

# Coronavirus pandemic in the EU – Fundamental Rights Implications

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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 **Finland**, the government issued decrees on 15 June repealing the use of powers under the Emergency Powers Act (*valmiuslaki/beredskapslagen*, Act No. 1552/2011)<sup>1</sup> and announced that the current situation in the country no longer constitutes a state of emergency as referred to in section 3 of the Emergency Powers Act. The decrees repealing the use of powers under the Act and the end of the state of emergency entered into force on 16 June.<sup>2</sup> The state of emergency was declared on 16 March 2020.<sup>3</sup>

In March-June, the government issued altogether 14 decrees on the use and continuation of powers under the Emergency Powers Act. The four government decrees which were still in force in June and were now repealed, were concerning the securing of the operations of social and health care units (sections 86-88 of the Act), derogation from the terms and conditions of employment relationships (section 93) and restricting the right concerning dismissal (section 94).<sup>4</sup> In addition to government decrees, the decisions issued by the Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) under the Emergency Powers Act, ceased to be valid as of 16 June. Such decisions were concerning, e.g., the supply and distribution of pharmaceuticals.<sup>5</sup> According to the government, it is possible to reinstate the use of powers under the Emergency Powers Act, if the situation so requires and the strict requirements for the application of the Act are fulfilled.<sup>6</sup>

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<sup>1</sup> Finland, Emergency Powers Act No. 1552/2011 ([valmiuslaki/beredskapslagen](#)).

<sup>2</sup> Finland, Government Decree No. 444/2020 ([valtioneuvoston asetus valmiuslain 86, 88, 93 ja 94 §:ssä säädettyjen toimivaltuuksien käytön jatkamisesta annetun valtioneuvoston asetuksen ja kyseisten toimivaltuuksien soveltamisesta annettujen asetusten kumoamisesta/statsrådets förordning om upphävande av statsrådets förordning om fortsatt utövning av befogenheter i enlighet med 86, 88, 93 och 94 § i beredskapslagen samt av förordningarna om tillämpningen av befogenheterna i fråga](#)), 15 June 2020. Finland, Government Decree No. 445/2020 ([valtioneuvoston asetus valmiuslain 87 §:ssä säadetyt toimivaltuuden käytön jatkamisesta annetun valtioneuvoston asetuksen kumoamisesta/statsrådets förordning om upphävande av statsrådets förordning om fortsatt utövning av en befogenhet i enlighet med 87 § i beredskapslagen](#)), 15 June 2020. Finland, Government (*valtioneuvosto/statsrådet*), [‘Use of powers under the Emergency Powers Act to end – state of emergency to be lifted on Tuesday 16 June’](#), press release, 15 June 2020.

<sup>3</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Government, in cooperation with the President of the Republic, declares a state of emergency in Finland over coronavirus outbreak’](#), press release, 16 March 2020.

<sup>4</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Use of powers under the Emergency Powers Act to end – state of emergency to be lifted on Tuesday 16 June’](#), press release, 15 June 2020.

<sup>5</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Use of powers under the Emergency Powers Act to end – state of emergency to be lifted on Tuesday 16 June’](#), press release, 15 June 2020. Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), [Sosiaali- ja terveysministeriön yleistiedoksiannot](#), website (communications from the Ministry).

<sup>6</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Use of powers under the Emergency Powers Act to end – state of emergency to be lifted on Tuesday 16 June’](#), press release, 15 June 2020.

Other legislative powers under normal conditions continue to be applied, including those laid down in the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016) and the Border Guard Act (*rajavartiolaitos/gränsbevakningslag*, Act No. 578/2005).<sup>7</sup>

In **Finland**, anti-racism protests were organised in several cities around the country at the beginning of June. According to media reports, when inviting people to the event, the organisers had reminded the participants of the coronavirus-related restrictions on public gatherings in force as from 1 June and that only a maximum of 500 participants are allowed. The participants were also urged to maintain safe distances, wear protective masks, or follow the event through live streaming.<sup>8</sup> According to media reports, in Helsinki, the estimated number of participants in the anti-racism demonstration was over 3,000 people.<sup>9</sup> Also in Oulu, the event gathered hundreds of participants.<sup>10</sup> In both cases, the organisers concluded the event at the request of the police, and the crowd dispersed peacefully.<sup>11</sup>

## 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 **Finland**, restrictions on public gatherings, events and spaces have gradually been lifted in June. Starting from 1 June, public premises, such as libraries, museums, theatres, and sports facilities, have been reopened, in a controlled manner and observing the guidelines on safety and hygiene and, when necessary, the restrictions on the number of persons and on public events.<sup>12</sup>

As from 1 June, indoor and outdoor public events and gatherings with a maximum of 50 persons are allowed, with the recommendation that hygiene guidelines are complied with. Public events and gatherings of 50–500 attendants in indoor and enclosed outdoor spaces can be organised, provided that safety can be ensured by promoting good hygiene practices, maintaining safe distances and limiting the number of visitors.<sup>13</sup> For outdoor events, where there are several sections or demarcated

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<sup>7</sup> Finland, [Communicable Diseases Act](#) No. 1227/2016 (*tartuntatautilaki/lag om smittsamma sjukdomar*) and [Border Guard Act](#) No. 578/2005 (*rajavartiolaitos/gränsbevakningslag*).

<sup>8</sup> YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Helsinki demonstrators join global anti-racism protest](#)', news release, 3 June 2020. YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Black Lives Matter – mielenilmaus kokosi Turun tuomiokirkon edustalle satoja ihmisiä](#)', news release, 13 June 2020.

<sup>9</sup> YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Yli 3000 ihmistä Senaatintorille kerännyt rasismiin vastainen mielenosoitus päättyi poliisin kehotuksesta – osa marssi vielä keskustassa](#)', news release, 3 June 2020.

<sup>10</sup> YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Poliisi keskeytti mielenosoituksen Oulussa – väkimmää paisui liian suureksi](#)', news release, 5 June 2020.

