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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 Decision 2/09 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 April 2013



Encl.

To all Permanent Missions and Delegations to the OSCE
to the Conflict Prevention Centre

V i e n n a

OSCE Code of Conduct on Politico-Military Aspects on Security

FSC.EMI/75/13

15 April 2013

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FINLAND

Annual Information Exchange on the Implementation of the Code of Conduct

Valid as of 15 of April 2013

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

FINLAND's information, year 2013

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

Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005

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)

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

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)

Other conventions and protocols signed by 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)

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

Third Additional Protocol to the European Convention on Extradition (ETS 209)

Other relevant conventions and protocols pending national procedures

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, Done at Beijing on 10 September 2010

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, Done at Beijing on 10 September 2010

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.

Therefore, a separate Chapter (34a) on terrorist offences was incorporated into the Penal Code on 1 February 2003. The Chapter covers terrorist offences and their planning, direction of a terrorist group, promotion of a terrorist group, and financing of terrorism. The Chapter also contains a provision defining terrorist offences, a provision on the right of prosecution and a provision on corporate criminal liability. Section 1 of this Chapter also criminalises "offences made with terrorist intent". According to Chapter 34a, section 6 of the Penal Code, an offender has a terrorist intent if it is his or her intent to 1) cause serious fear among the population; 2) unjustifiably force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act; 3) unjustifiably overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause serious harm to the state economy or the fundamental social structures of the state, or 4) cause serious harm to the finances or other fundamental structures of an international organisation. The definition is based on the EU Council Framework Decision of 13 June 2002 on Combating Terrorism.

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?

In Finland, the police have the primary responsibility for combating terrorism. However, the capability to effectively fight terrorism requires continuous and consistent cooperation not only between all security authorities but also other authorities and a wide range of other actors. Cooperation between authorities is essential to counter-terrorism in order to make best possible use of the counter-terrorism resources available to the authorities and relevant organisations. Any challenges can be best met by taking advantage of the cooperation that already exists between authorities and of their general

preparedness arrangements. In this, Finland relies on its special strength of an efficient and effective cooperation between authorities.

The Security Intelligence Service is responsible for countering terrorism in Finland. Intensive exchange of information between security and law enforcement authorities is essential in the daily counter-terrorism 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.

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

1. Monitoring and analyzing 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 organizations active in Finland potentially posing a risk
4. Providing situation reports and threat assessments

In order to identify the developments leading to radicalization, the National Police Board – with the collaboration of the Security Intelligence Service, local police, and Police College of Finland are conducting investigation, exchange of information between authorities and training on terrorism and violent radicalization. An analysis is done to anticipate trends in extremism in society. Community policing is seen as a significant activity for the prevention of radicalization and recruitment of potential violent extremists.

The first national Action Plan to prevent Violent Extremism was approved by the Parliament 14 June 2012. The Action Plan seeks to identify and prevent violent acts aimed at promoting extremist ideas or ideologies. The goal of the action plan is among other things to address root causes of violent extremism, increase awareness and provide situation picture for relevant authorities. Implementation of the concrete measures contained in the Action Plan has already begun. The National Cooperation Network for the Prevention of Violent Extremism prepares a situation overview on violent extremism biannually in support of preventive work.

The tasks of the Finnish Defence Forces are 1) the defence of the country; 2) supporting other authorities in responding to non-military threats including situations involving terrorism; and 3) participating in international crisis management.

As the substantial part of preventing and combating terrorism per se falls to the mandate of the police, legal and other authorities, the Defence Forces contribute effectively to national and international efforts against terrorism. Nationally, the Defence Forces are prepared to support the police in protecting against and responding to terrorist crimes. The full range of the Defence Forces capabilities can be utilised to support the police, including the use of necessary force. However, the operations are always led by the police and the decision on use of force is always the responsibility of the police. Internationally, the Defence Forces participate in international military co-operation and in crisis management. The Defence Forces also take part in international and national exercises as well as possible acts concerning Proliferation Security Initiative to interdict trafficking of WMD and related material.

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**

National Counter-terrorism strategy

The National Counter-terrorism Strategy that was approved by the Parliament on 11 March 2010 stands on four primary pillars of EU counter terrorism strategy from 2005; preventing radicalisation (prevent), operative actions and revealing financing of terrorism (pursue), protecting citizens and critical infrastructure (protect) and preparedness and consequence management (respond).

