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Sex and gender in Finnish politics in 2021

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In many states around the world, gender politics are in flux, to say the least. Legal gender self-identification is a political ideal that many non-governmental organisations, national governments, and even international organisations have eagerly, perhaps even somewhat naively, adopted. However, its practical implications have not been subject to much robust and rigorous political debate outside radical feminist and some other circles. Beatrix Campbell, a renaissance person of British political and culture life, recently noted that since entering British politics in the 1960s, there has never been a topic as stifling and inflammatory as self-identification of legal gender. “Self-id” has already been passed in many European jurisdictions as well as elsewhere in the world, but it is also subject to existing or planned legislative proposals in many states.

In Finland, grassroots gender politics have been reinvigorated around this. Small NGOs (*Naisten rintama* – “Women’s Front” and *LHB-liitto* – “LHB League”) have been officially registered in 2021. These associations were instantly vilified in social media. On the other hand, popular events such as the Tokyo Olympics have brought the implications of self-id into public debate. Unfortunately, debate is not always robust or factual. As Green, Left, and other value-liberal political parties or factions of them have sold out the rights of women and girls for the sake of what could be called ‘progressive populism’, and even the language with which to speak of them, many female voters have been made politically homeless.

Women from different walks of life have been trying to instigate civilised debate on the implications of gender self-identification in Finland. So far, there have been blogs posts, some opinion pieces and one factual article in a weekly current affairs magazine. The biggest daily *Helsingin Sanomat* also ran a story in 2020 on the huge increase of female-to-male identifying girls that can be seen in many industrialised nations. Self-id is a different kind of question in Finland as it happens to have male conscription. Two thirds of the young male age cohort complete military service or equivalent non-military service on pain of criminal punishment. For women, military service is voluntary. Women and men are not equal the eyes of the law on this. This shows that sex matters, for example in a relatively militarised small state where most of the electorate support maintaining male conscription and a sizeable national defence machinery.

The current government is a coalition, as is typical in Finnish politics. It is centre-left, with the Social Democrats, the agrarian Centre Party, the Green Party, the Left Alliance, and the Swedish People’s Party (representing the Swedish-speaking minority). The government has many policies that touch upon sex and gender, some of them contradicting each other. It aims to fulfil its international treaty commitments on women’s rights in foreign policy and development cooperation. There is hardly any confusion on what women are in that context. The government has also promised to produce (yet) another paper on the conditions for legalising surrogacy on a non-remunerated basis.

Surrogacy is lobbied for by NGOs focusing on childlessness, wombless women, and LGBTIA rights. Hardly any confusion who are the ones that this impinges upon: women.

The current government platform contains a compromise plan of revising the existing Act on legal gender recognition¹. Indeed, the law from 2002 needs to be revised, as it contains a sterilisation requirement. The European Court of Human Rights mandates that such requirements be removed², as they infringe on bodily autonomy. This is well within established human rights principles, and would bring Finnish legislation close to what the Gender Recognition Act is, for example, in England and Wales is like now. The revision of the law is ongoing, and the government is going to introduce the proposal in about in less than six months' time. According to the government platform, the medical requirements would be lifted from the legal process of gender recognition. This would be available only to adults over 18 years of age.

Last spring, a citizens' initiative for self-id was launched. It is well written, as a full legislative proposal (the one on conversion therapy, making the rounds at the moment, is not). It came from activists with a radical transgender rights agenda. It proposes that legal gender recognition be made completely subjective and that it would also apply to minors 15 and above. The initiative was signed by about 70,000 Finnish citizens eligible to vote. As it obtained over 50,000 signatures, it will be discussed by Parliament. However, in popular debate the citizen's initiative and the content on the government platform on this question often get mixed up.

What is most baffling is how, just like in many other states, different Finnish NGOs focusing on human rights, women's rights and children's rights have quite blindly adopted the self-id agenda. Not just according to the guidelines of the government platform, as many of them support the content of the citizens' initiative, such as subjective change of legal gender also for minors. The ethics of this proposition may be called into question as it is well known and professed by medical doctors that about 80% (or 60–90%, depending on the sources) of children with gender dysphoria grow up to be non-dysphoric adults.

