

TALLINN UNIVERSITY OF TECHNOLOGY

School of Business and Governance

Department of Law

Vakhtangi Gamtsemlidze

**LEGAL ASPECTS OF GENDER EQUALITY IN FINLAND AND
THE EU**

Bachelor's thesis

Programme HAJB, specialisation European Union and International Law

Supervisor: Evhen Tsybulenko, PhD

Tallinn 2020

I declare that I have compiled the paper independently and all works, important standpoints and data by other authors have been properly referenced and the same paper has not been previously been presented for grading.

The document length is 9,624 words from the introduction to the end of summary.

Vakhtangi Gamtsemlidze

(signature, date)

Student code: 177682HAJB

Student e-mail address: v.gamtsemlidze@gmail.com

Supervisor: Evhen Tsybulenko

The paper conforms to requirements in force

.....

(signature, date)

Chairman of the Defence Committee:

Permitted to the defence

.....

(name, signature, date)

TABLE OF CONTENTS

ABSTRACT	4
INTRODUCTION	5
1. LEGAL ASPECTS OF GENDER EQUALITY IN FINLAND AND THE EU	8
1.1. Main gender equality provisions in Finland	8
1.2. Legal provisions for gender equality in the EU	10
1.3. Review of prior research into gender equality issues	13
2. ANALYSIS OF LAW AND LEGAL CASES, RELATED TO GENDER EQUALITY IN FINLAND AND THE EU	18
2.1. Analysis of Finnish law related to gender equality	18
2.2. Statistical analysis of EU courts.....	23
2.3. Analysis of legal cases.....	25
CONCLUSION	31
REFERENCES	33

ABSTRACT

According to SF survey, only 20% of Finnish women consider that they are equal in society with men; conversely, 45% of men, in this northerly EU member state, think the same thing.

Considering the 2010 revelation that Finnish men possess a unique gene mutation that makes them want to fight, following thesis will examine the legal aspects of Finnish gender equality law, to determine if their non-discrimination regulations are helping or hindering this biological discovery. Aim of the thesis is to investigate the possible impact of regulations concerning gender equality in Finland and relevant EU directives. This research will apply mixed methods (qualitative and quantitative) to answer the research question. Qualitative implies Analysis of peer-reviewed academic articles and prior research results, and quantitative covers Analysis of EU legislation related to gender equality, there is illustrated analysis of legal cases to show more precisely complexity of the problem.

To discover how the Finns are legally treating gender equality, their government provides an advanced database of Finnish laws in English, and these will be searched to find gender equality related regulations, using Finlex website database. Secondary aim of existing thesis is to find out how alcohol consumption in Finnish society affects effectiveness of gender equality law, the Finex database will also be searched for alcohol-related regulations, counselling services for families and women who may have to deal with violence and aggression.

By concluding the facts of the thesis author proposes some certain ways to solve above-mentioned problem, and concludes that consequences of Gender equality quite obviously require attention.

INTRODUCTION

Research topicality and background

Considering the 2010 revelation that Finnish men possess a unique gene mutation that makes them want to fight, according to N. Firth¹, this thesis will examine the legal aspects of Finnish gender equality law, to determine if their non-discrimination regulations are helping or hindering this biological discovery.

As a member of the Eurozone and the EU, Finland is an important neighbour, trading and tourism partner to Estonia, Russia and Scandinavia, with Estonia legally advanced in the area of non-discrimination and digital law.² But is Finland as legally advanced, especially in gender equality? As an EU member state, Finland is required to follow EU directives and thus the non-discrimination directives pertinent to gender equality will also be examined.

Therefore, aim of the thesis is to investigate the possible impact of regulations in regard to gender equality in Finland and relevant EU directives.

According to Statistics Finland, Finland has some way to go to compete with Estonia on gender equality. In the SF survey, only 20% of Finnish women consider that they are equal in society with men; conversely, 45% of men, in this northerly EU member state, think the same thing. The previous year, 2017, suggests the matter is improving however, with 15% of women finding gender equality a reality in Finnish society. In terms of politics, and despite the above surveys, Finnish women do appear to be well represented, with 41.5% of the nation parliament being women and 39% of politicians in local government are female.³

N. Firth explains that Finnish men are uniquely predisposed to violence, through their narrow genetic history – derived from a small number of original settlers, which has continued within

¹ Firth, N. (2010); The ‘violent’ gene: Genetic mutation found only in Finnish men that makes them fight. Available at: <https://www.dailymail.co.uk/sciencetech/article-1341100/The-violent-gene-Genetic-mutation-Finnish-men-makes-fight.html> [accessed 17 Feb 2020]

² Riigi Teataja (2020); Estonia Legal Database. Available at: <https://www.riigiteataja.ee/en/search> [accessed 17 Feb 2020]

³ SF (2018); Statistics Finland: Is gender equality realised in Finland? Available at: <https://www.stat.fi/uutinen/is-gender-equality-realised-in-finland> [accessed 17 Feb 2020]

modern-day male Finns.⁴ This genetic trait however, highlighted by Nature magazine and identified by the US Laboratory of Neurogenetics (NIAAA), presents a difficult problem to solve legally, in regards to the behaviour of Finnish men. N. Firth describes this aggressive tendency as being a purely impulsive condition – no foresight or pre-meditation.⁵ Thus, the NIAAA research implies that no laws could impact this aspect of Finnish society and the possible negative treatment of women on a physical level.

The implied mitigation of this violent phenomenon, would be a focus on pre-emptive and proactive help in Finnish society, such as provisions in law to reduce the tendency of violent conflict, through alcohol and substance abuse. These could be restrictions on alcohol and substance availability, education and counselling at the earliest opportunity, to address particularly violent tendencies and provide practical anger management skills.

Finland therefore, is a unique case in regards to gender equality. It is not just about their laws in this regard, but also laws that provide practical mitigation of a real societal problem that only Finnish men have. The NIAAA study suggests that alcohol consumption is a factor in impulsive aggressive behaviour, and so this thesis will examine the Finnish attitude and practice of alcohol consumption – how it is regulated, accepted and its level of pervasiveness in Finnish society.

To deal with alcohol in Finnish society, the laws that regulate this aspect, regulations to deal with the consequences for families and women, as well as the services that are available for counselling – substance abuse and human anger management skills, all partially influence the practical effectiveness of gender equality laws. The importance of the socialization of the international human rights legislation into the domestic practices is highlighted by Risse-Kappen *et al.*⁶ and Donnelly & Whelan.⁷ At the same time, according to Flowers, gender equality is one of the basic human rights and needs to be observed in any situation.⁸ The relevance of the prevailing Finnish alcohol phenomenon and its impact on legal effectiveness, will thus form a secondary aspect of Finnish gender equality research, and is therefore another aim of this thesis, to enhance the discussion of the main findings from literature.

⁴ Firth, N. (2010); The ‘violent’ gene: Genetic mutation found only in Finnish men that makes them fight. Available at: <https://www.dailymail.co.uk/sciencetech/article-1341100/The-violent-gene-Genetic-mutation-Finnish-men-makes-fight.html> [accessed 17 Feb 2020]

⁵ *ibid*

⁶ Risse-Kappen, T., Risse, T., Ropp, S. C., & Sikkink, K. (Eds.). (1999). *The power of human rights: International norms and domestic change* (Vol. 66). Cambridge University Press.

⁷ Donnelly, J., & Whelan, D. J. (2017). *International human rights*. Hachette UK.

⁸ Flowers, N. (2000). *The Human Rights Education Handbook: Effective Practices for Learning, Action, and Change. Human Rights Education Series, Topic Book*. Human Rights Resource Center, University of Minnesota, 229 19th Avenue South, Room 439, Minneapolis, MN 55455.

Research Methodology

To discover how the Finns are legally treating gender equality, their government provides an advanced database of Finnish laws in English, and these will be searched to find gender equality related regulations, using Finlex website database. Similarly, the EU also provides online legislation services, and a small set of search terms will be used to find relevant EU legal directives in regard to gender equality, using Lex database.

The secondary aim – to find out how alcohol consumption in Finnish society affects gender equality law effectiveness, the Finex database will also be searched for alcohol-related regulations, counselling services for families and women who may have to deal with violence and aggression.

The aim to be achieved with the research is to investigate the possible impact of regulations in regard to gender equality in Finland and relevant EU directives.

Research question:

1. What can be done to improve gender equality in Finland?

Research methods:

The research will use mixed methods (qualitative and quantitative):

Qualitative methods, using qualitative data:

- Analysis of peer-reviewed academic articles and prior research results;
- Analysis of EU legislation related to gender equality.

Quantitative methods, using quantitative data:

- Statistical analysis of EU (Finland) legal outcomes.

