

# 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.*

The Czech government declared a state of emergency on 12 March based on Crisis Act No. 240/2000 Coll.<sup>1</sup> and introduced a series of measures that significantly impacted fundamental rights. After several extensions, the state of emergency remained in place until 17 May.<sup>2</sup> The government originally requested an extension until 25 May, but the Chamber of Deputies only approved the 17 May deadline.<sup>3</sup>

A number of special measures remain in place after the state of emergency ended. These measures apply restrictions in the following areas: social distancing, cross-border movement, retail sale and services, school attendance, the provision of health and social services, and prison service.

Since 12 March COVID-19 has remained on the list of contagious diseases and even the unintentional spreading of this disease can be a criminal act based on Government Decree No. 75/2020 Coll.<sup>4</sup>

**The legality of measures since the end of the state of emergency.** The government resolutions adopted during the state of emergency expired on 17 May 2020 and there is no legal basis for maintaining them after the end of the state of emergency.<sup>5</sup> Therefore, some special measures replacing the governmental resolutions were subsequently introduced by the Ministry of Health, under Act No. 258/2000 Coll. on the Protection of Public Health.<sup>6</sup>

The constitutionality of these measures has been questioned and on 18 May attorney-at-law Adam Černý filed a lawsuit against these measures to the Municipal Court in Prague.<sup>7</sup> Mr Černý argues that the Ministry of Health does not have the authority to adopt special measures that restrict fundamental rights to such an extent (such as freedom of movement, freedom of assembly, retail activities) under Art. 69 of Act No. 258/2000 Coll. on the Protection of Public Health. Critics also have also referred to Judgment No. 14 A 41/2020 of the Municipal Court in Prague<sup>8</sup>, see previous report.

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<sup>1</sup> Czech Republic, Crisis Act No. 240/2000 Coll. ([krizový zákon č. 240/2000 Sb.](#)), 9 August 2000.

<sup>2</sup> Government of the Czech Republic (2020), Government Resolution from 30 April 2020 No. 485 ([Usnesení vlády České republiky ze dne 30. dubna 2020 č. 485](#)).

<sup>3</sup> Chamber of Deputies (2020), Stenographic record of the 47<sup>th</sup> meeting, 28 April 2020 ([Stenografický zápis 47. schůze, 28. dubna 2020](#)).

<sup>4</sup> Czech Republic, Government Decree No. 75/2020 Coll. ([Nařízení vlády č. 75/2020 Sb.](#)).

<sup>5</sup> Czech Republic, Crisis Act No. 240/2000 Coll. ([krizový zákon č. 240/2000 Sb.](#)), 9 August 2000, Art. 5-8.

<sup>6</sup> Czech Republic, Act No. 258/2000 Coll. on the Protection of Public Health ([zákon č. 258/2000 Sb., o ochraně veřejného zdraví](#)), 11 August 2000.

<sup>7</sup> Válová, I. (2020), 'Barrister Černý: The state of emergency has ended, the general continuation of bans is illegal' ([Advokát Černý: Nouzový stav skončil, plošné pokračování zákazů a příkazů je nezákonné](#)), *Česká Justice*, 21 May 2020.

<sup>8</sup> Municipal Court in Prague (2020), [Judgment No. 14 A 41/2020](#), 23 April 2020.

## Court decisions

The first decision concerning the state of emergency was taken by the Constitutional Court on 22 April<sup>9</sup> and served as a jurisdictional basis for subsequent decisions. The complainant challenged the constitutionality of two government resolutions and three special measures of the Ministry of Health, but the Constitutional Court rejected the complaint. The Constitutional Court held that it has no jurisdiction over a complaint challenging the constitutionality of the government resolution declaring a state of emergency. Such a resolution is an 'act of governance', and as such it is not subject to scrutiny by the Constitutional Court. The only institution that can review the governmental act declaring a state of emergency is the Chamber of Deputies in line with the parliamentary control of the government. A person cannot challenge such a general measure as it is not targeting specific people and their rights, which can only be limited by subsequent specific measures. Subsequent government resolutions limiting the fundamental rights of people during the state of emergency have the form of a legal regulation *sui generis*, which can be challenged by a person only if they can prove a concrete violation of their rights by the regulation's application (e.g. an individual decision based on the regulation). General measures<sup>10</sup> issued by the Ministry of Health according to the Act on Public Health shall be primarily reviewed in judicial procedure by the administrative courts and then subsequently by the Constitutional Court. The applicant thus has to exhaust all available legal remedies before applying to the Constitutional Court.<sup>11</sup> The applicant has also not proved an overreaching general interest in the case so the Constitutional court could deal with it even without previous remedies having first been exhausted. The Constitutional Court also ruled that it cannot decide on measures already abolished. These principles were also applied in subsequent decisions of the Constitutional Court on measures adopted during the state of emergency concerning, for example, the ban on free movement and traveling abroad, social distancing, closing schools, or wearing face masks in public.<sup>12</sup> In general, the Constitutional Court has never examined the content of the emergency measures or their compliance with fundamental rights.

As to Government Resolution from 12 March 2020 No. 194 on declaring a state of emergency: The Constitutional Court held that it has no jurisdiction over the complaint challenging the constitutionality of this resolution. In the court's point of view this Resolution is an 'act of governance', and as such it is not subject to the control of the Constitutional Court. The only institution that can review the act declaring a state of emergency is the Chamber of Deputies.

In May the Constitutional Court continued to issue decisions in the cases challenging the emergency measures, while maintaining its opinion set out in the decision from 22 April 2020, No. 8/20 (with some exceptions, see below).

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<sup>9</sup> Constitutional Court (2020), [Decision No. 8/20](#), 22 April 2020.

<sup>10</sup> A general measure is a special legal form according to Czech administrative law, being on the borderline between a legal regulation and an individual decision. It targets a specific issue, but is aimed at a general group of people.

<sup>11</sup> Some controversies between individual decisions by the Constitutional Court arose about the grounds why the Court cannot review those general measures – if due to the non-exhaustion of legal remedies or due to the lack of jurisdiction.

<sup>12</sup> Constitutional Court (2020), [Decisions No. 10/20](#), and [No. 12/20](#), 5 May 2020 and Constitutional Court (2020), [Decision No. 11/20](#), 12 May 2020.

