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Jehovah's Witness exemption from conscription deemed prejudicial in "pivotal" ruling

A Finnish court has ruled that the exemption from military service currently enjoyed by Jehovah's Witnesses is discriminatory.



Conscripts at Santahamina. Image: Markku Ulander / Lehtikuva

A new court ruled on Friday that the Finnish practice of allowing male Jehovah's Witnesses to avoid conscription is discriminatory.

The Helsinki Court of Appeal on Friday voted 4-3 for naming the policy discriminatory against other conscientious objectors. The ruling came in a discrimination case brought by a man who was imprisoned in 2016 for refusing conscripted service the year before.

The decision is the first court verdict that directly denounces the decades-old exception (instated in 1987), which says that men belonging to the Jehovah's Witness denomination will uniquely not be sent to prison if they refuse both military and civilian service.

The Non-Discrimination Ombudsman, Parliament's Constitutional Affairs Committee and the Defense Ministry have long held that the law contradicts the constitution's principle of equality as well as its prohibition on discrimination.

Basis in faith

The majority of the court held that Finland has taken significant measures to improve equality since the exemption became law more than 30 years ago, such as signing the European Convention on Human Rights.

Under current legislation Jehovah's Witnesses may postpone their entry into service for three years at a time (starting at age 18), until their obligation officially ceases at age 29.

Proponents of the Christian faction cite their pacifist reading of the Bible as the basis of their objection, for which they receive no punishment. No other groups in Finland have the same right, except women, who have never been legally bound to enter conscripted service.

"Pivotal" step follows international condemnation

The Union of Conscientious Objectors (Finnish acronym AKL) tweeted about the news on Friday, calling the court's decision "pivotal" in the process towards banning conscription altogether.

Robin Harms, a senior advisor to the Non-Discrimination Ombudsman, has acted as legal counsel to the imprisoned man who originally brought the case to the Eastern Uusimaa District Court in 2015.

"Favouring Jehovah's Witnesses in this way is an embarrassment for Finland," Harms says.

More than that, human rights organisations including Amnesty International and the UN Human Rights Committee have long chastised the Finnish government for its ongoing practice of forced conscription. Only male (non-Witness) Finns are obliged to choose between military service, a longer civilian service term and a six-month prison (or remote monitoring) sentence.

AKL reports that an average of some 40 objectors have annually refused both military and civilian service since the beginning of the 21st century. Some 100 Jehovah's Witnesses plead the law of exception to avoid conscription each year. While 72 percent of young men enter military service (minimum 6 months) when called, some 2,000 men opt for a civilian service period (minimum 347 days).

All men who are jailed for objecting to conscription are considered by Amnesty International to be prisoners of conscience.

Justice Minister: Consider exemption anew

Justice Minister Antti Häkkinen said after the verdict that the current exemptions from military service should be evaluated in the light of the verdict.

"If some group or other has exemptions based on their beliefs, then in this day and age they should always be evaluated to make sure different groups are treated equally," said Häkkinen.

Häkkinen added that participation in national defence is mandated in the Finnish constitution, and that exceptions to that are based on religious convictions.

"How are those interests weighed against each other in different situations, especially in a changing world, then that's a big constitutional law question as well," said Häkkänen. "This is an interesting issue that must now be resolved fairly."

EDIT: This story was edited on 23 February to add comments from the Justice Minister.

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