<sup>11</sup> YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Yli 3000 ihmistä Senaatintorille kerännyt rasismiin vastainen mielenosoitus päättyi poliisin kehotuksesta – osa marssi vielä keskustassa](#)', news release, 3 June 2020. YLE Finnish Broadcasting Company (Yleisradio/Rundradion), '[Poliisi keskeytti mielenosoituksen Oulussa – väkimmää paisui liian suureksi](#)', news release, 5 June 2020.

<sup>12</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Changes to restrictions imposed due to COVID-19 epidemic as of 1 June](#)', press release, 31 May 2020.

<sup>13</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Changes to restrictions imposed due to COVID-19 epidemic as of 1 June](#)', press release, 31 May 2020. Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) and Finnish Institute for Health and Welfare (*terveyden*

areas intended for audiences, a total audience of more than 500 persons is permitted with special arrangements, starting from 1 July. It is required that the attendees can be placed in their own seating areas or viewing sections, each of which has a maximum capacity of 500 persons. Safety must be ensured in each section or area by limiting the number of visitors in order to ensure safe distances and by providing hygiene instructions. A clear buffer zone must be arranged between each section in use. Each section must have its own access routes, services and event staff.<sup>14</sup> The Ministry of Social Affairs and Health has issued a circular to the regional authorities on implementing the specifications in accordance with the Communicable Diseases Act.<sup>15</sup> According to the government's announcement, if the coronavirus epidemic in the country continues to slow down, events with more than 500 persons can be organised both indoors and outdoors as of 1 August, still taking into account the guidelines on safe distances and hygiene and limiting the number of visitors with special separation arrangements. Based on their discretion, the Regional State Administrative Agencies (*aluehallintovirasto/regionförvaltningsverket*) will make decisions on the matter in July for a maximum of one month at a time. Provided the situation stays positive, the government estimates that the restrictions on gatherings may be lifted altogether as of 1 October 2020.<sup>16</sup>

Restaurants, cafes and bars reopened on 1 June, with temporary restrictions on opening and licensing hours and maximum number of customers.<sup>17</sup> The restrictions have been eased in phases in June. According to the restrictions currently in force, restaurants, cafes and bars are allowed to seat no more than three quarters of their normal number of customers inside their establishments. The opening and licensing hours are limited.<sup>18</sup> The restrictions on the opening and licensing hours and numbers of customers will be lifted completely on 13 July, whereas other restrictions will remain in force until 31 August 2020. Every customer must have their own seat at a table or counter. The businesses must continue to prevent risk of infection, by keeping their premises and surfaces clean, by providing the customers the possibility for handwashing upon arrival, and by ensuring sufficient physical distances between customers.<sup>19</sup>

On 17 June, the government recommendation to avoid visits to hospitals was removed. The operating unit is responsible for the practical arrangements of the visits, such as the use of personal protective

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ja hyvinvoinnin laitos/institutet för hälsa och välfärd), [Guidelines on the prevention of coronavirus infections in public events and gatherings](#) (in Finnish), 14 May 2020.

<sup>14</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Government makes specifications to policy on audience sizes at outdoor events as of 1 July’](#), press release, 11 June 2020.

<sup>15</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [STM:n ohjauskirje aluehallintovirastoille ulkotilaisuuksien enimmäishenkilömäärien poikkeuksista](#), 11 June 2020.

<sup>16</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals’](#), press release, 17 June 2020.

<sup>17</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Changes to restrictions imposed due to COVID-19 epidemic as of 1 June’](#), press release, 31 May 2020.

<sup>18</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Partial lifting of restrictions on restaurants, cafes and bars from 13 July – remaining restrictions in force until 31 August’](#), press release, 18 June 2020. Finland, Government Decree No. 477/2020 (*valtioneuvoston asetus ravitsemisliikkeiden toiminnan väliaikaisesta rajoittamisesta tartuntataudin leviämisen estämiseksi/statsrådet förordning om temporär begränsning av förplägnadsrörelsens verksamhet i syfte att förhindra spridning av en smittsam sjukdom*), 18 June 2020.

<sup>19</sup> Finland, Government (*valtioneuvosto/statsrådet*), [‘Partial lifting of restrictions on restaurants, cafes and bars from 13 July – remaining restrictions in force until 31 August’](#), press release, 18 June 2020. Finland, Government (*valtioneuvosto/statsrådet*), [‘Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals’](#), press release, 17 June 2020.

equipment and appropriate meeting places.<sup>20</sup> Units providing 24-hour care and treatment must provide their older clients and others clients belonging to risk groups with the opportunity to meet their loved ones safely, by ensuring adequate protection in an outdoor location or by arranging separate, protected meeting facilities. The government recommends that, as a general rule, access to the customer premises of units providing 24-hour care and treatment remain limited to the staff of the unit.<sup>21</sup> Based on section 17 of the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016), the head of the unit can still decide that visits are limited if there is a risk that patients, clients and personnel cannot be properly protected.<sup>22</sup>

On 23 June, the government called off its recommendations for persons over the age of 70 to avoid physical contacts.<sup>23</sup> The general recommendations concerning cough and hand hygiene and other preventative measures apply to all age groups. (see also below 1.3)

According to the Police Board (*poliisihallitus/polisstyrelsen*), between 16 March and 30 June 2020 there have been two registered cases concerning breach of quarantine orders under section 60 of the Communicable Diseases Act. One is still under investigation as of 30 June, the other was discontinued by decision of the public prosecutor. Between 16 March and 30 June 2020, in two cases a fine has been imposed for assembly violation under section 26 of the Assembly Act (*kokoontumislaki/lag om sammankomster*, Act No. 530/1999). In both cases, the public gathering arranged was also in breach of the instructions issued by the Regional State Administrative Agency (*aluehallintovirasto/regionförvaltningsverket*) in accordance with section 58 of the Communicable Diseases Act, because the number of attendants exceeded 10 people, which was the maximum number allowed at the time. Two more such cases are currently being investigated by the police.<sup>24</sup>

## 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 **Finland**, Parliament approved an amendment to the Basic Education Act (*perusopetuslaki/lag om grundläggande utbildning*, Act No. 628/1998). The new paragraph 20a is temporary and in force as from 1 August until 31 December 2020.<sup>25</sup> The amendment means that in the autumn of 2020 schools providing basic education can in exceptional circumstances switch from contact teaching to distance learning, if the municipal body responsible for the control of communicable diseases decides that this

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<sup>20</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals](#)', press release, 17 June 2020.