The case with the most profound implications for fundamental rights is **case No. 11/20**<sup>13</sup>. The complainant (an individual) attacked three emergency measures because of their alleged unconstitutionality, namely:

1. Government Resolution from 12 March 2020 No. 194 declaring a state of emergency;<sup>14</sup>
2. Government Resolution from 18 March 2020 No. 247 on wearing mandatory face coverings;<sup>15</sup>
3. Special Measure of the Ministry of Health from 30 March 2020 No. MZDR 13894/2020-1/MIN/KAN<sup>16</sup> on wearing mandatory face coverings.

The Constitutional Court rejected the complaint by a decision with the following argumentation:

As to Government Resolution from 18 March 2020 No. 247: This Resolution made wearing face coverings mandatory in public spaces for everybody, with some exceptions, and adopted some rules concerning the restriction of free movement of cross-border workers. The Constitutional Court held that this resolution is an enactment *sui generis*, the constitutionality of which can be challenged under Art. 64 of Constitutional Act No. 182/1993 Coll.<sup>17</sup> It is not possible for individuals to submit complaints under this article, and thus the court rejected this part of the complaint because the person who submitted it was clearly not authorized to do so (Art. 43 (1c) of the Constitutional Court Act). The Constitutional Court emphasised that every Government Resolution should be analysed individually, on the basis of its content, as not every Government Resolution would be classified as an enactment *sui generis*. The review of Government Resolutions adopted during the state of emergency is thus not absolutely ruled out (the possibility to review resolutions depends on the content and the character of the resolution. This argumentation is detailed in Decision No. 10/20<sup>18</sup>).

As to the Special Measure of the Ministry of Health from 30 March 2020 No. MZDR 13894/2020-1/MIN/KAN: The Special Measure made wearing face protection mandatory in public spaces for everybody, with some exceptions. In the opinion of the Constitutional Court this part of the constitutional complaint is inadmissible because it is a petition against something over which the court has no jurisdiction (Art. 43(1d) of the Constitutional Court Act). The Special Measures of the Ministry of Health are measures of a general nature (Part six of the Code of Administrative Procedure<sup>19</sup>), and as such are reviewable only in administrative court procedures. The Constitutional Court has no competence to review them directly, as these measures do not fall under the provisions of the Constitutional Court Act. The court can only review the decisions of administrative courts concerning these measures, but not the measures themselves. The Constitutional Court thus *de facto* created a category of measures issued by a public authority, the constitutionality of which cannot be reviewed by the Constitutional Court directly. This interpretation represents a change of opinion of the Constitutional Court (in Decision No. 8/20 the Constitutional Court ruled that the constitutional complaint against the Special Measures of

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<sup>13</sup> Constitutional Court (2020), [Decision No. 11/20](#), 12 May 2020.

<sup>14</sup> Government of the Czech Republic (2020), Government Resolution from 12 March 2020 No. 194 ([Usnesení vlády České republiky ze dne 12. března 2020 č. 194](#)).

<sup>15</sup> Government of the Czech Republic (2020), Government Resolution from 18 March 2020 No. 247 ([Usnesení vlády České republiky ze dne 18. března 2020 č. 247](#)).

<sup>16</sup> Ministry of Health (2020), [Special Protection Measure No. MZDR 13894/2020-1/MIN/KAN](#) (Mimořádné opatření), 30 March 2020.

<sup>17</sup> Czech Republic, Constitutional Court Act No. 182/1993 Coll., ([zákon č. 182/1993 Sb., o Ústavním soudu](#)), 29 June 1993.

<sup>18</sup> Constitutional Court (2020), [Decision No. 10/20](#), 5 May 2020.

<sup>19</sup> Czech Republic, Act No. 500/2004 Coll., Code of Administrative Procedure, ([zákon č. 500/2004 Sb., správní řád](#)), 24 September 2004.

the Ministry of Health is inadmissible because the complainant failed to exhaust all procedures afforded to him by law for the protection of his rights; it did not rule out the possibility of reviewing these measures entirely, and it held that they fall under Art 72 of the Constitutional Court Act). This decision sparked much controversy, and lawyers drew attention to the fact that it was unpredictable and inconsistent, as the Constitutional Court failed to provide a convincing explanation for this change of interpretation (see primarily the Dissenting Opinions on Decision No. 11/20).

The most relevant decision of the administrative courts is the judgment of the Supreme Administrative Court from 21 May 2020 No. 5 As 138/2020.<sup>20</sup> The court based its reasoning on the previous decisions of the Constitutional Court outlined above. The complaint against the Government resolution declaring a state of emergency cannot be reviewed by the courts. An administrative court cannot review a legal regulation *sui generis* as described above, which is in the competence of the Constitutional Court, or an already abolished measure. The complainant was unable to demonstrate a violation of their personal rights by the application of those measures, so the complainant's legal action could not succeed.

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

*Focus on:*

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

With a few exceptions the wearing of face masks or nose and other mouth covers was mandatory outside the home throughout May. Restrictions on wearing face masks were significantly eased on 25 May, and since that time the requirement that people have their mouth and nose covered has been limited to when they are inside a building (except for the home), using public transportation and any other place where at least two people are present within the distance of less than two metres.<sup>21</sup>

The wearing of face masks does not apply to people consuming food and drink in bars or restaurants. Face masks also do not have to be worn in offices or in schools and kindergartens, during art performances (for performers), or in particularly hot workplaces.<sup>22</sup> With the exception of children, people are to maintain a distance of two metres from each other.

Shopping malls, hairdressers, museums, galleries, castles, theatres, cinemas, and beer gardens or the outdoor premises of restaurants and bars were opened on 11 May.<sup>23</sup>

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<sup>20</sup> Supreme Administrative Court (2020), [Judgment No. 5 As 138/2020](#), 21 May 2020.

<sup>21</sup> Government of the Czech Republic (2020), Special Measure of the Ministry of Health, Annex No. 9 of government resolution from 18 May 2020 No. 555 ([Mimořádné opatření Ministerstva zdravotnictví, Příloha č. 9 usnesení vlády ze dne 18. května 2020 č. 555](#)).

<sup>22</sup> Aktuálně.cz (2020), While working in an office or in a hot place it is not compulsory to wear face masks, it is sufficient to keep a distance ([Při práci v kanceláři nebo v horku už není nutné mít roušku, stačí rozestupy](#)), 15 May 2020.

