

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

**Country:** Estonia

**Contractor's name:** Estonian Human Rights Centre

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency

*Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.*

In **Estonia**, the emergency situation ended on 18 May 2020. At first, the main restrictions were re-established by government orders, but as of 1 June 2020, the government eased the restrictions regarding travel, public events, sports and education.<sup>1</sup> Public gatherings are allowed with up to 100 people, in a dispersed manner. To include a larger amount of participants, it is allowed to organise car-based gatherings, as was done for a Black Lives Matter rally on 10 June 2020.<sup>2</sup> There are no reports of unauthorised public protests violating the restrictions.

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

*Focus on:*

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*
- *Enforcement and penalties.*

In **Estonia**, stay at home orders are still imposed on persons diagnosed with the coronavirus, as well as persons living or permanently staying in the same residence with them. The same rules apply as previously – infected persons are prohibited from leaving their place of residence, except on the instructions of a health professional or a police officer, or in case of an emergency. The household members of the diagnosed person may leave in more cases (e.g. to obtain essentials), if they follow the general social distancing rules.<sup>3</sup>

The government continued to impose a quarantine requirement of 14 days on people entering Estonia from specific countries where the number of COVID-19 cases per 100,000 inhabitants exceeded 15 cases in the last 14 days. Persons coming from countries with a smaller number of COVID-19 cases are not required to quarantine. The Ministry of Foreign Affairs updates the relevant statistics on its website once a week.<sup>4</sup>

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<sup>1</sup> Estonia, Government of the Republic (*Vabariigi valitsus*) (2020), '[Valitsus leevendas COVID-19 seotud piiranguid](#)', 28 May 2020.

<sup>2</sup> ERR (2020), '[Black Lives Matter support rally takes place in Tallinn](#)', 10 June 2020.

<sup>3</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), '[Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them](#)' (*Karantiini kehtestamine koroonaviirusest SARS-CoV-2 põhjustatud COVID-19 haiguse diagnoosiga isikutele ja nende isikutega koos elavatele või samas elukohas püsivalt viibivatele isikutele*), 16 May 2020.

<sup>4</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), '[Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease](#)'

On 19 June 2020, the government decided to replace the “2+2” social distancing rule with a requirement for people to “disperse”. This means that safe distance should be maintained in public spaces, such as stores, service points, entertainment establishments and educational institutions, as well as public events, public meetings and religious services, but the distance does not have to be strictly 2 metres as before.<sup>5</sup>

Public meetings are allowed if the organiser ensures the scattering of people. In case of indoor meetings, the venue is allowed to be filled up to 50% of its attendance capacity, and the allowed number of attendees is up to 100 people for both indoor and outdoor meetings.<sup>6</sup> However, it is allowed to exceed this number of participants if the event is car-based, as was done for a Black Lives Matter solidarity rally which took place in Tallinn on 10 June 2020.<sup>7</sup> Approximately 500 people attended the rally altogether, the event was coordinated with the Police and Border Guard Board (*Politsei- ja Piirivalveamet*) and no problems were reported.<sup>8</sup>

Nightclubs, hookah bars and adult entertainment clubs remain closed until 1 July 2020.<sup>9</sup> As of 16 June 2020, the Health Board (*Terviseamet*) had received nine complaints about nightclubs violating the ban. The head of the Western Region of the Health Board confirmed that violations took place all over Estonia. Initially the Health Board officials talked to the owners and explained the requirements, but proceedings were initiated against some repeating violators.<sup>10</sup> There are no other reports of punishments for violating the current rules and restrictions related to COVID-19.

## 1.2.2 Education

*Focus on:*

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

In **Estonia**, as of 1 June 2020, basic schools, upper secondary schools, vocational educational institutions and institutions of higher education are allowed to operate in accordance with the general social distancing requirements – it is allowed to gather in a dispersed manner with up to 100 people. As of 12 June 2020, the activities of youth camps and student work camps are allowed with

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[\(COVID-19 haiguse leviku tõkestamiseks vajalikud liikumisvabaduse ning avalike koosolekute pidamise ja avalike ürituste korraldamise piirangud\)](#), 16 May 2020 (latest amendment in force as of 19 June 2020).

<sup>5</sup> Estonia, Government of the Republic (*Vabariigi valitsus*) (2020), [‘Government: The 2+2 rule is changing’](#), 19 June 2020.

<sup>6</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), [Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease \(COVID-19 haiguse leviku tõkestamiseks vajalikud liikumisvabaduse ning avalike koosolekute pidamise ja avalike ürituste korraldamise piirangud\)](#), 16 May 2020 (latest amendment in force as of 19 June 2020).

