

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Croatia

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

Croatian Government did not declare a state of emergency but it declared a coronavirus pandemic on 11 March 2020¹, when the broad powers of the Minister of Health enumerated in the Law on the Protection of the Population from Infectious Diseases² entered into force. Civil protection system in Croatia is governed by the Law on Civil Protection System, according to which civil protection headquarters is an expert, operational and coordinating body established on state, regional and local level which implements measures and activities of civil protection during big accidents and catastrophes.³ The Civil Protection Headquarters of the Republic of Croatia was established by the Croatian Government on 20 February with the purpose to coordinate all services in the event of the occurrence of COVID-19 in Croatia. Deputy Prime Minister and Minister of the Interior Davor Božinović has been appointed Chief of the Headquarters⁴, which consists of representatives of relevant sectors from public administration institutions, operational forces of the civil protection system and representatives of other legal entities of special importance for the civil protection system of the Republic of Croatia.⁵ The Government proposed Amendments to the Law on Civil Protection System in an urgent procedure, stating that the aim of its amendments is to enable the Civil Protection Headquarters of the Republic of Croatia to make decisions and instructions implemented by the headquarters of local and regional self-government units⁶. The adoption of those amendments was assessed differently by political actors and legal experts and public discussion was held on that matter. On one hand, according to the Government, Article 16 of the Constitution of the Republic of Croatia prescribes that freedoms and rights may be restricted only by law in order to protect the freedoms and rights of other people and the legal order, public morals and health. Any restriction on a freedom or right must be proportionate to the nature of the need for the restriction in each individual case. Thus, Article 16 allows certain freedoms and rights to be restricted by law in order to protect the freedoms and rights of others, including health, but a two-thirds majority is not prescribed for the adoption of such laws. A two-thirds majority is envisaged in Article 17 of the Constitution - when certain freedoms and rights guaranteed by the Constitution are restricted in times of war or imminent threat to independence and unity of State or in the event of any natural disaster. According to the Government, the Constitution does not provide for the possibility to declare declared state of emergency and does not recognize the term of extraordinary circumstances. In this specific situation of the COVID-19 disease epidemic, the Croatian Parliament did not make a decision to declare a major natural disaster. Such a decision was not made because the situation related to COVID-19 was assessed as being under control of the Government and all competent authorities given the continuous linear growth of the number of patients. According to the latest developments related to

¹ Government of the Republic Croatia, Official Government website for accurate and verified information on coronavirus, link available at: <https://www.koronavirus.hr/vladine-mjere/101>

² Law on the Protection of the Population from Infectious Diseases - Zakon o zaštiti pučanstva od zaraznih bolesti (OG 79/07, 113/08, 43/09, 130/17).

³ Law on Civil Protection System - Zakon o sustavu civilne zaštite (OG 82/15, 118/18, 21/20), Article 21

⁴ Government of the Republic of Croatia, Situation with respect to epidemic of new coronavirus COVID-19 (SARS—CoV-2), link available at: [https://vlada.gov.hr/?id=28862&pregled=1&datum=Fri%20Feb%2028%202020%2018:03:29%20GMT+0100%20\(Central%20European%20Standard%20Time\)](https://vlada.gov.hr/?id=28862&pregled=1&datum=Fri%20Feb%2028%202020%2018:03:29%20GMT+0100%20(Central%20European%20Standard%20Time))

⁵ Law on Civil Protection System - Zakon o sustavu civilne zaštite (OG 82/15, 118/18, 31/20), Article 22

⁶ Government of the Republic of Croatia, Proposed Amendments to the Law on Civil Protection System no. 860, 17 March 2020, link available at: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-03-17/183002/PZ_860.pdf

spreading of the COVID-19 disease and continuous low number of newly infected patients that proved to be justified. On the other hand, those amendments were publicly criticized by various legal experts in a way that rights and freedoms can be restricted in ordinary situations and especially in extraordinary situations due to the obvious delicacy of the situation. For that reason, the Parliament must do so by a two-thirds majority. The request of a two third majority means that measures related to the fundamental values, i.e. human rights, must be decided in crisis situations only with the highest degree of agreement in society⁷. Additionally, legal expert highlighted that newly added Article 22a of the Law on Civil Protection System⁸ substantially matches the definition of disaster that already existed in the Law, and that it seems that the majority in parliament deliberately avoids applying constitutional and legal norms in order to enable them to manage the crisis by passing the laws by simple majority and not by two-third of majority of the parliamentarian which is needed if the state declared state of emergency or if extraordinary circumstances occurred. Namely, the state of emergency is not a constitutional term, but a legally colloquial term for what is regulated by Article 17 of the Constitution of the Republic of Croatia. According to its formulation, Article 17 does not ask the Parliament to declare a "state of emergency" (which is a collective term for "state of war or imminent threat to independence and unity of State or the event of any natural disaster"), but asks that - if such a situation actually occurs and requires restriction of certain constitutional freedoms and rights - Parliament decides on the restriction of rights by a two-thirds majority.⁹ In addition, 44 CSOs published their reaction on 31 March stating that a state of emergency due to a virus pandemic has de facto occurred, which is why it is necessary to apply Article 17 of the Constitution in such cases, meaning that temporary restrictions on constitutional rights must be adopted by a two-thirds majority. In such emergencies, when scope for broad democratic debate has been narrowed, temporary human rights restrictions need to be enacted by a broad consensus of MPs.¹⁰