The strategy provides an overview of the terrorism situation in Finland and Europe, existing legislation and arrangements that have been made by the authorities. Building on the current situation picture, the strategy then goes on to propose concrete and timetabled measures to step up the work on combating terrorism. In addition to immediate and likely threats, the authorities must be prepared and have plans in place to monitor and counter any new threats on the horizon.

The national counter-terrorism strategy consists of 5 strategic guidelines and 14 timetabled recommendations. The guidelines are as follows:

1. Measures will be taken to prevent and combat violent radicalisation. It will be identified at the earliest possible stage. Necessary information will be transferred to the responsible authorities.
2. Legislation and statutes on information exchange between different authorities should be reviewed in the light of changes in the operating environment and how terrorist offences are planned and committed.
3. Full account will be taken of terrorism-related factors in security and contingency planning.
4. State leaders and competent authorities will be provided with a carefully analysed, high-quality and real-time picture of the security situation that clearly identifies terrorism-related issues.
5. Counter-terrorism cooperation between the authorities and related coordination will be enhanced. Counter-terrorism cooperation will be improved and activities better coordinated. Counter-terrorism measures will be based on the latest situation and threat assessments available to the authorities.

In June 2010 the Counter-terrorism cooperation forum was established. The forum consists of representatives of different ministries and authorities. The main duties are to conduct and coordinate implementation of the national counter-terrorism strategy.

The National Counter-terrorism strategy will be updated in the course of 2013.

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.

In April 2013, the Parliament accepted a Government Proposal for an Act on the Freezing of Funds with a view to Combating Terrorism. The Act, which will enter into force after confirmation by the President, will complement existing EU level freezing mechanisms and enable Finland to freeze funds of persons and entities suspected, prosecuted or convicted of involvement in terrorist crimes in Finland; of persons and entities designated by the Council of the European Union as being involved in terrorist acts but whose funds have not been frozen by a directly applicable EU regulation (so called “EU internal terrorists”); on the basis of a well-founded request by another country, persons and entities identified in that request as being involved in terrorism; and entities owned or controlled by any of the above. The Act will also prohibit the making available, directly or indirectly, of funds and financial resources to designated persons or entities.

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 Financial Intelligence Unit (FIU), which functions in the National Bureau of Investigation, is responsible for detecting and 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 Regional State Administrative Authority 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

National Police Board. 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 Action Plan against Illegal Immigration, covering the years 2012–2015, has been drafted in the spirit of the EU's integrated border management strategy. The aim of combating illegal immigration is proactively to prevent and uncover, through cooperation among the authorities, illegal entry into Finland and its facilitation as well as trafficking in human beings and other cross-border crime. The task of the National Bureau of Investigation in combating illegal immigration is to assemble and share information and to serve as an expert body. The National Bureau of Investigation also coordinates the national themed surveillance events each year and maintains situational awareness regarding illegal immigration. The Finnish Security Intelligence Service also takes part in combating illegal immigration within the framework of its field of operations. The Finnish Security Intelligence Service has short term officers posted at certain Finnish foreign missions to provide support to the missions as they investigate fulfillment of the requirements to entry.

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 Act 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 are also many kind of equipment 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 within 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:

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 Import and Export Guidance supplementing 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 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.

Finnish CBRNE cooperation forum and operative actors within the forum aim 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 cooperation forum is led by the National Police Board, it has members from the relevant authorities and it is linked to several other counter-CBRN expert organizations.

STUK, together with law enforcement authorities, has developed a concept for on-site detection and off-site expert support for analysis, suitable for nuclear security in-field missions (first response with reach-back). 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.

The Finnish authorities have a joint project to support the development of the national nuclear security detection architecture. The authorities define common requirements for future detection systems to optimize the compatibility and information sharing. The key operational capability will be based on mobile or relocatable technology with remote expert support for the first-line officers (reach-back).

Finnish Customs controls border crossing traffic of radioactive materials through license control, examinations based on risk analysis and random selection, and also by radiation detection. As part of the national effort to combat illicit trafficking of nuclear and other radioactive materials, Finnish Customs and STUK launched in 2008 a joint border monitoring development project. The project will cover procuring new technical equipment, updating the old equipment, and updating operational procedures, such as data transfer to enable expert support by 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.

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 Intelligence Service concentrates its resources mainly for monitoring the situation and the websites and forums domestically. The Finnish Police Act regulates the counter-terrorism activities of the Finnish Police in the Internet environment.

