rights Policy were also taken into account in the process. The 1325 Action Plan also supports the Government Action Plan on Gender Equality (2008–2011) and its

objective to mainstream gender perspective in all decision-making.

The National Action Plan on the UNSCR 1325 was published in September 2008 and it covers the years from 2008 through 2011, after which it shall be updated. The National Action Plan enables more concrete and coherent efforts aiming to achieve the goals laid down in Resolution 1325, which are to reaffirm women's role and power in the prevention of conflicts and in crisis management, peace-building and in stabilization of society in post-conflict situations. The goals of the Action Plan are promoted at the national, international, and at the local level, inter alia, by engaging in crisis management activities, participating in development co-operation, providing humanitarian assistance and technical training, as well as through diplomacy. A wide based follow-up group systematically monitors the implementation of the National Action Plan.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

(This reply also partly covers some aspects of Question 2.1)

Finnish Parliament makes the decisions on the central principles of defence by using its legislative, supervisory and budgetary powers in accordance with the Constitution. The Finnish Government is responsible for the highest executive power in all security situations. The Government also draws up reports on security and defence policy for Parliament to discuss and approve. It is the task of the Cabinet Committee on Foreign and Security Policy to prepare important issues regarding foreign, security and defence policy. As part of the Government and as the leader of its administrative sector, the Ministry of Defence is responsible for defence policy. In cooperation with the Ministry of Defence, the Ministry for Foreign Affairs fronts the preparation of the governmental decisions in international crisis management. In addition, all Ministries are responsible for preparations for crises and national defence arrangements in their respective areas of responsibility. Under the leadership of the State Secretary of the Prime Minister's office, the officials responsible for readiness matters in the Ministries are in charge of readiness preparations.

Besides legislation, the Parliament also decides on the defence budget. The defence budget proposal is prepared at the responsibility of the Ministry of Defence by the Government as part of the overall State budget and according to the same procedures. As such, the defence budget is a public document and subject to open debate prior to its final approval by the Parliament.

Finnish defence policy is formulated by the government, mainly through the Cabinet Committee on Foreign and Security Policy. Defence policy guidelines are approved by the President in cooperation with the government and, ultimately, by the Parliament. The MOD presides over defence policy and issues guidelines on the activities of the defence forces and maintains responsibility for military defence resources, the general operating framework, defence policy, budgeting, defence procurement, defence legislation, human resources, environmental policy and personnel development.

National defence policy provides the basis for Finland's defence doctrine and development of the defence. The President is the Supreme Commander of the FDF. The Chief of Defence (CHOD), subordinate to the President, is responsible for all matters related to the exercise of military command, including the operational readiness of the FDF. Administratively, the FDF and the CHOD are subordinate to the MOD. The Minister of Defence is responsible for the defence policy guidelines for

national defence policy and international defence policy cooperation including resources and the operating framework of the FDF. The Defence Command functions as the supreme headquarters of the CHOD and also as the central administrative authority for the defence establishment. In addition to strategic planning and command, it is also responsible for the development and coordination of the activities of the individual services as well as for international cooperation.

A decision to participate in a military crisis management operation is taken, on the basis of a government proposal, by the President of the Republic. Before making its proposal, the government must consult the Parliamentary Foreign Affairs Committee. The decision to place a military unit on standby in, for example, an EU Battlegroup for military crisis management operations will also be taken, on the basis of a government proposal, by the President of the Republic. During the operation, the MOD may make minor adjustments to the Finnish contribution.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The most important functions of Finland's foreign, security and defence policy are safeguarding Finland's independence, territorial integrity and society's basic values. In accordance with the Government's report on Finnish Security and Defence Policy 2009, Finland maintains and develops a credible defence which is appropriately scaled to its security environment. The Finnish Defence Forces is not scaled or planned to threaten any other State. In addition to national defence, the Defence Forces is used only to provide executive assistance to the other domestic authorities and participate in international crisis management operations.

As a Member State of the European Union Finland belongs to a close-knit political grouping, the members of which share common values. One of the aims of the EU is to promote security with a wide range of instruments, such as political dialogue and crisis management. Actions taken by the European Union foster security within the Union as well as in its neighbouring areas.