However, public debate did not only challenge why the Government didn't declare a state of emergency, but also the legality of measures ordered by the Civil Protection Headquarters because the legal basis for delivering such decisions were in Article 22a of the Law on the Civil Protection System. The experts highlight that the aim of those amendments was to establish hierarchy of the conduct between national and local headquarters and not to give national headquarters unlimited authority. The only one who could order such emergency measures was the Minister of Health. For this reason, amendments to the Law on the Protection of the Population from Infectious Diseases

⁷ Jutarnji.hr portal, Article: "Leading Constitutional Experts for the Jutarnji: How can the state restrict human rights in extraordinary situations", 28 March 2020, link available at:

<https://www.jutarnji.hr/vijesti/hrvatska/vodeci-ustavni-strucnjaci-za-jutarnji-na-koji-nacin-drzava-smije-ogranicavati-ljudska-prava-u-izvanrednim-situacijama/10144543/>

⁸ Law on Amendment to the Law on Civil Protection System - Zakon o dopuni Zakona o sustavu civilne zaštite (OG 31/20), newly added Article 22a prescribes that: (1) In the event of special circumstances that imply an event or a condition which could not have been predicted and could not be affected, which endangers the life and health of citizens, property of greater value, significantly damages the environment, economic activity or causes significant economic damage, the Civil Protection Headquarters of the Republic of Croatia makes decisions and instructions implemented by the civil protection headquarters of local and regional self-government units.(2) The decisions and instructions referred to in paragraph 1 of this Article shall be made for the protection of the life and health of citizens, the preservation of property, economic activity and the environment and the harmonization of the treatment of legal persons and citizens.

⁹ IUS-INFO web portal, Constitutionality in the time of coronavirus - *Ustavnost u doba virusa*, 30 March 2020, link available at: <http://www.iusinfo.hr/DailyContent/Topical.aspx?id=41073>

¹⁰ Reaction of 44 CSOs, Tracing every mobile phone in the country is not a measure of protection against coronavirus but unnecessary violation of human rights, 31 March 2020, available at: <https://www.cms.hr/hr/izjave-za-javnost/reakcija-44-udruga-pracenje-svakog-mobitela-u-zemlji-nije-mjera-zastite-od-koronavirusa-nego-nepotrebno-krsenje-ljudskih-prava>

were initiated in urgent procedure in order to give legality of such measures by the Civil Protection Headquarters in a way that special security measures could be ordered not only by the Minister of Health but also by the Civil Protection Headquarters. According to the views expressed in the public debate, considering that this law seeks to regulate cases that have already occurred, the issue represents a matter of retroactive application of the law which is generally prohibited by Article 90 of the Constitution. Certain provisions of the law may have retroactive effect only for specially justified reasons and in this case the Government did not clearly state the reason for seeking retroactive recognition of the decisions of the Headquarters, i.e. why these measures were not ordered earlier by the Minister of Health, but by the Civil Protection Headquarters.¹¹ According to the views expressed by the governing parliamentary majority regarding the adoption of the amendments, there is no retroactivity since the amendments concern ongoing legal situations and apply to existing relations that continue in the future. The Law on the Protection of the Population from Infectious Diseases has no retroactive effect since all decisions of the Headquarters would be valid and will be valid in the forthcoming period for which it is not possible to know with certainty how long it will last. According to them, the Law does not violate the general Constitutional prohibition of retroactivity of law from Article 90 para. 4 as well as Article 90 para. 5 of the Constitution, which prescribes that “for specially justified reasons, only certain provisions of the law may have retroactive effect”. Namely, the Law introduced the so called “false”, “apparent” or “quasi” retroactivity, which the Constitutional Court declared constitutionally permissible in the Croatian legal order, taking over that institute from the practice of the Court of Justice of the EU.¹²

On 19 March, the Government accepted¹³ the amendments to the Law on Electronic Communications and submitted them to the Croatian Parliament for adoption by urgent procedure. The amendments would allow monitoring of the location of each cell phone in Croatia, which goes beyond the purpose of protecting public health, which is why 44 CSOs published their [reaction](#) on 31 March, alongside public reactions of politicians and constitutional experts. On 20 April, the media [announced](#) that the Government quietly decided to give up the enactment of legislation on the monitoring of movement of citizens through mobile devices.