In recent years, the Ministry of Social Affairs has produced some preliminary analysis and different models for revising the Act, ranging from restrained (lifting only the sterilisation requirement) to disconnecting the diagnostic process completely from legal gender recognition. The legislative project is supposed to advance this year. Time is scarce, partly due to Covid. If the civil servants are not able to complete it, it is a shame as the sterilisation requirement really should be removed. A monitoring and evaluation group has been named to support the civil servants in their work. It contains representatives from many organisations with a full self-id agenda. The changes are often argued for in the name of human rights with no meaningful engagement of principles laid out in the European Convention on Human Rights or CEDAW, which focuses on discrimination of women and girls on the basis of sex.

¹ "Act on legal recognition of the gender of transsexuals", <https://www.finlex.fi/fi/laki/ajantasa/2002/20020563>. Unofficial English translation at: https://www.finlex.fi/fi/laki/kaannokset/2002/en20020563_20020563.pdf.

² Judgment of the European Court of Human Rights, *A.P., Garçon and Nicot v. France*, Applications nos. 79885/12, 52471/13 and 52596/13, <http://hudoc.echr.coe.int/eng?i=001-172913>.

There is only one word in Finnish for sex and gender, *sukupuoli*. However, the Act on Gender Equality, originating from 1986 and the implementation of CEDAW in Finnish legislation, protects from discrimination on the basis of (legal) sex. Gender identity and gender expression were added as protected characteristics in 2015. It is the constant muddling of these concepts in public discourse not just by anyone, but also by academics, activists, and 'intersectional feminists' that has brought us to the current situation. Let's hope there will be lots of sound professionals in the room when the legislative proposal for revising the act of legal gender recognition is being discussed and formulated.

The government's gender equality platform, a separate document, contains suggestions such as the adoption of a third legal gender category, for 'non-binary' and agender persons, for example. Finland does not carry out censuses, as it maintains register data that is esteemed and lauded worldwide for its usefulness for quantitative research. Introducing a third category would muddle the data for, e.g., health care planning, social statistics, and academic scholarship. Anonymous surveys may of course contain questions on gender identity and sexuality, preferably in addition to sex. Otherwise, the data can be close to useless. In practice, categories that yield only a small number of answers are often left out of analysis.

Anyone with a self-proclaimed gender identity also has a sex, both as a legal category and reproductive classification. However, MPs and even civil servants talk about 'non-binary' persons in the context of legal sex, such as potential reforms to conscription in Finland, where it really is sex that is the main dividing line. It also looks like data collection in employment, education and other fields can be muddled due to diversity and inclusion guidance, often based on unscientific and/or cherry-picked content coming from NGOs³. Sex education materials are also something to keep an eye on, as they are often produced by third party organisations.

Sex is a matter of public record. Gender identity, if a person thinks they have one, is a matter of privacy. This is also in the interest of a person proclaiming to have a gender identity. This has implications to the privacy and data protection of individuals. In Finland, the Act on Equality between Women and Men is implementation of CEDAW merged with directives of the European Union. Further questions need to be asked and representatives of public institutions must answer them.

³ The most relevant NGO in this respect is LGBTI Rights in Finland – Seta, English website <https://en.seta.fi/>. The acronym Seta comes from *seksuaalinen tasavertaisuus*, which literally translates as 'sexual equality' referring to sexual orientation. The organisation was founded in 1974 to fight for the rights of gay, lesbian, and bisexual people. However, in recent years it has adopted an agenda with considerable emphasis on gender identity politics. Together with some its member organizations, it also advocates for controversial political goals, such as the availability of puberty blocking treatments for gender-non-conforming children (<https://seta.fi/2021/01/22/setan-lausunto-valtioneuvoston-tasa-arvopoliittisesta-selonteosta/>, accessed 9 Aug 2021). A recent review on the evidence base for such and other treatments on gender dysphoria in public health care has taken a restrictive approach: see <https://palveluvalikoima.fi/dysforia-transsukupuolisuus>; for an English translation on the guidelines on minors, see https://segm.org/Finland_deviates_from_WPATH_prioritizing_psychotherapy_no_surgery_for_minors.