Structure of the paper

The paper consists of an introduction and

1. LEGAL ASPECTS OF GENDER EQUALITY IN FINLAND AND THE EU

1.1. Main gender equality provisions in Finland

According to STM, Finland is a pioneer of gender equality. They explain that Finland has a long history of gender equality, with definite provisions dating from the 1850s to address the issues of gender equality.⁹ The first women's groups were formed from the 1880s, to voice their opinions and promote the rights of women.¹⁰ Women's rights in wealth inheritance and education were all formulated up to and including 1901, with full political rights by 1906. The first female government cabinet minister – Miina Sillanpaa, took office as the Second Minister of Social Affairs in 1926, beginning the equality for women in the Finnish national parliament.¹¹

The Marriage Act 1930 was written into law to release women from reliance on their husband's guardianship, which added to 1919 laws to provide women with the right to paid employment.¹² During the Finnish Civil War of 1918 and Heimosodat conflicts of 1918 to 1922, women were tasked to work for the war effort, whilst their men were fighting on the front. Women worked in factories, farms and hospitals during times of conflict, and many stayed within those roles in peacetime. Thus, working women were the norm in Finland from the early 20th century, which was helped by the provision of childcare services and free school meals, formally made legal in a 1948 provision.¹³

The influence of civil rights and gender equality in the US during the 1960s effectively began to change the world for women and ethnic minorities, and Finland was watching these developments closely¹⁴. Although Finnish women were by then, well used to working for a living, the issue of child care and its social provision were ever present, and the first parental

⁹ STM (2020); Ministry of Social Affairs and Health: Finland is a gender equality pioneer. Available at: <https://stm.fi/en/finland-is-a-gender-equality-pioneer> [accessed 18 Feb 2020]

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

¹³ *ibid*

¹⁴ *ibid*

leave regulations were introduced in the 1970s.¹⁵ In the same decade, the issues of sex and reproduction were also at the forefront of Finnish society; with new abortion laws (for social reasons) passed, alongside legally required birth control and sex education services.¹⁶

The 1970s also saw homosexuality decriminalized, but violence against women appeared to be ever present in Finnish society, with the first refuges for women established in that decade. The Employment Contracts Act of 1971 was passed into Finnish law, to prohibit gender discrimination at work, followed by the Gender Equality Council in 1972, to monitor sex-discrimination cases. Further improvements to pension provisions and social security law, contributed to gender equality throughout the 70s.¹⁷

At the beginning of the 1980s, the United Nations (UN) would influence Finnish society, who had joined the convention for the removal of all types of discrimination, passing the Equality act in 1987, to encompass gender equality, as well as other prohibited forms of discrimination against women. To strengthen family life, the legal right to establish joint custody of children, was already established by 1983. The UN program, ratified by Finland in 1986, also encouraged Finland to add regulations to allow women to keep their maiden names after marriage, and also to provide children with that right of choice of family name.¹⁸

On searching Finlex database¹⁹, the results of the term ‘gender’ returned Act No 563/2002, which recognizes the legal gender of trans-sexual, for individuals who identify as being opposite to their birth sex, with or without a formal medical sex change.²⁰ This act however, excludes minors and those in formal marital and living partnerships, which will be discussed further in part 1.3 below.

Using the term ‘equality’ on the Finlex database, resulted in Act No 609/1986 being returned, which establishes legal equality between women and men.²¹ Amended by Act No 915/2016, these prohibit gender discrimination in general and are intended to promote equality, especially between women and men. Attempting to raise the status of women, according to the text, the

¹⁵ STM (2020); Ministry of Social Affairs and Health: Finland is a gender equality pioneer. Available at: <https://stm.fi/en/finland-is-a-gender-equality-pioneer> [accessed 18 Feb 2020]

¹⁶ *ibid*

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ Finlex (2020); Translations of Finnish acts and decrees. Available at: <https://www.finlex.fi/en/laki/kaannokset/> [accessed 17 Feb 2020]

²⁰ Finlex (2020a); Act on legal recognition of the gender of transsexuals. Available at: https://www.finlex.fi/en/laki/kaannokset/2002/en20020563_20020563.pdf [accessed 18 Feb 2020]

²¹ Finlex (2020b); Act on Equality between Women and Men. Available at: https://www.finlex.fi/en/laki/kaannokset/1986/en19860609_20160915.pdf [accessed 18 Feb 2020]

acts' objectives are also to remove discrimination based on gender identity and expression, which goes far further than the original 1986 legislation, and are discussed further in 1.3 below. In regard to the consumption of alcohol, pertinent to the genetic traits of Finnish men having a propensity to impulsive violent aggression, potentially fueled by alcohol, according to N. Firth.²² A search using the term 'alcohol' returned Act No 1143/1994, establishing the national regulation of alcohol consumption. Objectives of the act are to prevent detrimental health, social and societal issues, which are caused by alcohol consumption, by controlling consumption.²³ This act regulates a State Alcohol Monopoly, local retailers and specially licensed retailers, which is designed to restrict alcohol consumption, ensure beverage production is of high quality and allows local authorities to ban alcohol retailing on their territories. A further discussion of these points continues in chapter 2.

1.2. Legal provisions for gender equality in the EU

As an EU member, Finland is required to abide by legal directives issued by the EU in regard to gender equality. The main provision for the equal treatment of women and men in employment is directive No 2000/78/EC, which states that this is a framework is focused on the removal of discrimination against people at work, based on sexual orientation and other factors.²⁴

This directive also includes discrimination free promotion at work, equal pay for similar conditions, access to employment related training, work opportunities (for employees and the self-employed), impartial disciplinary procedures and equal working conditions.²⁵

The term 'diversity' is also used by directive 2014/95/EU, which amends an earlier directive concerning employer disclosures (2013/34/EU, Art. 20). This directive requires certain large organizations to provide a Diversity Policy along with their regular financial reports. This additional document must describe the corporate profile of employees, based on gender, age, education and employment background. If such a report is not forthcoming, the employer is

²² Firth, N. (2010); The 'violent' gene: Genetic mutation found only in Finnish men that makes them fight. Available at: <https://www.dailymail.co.uk/sciencetech/article-1341100/The-violent-gene-Genetic-mutation-Finnish-men-makes-fight.html> [accessed 17 Feb 2020]

²³ Finlex (2020c); The Alcohol Act. Available at: https://www.finlex.fi/en/laki/kaannokset/1994/en19941143_20140152.pdf [accessed 18 Feb 2020]

²⁴ Europa (2020); No 2000/78/EC: Equal treatment at work. Available at: <https://osha.europa.eu/en/legislation/directives/council-directive-2000-78-ec> [accessed 18 Feb 2020]

²⁵ *ibid*

required to provide adequate reasons for its absence within their statutory reporting cycle, according to directive 2014/95/EU.²⁶

A more detailed EU directive dealing with gender equality is No 2006/54/EC, which is an amalgamation of previous directives, and clarifies the principles of equal opportunities and treatment of women and men at work or occupation – described as a recast directive in the text.²⁷

The main provisions are gender equality, including those who have reassigned their gender, whether employed or self-employed. The directive includes equal pay provisions for similar work under equivalent conditions and emphasizes equal treatment with respect to gender ‘in all areas’. The issues at work concerning prohibition of harassment are also comprehensively covered, with employers required to take preventative measures to stop such behaviors arising.²⁸

An early directive about social support was established by No 79/7/EEC, which laid the ground rules for discrimination free social security schemes. The intention of this directive was to protect citizens from the risk of ill health, disability, old age, occupational accidents and diseases, as well as unemployment.²⁹

For women who are pregnant and for part-time working in general, gender discrimination directives Nos 2010/18/EU, 97/81/EC and 92/85/EEC.

No 2010/18/EU requires member states to adopt adequate national provisions to ensure pregnant women are not disadvantaged in employment, by having children or requiring time off to look after them (parental leave) and the reconciliation of family, professional and private life in general.³⁰

Part-time working is addressed by No 97/81/EC, which seeks to remove discrimination against, and improve the quality of work for, part-time workers in general.³¹ This provision is particularly useful for women with children, who cannot work full-time, since childcare and schools hours tend to be incompatible with normal working hours.

²⁶ EurLex (2020); No 2014/95/EU: Disclosure of non-financial and diversity information. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0095> [accessed 19 Feb 2020]

²⁷ EurLex (2020a); No 2006/54/EC: Equal Opportunities and Treatment at Work. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:EN:PDF> [accessed 19 Feb 2020]

²⁸ *ibid*

²⁹ EurLex (2020b); No 79/7/EEC: Equal Treatment of Men and Women in Matters of Social Security. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31979L0007> [accessed 18 Feb 2020]

³⁰ EurLex (2020c); No 2010/18/EU: Framework Agreement on Parental Leave. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010L0018> [accessed 19 Feb 2020]

³¹ EurLex (2020d); No 97/81/EC: Framework Agreement on Part-time Work. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997L0081> [accessed 19 Feb 2020]

For pregnant women at work, those who have recently given birth or are breastfeeding, directive No 92/85/EEC is most useful.³² This directive and its related predecessors, ensure that pregnant women, recent mothers and those breastfeeding must be considered as a specific risk group. Employers are required to take measures to secure the health and safety of these women at work, and not discriminate against these who seek employment.³³

The selected EU directives above, clearly demonstrate a comprehensive regulation of gender equality and the prohibition of discrimination between women and men. Although some of these directives are from the 1980s, they have been constantly developed, extended and recast into regulations that support women in particular, and especially at work.