On 16 April, the Government adopted the amendments to the Law on Foreigners and the Law on Nationals of Member States of the European Economic Area and Members of Their Families and submitted them to the Croatian Parliament for adoption by urgent procedure¹⁴. Amendments to the Law on Foreigners will allow third-country nationals to use the residence permit issued for the duration of the epidemic to continue their uninterrupted stay and work in the Republic of Croatia, and take administrative action within 30 days of the end of the epidemic. As regards the amendments to the Law on the Nationals of the Member States of the European Economic Area and Members of Their

¹¹ Faktograf.hr web portal, Article: Previous decisions of the Croatian Headquarters have been illegal, which is being retroactively corrected by amending the law - *Dosadašnje odluke Stožera RH bile su nelegalne što se izmjenom zakona retroaktivno ispravlja*, 15 April 2020, link available at: <https://faktograf.hr/2020/04/15/dosadasnje-odluke-stozera-rh-bile-su-nelegalne-sto-se-izmjenom-zakona-retroaktivno-ispravlja>

¹² Croatian Parliament, Discussion on the Final draft of the Law on amendments of the Law on the Protection of the Population from Infectious Diseases, urgent procedure, first and second reading, P.Z.no. 921, available at: <http://edoc.sabor.hr/Views/FonogramView.aspx?tdrid=2014891&type=HTML&singleTDR=False>

¹³ Government of the Republic of Croatia, 216th Session of the Government of the Republic of Croatia (216. sjednica Vlade Republike Hrvatske) <https://vlada.gov.hr/sjednice/216-sjednica-vlade-republike-hrvatske-29028/29028>

¹⁴ Government of the Republic of Croatia, 225th Session of the Government of the Republic of Croatia (225. sjednica Vlade Republike Hrvatske) <https://vlada.gov.hr/sjednice/225-sjednica-vlade-republike-hrvatske-29247/29247>

Families, they will also be allowed to use issued temporary residence certificates and residence cards for the duration of their undisturbed stay in the Republic of Croatia during the disease outbreak.¹⁵

1.2 Measures affecting the general population

1.2.1 Social distancing

The Civil Protection Headquarters of the Republic of Croatia adopted on 21 March a Decision on the measure of strict restriction of staying on streets and other public places where a large number of persons can move and stay at the same time¹⁶ which applies to streets, squares, waterfronts, parks and all other public areas where a large number of persons may move and stay. The Government of the Republic of Croatia adopted on 23 April Conclusion accepting Measures to initiate economic and other activities¹⁷ which shall be brought by competent public administration authorities and Civil Protection Headquarters. Those measures foresee the gradual relaxation of restrictions in 3 phases: first phase starting from 27 April and referring majorly to opening of stores, public transport and allowing certain professional sports trainings, second phase starting from 4 May concerning full work of health system and provision of services that require close contact to customers (hairdressers, beauticians, barbers), and third phase starting from 11 May referring to e.g. allowing gatherings of up to 10 persons, work of shopping malls, kindergartens and school for grades 1-4. Previously adopted decision brought by the Civil Protection Headquarters on the measures of limiting of social gatherings, working in commerce, services sector and holding sports and cultural events¹⁸ was repealed by its Decision on necessary measures to limit social gatherings, work in commerce, services sector and holding of sports and cultural events brought on 24 April. Decision shall be applied starting from 27 April and it does not provide for an end date.¹⁹ According to the Decision, strict measures of physical distance require avoiding close personal contact at a distance of at least two (2) meters indoors and one (1) meter outdoors. The Decision from 24 April includes measures that gradually allow for certain types of events and gatherings to be held and services to be provided e.g. from 27 April opening of stores that are not within shopping malls, as well as libraries, museums, galleries and bookstores, from 4 May allowing provision of services that include close contact to the customer (hairdressers,

¹⁵ Ministry of the Interior, The government has adopted changes affecting foreigners and third-country nationals during the epidemic (*Vlada usvojila izmjene koje se odnose na strance i državljane trećih zemalja za vrijeme trajanja epidemije*) published on 16 April 2020, available at: <https://mup.gov.hr/vijesti/vlada-usvojila-izmjene-koje-se-odnose-na-strance-i-drzavljan-trecih-zemalja-za-vrijeme-trajanja-epidemije/286157>

¹⁶ Civil Protection Headquarters, Decision on the measure of strict restriction of staying on streets and other public places where a large number of persons can move and stay at the same time, 21 March 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20-%20o%20ograni%C4%8Denju%20zadr%C5%BEavanja%20na%20ulicama%20i%20javnim%20mjestima_PO TPISANO.pdf

¹⁷ Government of the Republic of Croatia, Conclusion accepting Measures to initiate economic and other activities in conditions of the declared epidemic of COVID-19 disease caused by the SARS-CoV-2 virus, 23 April 2020, OG 50/2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_50_1020.html

¹⁸ Civil Protection Headquarters, Decision on the measures of limiting of social gatherings, working in commerce, provision of services and holding sports and cultural events, 19 March 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20-%20mjere%20ograni%C4%8Davanja%20dru%C5%A1tvenih%20okupljanja,%20rada%20trgovina.pdf

¹⁹ Civil Protection Headquarters, Decision on necessary measures to limit social gatherings, work in commerce, services sector and holding of sports and cultural events during the duration of declared epidemic of the disease COVID-19, 24 April 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20-%20nuz%CC%8Cna%20mjera%20ogranic%CC%8Cavanja.pdf

beauticians, barbers) and from 2 May allowing of religious gatherings, but the Decision keeps the ban on holding all public events and gatherings of more than five persons in one place. Non-suspended businesses and organizers of public events and gatherings that are not prohibited are obliged to comply with all general anti-epidemic measures and specific recommendations and instructions published by the Croatian Institute for Public Health which include physical distance of 2 meters in all directions and other protective and disinfection measures. Recommendations for stores which start working²⁰, as well as museums, galleries and other exhibition areas²¹, include restriction of number of customers to 15 customers on 100m² net and other social distancing and disinfection measures.