<sup>21</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals](#)', press release, 17 June 2020.

<sup>22</sup> Finland, [Communicable Diseases Act](#) No. 1227/2016 (*tartuntatautilaki/lag om smittsamma sjukdomar*). Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), [Vierailut sosiaali- ja terveydenhuollon yksiköissä koronavirusepidemian aikana](#), memorandum, 16 June 2020.

<sup>23</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Government updates policies on border issues, remote working and recommendations for persons over 70 years of age](#)', press release, 23 June 2020.

<sup>24</sup> Finland, Police Board (*poliisihallitus/polisstyrelsen*), e-mail message, 6 July 2020.

<sup>25</sup> Finland, Government (*valtioneuvosto/statsrådet*), [Eduskunnann vastaus hallituksen esitykseen OKM/2020/45](#), government decisions, 26 June 2020.

is necessary for the safe organisation of teaching and as a measure to prevent the spread of coronavirus. The decision is made under the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016), and there is no need to activate emergency legislation. The decision on distance learning is for at most one month at a time. It does not concern pre-primary education, children in grades 1-3, special-needs education, or children in preparatory education. Children in these groups continue to attend contact teaching.<sup>26</sup>

Amendments were also approved to the Act on Vocational Upper Secondary Education (*laki ammatillisesta koulutuksesta/lag om yrkesutbildning*, Act No. 531/2017), the Universities Act (*ylpiistolaki/universitetslag*, Act No. 558/2009) and the Universities of Applied Sciences Act (*ammattikorkeakoululaki/yrkeshögskolelag*, Act No. 932/2014). The amendments are temporary and are in force as from 1 July 2020 until 31 July 2021.<sup>27</sup> If it is not possible for students in vocational training to demonstrate their skills in genuine working conditions and environments due to coronavirus-related restrictions, they can be assigned other exercises or tasks which are as close to work situations as possible, in order to evaluate their skills. In universities, a student can register as non-attending for the first academic year, if he or she is unable to begin studies owing to coronavirus-related instructions and regulations issued by the authorities or for other serious grounds relating to the epidemic.

In **Finland**, a working group appointed by the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) published its preliminary observations on 24 June in a report on the effects of the coronavirus epidemic on the wellbeing of children.<sup>28</sup> The final report is expected in October 2020. For the purpose of compiling this initial report the working group requested data from various authorities, NGOs, trade unions and research institutes who work in the field of education and child, youth and family issues. The working group is concerned that the coronavirus crisis may lead to growing inequality among children and young people. In the post-crisis measures, it is important to recognize the group of children that require particular attention.<sup>29</sup> Regarding basic education during the coronavirus epidemic, the report notes that the experience of remote education has been positive for many children, but not all. For example, immigrant families had difficulties in supporting their children in distance learning. This was due to language problems, insufficient knowledge of the online tools for cooperation and communication between the school and the home, and lack of access to technical equipment required for distance learning. The working group suggests as a first-step measure that the coronavirus-related communication between the school and immigrant families takes into account potential language problems and pays attention to the accessibility of the tools for communication. In addition to online tools for communication, it is important to enhance other, direct contacts with the families. The working group emphasises that all children need learning support during periods of remote teaching. They also need equal access to student welfare services. Support and services should be available also during the summer holidays.

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<sup>26</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), [Perusopetuslakiin, ammatillisen koulutuksen lakiin sekä korkeakoululakeihin väliaikaisia muutoksia koronavirusilanteen johdosta](#), press release, 4 June 2020.

<sup>27</sup> Finland, Government (*valtioneuvosto/statsrådet*), [Eduskunnan vastaus hallituksen esitykseen OKM/2020/42](#) and [Eduskunnan vastaus hallituksen esitykseen OKM/2020/43](#), government decisions, 26 June 2020.

<sup>28</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [Lasten ja nuorten hyvinvointi koronaviruksen jälkihoidossa](#), Government publications 2020:21.

<sup>29</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [‘Working group: Effects of the coronavirus epidemic on the wellbeing of children must be rectified – Special attention on combatting inequality’](#), press release, 24 June 2020.



At the beginning of July, the Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) announced that it has granted some € 14 million to providers of early childhood education and some € 70 million to providers of primary and secondary lower education to alleviate the harm caused by the coronavirus epidemic and the exceptional conditions in the spring.<sup>30</sup> The grant can be used for purposes such as supplementary teaching for pupils with learning gaps created under the emergency condition, extra support for pupils in preparatory education, language teaching in Finnish or Swedish for pupils with foreign-language background, pupil counselling, and pupil welfare services. The funding will be available starting from 1 August 2020.<sup>31</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 **Finland**, temporary amendments to legislation concerning unemployment support and layoffs were made in March-April, in order to secure the livelihoods of laid-off employees and entrepreneurs during the coronavirus pandemic and to help businesses adjust to changes in demand for labour caused by the pandemic. The amendments were due to expire in June-July, but will now remain in force until 31 December 2020.<sup>32</sup> The amendments are concerning the temporary abolishment of the normal five-day waiting period before a person is eligible for unemployment security, reduced work requirement prior to the unemployment period, temporary suspension of the maximum time limit of unemployment allowance, and accelerated furloughing process.

The Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) reports on 24 June that there are 158,100 fully laid-off people in the country. This is less than in April (163,700), when the number of fully laid-off people during the coronavirus crises reached its peak. However, there has been an increase in the number of unemployed jobseekers in May 2020 (432,700), which is 206,200 more than in May 2019. The number of unemployed jobseekers also includes the people fully laid off.<sup>33</sup>

Under of the Employment Contracts Act (*työsopimuslaki/arbetsavtalslag*, Act No. 55/2001), the maximum layoff period is 90 days when the layoff is owing to temporary reduction of work.<sup>34</sup> The first

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<sup>30</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Varhaiskasvatuksen, esi- ja perusopetuksen poikkeusolojen vaikutusten tasoittamiseen noin 84 miljoonaa euroa](#)', press release, 6 July 2020.

<sup>31</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), e-mail message, 7 July 2020.