The National Cyber Security Strategy was approved in January 2013. This Strategy defines the key goals and guidelines which are used in responding to the threats against the cyber domain and which ensure its functioning. By following the Cyber Security Strategy's guidelines and the measures required, Finland can manage deliberate or inadvertent disturbances in the cyber domain as well as respond to and recover from them. Furthermore, the Strategy aims to improve that the Government and different actors have a reliable, real-time cyber security situation picture of the condition of society's vital functions as well as disturbances which affect their functioning. The Police must be able to identify and prevent possible preparations for a terrorist attack or other crimes and be able to investigate such activities.

Legal co-operation including extradition:

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.

Safe havens and shelter to terrorists and terrorist organizations:

There are no signs that any European separatist or political terrorist organisation will pose a real terrorist threat in Finland in the near future. It is also possible that efforts may be made from Finland to finance terrorist organisations operating abroad. It is also possible that Finland could be used a staging post or rest area. There is a danger that Finland may be seen as an easy operating environment for people and networks supporting terrorism, who as a result may seek to use our country as a staging post for terrorist activities. It is known that there are people in Finland who have active contacts with bodies practising terrorism. The Finnish Intelligence Service is monitoring the situation and providing situation reports and threat assessments on the subject.

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. When taking a decision on Finland's participation, it is necessary to consider the rules of international law and 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 as well as the fact that the implementing party of an operation can also be a group of countries. 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. 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 currently takes part in ten military crisis management operations with approximately 380 troops. These operations are led by NATO (KFOR, ISAF), by the EU (EUFOR Althea, EUNAVFOR ATALANTA, EUTM Somalia, EUTM Mali) and by the UN (UNIFIL, UNTSO, UNMOGIP, UNMIL). Finland has designated a SOF unit for the NRF RFP Pool of Forces in 2013.

Finland is presently contributing 145 military personnel to ISAF. The focus of Finland's involvement is in the Transition Support Unit in Regional Command North (RC (N)). Some 70 troops are deployed to different advisory tasks in OCC-Ps, PAT, MAT, NROLFSM-A and training tasks in NTM-A and ISAF SOF.

In Kosovo, Finland has deployed some 22 military personnel in JRD(C) and KFOR HQ.

In EUFOR Althea, Finland is contributing eight military personnel, and in EUTM Somalia seven officers/NCOs. Finland has deployed staff officers to EUFOR ATALANTA. Finland will increase its number of personnel in ATALANTA in March to July 2013 by deploying Autonomous Vessel Protection Detachment to the operation. Finland also participates in EUTM Mali with 12 military personnel.

In support of UN operations, Finland is contributing military personnel to UNMIL and is also participating in two UN military observer missions: UNTSO (17) and UNMOGIP (7). These contributions will be maintained.

Furthermore, Finland is contributing a light infantry company (177 troops) to the UNIFIL operation since 15 May 2012, and will continue to support the operation for the next two years. In addition, Finland has military personnel in the UNIFIL HQ and the Sector West HQ. Finland will take the lead nation role in current Irish-Finnish Battalion in November 2013 and increase her contribution to approximately 330 troops.

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 a 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. Regarding different types 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.

In December 2012, a new Government report on Finnish Security and Defence Policy was published. The Report lays the foundation for guiding Finland's policy and strengthening its action as regards the advancement of Finland's interests and goals in the continually changing international situation. The Report analyses the changes, trends and relevant conclusions regarding the international operating environment, Finland's security policy guidelines, defence development and action to secure the vital functions of society. Accordingly, the Report reviews a wide range of instruments.

Arms control is increasingly linked with other conflict prevention and crisis management methods as well as development issues. In addition to new treaties and forms of collaboration, the effective implementation of existing treaty regimes and other multilateral arrangements is gaining importance. There is a need to compensate for the absence of formal verification regimes by implementing confidence-building measures (CSBMs). Finland continues to value and implement its commitments in

the use of tools such as the 2011 Vienna Document and the Open Skies Treaty. As a member of the OSCE, Finland participates in the OSCE's Forum for Security Co-operation's (FSC) work to update the Vienna Document.

Finnish arms control policy highlights the promotion of security and development as well as human rights and attention is paid to the needs of Finland's national defence. The UN retains its significance as the foundation of multilateral arms control and disarmament and the primary forum for new multilateral agreements. Finland also recognizes the UN's primary role in disarmament related matters. Finland emphasizes the need to intensify implementation of arms control arrangements, and to improve monitoring mechanisms.