<sup>7</sup> ERR (2020), [‘Black Lives Matter support rally takes place in Tallinn’](#), 10 June 2020.

<sup>8</sup> Estonian World (2020), [‘Half a thousand people turn up for a “Black Lives Matter” rally in Tallinn’](#), 11 June 2020.

<sup>9</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), [Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease \(COVID-19 haiguse leviku tõkestamiseks vajalikud liikumisvabaduse ning avalike koosolekute pidamise ja avalike ürituste korraldamise piirangud\)](#), 16 May 2020 (latest amendment in force as of 19 June 2020).

<sup>10</sup> ERR (2020), [‘Terviseamet võttis keeldu eiranud ööklubid pihtide vahele’](#), 16 June 2020.

up to 300 participants if there are up to 20 persons in one group, the scattering of people is ensured, and the organiser ensures the availability of disinfectants.<sup>11</sup>

### 1.2.3 Work

*Focus on:*

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

In **Estonia**, there are no new or remaining measures related to working. Each employer is responsible for ensuring the scattering of employees as much as possible, and following the government's recommendations related to hygiene.<sup>12</sup>

The wage compensation scheme of the Unemployment Insurance Fund (*Töötukassa*) for employees of companies in difficulties due to the pandemic is still ongoing until the end of June 2020.<sup>13</sup>

### 1.2.4 Access to justice

*Focus on:*

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

In **Estonia**, there are no changes in the work of courts. After the emergency situation ended on 18 May 2020, the courts started holding more hearings in the courtroom, instead of preferring video-conference solutions or written procedures. However, the judge decides the number of people in the courtroom, and it is recommended for the participants to wear masks. If a party to the proceedings becomes ill, they must report it and it will be up to the judge to decide how to proceed. All hearings continue to be public, but journalists are asked to inform the court at least one working day in advance if they wish to attend a hearing.<sup>14</sup>

### 1.2.5 Freedom of movement

*Focus on:*

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; 'essential*

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<sup>11</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), [Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease \(COVID-19 haiguse leviku tõkestamiseks vajalikud liikumisvabaduse ning avalike koosolekute pidamise ja avalike ürituste korraldamise piirangud\)](#), 16 May 2020 (latest amendment in force as of 19 June 2020).

<sup>12</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), [Töötamine, lähetused, tulu deklareerimine](#).

<sup>13</sup> ERR (2020), ['Valitsus pikendas töötasu hüvitist ka juunikuuks'](#), 21 May 2020.

<sup>14</sup> Estonian Court (*Eesti Kohtud*), [Kohtute töö pärast eriolukorra lõppu](#).

workers'). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).

- Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).

In **Estonia**, entering the country is restricted for third-country nationals until 6 July 2020.<sup>15</sup> As of 1 June 2020, people arriving from a Member State of the European Union, the Schengen Area, or the United Kingdom are allowed to cross the Estonian state border if they have no symptoms of COVID-19 and have stayed in those countries for the last 14 days. If the person arrives from a country where the number of COVID-19 cases per 100,000 inhabitants has been more than 15 in the last 14 days, they must stay in quarantine for 14 days.<sup>16</sup>

In addition, the people who were previously allowed to enter Estonia without the need to quarantine still have the same rights – for example, people involved in the transport of goods, raw materials, international cargo and passengers, health care providers, diplomats, people arriving within the framework of international military cooperation, and people with special permits to enter.<sup>17</sup>

At the border crossing points, it is not required to show a negative COVID-19 test result, but the Police and Border Guard Board officers ask about any possible symptoms of the coronavirus, visually check the state of health, and ask for information regarding travel itinerary.<sup>18</sup>

There have been no changes to asylum procedures, but the number of new applications continues to be low. In June 2020, two new asylum applications were submitted according to the Police and Border Guard Board.<sup>19</sup> In June 2019, the total number of asylum applications was 16.<sup>20</sup>

### 1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- persons with disabilities,
- homeless people,
- older people,
- women,
- Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and

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<sup>15</sup> Estonia, Government of the Republic (Vabariigi Valitsus), [‘Valitsus taasavab piirid töö- ja õpirändeks’](#), 6 July 2020.

<sup>16</sup> Estonia, Government of the Republic (Vabariigi Valitsus), [Travelling and border-crossing](#).

<sup>17</sup> Estonia, Government of the Republic (Vabariigi Valitsus), [Imposition of temporary restrictions on crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease \(Riigipiiri ületamise ajutine piiramine COVID-19 haigust põhjustava koroonaviiruse SARS-CoV-2 uue puhangu ennetamiseks\)](#), 16 May 2020.