It could be said that for some member states, perhaps not Finland however, the specific provisions for gender equality were a new feature of their social fabric, and thus, it is difficult to imagine that all those countries will practice these regulations equally.

Indeed, K. Gilchrist confirms that in a UN sponsored survey of gender equality, based on Sustainable Development Goals (SDG) - Denmark is the world's best performer with an SDG Gender Index score of 89.3 (out of 100 and almost 'excellent', if the score was 90 or above).³⁴

Finland is in a good second place for gender equality performance, scoring 88.8 (again almost 'excellent'). Six other EU member states are also within the top 10 for gender equality (and are all classified as 'good'): Sweden (3rd), Netherlands (5th), Slovenia (6th), Germany (7th) and Ireland (9th). Interestingly, the UK is ranked 17th (82.2) and also described by the survey as 'good', whilst the US is 28th place (77.6), taking up the mantle of an average - 'fair' gender equality. The worst performing EU member state is Romania (43rd) with a score of 72 (but is still 'fair'). Chad takes the very last 129th place with a score of just 33.4, being the country where gender equality is described as 'very poor', according to Equal Measures report.³⁵

It can be seen from the above survey that gender equality is both related to wealth and not so related – the US being 28th and the wealthiest nation, whilst Slovenia is amongst the least financially developed EU states, yet is in 6th place. Perhaps understandably, the poorest and most underdeveloped countries have the lowest gender equality scores and can be found in Africa, Latin America and Asia.

³² EurLex (2020e); No 92/85/EEC: Health and Safety at Work for Pregnant Workers, Recent Mothers and Those Breastfeeding. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0085> [accessed 19 Feb 2020]

³³ *ibid*

³⁴ Gilchrist, K. (2019); No country in the world meets the mark on gender equality... Available at: <https://www.cnbc.com/2019/06/03/gender-equality-index-most-countries-fall-short-on-basic-equality.html> [accessed 19 Feb 2020]

³⁵ Equal Measures (2019); 2019 Global Report. Available at: <https://data.em2030.org/2019-global-report/> [accessed 19 Feb 2020]

The most significant factor for good gender equality appears to be cultural and societal treatment (especially by men) of women and how those cultures perceive women in general. Saudi Arabia is a case in point, being an advanced nation with ‘very poor’ gender equality ranked 92nd out of 129 and scoring only 57.4 in the survey.

It is no surprise that Scandinavian countries, such as Finland, all have high rankings, because of their advanced and modern cultures, with good levels of societal wealth and practices, and in the case of Finland again, those practices started over 150 years ago.

1.3. Review of prior research into gender equality issues

A number of recent studies has highlighted the importance of working towards gender equality. For example, A. Falk and J. Hermle note that gender equality has a major effect on the economic condition of countries and their economic development, which is explained by men and women being affected by the economy in different ways.³⁶ P. Ben-Nun Bloom *et al.* highlight the positive impact of economic globalization on improvement of gender equality.³⁷ Kazandjian *et al.* have concluded in their research that countries with lower gender equality produce lower variety of goods to trade and thus negatively affect their opportunities for international trade.³⁸ It is important to discuss gender equality from the perspective of lesbian, gay, bisexual, and transgender (LGBT) representatives of societies. N. Berggren and M. Elinder argued that non-inclusion of LGBT people fully into the society due to their gender differences to the traditionally accepted ‘male’ and ‘female’ leads not only to the breach of their fundamental human rights, but also undermines economic development by excluding LGBT community from full participation in value creation.³⁹ M. L. Badgett *et al.* confirm this by discovering that inclusion of LGBT people and recognition of their rights has positive effects on the economy, which stem from increased labor hours, higher productivity due to a more effective allocation of personnel and higher investment in professional development.⁴⁰

³⁶ Falk, A., & Hermle, J. (2018). Relationship of gender differences in preferences to economic development and gender equality. *Science*, 362(6412), eaas9899.

³⁷ Ben-Nun Bloom, P., Gilad, S., & Freedman, M. (2017). Does exposure to other cultures affect the impact of economic globalization on gender equality?. *International Political Science Review*, 38(3), 378-395.

³⁸ Kazandjian, R., Kolovich, L., Kochhar, K., & Newiak, M. (2019). Gender equality and economic diversification. *Social Sciences*, 8(4), 118.

³⁹ Berggren, N., & Elinder, M. (2012). Is tolerance good or bad for growth?. *Public Choice*, 150(1-2), 283-308.

⁴⁰ Badgett, M. L., Waaldijk, K., & van der Meulen Rodgers, Y. (2019). The relationship between LGBT inclusion and economic development: Macro-level evidence. *World Development*, 120, 1-14

R. Ackrill *et al.* note that gender equality is one of the foundations of the EU and is on the list of the priority policies, applied within the legislation of the EU.⁴¹ However, as authors argue, this concept is has not been fully embraced across the member states. Having compared the delivery of the policy on gender equality within construction industry in the UK and France, R. Ackrill *et al.* conclude that the reasons for women in construction taking mainly administrative and support roles are the ‘fracture points’ in policy development and delivery that occur between the EU governing bodies and national governments, then on the next level – between national governments and industries and on the third level down – within industries.⁴² R. Ackrill *et al.* also conclude that gender equality in construction industries of the UK and France has not been achieved, despite the goals and efforts of the governing bodies.⁴³

It is known that the construction industry is male-dominated, according to A. Agapiou⁴⁴, which can be explained by the levels of physical strength it requires from the hands-on workers. However, when speaking about gender equality in construction, many researchers, such as S. Fielden *et al.*, A. Agapiou, J. H. Watts and R. Ackrill *et al.*, are speaking about management roles that do not require physical strength, and that the majority of managers within the construction industry are male.⁴⁵⁴⁶⁴⁷⁴⁸

It could be argued that one of the reasons for this phenomenon is that to become a manager within the construction industry one needs to complete an appropriate education, such as construction engineering, civil engineering, etc., and such study programs are mainly chosen by men. This raises a question about promotion of such professions to females, which may not be choosing them due to psychological constraints, described, for example, by Murrell *et al.* (1991) almost three decades ago.

⁴¹ Ackrill, R., Caven, V., & Alaktif, J. (2017). ‘Black Boxes’ and ‘fracture points’: the regulation of gender equality in the UK and French construction industries. *The International Journal of Human Resource Management*, 28(21), 3027-3046.

⁴² *ibid*

⁴³ *ibid*

⁴⁴ Agapiou, A. (2002). Perceptions of gender roles and attitudes toward work among male and female operatives in the Scottish construction industry. *Construction Management & Economics*, 20(8), 697-705.

⁴⁵ Fielden, S. L., Davidson, M. J., Gale, A., & Davey, C. L. (2001). Women, equality and construction. *Journal of Management Development*.

⁴⁶ Agapiou, A. (2002). Perceptions of gender roles and attitudes toward work among male and female operatives in the Scottish construction industry. *Construction Management & Economics*, 20(8), 697-705.

⁴⁷ Watts, J. H. (2008). Impression management: a form of emotion work for women in a male-dominated profession. *International Journal of Work Organisation and Emotion*, 2(3), 221-235.

⁴⁸ Ackrill, R., Caven, V., & Alaktif, J. (2017). ‘Black Boxes’ and ‘fracture points’: the regulation of gender equality in the UK and French construction industries. *The International Journal of Human Resource Management*, 28(21), 3027-3046.

Today, however, as noted by N. H. Abdullah *et al.*, women are choosing engineering degrees more than before.⁴⁹ Nevertheless, only 73.9% of women being surveyed at Malaysian Technical University Network (MTUN) by N. H. Abdullah *et al.* are planning to continue their professional development within the engineering and construction industry due to the reduced opportunities that they are facing from employers.⁵⁰

Therefore, it can be seen that within the last decades women have become more psychologically empowered to choose the profession they like, whether it is male or female, according to the traditional views of the past. However, the realities of the employment do not always match these developments and women are facing prejudice and lower opportunities than men in traditionally 'male' industries are.

It is important to note, however, that gender equality does not only apply to women integrating into 'male' professions. It is also about men choosing professions, traditionally perceived as 'female', such as, for example, nursing, teaching, secretarial roles. According to the research by R. J. Meadus and J. C. Twomey on the Canadian male registered nurses has found that the main reasons for male choosing to be a nurse are the job security, salary and career opportunities, whilst the barriers of gender stereotypes still persisted.⁵¹ The study by M. Yi and B. Keogh on studies in this field has highlighted two other factors for male nurse profession choice: the exposure to health care profession prior to the choice of education and the 'chance'.⁵² A study, conducted by M. O. Abudari *et al.* in 2016 has shown that the attitudes towards the profession of a nurse are mainly positive amongst male secondary school students in Egypt and that the questioned students view nursing as a prospective career option, although the majority of students would not choose to be a nurse.⁵³ Nevertheless, this study shows the change in attitude towards the profession of a nurse and it is no longer perceived as an exclusively 'female'.