According to the Article 76a of the Law on the Protection of the Population from Infectious Diseases²², a person could be fined for a misdemeanour offense in the amount of HRK 8.000-15.000 if the person fails to comply with a safety measure of self-isolation and placing in quarantine. For any violation of these provisions, the sanitary inspector of the State Inspectorate may, on the spot, collect a fine in the amount of HRK 5.000. The violation of self-isolation measures is controlled by the Ministry of the Interior which passes on the information to the State Inspectorate and inspectors then file misdemeanour warrants.²³

According to the media sources, on 28 March 2020 the amount of fines collected on the basis of not respecting the self-isolation measures was HRK 114.738. The Ministry of the Interior's information system is linked to the system of the Croatian Institute of Public Health, data from epidemiologists and data from Croatian state borders about people entering the country. Thus, the police have in their system the names of all people who should be in self-isolation and the system signals whether they violate the rules of self-isolation when they check their information in the system. There are several ways to check whether people comply with the prescribed self-isolation: by visiting people at their addresses, by stopping people in the street and checking their information, as well as going out to the field after the alleged violation has been reported to them.²⁴

²⁰ Croatian Institute for Public Health, Recommendations for prevention of infection in stores which start working as part of the gradual relaxation of COVID-19 related restrictions, 24 April 2020, available at: <https://www.hzjz.hr/wp-content/uploads/2020/03/Preporuke-za-spre%C4%8Davanje-infekcije-u-trgovinama-koje-zapo%C4%8Dinju-s-radom-u-okviru-postupnog-ubla%C5%BEavanja-restrikcija-vezanih-za-COVID-19.pdf>

²¹ Croatian Institute for Public Health, Recommendations for prevention of infection in museum, gallery and other exhibition areas, 24 April 2020, available at: <https://www.hzjz.hr/wp-content/uploads/2020/03/Preporuke-za-spre%C4%8Davanje-infekcije-u-muzejskim-galerijskim-i-ostalim-izlo%C5%BEbenim-prostorima.pdf>

²² Republic of Croatia, Law on the Protection of the Population from Infectious Diseases (OG 79/07, 113/08, 43/09, 130/17, 47/20), Article 76.a and 79.

²³ T-portal news, Police have a new information system that enables the control of self-isolation measures. We asked how it functions, 16 March 2020, available at: <https://www.tportal.hr/tehnolo/clanak/policija-ima-novi-informacijski-sustav-koji-im-omogucava-kontrolu-mjera-samoizolacije-pitali-smo-kako-on-funkcionira-foto-20200316>

²⁴ T-portal news, Police have a new information system that enables the control of self-isolation measures. We asked how it functions, 16 March 2020, available at: <https://www.tportal.hr/tehnolo/clanak/policija-ima-novi-informacijski-sustav-koji-im-omogucava-kontrolu-mjera-samoizolacije-pitali-smo-kako-on-funkcionira-foto-20200316>

1.2.2 Education

As of 19 March, most teachers have been working from their homes. The Ministry of Science and Education has developed Guidelines for assessment and grading in a virtual environment²⁵, in which individualized support measures are listed as a key indicator of high-quality distance teaching. In her speech during the second informal video conference of ministers of education, Minister Blaženka Divjak reported that safeguarding equity is a major challenge, since there are disadvantaged learners who lack equipment, skills or Internet access²⁶. The ministry has responded by ensuring tablets and SIM cards with free access to educational content and additional 2 GB of Internet per month for disadvantaged pupils who cannot afford these learning devices²⁷. Distance learning classes are broadcasted on several television programs and available through open online sources such as the School of Life webpage and YouTube, including lessons specifically designed for pupils with hearing impairments. Distance learning is also conducted in minority languages (Italian, Czech, Serbian, Hungarian) through specialised tv programs, video materials and/or online communication with teachers²⁸. On 30 March, the Ombudswoman for Children published a Recommendation for the protection of the child's best interest in distance learning, offering solutions for achieving equal opportunities and providing necessary support in new educational circumstances. Briefly: the Minister should provide all necessary support to ensure successful implementation of distance learning; teachers should emphasize essential facts and avoid overburdening children; teachers teaching children with disabilities should receive online support; special attention should be given to the students of the final year.²⁹ Between 27 March and 2 April, the Ministry of Science and Education conducted a poll in which 4.136 teachers expressed their opinion on distance learning. According to the results, 90% of teaching staff believes that pupils are well or mostly well adapted to distance learning³⁰.