Crisis management is Finland's key foreign policy instrument by which it aims to promote the stability of crisis areas in the world. Crisis management is about responsibility and participation in international cooperation. Therefore, Finland also participates in international crisis management in order to promote peace and security as well as development and respect for human rights. Finland regards participation in crisis management as part of Finland's security and international burden sharing.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

All forces and services mentioned above are subordinated to politically nominated ministers of the Government, which in turn is accountable to the Parliament. The parliamentary committees regularly call in the ministers in their respective fields of competence to hearings on issues of concern. The parliamentary committees are also entitled to monitor the actions of the executive bodies. Individual MP's may pose questions in writing, to which the competent minister has the obligation to reply and also an oral questioning procedure is practiced.

All forces and services mentioned above base their action on relevant legislation, which defines the basis and limitations of their powers. No action may arbitrarily infringe on the fundamental rights of individuals, which are extensively enshrined in the Constitution since a reform in 1995. In case of violations a range of adequate legal and other recourse is available.

The respective forces and services are subjected as follows:

- armed forces; same authorities and procedures as mentioned in answer to question 1.1.
- paramilitary forces; the Frontier Guard is subordinated to the Ministry of the Interior and through that linked to the parliamentary control.
- internal security forces; no forces belonging to this category.
- intelligence services; no separate governmental intelligence exists. Military intelligence operates within the Defence Command under the Ministry of Defence; The Security Police operates under the Ministry of Interior. These services are based on the relevant laws and controlled by the respective ministries, Government and Parliament.
- police; all police activities are based on law and controlled by the Ministry of the Interior and through that linked to the parliamentary control.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Parliamentary Ombudsman has been charged with legal supervisory competence, which extends over the activities of all authorities and other bodies performing public functions. He or she may act on complaints or at his or her own initiative. The Ombudsman submits an annual report to the Parliament on his or her work, including observations on any shortcomings in legislation. Also the Chancellor of Justice of the Government supervises the lawfulness of the official acts of the Government, the President of the Republic and all authorities and other bodies performing public functions. The Chancellor of Justice submits an annual report to the Parliament and the Government on his or her activities and observations on how the law has been obeyed. The Ombudsman and the Chancellor of Justice may prosecute or order that charges be brought in matters falling within the purview of their supervision of legality. The State Financial Inspectors have the right to control the use of budgetary finances.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

By law, the tasks of the Defence Forces are 1) the military defence of Finland, 2) providing support for other authorities and 3) participating in international military crisis management.

The main principles of Finland's defence are the following:

- militarily non-alliance
- general conscription
- territorial defence covering the entire country
- training conscripts for wartime units in the reserve and providing the units with the necessary material in peacetime (production of wartime units)
- dispersed mobilization based on the preparedness of peacetime headquarters, training centers and military establishments
- development of the peacetime command and the administrative structure primarily to meet the wartime requirements
- responding to the military threats of various degrees by controlling the readiness of the Defence Forces.

The Army plays a decisive role in defending the country and repelling aggression. Navy and Air Force have important roles in territorial surveillance and in protection of territorial integrity. The controls to ensure that the Defence Forces act solely within the constitutional framework are presented in answer to question 2 in Section II.

The Border Guard is responsible for Finland's internal security, subordinate to the Ministry of the Interior. The main functions of the Border Guard are guarding of the land borders and the territorial waters, passport control at the border crossing points, ports and airports, as well as performing of rescue operations, especially at sea.

No forces belong to the category of security forces.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Liability for military service is based on the **Constitution**, the reformed Conscription Act of 2007 and the Conscription Decree of 2007. Every male Finnish citizen is by law liable for military service and therefore subject to call-up. The period of liability is for male citizens between the ages of 18 to 60.

Under the Conscription Act of 2007, Regional Offices organize call-ups in every municipality, beginning no earlier than on 15 August and ending no later than on 15 December. The call-up is applied to 18 to 29 year-old men (only once). Information on and a notice of the call-up are sent by the Regional Office. A medical examination is also done on the man in a municipal health centre in advance to check his ability for military service.