<sup>32</sup> Finland, Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*), '[Measures that have brought security and flexibility to labour markets during coronavirus epidemic will be extended](#)', press release, 23 June 2020. Finland, Government (*valtioneuvosto/statsrådet*), [Eduskunnan vastaus hallituksen esitykseen TEM/2020/80](#) and [Eduskunnan vastaus hallituksen esitykseen TEM/2020/83](#), government decisions, 26 June 2020. Finland, Government (*valtioneuvosto/statsrådet*), '[Legislative amendments strengthening livelihoods of employees to remain in force until end of year – central government to contribute to financing of earnings-related allowances paid during layoff](#)', press release, 29 June 2020.

<sup>33</sup> Finland, Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*), website [Tilannetietoa koronaviruksen vaikutuksista](#), corona situation report, 17 June 2020, and '[Sharp increase in unemployed jobseekers in May](#)', press release, 24 June 2020.

<sup>34</sup> Finland, [Employment Contracts Act](#) No. 55/2001 (*työsopimuslaki/arbetsavtalslag*), Chapter 5, section 2.

temporary layoffs during the coronavirus pandemic began in March-April and are due to expire in June-July. According to media reports, there is uncertainty among both companies and laid-off employees as to the process after the 90-day temporary layoff period is up. Some companies are still struggling and are unable to pay staff wages. However, it is not clear whether in the current furloughing process a temporary layoff can be extended for another fixed period, without new cooperation negotiations and redistribution of redundancy notices and whether a temporary reduction in work is a legitimate justification for the extension of a temporary layoff.<sup>35</sup>

Due to the travel restrictions imposed as a result of the coronavirus pandemic, the entry of foreign labour into Finland has decreased significantly. This has made it challenging to find workers in the agricultural and horticultural sectors during the summer months. The government has decided to allow the entry of 9,000 seasonal workers from third countries, to meet the needs in primary production (see below 1.2.5). As another measure to help alleviate the labour shortage, the government decided to extend asylum seekers' right to work by a temporary amendment to the Aliens Act (*ulkomaalaislaki/utlänningslag*, Act No. 301/2004).<sup>36</sup> The amending Act is in force as from 29 June until 31 October 2020. The three-month and six-month waiting periods for asylum seekers for taking up employment are temporarily abolished. Asylum seekers have the right to work in agriculture, forestry, horticulture and fisheries, which are currently the most critical sectors in terms of need for seasonal employees.<sup>37</sup> NGOs have criticised the amendment, because it does not apply to all asylum seekers equally but only to those who have submitted their first or subsequent application for international protection before the entry into force of the amendment. Also, leaving out other sectors with need for workforce, such as care workers and construction workers, the amendment fails to put to use the full potential and skills of asylum applicants.<sup>38</sup>

On 23 June, the government stated that the recommendation on extensive remote work would end on 1 August, due to the improved coronavirus situation. The summer holiday season will allow for a flexible transition towards normal working conditions. However, the government will monitor closely the effects of lifting the restrictions, in order to prevent a possible acceleration of the epidemic.<sup>39</sup>

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<sup>35</sup> YLE Finnish Broadcasting Company (*Yleisradio/Rundradion*), '[Lomautuksissa on kolmen kuukauden käännekohta– Töihin palannut hotellivirkailija: ”Jokainen tiedostaa, ettei tässä ole mitään varmaa”](#)', news release, 29 June 2020. YLE Finnish Broadcasting Company (*Yleisradio/Rundradion*), '[Finland's furloughed workers face uncertainty as 90-day layoff period ends](#)', news release, 29 June 2020.

<sup>36</sup> Finland, Government (*valtionneuvosto/statsrådet*), '[Eduskunnan vastaus hallituksen esitykseen SM/2020/28](#)', government decisions, 26 June 2020.

<sup>37</sup> Finland, Government (*valtionneuvosto/statsrådet*), '[Asylum seekers' right to work will be temporarily extended to improve availability of seasonal labour](#)', press release, 25 June 2020. Finland, Government (*valtionneuvosto/statsrådet*), '[Urgent need for 1,500 employees in critical primary production sectors](#)', press release, 15 April 2020.

<sup>38</sup> The Finnish Refugee Advice Centre (*Pakolaisneuvonta/Flyktingrådgivningen*), '[statement to the Administration Committee of Parliament](#)' (*hallintovaliokunta/förvaltningsutskottet*), 12 May 2020. Finnish Refugee Council (*Suomen pakolaisapu*), '[statement to the Administration Committee of Parliament](#)' (*hallintovaliokunta/förvaltningsutskottet*), 11 May 2020.

<sup>39</sup> Finland, Government (*valtionneuvosto/statsrådet*), '[Government updates policies on border issues, remote working and recommendations for persons over 70 years of age](#)', press release, 23 June 2020.



### 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 **Finland**, the National Courts Administration (*tuomioistuinvirasto/domstolsverket*) issued a return plan in May 2020, to facilitate the return to regular activities in courts.<sup>40</sup> The courts are independent and responsible for the arrangement of their own operations. It is for each court to decide on how to resume normal activities in a controlled and gradual manner. Some districts courts have already informed on their websites that as from 1 June, they will increase the number of court sessions and will start arranging hearings also in other cases than those considered urgent.<sup>41</sup> Overall, as the coronavirus epidemic is not yet over, remote hearings are still recommended, when possible, and the courts continue to limit the number of people present in the premises by not starting hearings at the same time. In customer service, phone and e-mail are still recommended. The service of summonses is primarily effected via telephone or by post. The courts will continue to follow the instructions regarding safe distances and hygiene. They are also prepared to reapply restrictions should the coronavirus epidemic accelerate again.<sup>42</sup>

The National Courts Administration reports that in the exceptional circumstances, administrative courts, which decide cases mostly in written procedure, have been able to operate close to normal by using remote communications.<sup>43</sup> According to the weekly statistics issued by the National Courts Administration, the number of district court cases adjourned due to COVID-19 is gradually going down. As at 14 June, there are 7,269 adjourned cases in district courts, whereas on 17 May there were 7,432 such cases.<sup>44</sup>

The National Courts Administration has estimated that it will take at least two years to clear the backlog of court cases.<sup>45</sup> The Ministry of Justice (*oikeusministeriö/justitieministeriet*) informed that in the government supplementary budget adopted on 26 June, € 411,000 has been allocated to courts

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<sup>40</sup> Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), '[Tuomioistuinviraston palautumissuunnitelmassa suositellaan, että keskeytettyjä toimintoja käynnistettäisiin harkiten uudelleen](#)', press release, 29 May 2020.