As of 28 March, distance learning includes preparation for State Matura, the national secondary school graduation exam³¹. The National Centre for External Evaluation of Education (NCVVO), responsible for conducting standardized examinations, requested the postponement of State Matura until autumn. On 22 April, the minister responded by announcing that Matura will take place in June as planned, but the second semester of the final grade will not be tested³². Director of NCVVO, Ivana Katavić has dismissed the possibility of online State Matura, indicating that online examination would violate the fundamental principle of equal conditions for everyone taking the test, since not all pupils have

²⁵ Croatia, Ministry of Science and Education, published on 3 April, available at:

<https://mzo.gov.hr/vijesti/upute-za-vrednovanje-i-ocjenjivanje-tijekom-nastave-na-daljini/3654>

²⁶ Croatia, Ministry of Science and Education, published on 15 April, available at:

<https://mzo.gov.hr/news/main-messages-from-the-second-informal-videoconference-of-ministers-of-education-on-implications-of-the-novel-coronavirus-covid-19-on-education-and-training/3675>

²⁷ Croatia, Ministry of Science and Education, published on 15 April, available at:

<https://mzo.gov.hr/news/coronavirus-organisation-of-distance-teaching-and-learning-in-croatia/3634>

²⁸ Croatia, Ministry of Science and Education, published on 27 April, available at:

<https://mzo.gov.hr/vijesti/nastava-na-daljini-na-jeziku-i-pismu-nacionalnih-manjina/3692>

²⁹ Croatia, Ombudsman for children, published on 23 April, available at: <http://dijete.hr/en/preporuka-pravobraniteljice-o-zastiti-najboljeg-interesa-djeteta-u-nastavi-na-daljini/>

³⁰ Croatia, Ministry of Science and Education, published on 6 April, available at:

<https://mzo.gov.hr/vijesti/gotovo-90-ucitelja-misli-da-se-ucenici-dobro-ili-uglavnom-dobro-snalaze-u-nastavi-na-daljini/3656>

³¹ Croatia, Ministry of Science and Education, published on 23 April, available at:

<https://mzo.gov.hr/vijesti/nastava-na-daljini-raspored-3629/3629>

³² Croatia, Ministry of Science and Education, published on 21 April, available at:

<https://mzo.gov.hr/vijesti/divjak-gradivo-drugog-polugodista-4-razreda-nece-biti-na-maturi/3688>

adequate computers³³. Matura will therefore be taken in school facilities, while NCVVO will provide alternative spaces for the examination of pupils from schools in Zagreb which have suffered severe damage during the earthquake on 22 March.

On 23 April, the Prime Minister announced that the third phase of alleviating restrictive measures, starting from 11 May, will allow preschool and lower-grade primary school children to return to classrooms³⁴. The Ombudswoman for Children issued a statement expressing concern for children's wellbeing in this process of gradual normalization, particularly children with developmental delays and disabilities, who require close contact with learning assistants. She warned that school representatives were neither consulted nor given guidelines to ensure safe conditions for children and school employees. To avoid potential health risks for children, the Ombudswoman appealed to the government to consider extending distance learning until the end of this school year³⁵.

1.2.3 Work

On 17 March 2020 the Government has adopted a package of 63 measures to help the economy with regards to the coronavirus epidemic. The measures refer to almost all economic sectors of the Government with the aim to preserve working places and payments of salaries, e.g. postponing of payment of public levies like income tax and profit tax etc.

Furthermore, in order to preserve jobs at employers' whose economic activity has been disrupted by the coronavirus epidemic, the Government has made a decision on grants per employee for a maximum period of three months from the beginning of March. Target groups of employers include employers in the accommodation and food and beverage sector; transportation and storage; manufacturing industries (textiles, clothing, footwear, leather, wood and furniture); employers who, because of the decisions of the Civil Protection, are unable to carry on their business; and other employers who can demonstrate the impact of special circumstances on their business

It ensures payment of a subsidy, which is equal to the statutory minimum wage of HRK 3.250,00 per permanently employed worker to all employers who meet the defined criteria. Implementing body for this measure is Croatian Employment Service (HZZ), which published the criteria for employers wishing to use it, established an on-line system / application for submitting requests and a Call centre with the aim to provide additional guidance.

Additionally, it is ensured the payment of minimum wage for persons with disability in order to maintain their employment. Also, there is a reduction of payment of the mandatory financial compensation for all employers with the obligation to employment quota for persons with disability, and its payment is postponed. At the same time, employers in the sectors of textile and clothing production, leather production, wood processing and furniture production, are exempted from paying this compensation due to their already vulnerable market position. The aim is to ensure stability of business, diminishing the administrative burden on these employers and retention of employment.