The call-up takes one day during which general information is given. After the medical examination done by a physician, the fitness for military service is determined and the decision for military service is made or a three-man call-up board grants exemption from military service. The board consists of one senior officer, another officer of a lower rank and one representative from the municipality.

In general, military service is carried out within the two years following call-up, at the age of 19 or 20 but at the latest before the end of the year when a man turns 30.

Since 1995, it has also been possible for women to perform military service on a voluntary basis. There are no call-ups for women but Regional Offices provide information and medical examinations.

A female conscript has the rights and duties equal to those of a male one. The difference is that within 45 days from starting military service she has a right to leave without having to give an explanation or her superior can terminate the service but only for well-justified reasons. After the end of the 45-day period she is equally liable for service as any man till the end of the age of 60.

Annually some 700 conscripts complete their basic military training at the Frontier Guard Units. Conscript service at the Frontier Guard Units is similar to service in Units of the Defence Forces. Conscripts are selected through the call-up organization explained above.

3.2 What kind of exemptions or alternatives to military service does your State have?

Military service is compulsory for men, but on statutory grounds that have been provided in acts and decrees, there are some alternatives to the exemption from military service. For women the military service is possible on a voluntary basis.

A limited or permanent exemption for health reasons can be granted by the military authorities if the health or physical fitness does not fulfil the requirements for military service. A medical certificate is required.

Those registered as permanent residents on the autonomous Åland Islands have a right not to do military service. No alternative service is arranged, yet. No application is required.

Those registered as Jehovah's witnesses have a right to get deferment (in 3-year intervals) and finally be exempted from peacetime service at the age of 29. Special applications for deferment and the final exemption are required.

According to the reformed Non-Military Service Act (1446/2007) a man who for religious or ethical reasons is unable to perform any kind of military service within the Defence Forces will be exempted from military service in peacetime and he will be liable for civilian service instead. A special application for exemption is required.

A Finnish man who has dual (or multiple) citizenship as well as a man who has been granted Finnish citizenship under the age of 30 are also required to perform military service, but if they have performed it in their second or previous country, they can be exempted totally or partly from peacetime military service in Finland. A free-form application is required.

A Finnish man who has dual (or multiple) citizenship can be exempted from military service in peacetime if he lives permanently abroad, has no family ties in or connections to Finland, has no property in Finland and will receive no legacy from Finland. A free-form application is required.

The legislation for all the above-mentioned cases is based on:

- Conscription Act 1438/2007
- Conscription Decree 1443/2007
- Act on Women's Voluntary Military Training 194/1995
- Decree on Women's Voluntary Military Training 266/1995
- Act on the Provision of Health Care in the Defence Forces 322/1987
- Civil Service Act 1446/2007
- Act on the Exemption of Jehovah's Witnesses 645/1985
- Decree on the Exemption of Jehovah's Witnesses 36/1986
- Act on the Autonomy of the Åland Islands 1144/1991

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Legal and administrative procedures protecting the rights of personnel in the Finnish Defence Forces are based, in general, on law. Protection of the personnel in regular employment is very much the same as with all state civil servants. Detailed provisions are laid down in the State Civil Servants Act. The only major differences between personnel employed by the Defence Forces and other state civil servants are that defence personnel can be transferred to another office without their own consent and that there are certain restrictions on political activities of military personnel.

Legal protection of conscripts is based on clear rules of competence and procedures and on the supervisory function of the higher authorities. The constitution proclaims the basic norms and authorization to issue more specific rules and regulations. The conscript has been guaranteed a wide possibility to appeal or complain about the actions of his/her military superiors. A conscript who is dissatisfied with the actions taken by his/her military superiors may have these actions investigated by a higher military superior. In case a military superior has imposed a disciplinary punishment on a conscript, he/she may appeal to a general Court of First Instance.

If, instead of military disciplinary proceedings, a military offence is charged in a court of law, a general court of first instance deals with it. After the judgment of the Court of First Instance the procedure can be continued to Court of Appeal. The only difference when compared to civil proceedings is that the composition of both the Court of First Instance and the Court of Appeal include also military members.