D. Bhana and S. Moosa discover the difficulties in attract males to foundation phase teaching (FP) profession due to the perceptions of this role as requiring less intellectual skills.⁵⁴ T. Crisp and J. R. King confirm these findings by concluding that the choice of this profession is a subject

⁴⁹ Abdullah, N. H., Shamsuddin, A., Wahab, E., Hamid, N. A. A., & Azizan, A. Z. (2018, November). Women Participation In Engineering Professions: Future Intentions and Directions. In *2018 IEEE 10th International Conference on Engineering Education (ICEED)* (pp. 220-223). IEEE.

⁵⁰ *ibid*

⁵¹ Meadus, R. J., & Twomey, J. C. (2007). Men in nursing: Making the right choice. *The Canadian Nurse*, 103(2), 13.

⁵² Yi, M., & Keogh, B. (2016). What motivates men to choose nursing as a profession? A systematic review of qualitative studies. *Contemporary nurse*, 52(1), 95-105.

⁵³ Abudari, M. O., Ibrahim, A. F., & Aly, A. A. (2016). Men in nursing" as viewed by male students in secondary schools. *Clinical Nursing Studies*, 4(2), 41-7.

⁵⁴ Bhana, D., & Moosa, S. (2016). Failing to attract males in foundation phase teaching: An issue of masculinities. *Gender and Education*, 28(1), 1-19

of prejudice formed around females being naturally better at teaching young children due to their mothering instinct.⁵⁵ However, T. Crisp and J. R. King note that there is a need to experience opposites in early childhood in terms of interaction with both, female and male role models.⁵⁶

F. Danbold and C. Bendersky discuss how valuation of females in ‘male’ professions can be increased by an ‘inversion of professional prototypes’, which is based on the rebalancing perceived prototypes of professions with traditionally ‘male’ and ‘female’ qualities, which most of the professions require in almost equal measures.⁵⁷

The concept of gender equality encompasses not only male-female relationships, since the definition of ‘gender’ is much wider than that and today has become even more embracing than ever before. J. Pryzgoda and J. C. Chrisler note that the term ‘gender’ has often been interpreted in the same way as the term ‘sex’ and that there have been confusing interpretations of both.⁵⁸ J. C. Crisler and S. A. Lamer define ‘gender’ as “a term, borrowed from grammar, to describe individuals' social identity (woman/girl, man/boy) and personality or behavioral tendencies (e.g., masculine, feminine, androgynous, transgender).”⁵⁹ J. C. Crisler and S. A. Lamer also note that “gender as a social identity is usually (but not necessarily) related to an individual's biological sex.”⁶⁰

Whilst the society has become more accustomed with women choosing ‘male’ professions and men choosing ‘female’ professions, the questions of acceptance of other types of gender generally are still ‘hot’. The study of an introduction of gender studies (Master degrees on gender) into political studies in Spain, conducted by A. Alonso and E. Lombardo has shown that these have been met with the resistance from the University Council of Spain, due to the “fundamental ideological resistances against gender equality that have motivated the suppression of the degree”⁶¹. A. Alonso and E. Lombardo, however, note that the concept of gender equality in light of the liberation of the definition of ‘gender’ and liberation of the representatives of any

⁵⁵ Crisp, T., & King, J. R. (2016). “I Just Love Kids... Is That a Problem?”: Desire, Suspicion, and Other Good Reasons Men Don’t Choose Early Childhood Education. *Taboo: The Journal of Culture and Education*, 15(1), 6.

⁵⁶ *ibid*

⁵⁷ Danbold, F., & Bendersky, C. (2018, July). Inverting professional prototypes increases the valuation of women in male-dominated professions. In *Academy of Management Proceedings* (Vol. 2018, No. 1, p. 17406). Briarcliff Manor, NY 10510: Academy of Management.

⁵⁸ Pryzgoda, J., & Chrisler, J. C. (2000). Definitions of gender and sex: The subtleties of meaning. *Sex roles*, 43(7-8), 553-569.

⁵⁹ Chrisler, J. C., & Lamer, S. A. (2016). Gender, Definitions of. *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*, 1-3., p.1.

⁶⁰ *Ibid*, p.1.

⁶¹ Alonso, A., & Lombardo, E. (2016). Ending ghettoization? Mainstreaming gender in Spanish political science education. *European Political Science*, 15, 292-302., p.9.

gender other than 'male' and 'female' have opened an area of under research phenomena that needs to be studied and fully embraced by developing modern society in the globalized world.⁶²

⁶² Alonso, A., & Lombardo, E. (2016). Ending ghettoization? Mainstreaming gender in Spanish political science education. *European Political Science*, 15, 292-302.

2. ANALYSIS OF LAW AND LEGAL CASES, RELATED TO GENDER EQUALITY IN FINLAND AND THE EU

2.1. Analysis of Finnish law related to gender equality

Act No 563/2002 on recognition of gender of trans-sexual, is not applicable to those under 18, are married or within a registered partnership, however does provide for official registration of alternative gender in official population records. The exclusion of those who are married or within a living partnership for gender recognition, may present problems for those couples who see benefits of gender recognition. In addition, minors who are mature, but under 18, could well have already experienced serious problems regarding their gender identity and the legal recognition of it.

Act No 563/2002 is quite an old law however, being passed in 2002, and could be amended to remove Section 1 - 2) 'is of age' and 3) applicable to 'single' individuals only, to encompass mature minors and those within formal marital or living relationships. Without such an amendment, this law appears to be outdated in terms of modern gender diversity thinking.

Act No 609/1986, amended by 915/2016, attempts to raise the profile of women, according to the text. The amended acts' objectives are also to remove discrimination based on gender identity and expression, which is broader than the original 1986 legislation.

Act No 1143/1994, Section 4) allows the making of alcohol at home without restriction, provided it is through fermentation and is not made for sale. Section 5) establishes commercially licensed producers, whilst Section 6) allows for license removal for production offences. Section 7) covers the re-bottling of alcohol for the purposes of avoiding taxation or to change the product composition (e.g. to add or remove alcohol) and bring these activities within the scope of Sections 5) and 6).

Section 13) of the act, establishes the State Alcohol Monopoly of regulated retailers, who can only sell wines and spirits in excess of 13% alcohol by volume, but retail most alcoholic beverages. Regular retailers can sell beers up to 4.7% alcohol by volume and beverages up to

13% alcohol by volume under special license conditions. Section 12) also provides local councils with the option of barring alcohol retailing within their territory.

It is clear that Finland's Alcohol Act 1994 makes a robust attempt at restricting alcohol consumption, even going as far as barring alcohol retailing, if local authorities so demand it. The obvious issue that presents itself is the unregulated ability to make fermented alcohol at home.

According to Statista⁶³, Finland's alcohol excise duties appear low – from 0.26€ (wine up to 13%) to 0.48€ (spirits over 21%) per liter, but generally, retail prices for alcohol are 70% higher than the EU average, according to Ohberg (2016). With high retail alcohol prices, the temptation to brew alcohol at home suggests that making alcohol unaffordable, will have limited effect in Finland. This is especially the case since neighboring Estonia offers cheap food and lower priced alcohol, which is also available on a two-hour ferry journey from Helsinki to Tallinn, according to Ohberg.⁶⁴

With the maturity of gender equality in Finland, women are now drinking more often than men, according to C. Utti.⁶⁵ Although traditionally, alcohol was thought to promote inequality amongst men and women, with the practice seemingly linked to masculinity and manliness, the most recent changes in Finnish society, suggest the opposite (Utti, 2016). As women take on more independence and responsibilities for themselves, they are drinking much more alcohol at the same time.⁶⁶ Married Finnish women drink more than single females, whilst stay-at-home mums are also drinking more, according to C. Utti.⁶⁷ Young Finnish women students are more likely to binge drink than their male counterparts, according to C. Utti, with rising female alcoholism in Finland.⁶⁸

It can be concluded that the control of overall Finnish alcohol consumption in society is having a limited effect, with more, not less consumption, and a 30% rise in alcohol-related killings in Finland from 2017 to 2018, according to Movendi.⁶⁹ According to C. Utti, the feminism of society and equal gender rights, may have taken many women to a place they never wished to

⁶³ Statista (2020); Alcohol excise duty rate in Finland 2018, by beverage type. Available at: <https://www.statista.com/statistics/802036/alcohol-excise-duty-rate-in-finland-by-beverage-type/> [accessed 18 Feb 2020]

⁶⁴ Ohberg (2016); Alcohol Over 70 Percent More Expensive in Finland... Available at: <https://finlandtoday.fi/alcohol-over-70-percent-more-expensive-in-finland-than-the-eu-average-food-20-percent-above-the-norm/> [accessed 18 Feb 2020]

⁶⁵ Utti, C. (2016); Alcohol Consumption and Gender Equality. Available at: <https://mountainlaurelrecoverycenter.com/alcohol-consumption-and-gender-equality/> [accessed 19 Feb 2020]

⁶⁶ *ibid*

⁶⁷ *ibid*

⁶⁸ *ibid*

⁶⁹ Movendi (2019); Finland: Rising Alcohol Violence After Policy Change. Available at: <https://movendi.ngo/news/2019/03/22/finland-rising-alcohol-violence-after-policy-change/> [accessed 19 Feb 2020]

go, with much more stress and responsibility than they had in decades past.⁷⁰ The result is that women are gaining an unintended gender equality aspect that few anticipated – equal, or in some cases, greater consumption and abuse of alcohol than men.