<sup>23</sup> Government of the Czech Republic (2020), Government Resolution from 30 April 2020 No. 493 ([Usnesení vlády České republiky ze dne 30. dubna 2020 č. 493](#)).

Certain restrictions still apply even after 25 May in bars, restaurants, markets, zoos and similar facilities, libraries, and clothes and shoe shops.<sup>24</sup> These concern opening hours (restaurants and bars), hygiene measures (all facilities), and the number of visitors the facility can have (zoos), but social distancing has visibly decreased in all areas of life.

Gatherings of less than 100 people were permitted from 11 May<sup>25</sup> and of less than 300 people from 26 May.<sup>26</sup> The traditional May 1 demonstrations did not take place that day,<sup>27</sup> although on 27 April the Ministry of the Interior published updates on its website confirming the right to hold demonstrations during the state of emergency.<sup>28</sup>

The Ministry of Health published a guideline for health professionals on 21 April confirming that whenever possible parents of children who are hospitalised should be permitted to remain with their child or regularly visit them even during the state of emergency.<sup>29</sup> On 6 May the Deputy Ombudsperson Monika Šimůnková published a press release reasserting children's right to not be separated from their parents if the children are hospitalised during the state of emergency.<sup>30</sup> Ms Šimůnková's declaration is a reaction to a complaint according to which the intensive care unit in a Czech hospital prevented a mother who was breastfeeding her baby from paying regular visits to her child. Media sources cited several cases in which hospitals ignored the ministerial guideline and parents were not allowed to visit their hospitalised children, including babies who were only a few months old, for extended periods of time (in one case up to six weeks).<sup>31 32</sup>

A law granting police officers the right to impose fines of up to EUR 400 on the spot if a person is caught violating the restriction measures connected to the coronavirus pandemic in the Czech Republic came into effect on 13 May.<sup>33</sup>

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<sup>24</sup> Government of the Czech Republic (2020), Special Measure of the Ministry of Health, Annex No. 2 of Government Resolution from 18 May 2020 No. 555 ([Mimořádné opatření Ministerstva zdravotnictví, Příloha č. 2 usnesení vlády ze dne 18. května 2020 č. 555](#)).

<sup>25</sup> Government of the Czech Republic (2020), Special Measure of the Ministry of Health, Annex No. 4 of Government Resolution from 11 May 2020 No. 537 ([Mimořádné opatření Ministerstva zdravotnictví, Příloha č. 4 usnesení vlády ze dne 11. května 2020 č. 537](#)).

<sup>26</sup> Ministry of Health (2020), Special Measure.

<sup>27</sup> iRozhlas (2020), 'Without parades and gatherings. Political parties celebrated labour day simply via online comments' ([Bez průvodů a shromáždění. Politické strany letos slavily Svátek práce pouze příspěvky na internetu](#)), 1 May 2020.

<sup>28</sup> Ministry of the Interior (2020), 'Updated information of the Ministry of the Interior about gathering during the state of emergency' ([Aktualizovaná informace Ministerstva vnitra k shromážděním v době nouzového stavu](#)), 27 April 2020.

<sup>29</sup> Ministry of Health (2020), 'Guideline on the presence of legal guardians of patients who are minors during the state of emergency' ([Metodické doporučení k přítomnosti zákonných zástupců u nezletilých pacientů v době nouzového stavu](#)), 21 April 2020.

<sup>30</sup> Public Defender of Rights (2020), 'Even in these times it is not possible for hospitals to fully prevent parents from visiting their child' ([Ani v současné situaci nemůže nemocnice přítomnost rodičů u dítěte zcela vyloučit](#)), press release, 7 May 2020.

<sup>31</sup> Ustohalová, J. (2020), 'The parents did not see their six-week-old child for a month and a half. Hospitals keep ignoring the ministry's order' ([Šestitýdenní dceru rodiče neviděli měsíc a půl. Nemocnice dál ignorují nařízení ministerstva](#)), *DeníkN*, 6 May 2020.

<sup>32</sup> Rychlíková, A. (2020), 'Parents are not visitors. Separating sick children from their relatives is inhuman' ([Rodič není návštěva. Oddělovat nemocné děti od jejich příbuzných je nelidské](#)), 19 May 2020.

<sup>33</sup> Czech Republic, Act No. 243/2020 Coll. on the competence of the Police of the Czech Republic and general police to impose fines for the violation of crisis measures and special measures imposed in connection to the presence of the coronavirus SARS CoV-2 on the territory of the Czech Republic ([Zákon č. 243/2020 Sb. o](#)

## 1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level educational facilities and kindergartens/day care). Please 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.)*

Universities partially opened from 20 April (at most five students in their final study year could gather). This trend continued in May, also for other types of schools. Under certain conditions, and on 11 May<sup>34</sup> the following groups of students were allowed to return to school:

- a maximum of 15 high school (or equivalent) graduates in order to prepare for school-leaving exams;
- a maximum of 15 pupils in the ninth grade of primary schools in order to prepare for primary school-leaving exams;
- a maximum of 15 university students;
- a maximum of 15 children attending after-school programmes;
- children studying at schools adjacent to care institutions

Pupils' return to school is voluntary. From 25 May a maximum of 15 children from the first four grades of elementary school were allowed to return to school.<sup>35</sup> They must be seated individually and maintain an obligatory distance of 2 metres from each other. They must also remain within their own study groups and be prevented from mixing with pupils in other groups. The Ministry of Education, Youth and Sports published a guideline outlining health and hygiene requirements for the reopening of schools.<sup>36</sup> According to the guideline, there is no obligation for pupils to wear face masks if they are seated individually inside classrooms, but face masks must be worn in communal areas. Every pupil entering school must be equipped with two face masks and a bag in which to keep them.

The director of the educational NGO EDUin Miroslav Hřebecký criticised the government for disregarding the situation of those primary school-leavers in the 11 May measure who will not be taking school-leaving exams.<sup>37</sup> These pupils are preparing for apprentice training and make up approximately 30% of all ninth grade elementary school leavers.

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[pravomoci Policie České republiky a obecní policie postihovat porušení krizových opatření a mimořádných opatření nařízených v souvislosti s prokázáním výskytu koronaviru SARS CoV-2 na území České republiky](#)), 13 May 2020. See also the previous May report, p. 5.

<sup>34</sup> Government of the Czech Republic (2020), Government Resolution from 30 April 2020 No. 491 ([Usnesení vlády ČR ze dne 30. dubna 2020 č. 491](#)).