Finland's arms control policy focuses on international cooperation in preventing the proliferation and the use of weapons of mass destruction (WMD) and their means of delivery. The European Union's WMD Strategy paves the way for Finnish action. Finland emphasizes the importance of UN Security Council Resolution 1540 on non-proliferation of WMDs and participates in the intensification of international export controls and stresses the central importance of the Nuclear Non-Proliferation Treaty (NPT). Finland participated in the 2010 NPT Review Conference and underscores the importance of implementing the Action Plans agreed at the Conference.

Finland welcomes the entry into force in 2011 of the new Strategic Arms Reduction Treaty (START) between the United States and the Russian Federation and the commencement of its implementation. Finland would also welcome possible further steps in the reduction of their nuclear arsenals, including non-strategic nuclear weapons.

Finland employs arms control measures to prevent the proliferation of nuclear, biological and chemical weapons, substances and associated expertise. Finland participates extensively in the implementation of the Global Partnership Program, which was launched by the G8 countries in 2002, and promotes the implementation of UNSCR 1540 in developing countries around the world.

The EU Strategy on small arms and light weapons (SALW) provides the framework for Finnish SALW-related action. Finland fully supports the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, as well as the regional activities of the EU and the OSCE. During the Finnish Presidency of the OSCE in 2008 Finland aimed at enhancing both OSCE's normative, as well as substantive work on small arms and light weapons (SALW).

Finland, being one of the original seven co-authors together with Australia, Argentina, Costa Rica, Japan, Kenya and United Kingdom, actively contributed to the negotiating process aiming at the conclusion of an international Arms Trade Treaty (ATT). The Treaty was adopted with an overwhelming majority (154 votes in favor) by the General Assembly of the United Nations in April 2013. Finland aims at signing the Treaty on 3 June when it is opened for signature.

Finland participates in the international efforts to respond to humanitarian concerns caused by cluster munitions. Finland participates in the implementation of the Convention on Cluster Munitions by supporting humanitarian mine action. The budget for 2012 was 5,5 million euro.

The Ottawa Mine Ban Convention entered into force for Finland on July 1 2012. At the same time Chapter 11 of the Penal Code will be amended to include breaches of the Convention. Finland will destroy its anti-personnel mine stockpiles by 2016.

Finland welcomes discussions on the future of conventional arms control in Europe. Finland is supporting endeavours to maintain a regime that contributes to military transparency, predictability and stability in Europe.

Finland monitors developments in the field of international arms control, anticipates their effects on national defence and takes them into account in Defence Forces development programmes. The defence establishment, for its part, fulfils the various obligations included in international arms control agreements as well as supports and participates in inter-authority cooperation relating to arms control.

Finland commends the effort being carried out to use the confidence and security-building measures by the OSCE as models for non-European areas.

Finland participates actively in international military and civilian crisis management. On the basis of Finland's Comprehensive Crisis Management Strategy, published in 2009, the Ministry for Foreign Affairs has established a permanent strategic coordination group to promote a comprehensive approach to crisis management. The group comprises representatives from the MFA's Political Department and Department for Development Policy, Office of the President of the Republic, Prime Minister's Office, Ministry of the Interior, Ministry of Justice, Ministry of Finance, Ministry of Defence and the Defence Command.

In the OSCE area Finland has made substantial contributions, inter alia, to the EU civilian crisis management missions in Georgia (EUMM), and Moldova/Ukraine (EUBAM). In 2012 Finland had seconded civilian experts also in the OSCE missions in Bosnia-Herzegovina and Kosovo, as well as in the offices of the EU Special Representative for Central Asia, the EU Special Representative for the Crisis in Georgia and the High Representative and EU Special Representative in Bosnia and Herzegovina.

Finland has continued to support OSCE's confidence and security-building measures also through extra-budgetary contributions. In 2012 around 300 000 Euros were channelled to OSCE's small-scale projects. Finland supported, among other things, the OSCE Best Practice for Roma Integration project.

OSCE is also one of the cooperation partners in the implementation of Finland's Wider Europe Initiative (WEI), Framework Programme for Development Policy in East Europe, the South Caucasus and Central Asia. The emphasis of the WEI in the OSCE framework is on strengthening stability and security as well as promoting social sustainability through OSCE extra-budgetary projects and programmes. In 2012 around 600 000 Euros was allocated for OSCE extra-budgetary projects. The regional focus of the project support was in Central Asia. Thematically emphasis was on Democratization, Rule of Law and Human Rights as well as Institution Building. Special attention was given to gender equality.