³³ Croatia, National Centre for External Evaluation of Education, published on 26 March, available at: <https://www.ncvvo.hr/drzavna-matura-i-provedeni-ispiti/u-centru-mature/podcast-u-centru-mature/>

³⁴ Croatia, Government of the Republic of Croatia, published on 23 April, available at: <https://vlada.gov.hr/vijesti/mjere-za-pokretanje-gospodarskih-i-drugih-djelatnosti-odvijat-ce-se-u-tri-faze/29298>

³⁵ Croatia, Ombudswoman for children, published on 24 April, available at: <https://dijete.hr/en/prije-odluke-o-povratku-u-skole-osigurati-uvjete-za-zastitu-djece/>

Besides that, to preserve jobs in tourism and construction sector, a labour market measure called "Permanent seasonal worker", has been extended, since it is expected that due to Coronavirus pandemic there will be a significant decline in demand for the services provided in these sectors and subsequently possible lay-offs and diminished employment in the forthcoming period.

On 2 April 2020, the second package of measures to help the economy was adopted. It includes the increase of the job retention subsidy paid by the Croatian Employment Service to 4.000,00 HRK in April and May 2020. Also, the employers who use this subsidy are exempt from paying social contribution on wages.

The Union of Autonomous Trade Unions of Croatia, Independent Croatian Unions and Association of Croatian Trade Unions published a statement on 8 April 2020, in which they highlighted, among other things, the need of responsible use of public funds in view of the perceived malpractices of entrepreneurs in the use of state support (i.e. workers weren't given the full amount of the support) suggesting the payments to workers' instead of employers' accounts, as well as the need not to reduce public sector wages.³⁶

On 29 April, Croatian Employment Service published a List of aid beneficiaries for entrepreneurs in coronavirus affected industries. The list is published in alphabetical order of the name of the employer/beneficiary and contains the employer OIB (personal identification number), the number of workers for whom the aid is used and the total amount of the aid paid.³⁷

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On 23 April, the Government adopted the Conclusion on measures to relaunch economic and other activities in the context of the declared COVID-19 epidemic. The measures would be relaxed in three turns - on 27 April, 4 May and 11 May.³⁹

The first phase, starting on 27 April, will enable the opening of all retail entities except those in shopping centres, the exception being those stores that have been operating in shopping centres the entire time since the introduction of restrictions. Service providers will be able to operate except those

³⁶ Statement by trade union headquarters to responsible public on the Government of Croatia's measures to mitigate the economic and social consequences of the COVID-19 pandemic published on 8 April 2020, available at: <http://www.sssh.hr/hr/vise/-/izjava-sindikálnih-sredisnjica-odgovornoj-javnosti-o-mjerama-vlade-rh-za-ublazavanje-ekonomskih-i-socijalnih-posljedica-pandemije-covid-19-4300>

³⁷ Croatian Employment Service, List of aid beneficiaries for entrepreneurs in coronavirus affected industries (*Popis korisnika potpore za poduzetnike u djelatnostima pogođenima koronavirusom*) published on 29 April 2020, available at: <https://mjera-orm.hzz.hr/korisnici-potpore>

³⁸ Statement by trade union headquarters to responsible public on the Government of Croatia's measures to mitigate the economic and social consequences of the COVID-19 pandemic published on 8 April 2020, available at: <http://www.sssh.hr/hr/vise/-/izjava-sindikálnih-sredisnjica-odgovornoj-javnosti-o-mjerama-vlade-rh-za-ublazavanje-ekonomskih-i-socijalnih-posljedica-pandemije-covid-19-4300>.

³⁹ Government of the Republic of Croatia, Conclusion on measures to relaunch economic and other activities in the context of the declared COVID-19 epidemic (*Zaključak o mjerama za pokretanje gospodarskih i drugih djelatnosti i aktivnosti u uvjetima proglašene epidemije bolesti COVID-19*) from 23 April 2020, available at: <https://vlada.gov.hr/sjednice/226-sjednica-vlade-republike-hrvatske-29295/29295>.

that require close contact with clients, on the condition physical distance is respected. This refers to tailors, key cutters, cobblers, tourist agencies and the like. Public transportation lines as well as fast speed lines to islands that are not connected with ferry lines will start operating again. Libraries, museums, galleries, second-hand and regular book shops too will be allowed to open.

The second phase would follow on 4 May if the first phase proves to be successful and the epidemiological situation does not deteriorate. Relaxation of restrictions in that phase would refer to the public health system, which would fully restore its services, with certain exceptions, and to private clinics. Other services requiring close contact with clients would be allowed to operate as well if they comply with special measures in force, and this refers to cosmetic salons, pedicurists, barbers and hairdressers.

The third phase, starting on 11 May, would allow reopening of shopping centres. Inter-city bus routes and domestic air traffic would be relaunched and hospitality premises would be allowed to open but exclusively providing their services in outside terraces in compliance with epidemiological measures. Hospitality services in accommodation premises would be allowed as well but only to staying guests, national and nature parks would be allowed to reopen and conditions for e-passes would be expanded.