<sup>35</sup> Ministry of Health (2020), Annex No. 3 of Government Resolution from 18 May 2020 No. 555 ([Příloha č. 3 usnesení vlády ze dne 18. května 2020 č. 555](#)).

<sup>36</sup> Ministry of Education, Youth and Sports (2020), Collection of hygienic directives for schools and educational facilities ([Soubor hygienických pokynů pro školy a školská zařízení](#)).

<sup>37</sup> Sedláčková, V. (2020), 'Programme Director of EDUin: When preparing the return of high-graders, pupils not aiming for a secondary-school diploma were forgotten ([Programový ředitel EDUin: Při návratu deváťáků se zapomnělo na ty, kteří nemíří na maturitní obor](#))', iRozhlas, 10 May 2020.



Low-threshold care centres for children from disadvantaged backgrounds opened their gates on 11 May, but day-care social institutions (*denní stacionář*) only opened on 25 May.<sup>38</sup> On 13 May the Deputy Ombudsperson Monika Šimůnková sent a letter to the Minister of Education, Youth and Sports has complained that while regular schools opened in May, special schools for children with physical or mental disabilities, children with autism, or children with serious behavioural problems remain closed until 30 June 2020.<sup>39</sup> Ms Šimůnková claims that the rights of these children to an education are being violated by the delay in the opening of these schools. Special schools were finally reopened on 1 June.<sup>40</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.)*
- *People in precarious work*

**Protection measures.** People were not prevented from going to their workplaces even during the state of emergency, but whenever it was possible employers allowed people to work from home. As the restrictions eased on 11 May, many people returned to work in the office. Face masks do not have to be worn in offices,<sup>41</sup> but people are required to maintain a distance of two metres from each other.

No new guidelines for employees or employers were published in May. The Czech-Moravian Confederation of Trade Unions published a set of recommendations on 24 April which concern the wearing of face masks and other types of facial covering (mandatory for the general population at that time).<sup>42</sup> The Trade Union Confederation observed that employers have an obligation to provide personal protective equipment but it is up to employees to ensure they have face masks at work. The guideline, amongst others, suggests the following measures:

- Employers should ensure that employees can take a break in their working hours in order to relax from the extra workload imposed by wearing a face mask and in order to change their mask and perform personal hygiene (wash their hands and face).
- The pace and organisation of work should be adapted to the wearing of face masks and a two-metre distance should be maintained between employees.
- Employers should check the body temperature of employees before they enter the work premises.

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<sup>38</sup> Government of the Czech Republic (2020), 'Schedule for relaxing measures affecting business, schools and social services' ([Harmonogram uvolňování podnikatelských činností, opatření ve školách a v sociálních službách](#)), press release 22 May 2020.

<sup>39</sup> Public Defender of Rights (2020), 'Children with a disability have the right to attend school' ([Děti s postižením mají právo chodit do školy](#)), press release 13 May 2020.

<sup>40</sup> Ministry of Health (2020), Measure No. MZDR 20584/2020-3/MIN/KAN ([Mimořádné opatření č.j. MZDR 20584/2020-3/MIN/KAN](#)) 25 May 2020.

<sup>41</sup> Aktuálně.cz (2020), 'While working in an office or in a hot place it is not compulsory to wear face masks, it is sufficient to keep a distance' ([Při práci v kanceláři nebo v horku už není nutné mít roušku, stačí rozestupy](#)), 15 May 2020.

<sup>42</sup> Czech-Moravian Confederation of Trade Unions (2020), 'How to protect oneself from the coronavirus at work?' ([Jak se v práci chránit před koronavirem?](#)), 24 April 2020.



- Employers should maintain a steady workforce and prevent a high turnover in employees.
- Employers should increase hygiene measures and cleaning at the workplace.

**People in precarious work.** As mentioned in the previous bulletin, in April the Government was criticised by civil society actors and opposition parties<sup>43</sup> for excluding people who work on the basis of a contract of services or on work activity from any support schemes or financial relief measures. People who work on these temporary contracts often work in the sectors of agriculture, construction, services, and similar sectors, but this arrangement is also relatively common among white-collar workers (often as a side-job). As of 1 May these workers are granted access to the care allowance, which is a form of financial compensation for parents of children up to 13 years of age who are out of school, paid retroactively from 1 April.<sup>44</sup>

On 25 May the Ministry of Labour and Social Affairs published an analysis mapping the extent of work that is done on the basis of a contract of services or on work activity in the population and laying out potential support measures for such workers if they lack earnings.<sup>45</sup> According to the analysis, out of the 222,561 people who work on the basis of this type of contract, 40,896 only have this type of contract: they are not students, nor do they have any other means of employment or income (stable work contracts, old-age pension, disability pension, parental leave). Those workers are entitled to unemployment support just like workers with job contracts. If their monthly remuneration exceeds certain set amounts (3 000 Kč for a contract on services and 10 000 Kč for a contract on work activity), they are participants in the system of social security and can claim benefits such as the sickness benefit during the quarantine or the care allowance for caring for their children or other relatives. They can also claim other social benefits such as the child allowance or housing benefits as well as support in material need benefit. The document concludes by claiming that the best means of support for people working on the basis of a contract of services who are unable to earn an income is a measure called extraordinary immediate assistance (the amount of which varies based on a multiplicity of individual factors). The ministry asserts on their website that it is possible to request this type of social support if a person's life circumstances have been significantly negatively affected by the special measures introduced in connection with the COVID-19 pandemic.<sup>46</sup> The administrative procedure for requesting this support was simplified during the month of May.

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<sup>43</sup> Ivan Bartoš (2020), 'Remarks from Ivan Bartoš: Let's support all workers, no one should sink to the bottom' ([Komentář Ivana Bartoše: Podpořme všechny pracující, nikdo nesmí padnout na dno](#)), The Pirate Party, press release 6 April 2020.

<sup>44</sup> Ministry of Labour and Social Affairs (2020), 'The increase in the care allowance to 80% and extending eligibility to people working on work agreements finally approved. The President has signed the bill. The care allowance will automatically increase starting on 1 April' ([Zvýšení ošetřovného na 80 % a rozšíření nároku i pro tzv. dohodáře bylo dnes s konečnou platností schváleno. Prezident republiky návrh schválený parlamentem dnes také podepsal. Ošetřovné se zvýší automaticky, a to zpětně od 1. dubna.](#)), press release 29 April 2020.