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, together with Austria, Kazakstan and Turkey, has been a co-sponsor of the initiative to launch an OSCE wide action plan on the UNSCR 1325. The discussion on the issue will continue during 2013 under the Ukrainian chairmanship of the OSCE.

The Finnish National Action Plan on the UNSCR 1325 was published in September 2008. The National Action Plan enables more concrete and coherent efforts aiming to implement UNSCR 1325, through adopting a gender-sensitive approach to policymaking in general, while focusing on promoting the role of women as active participants in conflict prevention, peace processes, and humanitarian relief and recovery, increasing the protection of women in conflict situations, and strengthening, protecting and safeguarding the human rights of women and girls. The goals of the Action Plan are promoted at national, international, and local levels, inter alia, by engaging in crisis management activities, participating in development co-operation, providing humanitarian assistance and technical training, as well as through diplomatic means. A cross-governmental follow-up group that includes representatives

from the civil society systematically monitors the implementation of the National Action Plan. News, 6/6/2012. In order to intensify the implementation of the Resolution, Finland published in June 2012 a new Action Plan for the years 2012–2016. Finland's 1325 Action Plan, drawn up in interaction with civil society, contains practical goals for increasing the participation of women in conflict prevention and crisis management and for promoting the position of women in conflicts and reconstruction

The government adopted a national counter-terrorism strategy in March 2010. The strategy gives guidelines to official preparedness and cooperation in counter-terrorism. The close link between internal and external security becomes particularly evident in the fight against terrorism. The strategy provides an overview of the terrorism situation in Finland and Europe, as well as existing legislation and arrangements that have been made by the authorities. Building on the current situation, the strategy then goes on to propose concrete and timetabled measures to strengthen the work on combating terrorism.

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)

The President of the Republic is the Supreme Commander of the Finnish Defence Forces (FDF). The Chief of Defence (CHOD), subordinate to the President, is responsible for all matters related to the exercise of military command, including operational readiness of the FDF. Administratively, the FDF and the CHOD are subordinate to the Ministry of Defence (MOD). The Minister of Defence is responsible for the defence policy guidelines for both national 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. The three single service headquarters are responsible for the performance, development and operations of their own service in accordance with the tasks assigned by the CHOD, and will be supported by the introduction of the integrated, network-enabled C4I system.

The Minister of Defence presents the strategic planning matters under the Ministry of Defence to the President of the Republic. The Prime Minister and the CHOD are entitled to be present and to voice their opinion on the matters in question. The CHOD presents other issues related to military command and military appointments and promotions to the President of the Republic.

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. The Ministry for Foreign Affairs - in cooperation with the MOD, fronts the preparation of the governmental decisions in international crisis management.

All government ministries are responsible for preparations for crises and national defence arrangements in their respective areas of responsibility. The officials responsible for readiness matters in each Ministry are in charge of readiness preparations in their sector and related work across the state administration. It is the remit of the MOD to coordinate the work of different sectors of government in matters related to comprehensive defence. The Security Committee follows the development of security and defence policy and estimates their effects.

The Ministry of Finance provides the guidelines for the defence budget, which is approved annually by the Parliament. The Ministry of Defence establishes the financial guidelines for defence planning. The Commander of the Defence Forces executes the financial steering of the Defence Forces.

Part of the defence expenditure is “outsourced”, meaning that some areas (infrastructure, some logistics and maintenance), have been contracted at the central level (either by the MoD, Defence Command or any other central level defence institution) with service suppliers from outside the MoD and/or Defence Forces. This is a national trend in Finland concerning all the Ministries and governmental institutions.

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 Battle Group for military crisis management operations, will also be taken by the President of the Republic on the basis of a government proposal. 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?

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 threat any other State. In addition to providing national defence, the Defence Forces is used only to provide executive assistance to the other domestic authorities and participate in international crisis management operations.

The latest Government report on Finnish Security and Defence was published in 2012. The Report lays the foundation for guiding Finland’s policy and strengthening its action as regards the advancement of Finland’s interests and goals in the continually changing international situation. The Report analyses the changes, trends and relevant conclusions regarding the international operating environment, Finland’s security policy guidelines, defence development and action to secure the vital functions of society. Accordingly, the Report reviews a wide range of instruments.

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 Finnish Security Intelligence Service 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:

- General conscription
- Territorial defence covering the entire country
- Training conscripts for wartime units in the reserve and providing the units with the necessary material (production of wartime units)
- Dispersed mobilization based on the preparedness of peacetime headquarters, training centres and military establishments
- Development of the peacetime command and 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 safeguarding national borders as part of 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 in a municipal health centres 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.