In addition to the above-mentioned, there is a possibility to have any act by military personnel as well as complaints about general facilities or medical care etc. in the Defence Forces to be investigated by the Parliamentary *Ombudsman*. These complaints can be made in writing or directly to the *Ombudsman*, as he/she regularly visits several garrisons every year. During these visits, conscripts can discuss with the *Ombudsman* privately.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

International Humanitarian Law and Law of War are made available through military programmes and regulations in all levels. They are part of the training and education for officers taking BA and MA degrees as well as for conscripts. There are over 20 legal advisors in the Finnish Defence Forces. These experts of Code of Conduct are ensuring legitimate actions by teaching and advising military in matters of International Humanitarian law.

In accordance with the Act on Military Crisis Management, personnel taking part in crisis management missions are given special training before transfer to the operation area. Personnel in training for participation in peacekeeping operations receive special instruction regarding humanitarian rights, the legal rule of war and combating trafficking in humans as well as special rules of behaviour, which include among other things zero-tolerance for the part of trafficking in humans.

The Finnish National Committee for International Humanitarian Law is also training and promoting IHL. The Defence Forces send on an annual basis a few participants to the following courses on the Humanitarian Law

- a course in San Remo arranged by the International Institute of Humanitarian Law
- a workshop on the Code of Conduct arranged by the Swiss General Staff and the Swiss Military College
- a course on the Law of Armed Conflict for senior officers of armed forces medical services arranged by the International Committee of Military Medicine.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

To ensure that armed forces personnel are aware of being individually held liable under national and international law for their actions, conscripts are trained to be fully familiar with the Code of Conduct in accordance with Article 83 of the 1977 Protocol I additional to the Geneva Convention. The training includes the basics of the Code of Conduct, the set of rules for the soldier and internationally recognized distinctive emblems. Each soldier is given a copy of the Soldier's Manual, which deals with the essential matters from the soldier's point of view.

Familiarization with the Code of Conduct takes place, as part of the training in security policy, during the basic training period for all conscripts. The combatant's training during the special training period includes the Code of Conduct in the activities of the soldier.

The Public Information Division of the Defence Staff has compiled the teaching material on security policy, which also includes the material for teaching the Code of Conduct. This material covers instructions for the teacher, slides and videotape. All company-level units have used this material.

See also answer to 4.1.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

According to the Constitution the acceptance by the Parliament of international obligations and their denouncement is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by Parliament under the Constitution. Finland follows the so-called dualistic tradition; *i.e.* treaties become internally applicable law only through a domestic legislative act.

Finland adheres to most of the Conventions of IHL as well as to the human rights conventions. Finland has ratified the four Geneva Conventions and the Additional Protocols I and II and the declaration provided for in Article 90 of Protocol I was made when the Protocols were ratified. Finland has also ratified the Rome Statute of the International Criminal Court.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Protection of the personnel in regular employment is very much the same as with all state civil servants. Detailed provisions are laid down in the State Civil Servants Act. The only major differences between personnel employed by the Defence Forces and other state civil servants are that defence personnel can be transferred to another office without their own consent and that there are certain restrictions on political activities of military personnel (one cannot be a member of a political party nor be put up as a candidate for parliamentary elections).

Legal protection of conscripts is based on clear rules of competence and procedures and on the supervisory function of the higher authorities. The constitution proclaims the basic norms and authorization to issue more specific rules and regulations.

When conscription is carried out, no person may, without an acceptable reason, be placed in a different position due to age, origin, language, religion, conviction, opinion, state of health, disability, gender, sexual orientation or any other reason related to the individual.

The conscript has been guaranteed a wide possibility to appeal or complain about the actions of his/her military superiors. A conscript who is dissatisfied with the actions taken by his/her military superiors may have these actions investigated by a higher military superior. In case a military superior has imposed a disciplinary punishment on a conscript, he/she may appeal to a general Court of First Instance.

If, instead of military disciplinary proceedings, a military offence is charged in a court of law, a general court of first instance deals with it. After the judgment of the Court of First Instance the procedure can

be continued to Court of Appeal. The only difference when compared to civil proceedings is that the composition of both the Court of First Instance and the Court of Appeal include also military members.