Since Finnish men have a particular genetic trait towards impulsive violence, which in many cases is influenced by alcohol⁷¹ and with gender equality contributing to unacceptable levels of female alcoholism⁷² it seems obvious that the first culprit to address is overall alcohol consumption in Finland.

Like the general EU-wide ban on smoking in public places indoors and many outdoor locations, why does Finland not ban the consumption of alcohol within city centers and public places where families gather? Possibly restrictions on the availability of home brewing ingredients and paraphernalia? The removal of alcohol on the Helsinki to Tallinn ferry?

Similar to the curtailment of smoking habits, the above would be measures that do not ban alcohol completely, if the consumption is sensibly placed, away from children and families (at least in public). Most sensible parents would not smoke in front of their children, so perhaps Finland can educate its population and provide measures to make alcohol consumption equally stigmatic alongside smoking. Many countries appear to have issues with alcohol consumption, but the recent maturity of gender equality in Finland, appears to have polarized this problem for Finns in general, and Finnish women in particular.

In many ways, it appears that Finnish gender equality is highly developed, yet fundamental issues, such as increased alcohol consumption, have not reformed in a commensurate fashion. With such issues prevailing, these could serve to destabilize this modern and advanced society, undoing much of the good work done in gender equality and the worthy progress of women in Finnish society.

Although the above suggestions and questions, such as social drinking, restrictions on home brewing and limiting alcohol sales on ferries may be valid, they only address specific drinking habits. These established behaviors are perhaps the most difficult to address without looking first at the reasons behind them – people want to drink socially and some excessively, but there are many more women drinking.

⁷⁰ Utti, C. (2016); Alcohol Consumption and Gender Equality. Available at: <https://mountainlaurelrecoverycenter.com/alcohol-consumption-and-gender-equality/> [accessed 19 Feb 2020]

⁷¹ Movendi (2019); Finland: Rising Alcohol Violence After Policy Change. Available at: <https://movendi.ngo/news/2019/03/22/finland-rising-alcohol-violence-after-policy-change/> [accessed 19 Feb 2020]

⁷² Utti, C. (2016); Alcohol Consumption and Gender Equality. Available at: <https://mountainlaurelrecoverycenter.com/alcohol-consumption-and-gender-equality/> [accessed 19 Feb 2020]

Although the duties on retail alcohol sales are moderate, there may be a case for increasing these to the maximum allowed within Finnish and EU law, especially for pure drinking establishments, favoring restaurants and thus higher quality family drinking. Increasing alcohol duties on ferries however, is likely to rebound on the policy with significant wrath from ferry operators and associated businesses who enjoy the general trade volumes.

In regard to home brewing, the ingredients and paraphernalia for making home brew should attract maximum VAT taxation to reduce consumption, with any excess duty redirected into alcohol reform programs and education.

A better focus could indeed be upon education and alternative activities to drinking, such as drink-free events, craft courses, social groups that seek a different approach to quality and family time. Legislation to authorize public funding for such programs and events could be passed, to ensure these gatherings meet good standards, are operated by professionals and appointed inspectors could gather feedback, provide advice and perhaps be involved with the content in some cases.

A Finnish drink-free movement could be enhanced, like that for a smoke-free society, and could begin to encourage people to see alcohol, and especially female consumption, as something socially unacceptable, unless in moderation and during specific situations. Finland appears to be moving in this direction already, hence the busy and drink-filled ferry journeys, as people express themselves in a way that they want, but outside Finland.

The focus could start with women and their activities, social, craft, spiritual, family and work, etc., where the settings are drink-free, but the activities are so interesting, the women involved (with their men if necessary) leave the events in a more advanced frame of mind.

Afterwards, some might say, right let us now go for a drink! However, many might say, that was really good and inspiring, let us not drink tonight, we can practice our newfound skills and ideas.

The issue of adult domestic and intimate partner violence is an issue for Finland, where 76.5% of women are victims, according to Statistics Finland.⁷³ Legislation to introduce mandatory self-defense classes for females from childhood into adulthood could be added to the national curriculum and included in the above social programs, so that women can defend themselves. This could promote a reduction in fighting and improve wellbeing amongst women and families. There is a high probability that this may yield positive results, as e.g. an adult couple who can defend themselves are less likely to fight and the chances of injurious escalation are very much

⁷³ Statistics Finland (2019); Statistics on Offences and Coercive Measures. Available at: https://www.stat.fi/til/rpk/2018/15/rpk_2018_15_2019-06-06_tie_001_en.html [accessed 26 Feb 2020]

reduced. Such a self-defense program for women and men, with encouragement for gender specific classes, could be government funded and operated, with legislation to set standards of practice, professional trainers and the content of skills to be trained. With focus on self-defense and first aid, this could markedly reduce the number of actual violent incidents, and the adverse results of more serious conflicts.

2.2. Statistical analysis of EU courts

Statistics in regard to violations in the European Court of Human Rights (ECHR) are collated for EU member states and others between 1959 and 2019, could provide an idea where Finland is in comparison to other nations, in particular for the ‘Prohibition of discrimination’ (article 14) ECHR – see figure 1.

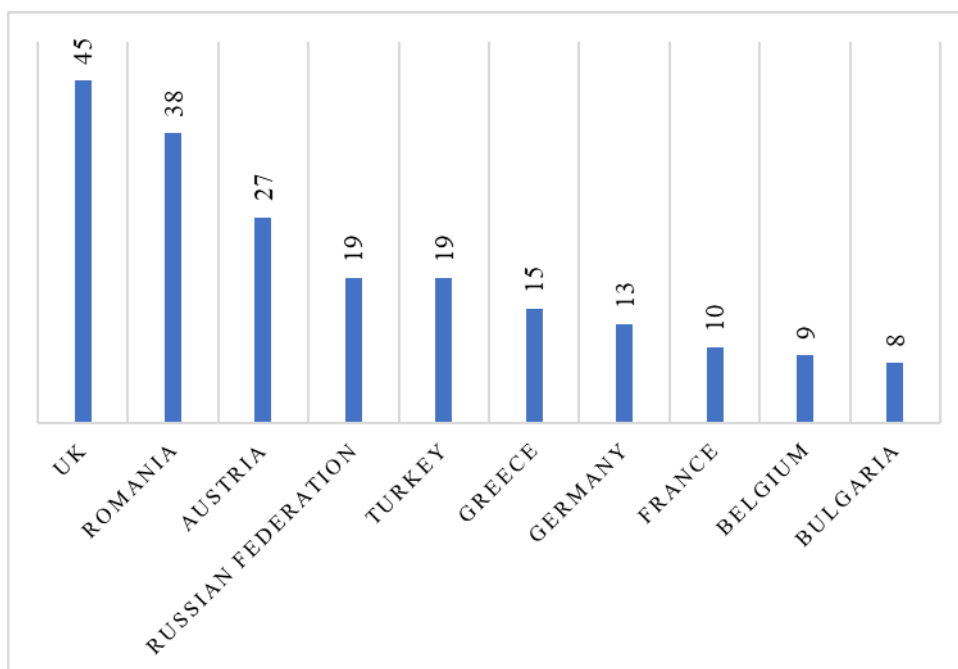


Figure 1. Violations of article 14 of ECHR by country, 1959-2019 (Source: ECHR⁷⁴)

As seen in Fig. 1 above, the highest number of ECHR judgements for the prohibition of discrimination is the UK at 45 violations during the 60 years of data from ECHR. Second place is Romania with 38 violations and Austria is third at 27 cases going against that EU member state for violations.

Outside the EU, both Russia and Turkey have 19 violations each as judged by the EHCR, with EU member Greece fairing better with 15 violations. Germany is next best with 13 violations and France at 10, to complete the list of double-figure violations of nation’s states within the ECHR’s jurisdiction for the prohibition of discrimination.

⁷⁴ ECHR (2019); Violations by Article and by State. Available at: https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf [accessed 25 Feb 2020]

Belgium has 9 violations, followed by Bulgaria at 8, with Italy, Croatia, Georgia and Ukraine, all having 7 unsuccessful cases for discrimination, whilst Hungary at 6 cases, completes the list of violating nations between 5 and 10.

Those states that have incurred ECHR violations from 1 to 5 for discrimination include: Switzerland and Lithuania with 5 each, whilst Spain, Poland, Malta, Moldova, Bosnia and Herzegovina all have 4 judgments against them between 1959 and 2019. The list with 3 violations each is comprised of: the Netherlands, Cyprus, Slovakia and Slovenia, whilst the Czech Republic, Latvia, Portugal and Serbia, have all recorded 2 violations at ECHR. States with just one violation include Sweden, Denmark, Luxembourg, Ireland, Andorra, Montenegro and Armenia.