<sup>41</sup> Finland, Eastern Uusimaa district court (*Itä-Uudenmaan käräjäoikeus/Östra Nylands tingsrätt*), '[Koronavirusepidemian huomiointi toiminnassamme](#)', website, 20 May 2020, Western Uusimaa district court (*Länsi-Uudenmaan käräjäoikeus/Västra Nylands tingsrätt*), '[Käräjäoikeus lisää istuntojen määrää 1.6.2020 alkaen – suojatoimenpiteistä huolehditaan](#)', website, 25 May 2020, and Northern Savo district court (*Pohjois-Savon käräjäoikeus/Norra Savolax tingsrätt*), '[Koronavirusepidemian huomiointi toiminnassamme](#)', website, 12 June 2020.

<sup>42</sup> Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), '[Tuomioistuinviraston palautumissuunnitelmassa suositellaan, että keskeytettyjä toimintoja käynnistettäisiin harkiten uudelleen](#)', press release, 29 May 2020. Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), e-mail messages, 4 July 2020 and 7 July 2020.

<sup>43</sup> Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), '[Tuomioistuinviraston palautumissuunnitelmassa suositellaan, että keskeytettyjä toimintoja käynnistettäisiin harkiten uudelleen](#)', press release, 29 May 2020.

<sup>44</sup> Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), '[Keskeytystilastot](#)', website, 24 June 2020.

<sup>45</sup> Finland, National Courts Administration (*tuomioistuinvirasto/domstolsverket*), '[Time and significant resources needed to clear backlog of court cases](#)', press release, 6 May 2020.

for new video conference equipment, in order for courts to arrange remote hearings owing to the coronavirus epidemic.<sup>46</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 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 **Finland**, the government has decided on partial lifting of coronavirus-related restrictions on travel and border control. On 15 June, internal border control was abolished at the land border between Finland and Norway; for air traffic and regular ferry services between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania, and for tourism by private persons on their own boat. Self-isolation for 14 days is not required if the person arrives in Finland from Norway, Denmark, Iceland or the Baltic countries.<sup>47</sup>

On 23 June, the government decided that based on the current development of the coronavirus epidemic, travel may be possible as from 13 July between Finland and the following Schengen countries: Germany, Italy, Austria, Greece, Switzerland, Slovakia, Slovenia, Hungary and Liechtenstein. In addition, travel to Finland from Croatia, Cyprus and Ireland would be allowed. The current quarantine recommendations for travellers coming from these countries would be lifted. The guideline applied by the government is that all these countries currently have fewer than eight new confirmed coronavirus infections per 100,000 citizens over a two-week period. However, the government will continue to assess the overall situation in the Schengen area and the EU Member States until 10 July and will update the list of countries based on the development of the epidemic at that time.<sup>48</sup>

Restrictions on border traffic will continue at external borders, that is the Russian border and for those arriving from other third countries, until 14 July.<sup>49</sup> Domestic travel and tourism was allowed as from 29 May, provided that safety guidelines related to coronavirus are followed.<sup>50</sup>

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<sup>46</sup> Finland, Government (valtioneuvosto/statsrådet), ‘[Ministeri Henriksson: Syyttäjätoimintaan vahvistusta lisätalousarviossa](#)’, press release, 2 June 2020.

<sup>47</sup> Finland, Government (valtioneuvosto/statsrådet), ‘[Government decided on restrictions on border traffic starting from 15 June](#)’, press release, 12 June 2020.

<sup>48</sup> Finland, Government (valtioneuvosto/statsrådet), ‘[Government updates policies on border issues, remote working and recommendations for persons over 70 years of age](#)’, press release, 23 June 2020. YLE Finnish Broadcasting Company (Yleisradio/Rundradion), ‘[Finland to loosen travel restrictions based on infection ratios](#)’, news release, 24 June 2020.

<sup>49</sup> Finland, Government (valtioneuvosto/statsrådet), ‘[Government decided on restrictions on border traffic starting from 15 June](#)’, press release, 12 June 2020.

<sup>50</sup> Finland, Government (valtioneuvosto/statsrådet), ‘[Government decision: Travel within Finland allowed as long as health and safety guidelines are observed](#)’, press release, 29 May 2020.

In **Finland**, the government revised the maximum number of seasonal workers needed for harvesting by agricultural and horticultural enterprises. In addition to the 4,500 seasonal workers, on which a decision was made earlier in April and May, a further 4,500 seasonal workers from third countries were allowed as from 1 June. Seasonal workers from non-EU-countries need to have the necessary permits for entry into the country and for working, and their employer is expected to justify the necessity of their entry into the country. The self-isolation requirement for 14 days after arrival in Finland applies to seasonal workers from third countries.<sup>51</sup> The Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*) reports that by 18 June it had granted a permit to approximately 8,700 seasonal workers. At the time, some 2,400 seasonal workers had arrived in Finland.<sup>52</sup>

The Finnish Immigration Service reports that the number of asylum applications has diminished considerably during the coronavirus pandemic and the number of new applications is low, due to the restrictions on border traffic.<sup>53</sup> According to the statistics issued by the Finnish Immigration Service, 611 asylum applications were submitted in March-May 2020. Of these, 219 were new applications and 392 subsequent applications. In March-May 2019, 1,115 asylum applications were registered, of which 570 were new applications and 545 subsequent applications.<sup>54</sup> [The statistics for June 2020 are not yet available]

### 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 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 immersed in your country as facing particular challenges - before selection, this should be discussed with FRA.*

<sup>51</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Maximum number of seasonal workers from non-EU countries increases by 4,500](#)', press release, 29 May 2020.

<sup>52</sup> Finland, Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*), '[Good progress has been made in processing the seasonal work applications](#)', press release, 18 June 2020.