The total amount of conscripts is around 25 000 of which some 400 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 Civil Service Act (1446/2007) a man who on grounds of conviction 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. If living permanently abroad has continued at least 7 years, no 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 is that defence personnel can be transferred to another office without their own consent and that there are certain restrictions on political activities for 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. Conscripts are guaranteed by law the possibility to appeal over 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 processed in a court of law, a general court of first instance handles the matter. After the judgment of the Court of First Instance the case can be appealed to Court of Appeal. The difference compared to civil proceedings is that the composition of both the Court of First Instance and the Court of Appeal include nominated military members.

In addition to the above-mentioned, it is possible to have any actions 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 issued in writing or directly to the Ombudsman via internet. The Ombudsman regularly visits several garrisons every year. During these visits, conscripts can discuss privately with the Ombudsman.

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 endorsed through military programmes and regulations at 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 who teach and advise military personnel on International Humanitarian law thus ensuring that IHL and the Law of War are taken into account in the Finnish Defence Forces.

The Finnish Defence Forces are preparing teaching and information sequences to all personnel and conscripts concerning the Humanitarian Law. This is expected to be accomplished by the end of this year. This method of training is planned to be implemented within our training organisations during the following years.

Personnel taking part in crisis management missions are given special training prior to the transfer to the area of operation. Personnel training for international operations receive special instructions on humanitarian law, the law of war and combating human trafficking as well as special rules of behaviour, which include among other things a zero-tolerance on human trafficking.

The Defence Forces send participants regularly to the following courses on IHL.

- 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.
- Vienna Course on International Law for Military Advisers organized by the ICRC and the European Security and Defence College
- a course on LOAC for military personnel organized by the Finnish Red Cross

The Finnish National Committee for International Humanitarian Law also promotes and disseminates IHL.

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 lessons related to the Code of Conduct relevant to the training activities of the conscripts.

The Public Information Division of the Defence Staff has compiled the teaching material on security policies, which also includes material for teaching the Code of Conduct. This material includes instructions for the teacher, slides and videotapes. All company-level units have used this material. See also answer to 4.1.

In addition Finland has an active national Committee for International Humanitarian Law. This Committee works under the auspices of the Ministry for Foreign Affairs and it brings together IHL experts from different ministries, armed forces and from organisations such as the Finnish Red Cross, the Finnish Branch of Amnesty International and the Finnish Society of Humanitarian law. This national Committee was already established in 1993 with the mandate to especially:

- coordinate the implementation and dissemination of the Geneva Conventions and Protocols and other international humanitarian law instruments as well as
- promote international humanitarian law and raise awareness about the Geneva Conventions and their protocols.
- The committee also shares information about IHL training and different activities in Finland and
- prepares for the International Conferences of the Red Cross and Red Crescent and other relevant international conferences .
- It also monitors new developments in international humanitarian law and consider their implications for Finland.

As a whole, the Committee offers a valuable venue for expert discussions on international humanitarian law. Stakeholders can easily share information and launch initiatives on IHL. We consider their role very important in enhancing both awareness and implementation of the Geneva Conventions.

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?

Finland adheres to most of the Conventions of IHL as well as to the human rights conventions. Finland has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Finland is also a party to the European Convention on Human Rights. The government of Finland respects these conventions and ensures that all people within its jurisdiction are guaranteed the rights and freedoms enacted in these conventions. The Finnish Constitution guarantees democracy, human rights, individual rights, human dignity, equality and justice.

Finland has ratified the four Geneva Conventions and the Additional Protocols I, II and III 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 is 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.

By virtue of the Conscript Act, 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.

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 the 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 can be prosecuted 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 2012, 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?

The internet website of the Ministry for Foreign Affairs of Finland/Permanent Mission of Finland to the OSCE has a link to the website of the OSCE politico-military dimension which includes information on all OSCE arms control related activities and relevant documentation.

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. Information on the website is available in three languages: Finnish, Swedish and English. Further information on defence matters is available at the Ministry of Defence website at www.defmin.fi and at the website of the Defence Forces at www.mil.fi.

The Ministry for Foreign Affairs and The Ministry of Defence Information Unit also reply 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 Foreign Affairs, Ministry

of Defence as well the Defence Forces.

It is highly significant for the Finnish policy of openness that the public not only have access to information but that they also understand 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 the Parliament on ‘the Finnish Security and Defence Policy 2012’.

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?

See above.

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.

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P.O.Box 420, 00023 Government, Finland
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