<sup>18</sup> Estonia, Government of the Republic (Vabariigi Valitsus), [Crossing the Estonian border](#).

<sup>19</sup> Estonia, Police and Border Guard Board (Politsei- ja Piirivalveamet), Response to information request, 2 July 2020.

<sup>20</sup> Estonia, Police and Border Guard Board (Politsei- ja Piirivalveamet), Asylum statistics, 30 June 2019.

Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).

- Detainees (including measures on early release or alternatives to detention)
- or another group not listed that have emerged in your country as facing particular challenges - before selection, this should be discussed with FRA.

## **Older people**

In **Estonia**, the Health Board lifted the prohibition on visiting care homes for the elderly as of 1 June 2020.<sup>21</sup> However, each care home has the right to set its own restrictions, based on the specifics of the institution. Some care homes still apply a ban on visits, at least until 1 July 2020. Most care homes have allowed visits, but as a rule, visits must be announced in advance, wearing a mask is obligatory and every visitor must complete a health declaration. Also, care homes do not yet encourage their residents to go to leave the care home, even to go to the store. In many cases, care homes have prohibited leaving the territory of the institution.<sup>22</sup> On the state level, only the residents who have been diagnosed with COVID-19 are prohibited from leaving the care home or receiving visitors.<sup>23</sup>

## **Migrants**

In **Estonia**, amendments to the Aliens Act (*Välismaalaste seadus*) simplifying the expulsion of third-country nationals entered into force on 7 May 2020. The amendments give the Police and Border Guard Board the right to annul the visa or the visa-free period of a third-country national if they have lost their job, due to the COVID-19 pandemic or any other reason.<sup>24</sup> Although the amendments only concern third-country nationals holding a long-stay visa for employment or those working in the country visa-free, the related news coverage about preferring Estonians in the labour market<sup>25</sup> created confusion and fear also among residence permit holders who had lost their jobs.<sup>26</sup> It is unclear how many third-country nationals had to leave Estonia due to these amendments. However, complaints about labour shortage from farmers resulted in an agreement of the coalition parties to allow the necessary foreign labour into Estonia for seasonal work as of 6 July 2020, while stricter wage and health care requirements will be established.<sup>27</sup>

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<sup>21</sup> Estonia, Health Board (*Terviseamet*), '[Haiglaid ja hoolekandeesutusi võib külastada vaid erandkorras](#)', 18 May 2020.

<sup>22</sup> Õhtuleht (2020), '[Ettevaatus ennekõike: hooldekodud ei kiirusta külastuspiiranguid leevendamaks](#)', 25 June 2020.

<sup>23</sup> Estonia, Government of the Republic (*Vabariigi Valitsus*), '[Kehtivad piirangud ja nende leevendused](#)'.

<sup>24</sup> Estonia, Act Amending the Assistant Police Officer Act and Other Acts (Measures Related to the Spread of the COVID-19) 170 SE (*Abipolitseiniku seaduse ja teiste seaduste muutmise seadus (COVID-19 haigust põhjustava viiruse SARS-Cov-2 levikuga seotud meetmed) 170 SE*), 20 April 2020.

<sup>25</sup> Delfi (2020), '[Siseministeeriumi ametnik Ruth Annus: välismaalaste seaduse muudatus kaitseb Eesti elanikke töajääturul](#)', 7 May 2020.

<sup>26</sup> Email enquiries received by the Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*) in April-June 2020.

<sup>27</sup> ERR (2020), '[Koalitsiooni kokkulepe: võõrtöötajad lubatakse riiki](#)', 6 July 2020.

## 2 Selected issues emerging during the COVID-19 crisis

### 2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

In **Estonia**, there are no reports of violent attacks or acts of harassment on the grounds of race or ethnic origin related to the COVID-19 pandemic. According to the Ministry of Justice, there have been no registered hate crimes or incitement to hatred incidents related to race or nationality during the COVID-19 pandemic.<sup>28</sup>

However, examples of xenophobic speech can be found online, particularly in the articles of Uued Uudised, the media platform of the Conservative People's Party of Estonia (EKRE), and the related comments. For example, an article published on 1 June 2020 carries the headline "Barbecue party of Africans scared the people of Tallinn". The article includes a video of a group of people barbecuing in a park and the author claims that seeing a large group of black people gathering feels threatening to the locals. In the comment section, one commentator calls people to contact the anti-immigrant group "Soldiers of Odin" whenever this kind of events take place.<sup>29</sup>

