

Clause 28: looking back at a future

One European country, Finland, has had laws against "encouraging homosexuality" for 17 years.

DUNCAN CAMPBELL reports on the censorship of arts and politics that is now in Finland's past, but may be Britain's future

Helsinki

IT HAS BEEN illegal for 17 years to "promote homosexuality" in Finland. The special anti-gay law, worded very similarly to Britain's forthcoming Local Government Act*, even has a rather similar number — Section 20:9.2 of the Finnish penal code. Under this law, Finnish journalists, broadcasters, politicians and activists are prohibited from doing anything to "publicly encourage or induce" homosexuality — defined as "fornication (or indecent behaviour) between persons of the same sex". But it's not illegal to be gay or lesbian; the gay age of consent is 18 (16 for heterosexuals).

The Finnish anti-gay law very much reflects the mood and attitudes that prevailed in illiberal quarters in Britain in 1967, and which have arisen again since 1987. In essence, their view is that "very well, the buggers are legal now — but don't encourage them". Homosexuality as such became legal — but should never be seen to be acceptable or normal, and should not be visible to others. Finland legalised homosexual and lesbian relationships in 1971, four years after Britain decriminalised male homosexuality — but the Finnish parliament gave in to right-wing demands that this explicitly be seen only as tolerance of highly private behaviour.

The penalty for a breach of Section 20:9.2 is six months imprisonment or a fine, or both. In a series of cases throughout the 1970s, the Finnish BBC, Yleisradio, was repeatedly threatened with prosecution if they gave any information at all about homosexuality.

The film *Sunday, Bloody Sunday* was banned from Finnish TV because it provided a "positive image" of homosexuals. (This, at least, was the view of the Finnish legal authorities at the time.)

A Yleisradio programme dealing with employment discrimination against gays was also claimed to be illegal, and criminal charges were brought against the station. Although the charges resulted in acquittals, broadcasters and journalists were warned by the directors of Yleisradio to "think carefully" before they said anything at all about homosexuality in future.

In 1976, a radio announcer on the minority Swedish language radio channel was disciplined for telling his audience that he had been officially

forbidden to play love songs by Sweden's equivalent of Tom Robinson, gay singer Jan Hammarlund. The announcer was told that he was only permitted to play the most banal of Hammarlund's records, songs which had an unambiguous heterosexual context.

The radio announcer, Ulf Mansson, eventually resigned and is now a civil rights lawyer and leading activist in the gay/lesbian rights organisation, SETA (Sexual Liberation). Soon after this, a TV programme made by SETA about Finnish gays, part of a special four-part series on "minorities", was ruled illegal. It too was banned. After these

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cases, Finnish journalists took the government to the United Nations human rights committee, alleging a breach of the UN's Universal Declaration of Human Rights.

Ridicule

But the good news — for Finnish gays and lesbians, at least — is that the Finnish authorities nowadays behave much better than the law would suggest. From the earliest days of Section 20:9.2, leading lawyers pointed out how ridiculous it was to have a law make it illegal to encourage something that wasn't illegal. The United Nations case and demonstrations by members of SETA have helped bring the law into disrepute and disuse. In the early 1980s, 50 SETA members carried placards saying "We encourage homosexuality" on the annual Helsinki gay parade. The police forcibly removed the placards — but then the SETA group merely chanted the same slogan to passers by. All 50 then signed a legal statement of guilt under 20:9.2, and handed it to government prosecutors — along with a comprehensive medical, sociological and psychological dossier ridiculing the idea that anyone could be "encouraged" to be gay.

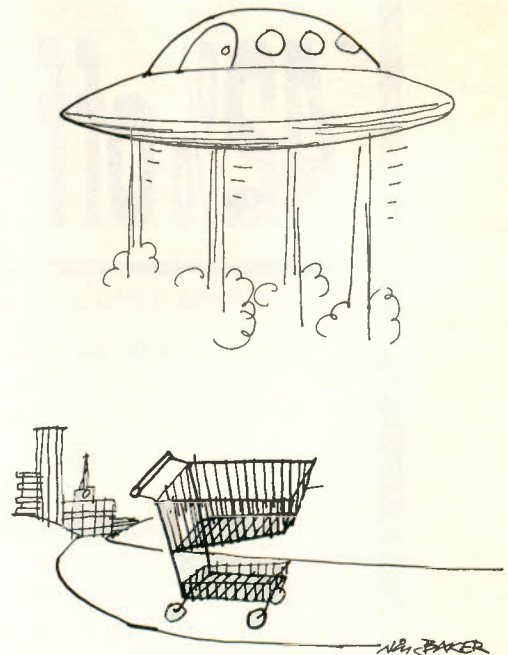
Government lawyers refused to prosecute the SETA 50 on the novel grounds that their disobedience to the law was merely "childish behaviour", and that they had "not understood" the meaning of the law. But since then Section 20:9.2

has been as unusable as the British Official Secrets Act. "It's a dead law now," says Olli Stalstrom, who helps run SETA and has written and had published the first ever Finnish books on being gay, and on Aids.

The TV stations which had once refused Peter Finch in *Sunday, Bloody Sunday* have since broadcast *My Beautiful Laundrette* — uncensored. Derek Jarman's films, such as *Caravaggio*, have toured Finnish cinemas, unadulterated. And the Aids crisis has meant that many programmes have been devoted to an open and factual view of homosexual life. SETA has been able to publish its monthly magazine unhindered for more than ten years.

Many of the other comparisons between Britain and Finland point to the underlying liberal nature of the Nordic countries and suggest that, perversely, gays can have an easier time in a colder climate. Gaybashing is uncommon, and police do not harass gay men in Helsinki parks or beaches. Gay videos on private sale have been tolerated. And the law has never, surprisingly, been argued to apply to gay pubs or clubs.

The early Finnish experience of anti-gay laws provides a remarkable and unpleasant indication of what Britain could face in the future, particularly if similar new clauses were to be attempted in such forthcoming legislation as the Broadcasting Bill: no media mention of homosexuality at all; a complete ban on all the gay press; and the prohibition of gay clubs and meeting places. Any singer or public performer whose output hinted that she or he were not fully heterosexual would lose their livelihood. To avoid "promoting" homosexuality, it would be illegal for anyone in public life to be identified as gay, unless this was in a clearly negative context such as committing suicide or suffering from Aids. After a grim decade of censorship, however, Finland has shown a rapid recovery of reason. Perhaps here too, the combination of ridicule in the streets and principled appeal to the international code of human rights might quickly leave the silly new law as discredited and unusable as Section 2 of the Official Secrets Act. That battle starts in June this year. □



* The number of the section has changed repeatedly as the Local Government bill is redrafted. At the moment, it is once again likely to be Section 28.