<sup>53</sup> Finland, Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*), '[Only a few asylum applications have been submitted during the coronavirus pandemic](#)', press release, 15 May 2020. Finland, Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*), '[Capacity reduced at reception centres – Finnish Immigration Service to end contracts with seven centres](#)', press release, 24 June 2020.

<sup>54</sup> Finland, Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*), website [Statistics](#).

## Persons with disabilities

In **Finland**, the government eased its recommendation to avoid visits to hospitals and care institutions on 17 June. Units providing 24-hour care and treatment must provide their clients belonging to risk groups with the opportunity to meet their loved ones safely, by ensuring adequate protection in an outdoor location or by arranging separate, protected meeting facilities. However, the government recommends that access to the customer premises of 24-hour care units remain limited to the staff of the unit, in order to minimise the risk for a coronavirus infection among the residents and particularly those who belong to a risk group. The recommendation to avoid visits does not apply to persons providing essential services to the clients, such as rehabilitation workers or personal assistants.<sup>55</sup>

A decision on a visiting ban is made by the head of the operating unit, based on section 17 of the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016). The guidelines on visits to healthcare and social welfare units during the coronavirus epidemic, issued by the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) on 16 June, emphasise that any decisions against visits to care institutions should be based on individual consideration rather than issuing absolute bans.<sup>56</sup> For example, disability organisations have criticised the visiting bans, because such bans do not take into account the fact that not all persons living in a 24-hour care unit belong to a risk group. In their statement, the organisations suggest that the care units are provided with more detailed instructions for implementing the guidelines issued by the Ministry.<sup>57</sup>

The Ministry of Social Affairs and Health has appointed a working group to study the effects of the coronavirus epidemic on the wellbeing of children and families. In its initial report, published on 24 June, the working group finds that during the coronavirus crisis, the practice concerning visiting bans has varied between 24-hour care units for persons with disabilities. In some cases, the residents have not been allowed to leave the unit for the weekend to visit their parents or self-isolation before returning to the housing unit after a weekend visit has been required. Persons providing services to the residents, such as personal assistants, therapists or interpreters, have not always been allowed to visit their clients due to a visiting ban in the care unit.<sup>58</sup>

Overall, the working group reports that the coronavirus crisis has considerable and often negative impacts on the wellbeing of families of children with disabilities. Many municipally organised services and support, such as personal assistants or transportation services for persons with disabilities, have been restricted or not available at all. In the exceptional circumstances, many parents of children with disabilities have been overburdened and the need for support in the families has increased owing to the crisis. The working group recommends that in the post-crisis measures and in preparing for a possible 'second wave' of the epidemic, particular attention should be paid to the wellbeing of

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<sup>55</sup> Finland, Government (*valtioneuvosto/statsrådet*), '[Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals](#)', 17 June 2020.

<sup>56</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[Vierailut sosiaali- ja terveydenhuollon yksiköissä koronavirusepidemian aikana](#)', memorandum, 16 June 2020.

<sup>57</sup> Inclusion Finland KVTL (*Kehitysvammaisten Tukiliitto ry*), '[Kehitysvammajärjestöt: Liikkumista rajoitetaan lainvastaisesti vammaispalveluissa](#)', press release, 8 May 2020, and '[Vierailukiello ei voi koskea kaikkia vammaisten asumisyksikön asukkaita](#)', press release, 18 June 2020.

<sup>58</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[Lasten ja nuorten hyvinvointi koronaviruksen jälkihoidossa](#)', Government publications 2020:21, p. 38–41.

children with disabilities and their families, by ensuring the availability of sufficient support services and the resources to implement such services.<sup>59</sup>

### Older people

In **Finland**, as part of the measures that were announced on 23 June 2020 dismantling earlier restrictions (please see above), the government lifted the age-based recommendations for persons over 70 years of age to avoid physical contact.<sup>60</sup> The government notes that despite its benefits, the practical implementation of the recommendation has had also negative impacts on the physical, psychological and social wellbeing and functional capacity of older people. In close contacts, however, a cautious approach observing the individual risk factors is advised also in continuation. On 23 May, the Finnish Institute for Health and Welfare (THL) had issued updated guidelines for older people, stressing the importance of social contacts and leading an active life using physical, mental and social abilities for a wide range of purposes for the wellbeing and functional capacity of older people.<sup>61</sup>

Already earlier, on 17 June 2020, the government had announced that visits to social and health care units can be allowed when caution and safety measures are observed (please see above).<sup>62</sup> On 11 June 2020, the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) issued instructions for municipalities and care units for preparations to safeguard individually adapted home based social and health care services for persons belonging to the risk groups, such as older people and persons with disabilities.<sup>63</sup> The municipalities and other actors were obliged to issue clear instructions for their personnel on practical protective measures and on how to instruct e.g. their home care customers for self-protection against the virus.

In a decision issued on 22 June 2020, as a response to several complaints concerning the restrictions that had been imposed on older people, in particular, as regards their right to meet their close ones, the Deputy Parliamentary Ombudsman overseeing the Health and Social Affairs matters (*apulaisoikeusasiamies/biträdande justitieombudsman*) took stand on the legality of the restrictions, especially, the instructions/recommendations issued by the Ministry of Social Affairs and Health.<sup>64</sup> While acknowledging, on the one hand, the necessity to restrict access to care homes and units in order to protect people's right to life and health, the Deputy Ombudsman notes, on the other hand, that the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016), on the basis of which the instructions were issued, lacks explicit and precise enough basis for issuing this type of restrictions. The Ombudsman also criticises the way the instructions were

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<sup>59</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [Lasten ja nuorten hyvinvointi koronakriisin jälkihoidossa](#), Government publications 2020:21, p. 38–41.

<sup>60</sup> Finland, Government Communications Department (2020), [‘Government updates policies on border issues, remote working and recommendations for persons over 70 years of age’](#), press release, 23 June 2020 and Ministry for Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*)(2020), *70 vuotta täyttäneen väestön fyysisten kontaktien välttämistä koskevan suosituksen purkaminen*, Esitys, 22 June 2020.

<sup>61</sup> Finland, Finnish Institute for Health and Welfare (*Terveystieteiden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd, THL*), [‘Elderly people should avoid exposure to coronavirus – attention should be paid to wellbeing and functional capacity’](#), press release, 19 May 2020.