All three phases imply maintaining physical distancing and the highest hygienic standards and for premises to be disinfected. Employers will continue to be obliged to provide working conditions according to epidemiological measures and where possible to allow work from home and organise virtual meetings. Any worker with a temperature or respiratory symptoms will be banned from going to work.⁴⁰

Pursuant to the Decision on the working hours and mode of work in the commerce industry for the duration of the COVID-19 disease outbreak of the Civil Protection Headquarters of the Republic of Croatia, published on 24 April 2020, the working hours of shops, warehouses, wholesale markets, retail markets and other forms of sale of goods outside the shop shall be determined in accordance with Article 57 of the Trade Act, as well as before the declared COVID-19 disease epidemic, except Sundays, public holidays and non-working days. The mentioned outlets where working hours last more than 10 hours are obliged to organize two working shifts, whereby in such organization of working hours, in order to clean and disinfect the premises of shops and to change the workers who work in them, the interruption of work may not be shorter than one hour. On Sundays, public holidays and non-working days, the work is exceptionally allowed to kiosks, bakeries and gas station stores.⁴¹

1.2.4 Access to justice

In Croatia the conditions of the Covid-19 virus coronary pandemic and earthquake in Zagreb that occurred on 22 March have significantly slowed down the work of the courts and mostly affected the work of the trial courts, due to difficulties in holding hearings before those courts⁴². Operating of

⁴⁰ Government of the Republic of Croatia, explanation of the Conclusion on measures to relaunch economic and other activities in the context of the declared COVID-19 epidemic from 23 April 2020, available at: <https://vlada.gov.hr/vijesti/mjere-za-pokretanje-gospodarskih-i-drugih-djelatnosti-odvijat-ce-se-u-tri-faze/29298> and <https://vlada.gov.hr/news/covid-19-restrictions-to-be-relaxed-in-three-turns-as-of-april-27/29302>.

⁴¹ Croatia, Civil Protection Headquarters, Decision on the working hours and mode of work in the commerce industry for the duration of the COVID-19 disease outbreak - *Odluka o radnom vremenu i načinu rada u djelatnosti trgovine za vrijeme trajanja proglašene epidemije bolesti COVID-19* (OG 51/2020) from 24 April 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_51_1036.html

⁴² Croatia, notifications of the Supreme Court, available at: http://www.vsrh.hr/custompages/static/HRV/files/2020dok/Priopcenja/Preporuka_predsjednika_VSRH_sudovi_ma-15_4_2020.pdf

the courts in Croatia is currently governed by the recommendations and decisions of the Ministry of Justice⁴³ and the president of the Supreme Court⁴⁴ and decisions of the presidents of individual courts.

On 26 March, Justice Minister hosting on national television⁴⁵ stated that security measures had been applied to prevent further spread of the infection and recommendations⁴⁶ were made to postpone anything that could be postponed and to deal only with urgent cases such as criminal cases with elements of violence, detention, protection against violence and the like. Videoconferencing is not a common practice but it was introduced in relation to extension or repealing of detention.⁴⁷ It was reported by the Ministry of Justice on 5 May 2020 that the Municipal Court in Pazin held the first video hearing.⁴⁸

Part of the judges, clerks and prosecutors were sent to work from home.

On 2 April, Justice Minister hosting at Nova TV⁴⁹ repeated previous statements adding that in the group of urgent cases are also those concerning protection of persons with mental disorders. He stated that working from home decreased the existing backlog of cases for certain judges.

On 16 April, the President of the Supreme Court made a recommendation to all court presidents to prepare the future work of the courts referring to the decision of the Civil Protection Headquarters providing the loosening of some of the measures currently in force. The Recommendation itself does not provide any specific date of its effectiveness, however on 5 May 2020 it was announced by the Ministry of Justice that courts will begin to operate in accordance with the Recommendation as of 11 May 2020. Decisions on the commencement of working for courts may be found on their websites⁵⁰. He recommended the presidents of all courts to check whether the courts have courtrooms of sufficient size to hold hearings with respect to physical distance, to draw up a schedule for the use of these courtrooms and to check the ability to connect multiple rooms in the court via video link to hold hearings with a larger number of participants. Such hearings would refer to cases of urgent law, the so-called "old" cases and those cases that are already being finalized, regardless of the court department and branch of the law. It is noted that the Recommendation as such cannot prescribe in detail everything that needs to be done in every particular court, since the work of each court will depend on the spatial and other possibilities. The presidents of the courts will therefore be those who will determine the measures that will gradually increase the volume of work in each individual court.⁵¹

At present, most of the court hearings are postponed for indefinite time and parties are not allowed to enter the court premises. The information about that may be found on the websites of each

⁴³ Croatia, notifications of the Ministry of Justice, available at: <https://pravosudje.gov.hr/vijesti/8>

⁴⁴ Croatia, notifications of the Supreme Court, available at <http://www.vsrh.hr/EasyWeb.asp?pcpid=560>

⁴⁵ Croatia, notifications of the Ministry of Justice, available at <https://pravosudje.gov.hr/vijesti/ministar-bosnjakovic-u-temi-dana-hrt-a-o-utjecaju-aktualne-krizne-situacije-na-rad-pravosudja/21728>

⁴⁶ Croatia, notifications of the Ministry of Justice, available at <https://pravosudje.gov.hr/vijesti/ministar-bosnjakovic-u-temi-dana-hrt-a-o-utjecaju-aktualne-krizne-situacije-na-rad-pravosudja/21728>