Finally, the states without any violations for discrimination at the ECHR include Finland, Norway, Estonia, Iceland, Liechtenstein, Monaco, San Marino, Albania, North Macedonia and Azerbaijan.

In regard to domestic and intimate partner violence between adults, Statistics Finland⁷⁵ states that 76.5% of the victims were women, and provides a graphical representation of the data below.

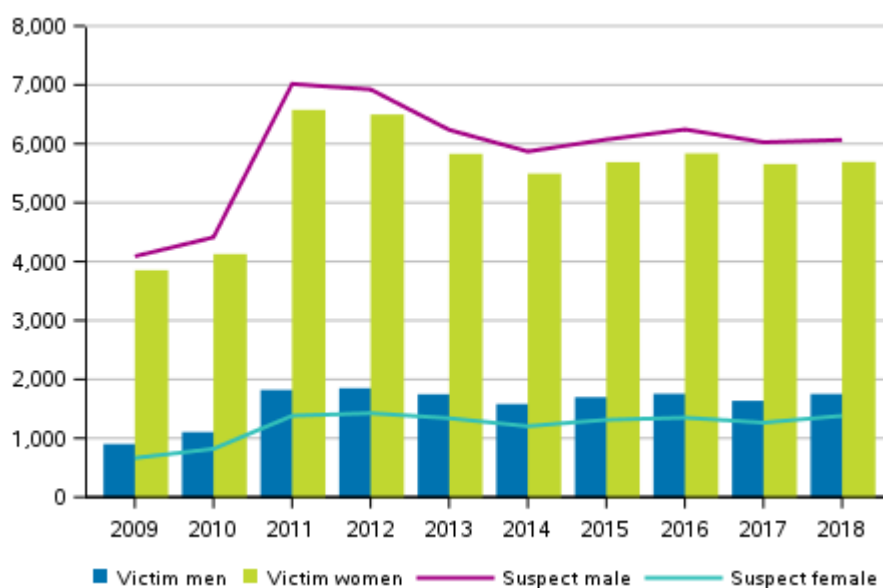


Figure 2. Adult victims of domestic violence and intimate partner violence by sex in 2009 to 2018 (Source: Statistics Finland⁷⁶)

⁷⁵ Statistics Finland (2019); Statistics on Offences and Coercive Measures. Available at: https://www.stat.fi/til/rpk/2018/15/rpk_2018_15_2019-06-06_tie_001_en.html [accessed 26 Feb 2020]

⁷⁶ *ibid*

As can be seen in Fig. 2 above, the figures for women and men have remained largely constant from 2014 to 2018 with between 5,000 to 5,500 women and about 1,500 men succumbing to the domestic violence of their partners or other adults. This represents about 75% women and 25% men victims, but is a reduction since the peak from 2011 of about 1,000 women and 250 men, with the same proportion.

The low points of the data show 2009 and 2010 having about 4,000 women and about 1,000 men subject to adult violence, so each gender had experienced an increase in violence since 2009 and 2010 of about 50%, within a single year to 2011.

The figures therefore suggest that women are three times more likely than men to become victims of domestic and intimate partner violence, regardless of rises and falls in total violence. Therefore, the above-mentioned issue of improved female and male self-defense and first-aid skills does appear to have some relevance and the Finnish people and government should seriously consider these to reduce overall violence and the consequences of fighting.

2.3. Analysis of legal cases

Hämäläinen v. Finland [GC] - 37359/09

Judgment 16.7.2014 [GC]⁷⁷

The Finnish authorities refused to provide a female identity number to a female, who had undergone a sex change from male, who was the husband in a normal marriage, unless the marriage was converted to a civil partnership with the consent of the wife, as described by the case notes in ECHR.

In Finland, the law states that marriage is only permitted between those of opposite sex, whilst same-sex partners can only form a civil partnership contract and cannot marry. The applicant was born male, married a woman in 1996 and both have a religious conviction of marriage.

For the applicant to successfully obtain a female identity number and replace the former male identity, the requirement of the Finnish state was to either: a) transform their marriage into a civil partnership contract with the consent also of the wife or b) obtain a divorce. This was unacceptable to the couple due to their strong marriage beliefs and their perceived strength and security that they enjoyed in marriage for themselves and child.

⁷⁷ ECHR (2014); Hämäläinen v. Finland [GC] - 37359/09. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-9593%22%5D%7D> [accessed 28 Feb 2020]

The applicant thus complained under Article 8 of the Convention of Human Rights that her 'right to respect for private and family life' had been violated, since the recognition (identity number issuance) of her female gender was conditional on her not being within a same-sex marriage (prohibited under Finnish law).

In a 13 November 2012 judgment, the Chamber (of the Court) unanimously agreed and held that Article 8 had not been violated and furthermore that Article 14 (in conjunction with Article 8) had also not been violated, in a further unanimous vote. Article 14 is the 'prohibition of discrimination' and the applicant is perhaps also asking the ECHR Chamber to determine if there is a discrimination connection, in that the prohibition of same-sex marriage in Finland or the refusal of the identity number are discriminatory.

The obvious remedy would be to allow this same-sex marriage as a special arrangement, in this case and thus allow the identity number to be issued. However, the Chamber determined that the Convention imposed no obligation on the part of signatory states to grant or allow marriage between same-sex couples. Additionally, the Convention does not require the applicant's circumstances to be eligible for a special arrangement.

Going to the Grand Chamber (GC) for opinion concerning signatory state consensus, the GC noted that there was no consensus (in Europe) of same-sex marriage, and none in regard to the applicant's unusual circumstances that ideally require same-sex marriage as a convenient remedy.

This is a difficult case and one, which negatively affects the applicant each day, as there is constant confusion regarding her old male identity documentation. Clearly, divorce and civil partnership are inappropriate for this family and it would seem to be a strong candidate for a special arrangement, which could be done, with necessary changes to Finnish laws and procedures. A Finnish court could then issue a special arrangement order to provide the identity number to the applicant and perhaps an additional but special same-sex marriage certificate to replace their old marriage certificate.

However, this remedy would likely be too complex and expensive for the time being, but perhaps something that Finnish legislators keep in mind when drafting future legal amendments in this area. The GC would seem to have been reluctant to open up this shortfall in Finnish marriage law, due to the complex work required to resolve this issue for a few people who marry normally and then become a same-sex couple, requiring new identity documents.

It would seem likely that the ECHR are reluctant to make decisions in favor of applicants, when there is any vagary in the case or the consequences would complicate matters for the signatory

state, unless that complicated matter is ripe for reform and necessary under the spirit or letter of the Convention.

The reason for the Finnish rejections was impracticality at a Finnish legal level, since the obvious remedy of granting a special case same-sex marriage would likely involve complex and expensive changes to national laws and procedures, whilst being non-customary. The purpose of the law is valid and the subsequent ECHR rejection was understandable, as no obligation in the Convention requires same-sex marriage, even in special cases.

It is unlikely that Finnish law will change quickly, if at all, to accommodate same-sex marriage in special cases. Therefore, the implication is that married couples, who plan to change to same-sex, will have to understand that without divorce or a civil partnership, the changed individual will not be able to change their identity documents. In addition, they are unlikely to get any further by taking their complaint to the ECHR.

Pohjanrautio v Evangelical Lutheran Church of Finland

Judgement 22 October 2010 [SC]⁷⁸

The Supreme Court (SC) of Finland fined a church pastor €320 in an administrative case of discrimination, according to H. White⁷⁹, which resulted from a 2007 incident involving a fellow female pastor of the same Evangelical Lutheran Church. The male pastor: Ari Norro refused to stand alongside the female pastor during a ceremony, despite the fact that female ministers were being ordained in this conservative church since 1986. The ceremony was an organized Sunday congregation-taking place in the town of Hyvinkää, 48km north of Finnish capital Helsinki, and additionally, the organizer was also found guilty of discrimination (not named in articles).

In its determination, the SC rejected the male pastor's assertion that he was merely exercising his right to freedom of religious faith, in refusing to work with the female pastor – Petra Pohjanrautio. In its summing up, the SC clarified that freedom of religious faith does not include any allowance for gender discrimination and confirmed the judgement of the lower Kouvola Court of Appeals. The SC ruling stated that 'Actions determined by faith cannot lead to human rights breaches, such as gender-based discrimination.' explaining that churches must abide by the same gender equality rules as other workplaces (White, 2010). The final judgment

⁷⁸ LOC (2010); Finland: Supreme Court Decides Sex Discrimination Case. Available at: <https://www.loc.gov/law/foreign-news/article/finland-supreme-court-decides-sex-discrimination-case/> [accessed 5 Mar 2020]

⁷⁹ White, H. (2010); Finland Court Fines Pastor for Refusing to Work with Female Minister. Available at: <https://www.lifesitenews.com/news/finland-court-fines-pastor-for-refusing-to-work-with-female-minister> [accessed on 5 Mar 2020]

represented the first guilty verdict of gender discrimination against a serving Lutheran pastor in Finland.