<sup>62</sup> Finland, Government (*valtioneuvosto/statsrådet*) (2020), [‘Government agrees to ease restrictions on gatherings, operations of food and beverage service businesses and visits to care institutions and hospitals’](#), press release, 17 June 2020.

<sup>63</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*)(2020), [Koronavirustartuntoihin varautuminen ja asiakkaiden tarpeisiin vastaaminen kotiin annettavissa palveluissa](#), Instructions (Ohje), 11 June 2020.

<sup>64</sup> Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*) (2020), Decision, [EOAK 3232/2020](#), 18 June 2020.



communicated, at first, as legally binding ones, even if they were not. This resulted in unnecessary restrictions being issued at the local level as well as an unequal balance struck between the prohibitions and alternative measures to accommodate respect for, e.g., the individual's right to self-determination, the rights to private and family life, and non-discrimination. The Deputy Ombudsman continues to investigate the matter as an own initiative and has requested further clarifications from the national authorities.<sup>65</sup> Already at this stage, however, the Deputy Ombudsman recommends the Ministry of Social Affairs and Health to start preparations for necessary legislative amendments without delay.<sup>66</sup>

### Detainees

In **Finland**, the Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*) continues to lift the restrictions imposed due to the coronavirus pandemic. Visits to prisons have been suspended since 13 March. As of 24 June, the prisons allowed supervised visits by the prisoners' close relatives, the prisoner's own underage children and the underage children of the spouse living in the same household with the prisoner.<sup>67</sup> Starting from 1 July, also unsupervised visits are allowed. During the visits, particular attention is paid to sufficient distances and hand hygiene. The visitors should be prepared to wear a protective mask if there are no plexiglass screens installed in the visiting premises. In open prisons, visits may also be arranged outside if sufficient distances and supervision are maintained. During all visits, touching is absolutely prohibited.<sup>68</sup>

The Criminal Sanctions Agency informed that the restrictions concerning prison leaves are lifted as from 1 July. In decisions on prison leave applications, the potential risk of a coronavirus infection will be taken into consideration. Activities arranged by prisons or the cooperation partners of prisons begin in July, provided the necessary protection measures are maintained. At the moment, there are some 2,500 prisoners in total. There have been no cases of coronavirus infections in the prisons.<sup>69</sup>

In April, the enforcement of new conversion sentences for unpaid fines and unconditional prison sentences was postponed until the end of July at the most, due to the coronavirus pandemic.<sup>70</sup> When the state of emergency was lifted on 16 June, the enforcement of conversion sentences for unpaid fines and unconditional prison sentences began again. The Criminal Sanctions Agency states that the aim is to clear the backlog of enforcement cases in a controlled manner. The measures will be spread over a longer period of time. The safety of the staff and the prisoners will be taken into account.<sup>71</sup> In

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<sup>65</sup> Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiamiehen kanslia/justitieombudsmannens kansli*) by phone on 1 July 2020.

<sup>66</sup> Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*) (2020), Decision, [EOAK 3232/2020](#), 18 June 2020.

<sup>67</sup> Finland, Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*), '[Close relatives and children can visit prisoners as of 24 June](#)', press release, 17 June 2020.

<sup>68</sup> Finland, Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*), '[Prisons start unsupervised visits and wider use of prison leaves](#)', press release, 1 July 2020. Finland, Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*), website [Koronavirukseen varautuminen Rikosseuraamuslaitoksessa – usein kysytyt kysymykset](#), 1 July 2020.

<sup>69</sup> Finland, Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*), '[Prisons start unsupervised visits and wider use of prison leaves](#)', press release, 1 July 2020.

<sup>70</sup> Finland, Act No. 194/2020 ([laki sakon muuntorangaistuksen ja ehdottoman vankeusrangaistuksen täytäntöönpanon väliaikaisesta rajoittamisesta/lag om temporär begränsning av verkställigheten av förvandlingsstraff för böter och av verkställigheten av ovillkorliga fängelsestraff](#)), 7 April 2020.

<sup>71</sup> Finland, Criminal Sanctions Agency (*rikosseuraamuslaitos/brottspåföljdsmyndigheten*), '[Close relatives and children can visit prisoners as of 24 June](#)', press release, 17 June 2020.



addition to the temporary postponement of prison sentences, no alternatives to detention were introduced as a consequence of the coronavirus pandemic.<sup>72</sup>

## 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.*

The Office of the Non-discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) reports having received one communication submitted by a person of Chinese origin residing in **Finland** about having experienced stigmatizing behaviour in public places on three different occasions.<sup>73</sup> The National Police Board (*poliisihallitus/polisstyrelsen*) reports no incidents during the reporting period<sup>74</sup>, nor does the Ministry of Justice (*oikeusministeriö/justitieministeriet*), or the NGOs and/or the media.<sup>75</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.*

On 26 June 2020, the **Finnish** Parliament approved Government Bill No. 101/2020 on a mobile tracing application to combat the spread of the corona virus.<sup>76</sup> The Bill had been submitted to Parliament on 11 June 2020. A new temporary Chapter is added to the Communicable Diseases Act (Chapter 4[a], Sections 43 [a–d], *tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016) enabling the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*, THL) to offer and maintain a mobile application and thereto related data system to trace people who have become predisposed to corona virus.<sup>77</sup> The application is free of charge for its users, its use is voluntary and the use of the collected information, which is pseudonymised, requires an explicit permission. The legislation will be in force for a limited period from 31 August 2020 to 31 March 2021. [The earlier developments relating to the tracing application were covered in Bulletin No. 2.]

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<sup>72</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), e-mail message, 6 July 2020.

<sup>73</sup> Finland, information obtained from the office of the Non-discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) by email and phone on 24 June 2020.

<sup>74</sup> Finland, information obtained from the National Police Board (*poliisihallitus/polisstyrelsen*) on 24 June 2020.

<sup>75</sup> Finland, information obtained from the Ministry of Justice on 2 July 2020 as well as information available on the websites of the [Finnish Section of Amnesty International](#) and [the Finnish League for Human Rights \(Ihmisoikeusliitto/Människorättsförbundet\)](#).