In addition to the above-mentioned, there is a possibility to have any act by military personnel as well as complaints about general facilities or medical care etc. in the Defence Forces to be investigated by the Parliamentary Ombudsman. These complaints can be made in writing or directly to the Ombudsman, as he/she regularly visits several garrisons every year. During these visits, conscripts can discuss with the Ombudsman privately.

In every Finnish garrison there is a Conscript Committee whose main purpose is to look after and develop the service conditions of conscripts. The members of the Committee are chosen by election among those conscripts who serve in that garrison. Only conscripts have the right to vote in these elections. Finnish conscripts are also free to join the Union of Conscripts, which is a national organization for lobbying and representing the interests of conscripts.

According to Finnish Penal Code a soldier or a person in military service in the frontier guards (excluding conscripts), who joins a political party or an association engaged in, or clearly supportive of, party politics, or fails to resign the membership of a party or an association referred to above shall be sentenced for unlawful political activity.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Under the Constitution of Finland the competence to conclude treaties is given to the President of the Republic in co-operation with the Government. According to the Constitution the acceptance by the Parliament of international obligations and their denouncement is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by Parliament under the Constitution. The acceptance by the Parliament is required also for the denouncement of such obligations. The provisions of treaties and other international obligations, in so far as they are of a legislative nature, are brought into force by an Act. Otherwise, international obligations are brought into force by a Decree issued by the President of the Republic.

Finland follows the so-called dualistic tradition; *i.e.* treaties become internally applicable law only through a domestic legislative act. The incorporation is normally a statute of blanco, a legislative act, which merely refers to the treaty. The hierarchical level of the statute in blanco is either both an Act of Parliament and a decree issued by the President or merely a decree, depending on the consideration mentioned above.

In accordance with the Governments report Finnish Security and Defence Policy 2009, Finland fosters the strengthening of multilateral cooperation and international law. Finland obeys its international obligations closely. This system is in-built in the Finnish Security and Defence policy so that for example when taking new international obligations Finland brings its internal law and workings into conformity with the obligations.

Section III: Public access and contact information

1. Public access/

1.1 How is the public informed about the provisions of the Code of Conduct?

Parliamentary and administrative proceedings concerning defence matters are subject to the general rule on the publicity of official documents to which public access is guaranteed by law – The Act on the Openness of Government Activities. This access may only be limited on grounds of national security or on other grounds specified in law, which, *inter alia*, regulate classification of documents and handling of classified documents.

Mass media, the Internet as well as the publicity activities by the Ministry of Defence and the Defence Forces themselves are means to disseminate public information on defence matters. The Ministry of Defence has enhanced the possibilities of the general public to access defence information via a major project on developing communication through new technologies and providing access to Ministry's database. The website works in three different languages: Finnish, Swedish and English. Further information on defence matters is available at the Ministry's website at www.defmin.fi and at the website of the Defence Forces at www.mil.fi.

The Ministry of Defence Information Unit also replies to individual questions and letters from the public. Articles in the major daily papers and TV appearances are a frequent way to communicate to the public on the activities of the Ministry of Defence as well the Defence Forces.

It is highly significant for the Finnish policy of openness that the public not only has access to information but also understands the wider framework of our defence planning and the relevant background information related to the armed forces. This is demonstrated for example by distributing to the general public the Government report to Parliament on 'the Finnish Security and Defence Policy 2009'.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

Besides the Code itself, there are not other publications regarding the Code translated into Finnish language. Naturally, foreign academic research with regard the subject is available through internet for any citizen in Finland.

1.3 How does your State ensure public access to information related to your State's armed forces?

See answer 1.1 of this section.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Unit for Security Policy and Crisis Management
Political Department
Ministry for Foreign Affairs of Finland
P.O.Box 420, 00023 Government, Finland
e-mail: pol-10@formin.fi

International Defence Policy Unit
Defence Policy Department
Ministry of Defence
P.O.Box 31, 00131 Helsinki, Finland
e-mail: puolustusministerio@defmin.fi