<sup>45</sup> Ministry of Labour and Social Affairs (2020), 'Analysis of the extent of work that is performed on the basis of a contract of services and possibilities for solving the lack of earnings of people who work on the basis of a contract of services' ([Analýza četnosti práce na dohodu a možnosti řešení výpadku příjmů u zaměstnanců na dohodu](#)), 25 May 2020.

<sup>46</sup> Ministry of Labour and Social Affairs (2020), Extraordinary immediate assistance ([Mimořádná okamžitá pomoc](#)), 27 May 2020.

### 1.2.4 Access to justice

Focus on:

- *Strategies /steps to lift measures or restrictions previously imposed on court proceedings (e.g. resuming physical hearings)*
- *Measures to address the backlog in cases/proceedings prompted by lockdown restrictions*

As reported in the previous bulletin, Czech courts resumed their work from 17 April based on a recommendation by the Ministry of Justice.<sup>47</sup>

### 1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to (external borders) and within the EU (internal borders), including rules or restrictions applying to certain categories of people (citizens; 'essential workers'; cross border commuters etc). 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 quarantine; work certificate etc).*
- *Any changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures, or mentioning whether such restrictions are rather still in place)*

Cross-border movement for people other than commuters was enabled during the month of May, but severe restrictions apply. People who are in an exceptional situation face fewer restrictions. The Police conducts border checks and the list of borders crossings is limited. As of 27 May foreign nationals are still prevented from entering the Czech Republic, with the following exceptions:<sup>48</sup>

- family members of Czech citizens or EU citizens residing in the Czech Republic;
- EU citizens or third-country citizens who are transferring through the country (to be evidenced by an embassy note);
- foreign nationals entering in the interest of the country;
- cross-border commuters, students and pupils (must present a negative COVID-19 test every 14 days);
- workers in critical infrastructure;
- workers in international transport;
- EU citizens or citizens of third countries with an EU residency permit who cross for the purpose of economic activity or to visit family members for the duration of at most 72 hours (must present their address and a current negative COVID-19 test);
- EU citizens or citizens of third countries with an EU residency permit who cross for the purpose of economic activity or to attend university (must present an up-to-date negative COVID-19 test);
- workers in food production and seasonal workers who received a visa after 11 May (must present an up-to-date negative COVID-19 test);

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<sup>47</sup> Ministry of Justice (2020), Recommendation regarding the functioning of courts in consideration of the declared state of emergency and the exceptional measures introduced by the Ministry of Health on 9 April 2020 No. MSP-15/2020-SDJ-SP/5 ([Doporučení ve vztahu k fungování soudů s ohledem na vyhlášený nouzový stav a na mimořádné opatření Ministerstva zdravotnictví ze dne 9.4.2020 č. j. MSP-15/2020-SDJ-SP/5](#)), 17 April 2020.

<sup>48</sup> Government of the Czech Republic (2020), 'Special measures – Which measures currently apply' ([Mimořádná opatření – co aktuálně platí](#)), press release 1 June 2020.

- workers in health and social services and their family members who received a visa after 11 May (must present an up-to-date negative COVID-19 test).

For the categories above there is no requirement in place to self-quarantine if they present a negative COVID-19 test. In all cases, free movement may be limited to necessary errands like going for groceries, to work, to the doctor, or public offices etc.

There have been no changes to asylum applications.

### 1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *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 3 should not be duplicated in this additional data collection)*
- *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.*

**Persons with disabilities and chronic or terminal illnesses.** On 1 May the Deputy Ombudsperson Monika Šimůnková appealed to the Minister of Health and the Minister of Labour and Social Affairs to expedite the relaxation of those governmental measures introduced during the state of emergency that have a disproportionately negative impact on particularly vulnerable groups, such as children living in precarious family conditions, endangered children, and people caring for family members with disability.<sup>49</sup> Ms Šimůnková claimed that the restrictions in social service provision may have put many children in jeopardy and that people caring for family members with disabilities were overwhelmed with care responsibilities due to the closing of day-care social institutions (*denní stacionář*).

Low-threshold care centres for children from disadvantaged backgrounds opened their gates on 11 May, but day-care social institutions (*denní stacionář*) only opened on 25 May.<sup>50</sup> On 13 May the Deputy Ombudsperson Monika Šimůnková sent a letter to the Minister of Education, Youth and Sports complaining that while regular schools opened in May, special schools for physically or mentally disabled children, autistic children, or children with serious behavioural problems remain

<sup>49</sup> Public Defender of Rights (2020), 'The Deputy Ombudsperson Monika Šimůnková turned to the ministers requesting support for vulnerable families, people with disabilities and their caregivers' ([Zástupkyně ombudsmana Monika Šimůnková se obrátila na ministry s žádostí o podporu ohrožených rodin, lidí s postižením i jejich pečujících](#)), press release 1 May 2020.

<sup>50</sup> Government of the Czech Republic (2020), 'Schedule for relaxing measures affecting business, schools and social services' ([Harmonogram uvolňování podnikatelských činností, opatření ve školách a v sociálních službách](#)), press release 22 May 2020.

closed until 30 June 2020.<sup>51</sup> Ms Šimůnková claims that the rights of these children to education are infringed by the delay in the opening of special schools.

Before the ban on hospital visits was lifted on 25 May media sources cited a number of Czech hospitals that did not allow family members to visit terminally ill patients despite the fact that the applicable special measure of the Ministry of Health from 9 March<sup>52</sup> allows for such patients to be visited. The online journal of the Czech Public Radio iRozhlas quoted the president of the Czech Society for Palliative Medicine Ondřej Sláma saying that many hospitals introduced unnecessarily strict measures effectively preventing family members from visiting their dying loved ones.<sup>53</sup> According to Mr Sláma, an average of 5,000 people die in hospitals every month in the Czech Republic and thus thousands of people may have unnecessarily suffered a lonely death. The director of the National Center for Palliative Care Martina Loučka commented that in some hospitals staff allowed contact between terminally ill patients and their families via videochats or letters.<sup>54</sup>

**Detainees.** On the second day of the state of emergency (13 March) Government Resolution No. 204 banned prison visits and the ban remained in place until one day after the state of emergency was suspended (18 May). The currently applicable Ministry of Health special measure from 18 May<sup>55</sup> limits visits to one visitor at a time and sets public-health rules like social distancing, no physical contact, glass barriers etc. For administrative reasons, visits were made possible, according to the Prison Service, only after 23 May, as visitors had to be invited individually.<sup>56</sup>

Alternatives to detention are not used widely (this was also the case before the pandemic), but some convicted people began their prison sentence with a delay.<sup>57</sup> According to information provided by the Prison Service of the Czech Republic to the Czech Public Radio on 18 March, 21,180 people were imprisoned and on 14 May the number of imprisoned people was 20,930.<sup>58</sup>

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<sup>51</sup> Public Defender of Rights (2020), 'Children with a disability have the right to attend school' ([Děti s postižením mají právo chodit do školy](#)), press release 13 May 2020.