Ari Norro is a minister (pastor) of the Evangelical Lutheran Church and a member of the Lutheran Evangelical Association of Finland (LEAF), an association that does not accept the ordination of women ministers, according to H. White⁸⁰. At the time of the incident in the spring of 2007, Petra Pohjanrautio had been scheduled to deliver communion at the organized Sunday service, but was advised by Ari Norro that his apostolic beliefs prevented him from serving communion with her at the altar, because she was a woman pastor.

This is an interesting case that resulted in an administrative prosecution of a serving church minister and another unnamed person (who organized the ceremony), both convicted of gender discrimination whilst Ari Norro was fined quite a large amount of money for the offence. This was despite his apostolic beliefs and membership of an association (LEAF) against female minister ordination. Perhaps the SC wanted to send a message to society that such behaviors are not acceptable in any Finnish workplace (or elsewhere) and that beliefs or collective opinions do not count whatsoever when gender discrimination is being practiced.

Having passed through the lower Court, the Court of Appeal and up to the Supreme Court, this was clearly an issue to be resolved for certain members of society who are at odds with gender equality and were comfortable taking the issue further and into public view. The high profile SC decision, non-trivial defendant fine and a further organizing defendant being found guilty suggests that Finnish courts are robust in their treatment of those who wish to violate gender equality and discriminate. The church could be considered one of the last vestiges of gender discrimination at the time, and perhaps this gives the case, if true, much more significance.

This was a clear-cut case of gender discrimination at work, and the circumstances suggest that it could have been contrived as a public statement either in connection with LEAF ethics, or at a PR level, to show with publicity that gender discrimination will not be tolerated in Finland, even on religious grounds. The implication is that the credentials of Finnish gender equality laws have been raised to a higher profile, and employers will be further discouraged to allow such behaviors in the workplace, including on religious grounds. This means that some minority cultures who treat women unequally based on their cultural beliefs, will also likely find unsympathetic rulings from Finnish Courts.

Hülya Ebru Demirel v. Turkey

⁸⁰ *ibid*

Judgement 19 June 2018 [ECHR]⁸¹

The female applicant alleged sex discrimination, having been rejected for an employment role as a security guard, working for a state-owned electricity distribution installation. The applicant clarified that the state authority's administration, who made the employment decision, discriminated solely on the grounds of her gender, in breach of Article 14 (in conjunction with Article 8). After taking her case eventually to the Supreme Administrative Court (SAC) and being rejected, the applicant asserted that the SAC had made different decisions on the substance of identical cases and had also failed to reason her case properly, in breach of Article 6 of the Convention.

Judgement of the ECHR found that the state authorities had breached Article 14 (in conjunction with Article 8) of the Convention, having not provided other reasons for rejecting her employment application, other than on the grounds that she was a woman. Furthermore, the Court agreed that the SAC had failed to provide adequate reasoning, in their summing up of the SAC's decision, whilst the case had also not been reasoned at any stage in lower Courts either. The Court thus found a clear breach of Article 6 (1), but could find no evidence to suggest the SAC had a history of making alternate decisions on identical cases, and thus this part of the applicant's complaint failed to breach Article 6(1).

In this case, the ruling was favorable because the applicant had been given evidence by the state electricity authorities that her gender was the main issue for them, whilst the SAC had not given adequate summing up and reasoning for their decision, clearly in contravention of normal court rules and procedures. However, the applicant alleged that the SAC was essentially dishonest with its decisions, but perhaps did not provide concrete evidence, hinged on the fact that identical cases would have to be shown to be indeed identical. This would likely be a difficult prospect, without accurate case notes, listening to all the witness evidence and examining statements, etc. It is not surprising that the SAC was found not to be in breach of Article 6(1) in this regard.

The applicant won this case at the ECHR because of clear evidence that proved sex discrimination, and there was little or no proof that SAC procedures had been correctly followed. The case partially fell on the ill-advised claim that SAC made alternate rulings on similar cases, which would be difficult to prove, without extensive case evidence, transcripts and recordings.

The implication is that applicants who wish to take complaints on to the ECHR, should ensure that the breach itself and all evidence (or lack of) in each part of a complaint are clear. In

⁸¹ COE (2018) Gender Discrimination Contravening Article 8 (in conjunction with Article 14) Available at: <https://rm.coe.int/16806da342> [accessed on 10 Mar 2020]

addition, the ECHR ruling should not inappropriately or disproportionately affect the signatory country, unless they are found to be significantly outside the bounds of the Convention and in the ECHR opinion, need to change in compliance, especially given any repeating of similar breaches.

CONCLUSION

In terms of the two ECHR cases studied above, it is apparent that the Court will only find for the applicant when there is strong evidence to support an applicant's complaint under the Convention. Furthermore, it can be seen that the ECHR is route for complaint is effective when breaches of the Convention are clearly evident and where the consequences of an application-favorable ruling do not adversely affect signatory states when there are few, if any, reasons to do so.

The tests of 'in the public interest' and reasonableness appear to be defining factors in the opinions of ECHR judges. Thus cases where there is a clear need to satisfy the Convention, the signatory state's public interest is preserved and the decision has reasonable consequences for the signatory state, then it would appear unanimity amongst judges is more common.

This thesis study, the articles and case studies, have revealed quite clearly that the law itself can only go so far in resolving the issues of society, and this is evident for Finland, who have very strong gender discrimination ethics and legal protections, without any ECHR violations for discrimination from 1959 to 2019. Finnish national courts also appear to be quite strict on cases of discrimination and are prepared to make examples of those who wish to test Finland's anti-discrimination credentials.

The main challenge for Finland appears to be the consequences of the rise of gender equality, which appears to have resulted in a rise of domestic and intimate partner-related violence, with strong evidence that this is often driven by alcohol consumption. Other evidence suggests that women are now drinking excessively and too often more excessively than their male counterparts.

It would appear that cost and taxation are not going to easily stop Finns drinking too much, but practical measures, emphasis on restaurant consumption with food, more public education regarding better cultural behaviors and ethics – e.g. being a responsible adult and the like. Government organized and funded programs for wellbeing, arts and crafts, family activities and skills, self-defense for all, wider first-aid training, general health and fitness education are all areas that Finland could look into, to address too much drinking and as the data shows, far too much fighting and violence against women.

In answer to the research question "What can be done to improve gender equality in Finland?" – The definitive answer is that legally, nothing of significance needs to be done, but the

consequences of gender equality quite obviously require attention. Families, women (in particular) and men, need educational, activity and training programs and initiatives, to promote the above paragraph's list of social aspects, with a focus on all areas. This should certainly improve gender equality in Finland. Moving Finland away from social aggression and into greater harmony would only be welcomed, and give Finns something much more agreeable and beneficial than alcohol.

REFERENCES

1. Ackrill, R., Caven, V., & Alaktif, J. (2017). 'Black Boxes' and 'fracture points': the regulation of gender equality in the UK and French construction industries. *The International Journal of Human Resource Management*, 28(21), 3027-3046.
2. Agapiou, A. (2002). Perceptions of gender roles and attitudes toward work among male and female operatives in the Scottish construction industry. *Construction Management & Economics*, 20(8), 697-705.
3. Fielden, S. L., Davidson, M. J., Gale, A., & Davey, C. L. (2001). Women, equality and construction. *Journal of Management Development*.
4. Watts, J. H. (2008). Impression management: a form of emotion work for women in a male-dominated profession. *International Journal of Work Organisation and Emotion*, 2(3), 221-235.
5. Murrell, A. J., Frieze, I. H., & Frost, J. L. (1991). Aspiring to careers in male-and female-dominated professions: A study of Black and White college women. *Psychology of Women Quarterly*, 15(1), 103-126.
6. Abdullah, N. H., Shamsuddin, A., Wahab, E., Hamid, N. A. A., & Azizan, A. Z. (2018, November). Women Participation in Engineering Professions: Future Intentions and Directions. In *2018 IEEE 10th International Conference on Engineering Education (ICEED)* (pp. 220-223). IEEE.
7. Alonso, A., & Lombardo, E. (2016). Ending ghettoization? Mainstreaming gender in Spanish political science education. *European Political Science*, 15, 292-302.
8. Meadus, R. J., & Twomey, J. C. (2007). Men in nursing: Making the right choice. *The Canadian Nurse*, 103(2), 13.
9. Yi, M., & Keogh, B. (2016). What motivates men to choose nursing as a profession? A systematic review of qualitative studies. *Contemporary nurse*, 52(1), 95-105.
10. Abudari, M. O., Ibrahim, A. F., & Aly, A. A. (2016). Men in nursing" as viewed by male students in secondary schools. *Clinical Nursing Studies*, 4(2), 41-7.