Another earlier incident, which generated xenophobic comments, concerned the spread of COVID-19 in a dormitory of the University of Tartu. The media platform Uued Uudised published a news piece stressing that the involved students were foreigners, and claiming that foreigners are a risk group since they do not care about the restrictions. The related comments also included xenophobic speech.<sup>30</sup>

### 2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

In **Estonia**, the Data Protection Inspectorate (*Andmekaitse Inspektsioon*) has received complaints drawing attention to the disclosure of personal data in the media during the pandemic. In one case, a newspaper had published photos of cars in a COVID-19 testing tent so that the people in the cars were clearly visible and recognisable. Photos were removed after the Data Protection Inspectorate's intervention. In another case, concern was expressed that information about the spread of COVID-19 in care homes was provided in such detail in the media that it allowed to draw conclusions about the infection of care home staff.<sup>31</sup> The Health Board asked the Data Protection Inspectorate to clarify whether it is allowed to share with the media the number of people diagnosed with COVID-19 in

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<sup>28</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to information request, 1 July 2020.

<sup>29</sup> Uued Uudised (2020), '[VIDEO: Aafriklaste suur grillipidu hirmutas tallinlasi ja see paneb mõtlema turvalisuse kadumisele](#)', 1 June 2020.

<sup>30</sup> Uued Uudised (2020), '[Tartus koroonaviiruse koldeks saanud ühiselamus elavad väidetavalt välistudengid](#)', 19 April 2020.

<sup>31</sup> Estonia, Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to information request, 1 July 2020.



specific care homes. The Data Protection Inspectorate found that it depends on whether it would be possible to indirectly establish that a particular person in a care home has the virus on the basis of the shared information.<sup>32</sup>

Several people also turned to the Data Protection Inspectorate because of the publication of photos on Facebook of violators of the emergency situation rules. However, the Data Protection Inspectorate did not intervene in these cases, as the groups were closed, limited to the local community, and the photographs were taken on a public street.<sup>33</sup>

In addition, the Inspectorate received several complaints from employees of a hospital in Kuressaare, complaining about a member of the hospital's board viewing the results of COVID-19 tests of employees in the Health Information System. The Data Protection Inspectorate started proceedings in this case, which are still ongoing.<sup>34</sup>

## 2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

In **Estonia**, there are no state measures to prevent the spread of disinformation in relation to the COVID-19 pandemic. There have not been any further surges in disinformation requiring an intervention by the government after 16 March 2020, when a rumour was spread that the capital Tallinn will be closed off completely and the sale of alcohol will be banned.<sup>35</sup>

Media platforms have consistently been rebutting disinformation throughout the pandemic. Propastop, which usually focuses on exposing anti-Estonian propaganda and is run by volunteers of Estonian Defence League (*Kaitseliit*), started regularly publishing overviews of disinformation related to the pandemic with disproving commentary.<sup>36</sup>

In March and April 2020, Eesti Päevaleht published weekly reports concerning disinformation. This included exposing social media influencers giving false advice related to the coronavirus and rebutting conspiracy theories blaming the pandemic on 5G network.<sup>37</sup> In May 2020, news portal Delfi joined the Debunk initiative, which focuses on exposing disinformation in the Baltic states.<sup>38</sup>

There are no reports of punishments for the spread of disinformation.

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<sup>32</sup> Õhtuleht (2020), '[Terviseamet küsis andmekaitselt koroonaviirusega nakatanute avaldamise kohta õigusnõu](#)', 13 June 2020.

<sup>33</sup> Estonia, Data Protection Inspectorate (*Andmekaitse Inspeksioon*), Response to information request, 1 July 2020.

<sup>34</sup> Estonia, Data Protection Inspectorate (*Andmekaitse Inspeksioon*), Response to information request, 1 July 2020.

<sup>35</sup> ERR (2020), '[Libauudiste trollid tõusid rünnakule](#)', 16 March 2020.

<sup>36</sup> Propastop, [Koroona](#).

<sup>37</sup> Eesti Päevaleht (2020), '[Plahvatuslikult kasvav Facebooki leht külvab lausvaledega koroonapaanikat](#)', 20 March 2020; Eesti Päevaleht (2020), '[Valeinfo nädalaülevaade: eksproofialgpalluri 5G paranoia, "epideemia lõpp" ja masti tõmmatud Hiina lipp](#)', 28 March 2020.

<sup>38</sup> Delfi (2020), '[Delfi liitus rahvusvahelise valeinfo paljastamisele pühendunud projektiga](#)', 18 May 2020.