<sup>52</sup> Ministry of Health (2020), , Special Measure No. MZDR 10519/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 10519/2020-1/MIN/KAN](#)), 9 March 2020.

<sup>53</sup> Troníček, J. (2020), 'People dying alone. "Some hospitals were acting holier than the Pope during the coronavirus", says doctor' ([Lidé umírající o samotě. „Některé nemocnice byly během koronaviru papežštější než papež,“ říká lékař](#)), iRozhlas, 23 May 2020.

<sup>54</sup> Troníček, J. (2020), 'People dying alone. "Some hospitals were acting holier than the Pope during the coronavirus", says doctor' ([Lidé umírající o samotě. „Některé nemocnice byly během koronaviru papežštější než papež,“ říká lékař](#)), iRozhlas, 23 May 2020.

<sup>55</sup> Ministry of Health (2020), Special Measure from 15 May 2020 No: MZDR 20598/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 20598/2020-1/MIN/KAN](#)).

<sup>56</sup> Prison Service Bělušice (2020), 'We have commenced the first steps towards making visits in prisons possible' ([Zahájili jsme první kroky k realizaci návštěv ve věznicích](#)), press release (undated, supposedly 18 May 2020).

<sup>57</sup> Česká justice (2020), 'Benešová supports postponing the commencement of prison sentences in order to limit the spread of the coronavirus' ([Benešová podporuje odklad nástupu vězňů do výkonu trestu kvůli omezení šíření nákazy koronaviru](#)) 14 April 2020.

<sup>58</sup> Štefan, V. (2020), 'The first case of Covid-19 in a Czech prison. The infected person went into custody because of fears that he or she might spread the disease on purpose' ([První případ covidu-19 v české věznici. Nakažený putoval do vazby z obav, že bude nemoc úmyslně šířit](#)), iRozhlas, 14 May 2020.

The President of the Czech Republic Miloš Zeman declined to grant amnesty or partial amnesty to prisoners already on 28 March<sup>59</sup> and there were no indications of early release measures being introduced in May.

**Immigrants (third-country nationals).** During the state of emergency the Government adopted a number of resolutions that affected the status of third-country nationals who live in the Czech Republic. Some of these resolutions had a positive impact on foreign nationals (e.g. the resolutions simplifying the procedure of changing the employer,<sup>60</sup> or the extension of the deadline for finding a new employer for employee card-holders<sup>61</sup>).

Other measures raise concerns about legal certainty. According to Government Resolution No. 198,<sup>62</sup> third-country nationals whose residence permit expired during the state of emergency (i. e. between 12 March and 17 May 2020) were allowed to remain in the Czech Republic legally until the end of the state of emergency as their residence permit would be considered extended till this date. Consultations with NGOs focusing on migrant rights<sup>63</sup> revealed a number of uncertainties about the legal status of migrants whose residence permits expired during this period. Specifically, the clients of the NGO InBáze and the umbrella organisation that assembles twenty NGOs assisting migrants, the Consortium of Migrants Assisting Organisations, raised the following concerns:

- According to the information published on the website of the Ministry of the Interior,<sup>64</sup> foreign nationals whose permit expired during this period must leave the territory of the Czech Republic within 60 days after the end of the state of emergency. Their stay is tolerated only until 16 July.
- The Ministry of the Interior emphasises on its website that their stay is only tolerated and not authorised in the sense of the Foreign Nationals' Act: 'In reality, a foreign national in this situation is staying in the territory without a residence permit, but simply will not be sanctioned for this offence.'<sup>65</sup>
- The current practice is that upon leaving the territory of the Czech Republic the Czech border police enters a special stamp on the foreign nationals' travel documents confirming that their stay in the territory was tolerated. Yet the Czech Republic does not guarantee that other EU-member states will accept this stamp as authorisation to enter their territory and that they will not penalise these foreign nationals on their territory for being present without valid authorisation.
- These measures affect a large group of people, many of whom are migrant workers, and create uncertainty. For instance, Ukrainian nationals whose permit expired during the state

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<sup>59</sup> Prague Castle (2020), 'The president of the republic refused the suggestion to grant amnesty' ([Prezident republiky odmítl podnět vyhlásit amnestii](#)), press release 28 March 2020.

<sup>60</sup> Government of the Czech Republic (2020), Government Resolution from 19 March 2020 No. 267 (Usnesení vlády České republiky ze dne 19. března 2020).

<sup>61</sup> Government of the Czech Republic (2020), Government Resolution from 4 May 2020 No. 511 (Usnesení vlády České republiky ze dne 4. května 2020).

<sup>62</sup> Government of the Czech Republic (2020), Government Resolution from 12 March 2020 No. 198 (Usnesení vlády České republiky ze dne 12. března 2020 č. 198).

<sup>63</sup> This section was completed based on personal interviews with the NGO InBáze and the Consortium of Migrants Assisting Organisations on 31 May 2020.

<sup>64</sup> Ministry of the Interior of the Czech Republic (2020). [Information for foreign nationals staying in the territory of the CR after the end of the state of emergency.](#)

<sup>65</sup> Ministry of the Interior of the Czech Republic (2020). ['Information for foreign nationals staying in the territory of the CR after the end of the state of emergency.'](#)

of emergency can currently only renew their authorised status at the Czech embassy in their home country. Yet it is complicated, if not impossible, for them to return there: there are currently no flights to Ukraine and their only option is to cross via land through Slovakia, Poland, or Hungary. Anecdotal information from the clients of the NGOs consulted suggest that the Hungarian border police in some cases have issued fines.