11. Bhana, D., & Moosa, S. (2016). Failing to attract males in foundation phase teaching: An issue of masculinities. *Gender and Education*, 28(1), 1-19.
12. Crisp, T., & King, J. R. (2016). "I Just Love Kids... Is That a Problem?": Desire, Suspicion, and Other Good Reasons Men Don't Choose Early Childhood Education. *Taboo: The Journal of Culture and Education*, 15(1), 6.
13. Danbold, F., & Bendersky, C. (2018, July). Inverting professional prototypes increases the valuation of women in male-dominated professions. In *Academy of Management Proceedings* (Vol. 2018, No. 1, p. 17406). Briarcliff Manor, NY 10510: Academy of Management.
14. Pryzgodna, J., & Chrisler, J. C. (2000). Definitions of gender and sex: The subtleties of meaning. *Sex roles*, 43(7-8), 553-569.
15. Chrisler, J. C., & Lamer, S. A. (2016). Gender, Definitions of. *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*, 1-3.
16. Falk, A., & Hermle, J. (2018). Relationship of gender differences in preferences to economic development and gender equality. *Science*, 362(6412), eaas9899.
17. Ben-Nun Bloom, P., Gilad, S., & Freedman, M. (2017). Does exposure to other cultures affect the impact of economic globalization on gender equality?. *International Political Science Review*, 38(3), 378-395.
18. Kazandjian, R., Kolovich, L., Kochhar, K., & Newiak, M. (2019). Gender equality and economic diversification. *Social Sciences*, 8(4), 118.
19. Badgett, M. L., Waaldijk, K., & van der Meulen Rodgers, Y. (2019). The relationship between LGBT inclusion and economic development: Macro-level evidence. *World Development*, 120, 1-14.
20. Berggren, N., & Elinder, M. (2012). Is tolerance good or bad for growth?. *Public Choice*, 150(1-2), 283-308.
21. Equal Measures (2019); 2019 Global Report. Available at: <https://data.em2030.org/2019-global-report/> [accessed 19 Feb 2020]
22. EurLex (2020); No 2014/95/EU: Disclosure of non-financial and diversity information. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0095> [accessed 19 Feb 2020]
23. EurLex (2020a); No 2006/54/EC: Equal Opportunities and Treatment at Work. Available at: <https://eur->

- [lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:EN:PDF](https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:EN:PDF)
[accessed 19 Feb 2020]
24. EurLex (2020b); No 79/7/EEC: Equal Treatment of Men and Women in Matters of Social Security. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31979L0007> [accessed 18 Feb 2020]
25. EurLex (2020c); No 2010/18/EU: Framework Agreement on Parental Leave. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010L0018> [accessed 19 Feb 2020]
26. EurLex (2020d); No 97/81/EC: Framework Agreement on Part-time Work. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997L0081> [accessed 19 Feb 2020]
27. EurLex (2020e); No 92/85/EEC: Health and Safety at Work for Pregnant Workers, Recent Mothers and Those Breastfeeding. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0085> [accessed 19 Feb 2020]
28. Europa (2020); No 2000/78/EC: Equal treatment at work. Available at: <https://osha.europa.eu/en/legislation/directives/council-directive-2000-78-ec> [accessed 18 Feb 2020]
29. Finlex (2014); Non-discrimination Act. Available at: <https://www.finlex.fi/en/laki/kaannokset/2014/en20141325?search%5Btype%5D=pika&search%5Bkieli%5D%5B0%5D=en&search%5Bpika%5D=Discrimination> [accessed 17 Feb 2020]
30. Finlex (2020); Translations of Finnish acts and decrees. Available at: <https://www.finlex.fi/en/laki/kaannokset/> [accessed 17 Feb 2020]
31. Finlex (2020a); Act on legal recognition of the gender of transsexuals. Available at: https://www.finlex.fi/en/laki/kaannokset/2002/en20020563_20020563.pdf [accessed 18 Feb 2020]
32. Finlex (2020b); Act on Equality between Women and Men. Available at: https://www.finlex.fi/en/laki/kaannokset/1986/en19860609_20160915.pdf [accessed 18 Feb 2020]
33. Finlex (2020c); The Alcohol Act. Available at: https://www.finlex.fi/en/laki/kaannokset/1994/en19941143_20140152.pdf [accessed 18 Feb 2020]

34. Firth, N. (2010); The 'violent' gene: Genetic mutation found only in Finnish men that makes them fight. Available at: <https://www.dailymail.co.uk/sciencetech/article-1341100/The-violent-gene-Genetic-mutation-Finnish-men-makes-fight.html> [accessed 17 Feb 2020]
35. Gilchrist, K. (2019); No country in the world meets the mark on gender equality... Available at: <https://www.cnbc.com/2019/06/03/gender-equality-index-most-countries-fall-short-on-basic-equality.html> [accessed 19 Feb 2020]
36. Lex (2020); Advanced Search. Available at: <https://eur-lex.europa.eu/advanced-search-form.html> [accessed 17 Feb 2020]
37. Movendi (2019); Finland: Rising Alcohol Violence After Policy Change. Available at: <https://movendi.ngo/news/2019/03/22/finland-rising-alcohol-violence-after-policy-change/> [accessed 19 Feb 2020]
38. Ohberg (2016); Alcohol Over 70 Percent More Expensive in Finland... Available at: <https://finlandtoday.fi/alcohol-over-70-percent-more-expensive-in-finland-than-the-eu-average-food-20-percent-above-the-norm/> [accessed 18 Feb 2020]
39. Riigi Teataja (2020); Estonia Legal Database. Available at: <https://www.riigiteataja.ee/en/search> [accessed 17 Feb 2020]
40. SF (2018); Statistics Finland: Is gender equality realised in Finland? Available at: <https://www.stat.fi/uutinen/is-gender-equality-realised-in-finland> [accessed 17 Feb 2020]
41. Statista (2020); Alcohol excise duty rate in Finland 2018, by beverage type. Available at: <https://www.statista.com/statistics/802036/alcohol-excise-duty-rate-in-finland-by-beverage-type/> [accessed 18 Feb 2020]
42. STM (2020); Ministry of Social Affairs and Health: Finland is a gender equality pioneer. Available at: <https://stm.fi/en/finland-is-a-gender-equality-pioneer> [accessed 18 Feb 2020]
43. Utti, C. (2016); Alcohol Consumption and Gender Equality. Available at: <https://mountainlaurelrecoverycenter.com/alcohol-consumption-and-gender-equality/> [accessed 19 Feb 2020]
44. ECHR (2019); Violations by Article and by State. Available at: https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf [accessed 25 Feb 2020]

45. Statistics Finland (2019); Statistics on Offences and Coercive Measures. Available at: https://www.stat.fi/til/rpk/2018/15/rpk_2018_15_2019-06-06_tie_001_en.html [accessed 26 Feb 2020]
46. ECHR (2014); Hämäläinen v. Finland [GC] - 37359/09. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-9593%22%5D%7D> [accessed 28 Feb 2020]
47. LOC (2010); Finland: Supreme Court Decides Sex Discrimination Case. Available at: <https://www.loc.gov/law/foreign-news/article/finland-supreme-court-decides-sex-discrimination-case/> [accessed 5 Mar 2020]
48. White, H. (2010); Finland Court Fines Pastor for Refusing to Work with Female Minister. Available at: <https://www.lifesitenews.com/news/finland-court-fines-pastor-for-refusing-to-work-with-female-minister> [accessed on 5 Mar 2020]
49. COE (2018) Gender Discrimination Contravening Article 8 (in conjunction with Article 14) Available at: <https://rm.coe.int/16806da342> [accessed on 10 Mar 2020]
50. Risse-Kappen, T., Risse, T., Ropp, S. C., & Sikkink, K. (Eds.). (1999). *The power of human rights: International norms and domestic change* (Vol. 66). Cambridge University Press.
51. Flowers, N. (2000). *The Human Rights Education Handbook: Effective Practices for Learning, Action, and Change. Human Rights Education Series, Topic Book*. Human Rights Resource Center, University of Minnesota, 229 19th Avenue South, Room 439, Minneapolis, MN 55455.
52. Donnelly, J., & Whelan, D. J. (2017). *International human rights*. Hachette UK.

Appendix 4. Non-exclusive licence

Non-exclusive licence for reproduction and for granting public access to the graduation thesis¹

I Vakhtangi Gamtsemlidze (author's name)

1. Give Tallinn University of Technology a permission (non-exclusive licence) to use free of charge my creation

LEGAL ASPECTS OF GENDER EQUALITY IN FINLAND AND THE EU,
(title of the graduation thesis)

supervised by Evhen Tsybulenko,
(supervisor's name)

1.1. to reproduce with the purpose of keeping and publishing electronically, including for the purpose of supplementing the digital collection of TalTech library until the copyright expires;

1.2. to make available to the public through the web environment of Tallinn University of Technology, including through the digital collection of TalTech library until the copyright expires.

2. I am aware that the author also retains the rights provided in Section 1.

3. I confirm that by granting the non-exclusive licence no infringement is committed to the third persons' intellectual property rights or to the rights arising from the personal data protection act and other legislation.

¹ *The non-exclusive licence is not valid during the access restriction period with the exception of the right of the university to reproduce the graduation thesis only for the purposes of preservation.*