<sup>76</sup> Finland, Government legislative proposal ([Hallituksen esitys eduskunnalle laiksi tartuntatautilain väliaikaisesta muuttamisesta, Proposal No. 101/2020](#)).

<sup>77</sup> Finland, [Laki tartuntatautilain väliaikaisesta muuttamisesta](#).

As conditions for approving the Bill in a process of drafting ordinary legislation, the Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*) required changes to be made to it to the effect of prohibiting the use of the collected information in the exercise of public power as well as complementing the conditions for obtaining and use of the permission to collect information.<sup>78</sup> In accordance with these requirements, the Committee on Social Affairs and Health of Parliament (*sosiaali- ja terveystieteiden valiokunta/social- och hälsovårdsutskottet*) added to the government proposed provisions the requirement that the use and transfer of information between the mobile application and the system requires permission which shall be given in the mobile application (Section 43[a]).<sup>79</sup> In the permission, it has to be made clear that it has been given voluntarily and explicitly and with the awareness of the purpose for which the information may be used. The permission shall also state that it has not been given in the context of exercise of public power, that is, e.g. in social and health care client service situations or in other public proceedings. Furthermore, the permission shall be withdrawable any time by removing the application from the mobile device. The Committee on Social Affairs and Health then recommended the approval of the Bill with a further statement requiring the government to carefully monitor the development and use of the application from the point of view of privacy and data protection, to maintain the readiness to quick changes to the system and/or the underlying legislation, and to report on the developments to Parliament at the latest in the fall of 2021.

In **Finland**, the Office of the Data Protection Ombudsman (*tietosuojavaltuutetun toimisto/data-ombudsmannens byrå*) reports having been informed of one privacy related incident which related to videomonitoring of a distance exam arranged by a university department during the reporting period. According to the Data Protection Ombudsman's Office, a crime report has been filed in the matter, and the police is conducting preliminary inquiries into it. According to media sources, the university in question has announced to have changed its practice in anticipation of the outcome of the police's preliminary inquiries.<sup>80</sup>

In **Finland**, further, the National Cyber Security Centre at the Finnish Transport and Communication Agency published instructions for private persons about the effects of the corona virus circumstances on, e.g., information security at home, telework and distance learning, cyber security phenomena and the operability of communications networks.<sup>81</sup> The National Cyber Security Centre was also granted an extra funding of € 300,000 for countering corona virus related side effects.<sup>82</sup>

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<sup>78</sup> Finland, Constitutional Law Committee statement, [Perustuslakivaliokunnan lausunto PeVL 20/2020 vp – HE 101/2020 vp](#).

<sup>79</sup> Finland, Committee on Social Affairs and Health report, [Sosiaali- ja terveystieteiden valiokunnan mietintö StVM 17/2020 vp – HE 101/2020 vp](#).

<sup>80</sup> Media source: Helsingin Sanomat (2020), ['Oulun yliopiston etätenttijärjestelyistä tehtiin poliisille tutkintapyyntö, yliopisto kielsi kokeiden videovalvonnan'](#), 15 June 2020.

<sup>81</sup> Finland, National Cyber Security Centre, Finnish Transport and Communication Agency (2020), [Information security under exceptional circumstances - Instructions for private persons](#), guidance available at the Centre's website.

<sup>82</sup> Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/ kommunikationsministeriet*), ['Additional funding for the National Cyber Security Centre'](#), press release, 9 April 2020.

## 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 **Finland**, the government's main method of combating disinformation has been to increase the amount of accurate information and to react immediately to concrete cases of disinformation, as has been reported earlier. On 3 July 2020, the Office of the Finnish Prime Minister (*Valtioneuvoston kanslia/Statsrådets kansli*) issued an E-letter to the Grand Committee of Parliament (*suuri valiokunta/stora utskottet*) on the European Commission Communication on tackling COVID-19 related disinformation of 10 June 2020.<sup>83</sup> The E-letter includes a government memorandum on the contents and effects of the Commission Communication and the government's position with regard to it.<sup>84</sup> The government confirms Finland's support to the Commission actions, stressing, simultaneously, the need to ensure respect for fundamental rights and freedoms, freedom of speech, in particular. Finland also emphasises the importance of broad based state and stakeholder cooperation.<sup>85</sup> In a long term perspective, the government further highlights the importance of fostering continued learning and strengthening democracy and human rights education as well as critical media literacy.

In **Finland**, as a measure to strengthen people's access to information, the Ministry of Transport and Communications commissioned a study on the role of the media during the COVID-19 crisis. The report was published on 27 April 2020.<sup>86</sup> The author of the report suggests discretionary support as a swift form of support in the COVID-19 crisis, alongside with a set of long term measures. A working group with its mandate ending on 31 December 2020 was appointed on 25 June 2020 with the task of preparing the distribution of the temporary support to media as well as long term support measures.<sup>87</sup>

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<sup>83</sup> European Commission (2020), [Tackling COVID-19 disinformation – Getting the facts right](#), JOIN(2020) 8 final.

<sup>84</sup> Finland, information obtained from the Prime Minister's Office (*Valtioneuvoston kanslia/Statsrådets kansli*) by phone and email on 30 June 2020 and from the Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) on 29 June 2020.

<sup>85</sup> Finland, Office of the Prime Minister (*Valtioneuvoston kanslia/Statsrådets kansli*) (2020), [Korkean edustajan ja komission yhteinen tiedonanto "Covid-19-disinformaation torjunta-Faktat oikein"](#), Memorandum (Perusmuistio), [EDK-2020-AK-310735](#), and information obtained from the Prime Minister's Office (*Valtioneuvoston kanslia/Statsrådets kansli*) by phone and e-mail on 30 June 2020 and from the Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) on 29 June 2020.

<sup>86</sup> Grundström, E. (2020), [Journalismin tukeminen koronakriisin aikana, Selvityshenkilön ehdotus](#), 27 April 2020 and Ministry of Transport and Communications (2020), [Minister Harakka: Functionality of the media must be ensured](#), press release, 28 April 2020.

<sup>87</sup> Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) (2020), [Valtionavustus journalismin tukemiseen – Työryhmän asettaminen](#), decision VN/15743/2020, 25 June 2020 and [Working group appointed to prepare state support for journalism](#), press release, 26 June 2020.