## **2 Impact on fundamental rights of older people**

*Please provide information under each title / sub-title; and indicate n/a when no information available.*

### **2.1 Data/statistics**

*Where available, data should be disaggregated by age groups and sex.*

#### **2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.**

Data is only available either for the 55-64 age group or people aged 65+ (in nine year intervals). All the data in this section are from 1 June<sup>66</sup> and refer to the total population (including people living in institutional care). A request for disaggregated data was sent to the Institute of Health Information and Statistics of the Czech Republic.

- Infected by COVID-19:

In the total population: 9,302

55-64 years: 1,193

65+ years: 1,788

- Recovered from COVID-19

In the total population: 6,761

55-64 years: 933

65+ years: 1,071

- Died in relation to COVID-19

In the total population: 322

55-64 years: 18

65+ years: 291

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<sup>66</sup> Ministry of Health (2020), 'Overview of persons who have recovered from COVID-19 based on reports from the regional hygiene offices' ([Přehled vyléčených po onemocnění COVID-19 dle hlášení KHS](#)).

### **2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.**

Not available, see above.

- Infected by COVID-19
- Recovered from COVID-19
- Died in relation to COVID-19

### **2.1.3 Number and type of institutions affected**

These data are not specially collected centrally at this time.

### **2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?**

Mortality data include the death of any person regardless of age and place of death or residence, e.g. including older persons in care homes. This has not been a criticised issue in the Czech Republic.

### **2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19**

*Please reference up to three studies and provide brief information on their focus.*

No studies were identified.

## **2.2 COVID-19 measures targeting older people**

*Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.*

*Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures).*

*Please report on developments for the reference period 1 May – 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.*

Measures aimed at people living in residential care facilities were introduced already before the state of emergency came into effect on 12 March. Except in the case of terminally ill people, visits to residential care facilities were banned on 10 March.<sup>67</sup> These restrictions were gradually eased or lifted in the next two months and visits to care homes for the elderly were reallocated from 25 May (two weeks earlier than originally planned).<sup>68</sup> The Ministry of Labour and Social Affairs issued a

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<sup>67</sup> Ministry of Health (2020), , Special Measure No. MZDR 10519/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 10519/2020-1/MIN/KAN](#)), 9 March 2020.

<sup>68</sup> Ministry of Labour and Social Affairs (2020), 'Plan for relaxing measures implemented in connection with the pandemic in the area of social services – 1st update' ([Plán rozvolnění opatření přijatých v souvislosti s řešením pandemie v oblasti sociálních služeb – I. aktualizace](#)), 27 April 2020. See also Novinky.cz (2020), Na návštěvu za seniory do LDN už o 14 dnů dřív ([Visiting the elderly in care facilities will be made possible 14 days earlier](#)), Novinky, 7 May 2020.



recommendation on how to conduct visits during the elevated pandemic risk.<sup>69</sup> The recommendation describes how to organise visits in the facilities, how to set limitations (2 persons per visit), how to check a person's state of health, and what conditions visitors need to fulfil, etc.

The only measure targeting a specific age group was the creation of special shopping hours for people over the age of 65 (and their entourage) in retail grocery shops and drugstores from 20 March.<sup>70</sup> The restriction on shopping hours was a special measure for the elderly population, but they were not prohibited from doing their shopping also outside the designated time period (two hours early in the morning). The requirements for special shopping hours for the elderly were canceled from 26 May.<sup>71</sup>

Certain measures remain in place. For instance, a special measure issued on 6 April by the Ministry of Health<sup>72</sup> required that regional authorities earmark at least 60 beds for every 100,000 inhabitants for residents of care homes who test positive for COVID-19 and cannot be safely isolated in their residential facility. On 24 April this ratio was reduced to 10 beds for 100,000 inhabitants.<sup>73</sup>

### **2.2.1 National guidelines/protocols in response to COVID-19 addressing older people**

- in residential care homes (including protective equipment, visits etc.)

The applicable national guidelines were introduced in the months of March and April and ended on 25 May, although residential care homes are advised to observe strict hygienic measures.

On 27 March the Ministry of Health issued Special Measure No. MZDR 13719/2020-1/MIN/KAN,<sup>74</sup> instructing residential care facilities to:

(1) Earmark visibly marked rooms with beds for residents who have tested positive for COVID-19. The number of such rooms and beds is to be determined based on the epidemiological situation in the given care facility.

(2) Ensure sufficient staffing of rooms earmarked for residents who have tested positive for COVID-19. If possible, staff working in these specially designated rooms should not have any contact with staff working in the rest of the facility.

(3) Regularly monitor residents' state of health, especially by checking their temperature and monitoring them for signs of respiratory infections. If residents are suspected to have COVID-19, they are to be immediately isolated and public health authorities are to be contacted.

(4) Set up special hygienic measures to prevent the spread of the infection inside care homes.

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<sup>69</sup> Ministry of Labour and Social Affairs (2020), Recommendation on visits to clients in social care facilities since 25 May 2020 ([Doporučený postup pro aplikaci návštěv u klientů v zařízeních sociálních služeb od 25. 5. 2020](#))

<sup>70</sup> Ministry of Health (2020), Special Measure No. MZDR 12501/2020-3/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 12501/2020-3/MIN/KAN](#)), 19 March 2020.

<sup>71</sup> Ministry of Health (2020), Cancellation of Special Measure No. MZDR 12744/2020-4/MIN/KAN ([Zrušení mimořádného opatření Č. j.: MZDR 12744/2020-4/MIN/KAN](#)), 25 May 2020.

<sup>72</sup> Ministry of Health (2020), Special Measure No. MZDR 15190/2020-5/MIN/KAN (Mimořádné opatření Č. j.: MZDR 15190/2020-5/MIN/KAN), 6 April 2020.

<sup>73</sup> Ministry of Health (2020), Special Measure No. MZDR 15190/2020-7/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 15190/2020-7/MIN/KAN](#)), 24 April 2020.

<sup>74</sup> Ministry of Health (2020), Special Measure No. MZDR 13719/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 13719/2020-1/MIN/KAN](#)), 27 March 2020.

The Special Measure was accompanied by a guideline.<sup>75</sup> It included the following recommendations, which may have negatively impacted the fundamental rights of care home residents:

- limiting the movements of residents inside the facility (banning the visiting of residents in other rooms, closing down lounges);
  - prohibiting communal eating;
  - all communal activities should be discontinued.
- in the community in general

During the state of emergency the Government issued the following advice to people over the age of 70 (irrespective of their state of health):<sup>76</sup>

- to stay at home if possible;
- request assistance with shopping and walking pets;
- use the specially designated shopping hours (two hours in the morning);
- consult with doctors over the phone and reschedule appointments;
- take walks in the garden if you have one.

In May the focus of the media's attention and official recommendations shifted from the elderly in general to people with compromised immunities or other risk factors. While the above recommendations have not been officially revoked by the Government, the Ministry of Health's new recommendations target the general population<sup>77</sup> as well as 'persons who have high risk health factors'<sup>78</sup>. The general population is advised to get regular check ups with their GPs, increase physical activity, and pay special attention to the nutritional value of their diets, whereas vulnerable people are encouraged to remain cautious and follow the recommendations relevant to their specific diagnoses.

### **2.2.2 National guidelines/protocols on patient triage that apply age as the main and decisive criterion**

No protocols that apply to age were introduced. The Czech Republic has not had an overwhelmingly high number of hospitalisations of people suffering from COVID-19.

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<sup>75</sup> Ministry of Health (2020), Recommendations of the Ministry of Health regarding measures applicable to providers of health services of a long-term nature and to operators of residential care homes and social services with the aim of preventing the transmission and spread of the disease COVID-19 ([Doporučení Ministerstva zdravotnictví k opatřením u poskytovatelů zdravotních služeb následné a dlouhodobé lůžkové péče a poskytovatelů pobytových sociálních služeb v prevenci přenosu a šíření nemoci COVID-19](#)), 27 March 2020.

<sup>76</sup> Ministry of Labour and Social Affairs (2020), 'Remain in the safety of your home: Information for elderly people regarding the coronavirus' ([Zůstaňte v bezpečí domova: Informace pro seniory ohledně koronaviru](#)), undated (presumably from 30 March 2020).

<sup>77</sup> Ministry of Health (2020), 'Don't be afraid of going to see the doctor' ([Nebojte se návštěvy ordinací](#)), press release, 27 May 2020.

<sup>78</sup> Ministry of Health (2020), 'Information for persons who are vulnerable due to their state of health' ([Informace pro osoby zranitelné v souvislosti s jejich zdravotním stavem](#)), press release 26 May 2020.

### 2.2.3 Targeted testing of residents and staff in residential care homes

- Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?

On 8 April the Ministry of Health introduced PRC tests for staff at care homes and in social services.<sup>79</sup> The frequency of testing is once every 14 days and it is required of all staff working at care homes for the elderly, care homes for people who have disabilities, and similar institutions. The health of staff are also monitored and employees with a temperature above 37 °C or those showing signs of respiratory infections are to be sent home and requested to contact their GP. Data on the overall number of tests in care homes are not available.

Based on Special Measure No. MZDR 13742/2020-1/MIN/KAN from 29 March, the Ministry of Health ordered all newly admitted residents of care homes to be testing for COVID-19 and to undergo a 14-day quarantine.<sup>80</sup>

Residents in care homes are not routinely tested.

- Data/statistics on testing & frequency of testing – institutions, residents, staff

No further data is available besides those provided in the section above.

### 2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions

With the exception of terminally ill people, visits in care settings were banned starting on 10 March.<sup>81</sup> The ban was lifted on 25 May, but residents can have at most two visitors at a time and strict hygienic conditions apply.<sup>82</sup>

### 2.2.5 Restrictive measures for older people living in the community

*Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).*

No such restrictions were imposed even during the quarantine period. There has never been a specific ban on the free movement of older people living in the community. The same general rules applied to them, and limiting outside movement and personal contacts was only recommended, as described above.

### 2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19

*Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).*

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<sup>79</sup> Ministry of Health (2020), 'The Ministry of Health is starting the testing of workers at care homes for the elderly and social services' ([Ministerstvo zdravotnictví spouští plošné testování pracovníků domovů seniorů a sociálních služeb](#)), press release 8 April 2020.

<sup>80</sup> Ministry of Health (2020), Special Measure No. MZDR 13742/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 13742/2020-1/MIN/KAN](#)), 29 March 2020.

<sup>81</sup> Ministry of Health (2020), , Special Measure No. MZDR 10519/2020-1/MIN/KAN ([Mimořádné opatření Č. j.: MZDR 10519/2020-1/MIN/KAN](#)), 9 March 2020.

<sup>82</sup> Czech Republic (2020), Annex 4 of Government Resolution from 18 May 2020 No. 555 ([Příloha č. 4 usnesení vlády ze dne 18. května 2020 č. 555](#)).

In Prague mobile crisis teams started providing special support at care homes for the elderly from 4 May.<sup>83</sup> Besides helping with general care for the residents of these institutions, the teams conduct COVID-19 testing and assist with setting up appropriate hygienic and quarantine measures. Similar assistance measures for elderly people living in the community were introduced by other municipalities as well as many NGOs.<sup>84</sup>

### **2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology**

*Please also report on any targeted measures for people with dementia.*

Many of those measures were described in the first report in April.<sup>85</sup> Due to the relaxing of emergency measures many volunteer activities supporting older people (especially ones providing free food packages or assistance with shopping) ended in May.<sup>86</sup> In many cities special phone lines for supporting the elderly are still in place.<sup>87</sup>

No digital tools targeting older people were identified.

No measures targeting people with dementia were identified.

### **2.2.8 Consultation of older people's organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures**

It is not apparent whether such organisations were consulted during the design, implementation or review of COVID-19 measures - the desk research did not reveal such data.

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<sup>83</sup> Bejšovec, A. (2020), 'New "flying teams" help out in Prague care homes for the elderly or the disabled. They are supposed to lighten the burden of caring for clients' ([Domovům pro seniory nebo postižené v Praze nově pomáhají „létající týmy“. Mají ulevit s péčí o klienty](#)), *Irozhlas*, 4 May 2020.

<sup>84</sup> See the first COVID report on Czechia, p. 4.

<sup>85</sup> Ibid.

<sup>86</sup> Dolanská, J. (2020), 'Free food packages are no longer being provided, but older people will not be left without help' ([Bezplatné potravinové balíčky končí, bez pomoci ale senioři nezůstanou](#)), *iDnes*, 4 May 2020.

<sup>87</sup> Česká televize (2020), 'Overview: Where to call and seek help regarding the coronavirus in Prague' ([Přehledně: Kam volat a kde hledat informace a pomoc ohledně koronaviru v Praze](#)), 21 May 2020.