⁴⁷ Croatia, notification of the Zagreb Municipal Criminal Court, available at <http://sudovi.pravosudje.hr/oksz/>

⁴⁸ Croatia, notifications of the Ministry of Justice, available at: <https://pravosudje.gov.hr/vijesti/odrzana-videokonferencija-s-predsjednicima-opcinskih-sudova/21950>

⁴⁹ Croatia, notifications of the Ministry of Justice, available at <https://pravosudje.gov.hr/vijesti/gostovanje-ministra-bosnjakovica-u-dnevniku-nove-tv/21942>

⁵⁰ Croatia, notification and decision of the Zagreb Municipal Court available at <http://sudovi.pravosudje.hr/ogszg/>

⁵¹ Croatia, Recommendation of the president of the Supreme Court, No Su-IV-125/2020, available at http://www.vsrh.hr/custompages/static/HRV/files/2020dok/Priopcenja/Preporuka_predsjednika_VSRH_sudovi_ma-15_4_2020.pdf

individual court. Zagreb Municipal Court, as the biggest court in Croatia announced that all hearings scheduled until 1 May 2020 will not be held with exception of urgent cases.⁵² Information about possible hearings held in the period from 23 March till 1 May is not publicly available. Only lawyers, court appraisers and bankruptcy administrators and legal entities that have become involved in *e-Communication* are able to communicate electronically with the courts.⁵³ So far, no rules regarding extension of deadlines connected to court proceedings were introduced.

As to the practices or rules on use of alternatives to detention, on 17 April, the assistant of the Minister of Justice speaking for RTL Television on prison conditions and measures to prevent COVID-19 said: "We see a decrease in the number of detainees. ... the courts do not extend the detention facility where it is legally possible, so we currently have 370 prisoners less"⁵⁴. No recommendations or general instructions on not starting imprisonment or on prisoners with minor sentences being released from prisons to reduce the number of detainees are publicly available. However, it was reported by the media that judges have been instructed by the Ministry of Justice not to send convicts sentenced to less than five years imprisonment to prisons until further notice.⁵⁵

1.2.5 Freedom of movement

On 23 March, the Civil Protection Headquarters published the Decision on prohibition of leaving the place of residence and permanent residence in the Republic of Croatia, given that there was a significantly increased risk of transmission of coronavirus in some areas, and in order to reduce the possibility of further spread of the disease.⁵⁶ The decision was amended allowing transit for valid reasons⁵⁷ from 6 April while respecting measures of social distance, non-containment in public spaces, and owning a valid pass issued through the e-Pass system.⁵⁸ On 18 April, the Civil Protection

⁵² Croatia, notification and decision of the Zagreb Municipal Court available at <http://sudovi.pravosudje.hr/ogszg/>

⁵³ Croatia, notifications of the Ministry of Justice, available at <https://pravosudje.gov.hr/vijesti/ekomunikacija-priblizava-sudove-gradjanima/21945>

⁵⁴ Croatia, notifications of the Ministry of Justice, available at <https://pravosudje.gov.hr/vijesti/pomocnica-spero-za-rtl-danas-o-stanju-u-zatvorima-glede-covid-19/21815>

⁵⁵ Croatia, media report, available on: <https://www.vecernji.hr/vijesti/dosli-odsluziti-dug-drustvu-a-zatvor-ih-je-odbio-1392278>, <https://direktno.hr/domovina/spasila-ih-korona-horvatincic-i-klemm-izbjegli-zatvorske-kazne-u-kriznoj-situaciji-189746/>

⁵⁶ Civil Protection Headquarters, Decision on prohibition of leaving the place of residence and permanent residence in the Republic of Croatia (*Odluka o zabrani napuštanja mjesta prebivališta i stalnog boravka u Republici Hrvatskoj*), 23 March 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20o%20zabrani%20napu%C5%A1tanja%20prebivali%C5%A1ta....pdf

⁵⁷ Traffic and movement necessary to supply the areas; daily migrations of employees in services important for: provision of health and veterinary care, delivery of medicines and medical supplies, maintenance of municipal services, water supply and sewerage, gas and electricity supply, security services; reporting to the public; residents requiring urgent medical care; traveling to and from work if doing the work is necessary and cannot be done from home; traveling for vital family reasons, such as caring for children and the elderly or buying food and essentials; urgent and operational services involved in the prevention of the spread of COVID-19.

⁵⁸ Civil Protection Headquarters, Decision amending the Decision prohibiting leaving the place of residence and permanent residence in the Republic of Croatia (*Odluka o izmjeni i dopuni Odluke o zabrani napuštanja mjesta prebivališta i stalnog boravka u Republici Hrvatskoj*), 1 April 2020, available at: <https://www.koronavirus.hr/najnovije/odluka-o-izmjeni-i-dopuni-odluke-o-zabrani-napustanja-mjesta-prebivalista-i-stalnog-boravka-u-repubici-hrvatskoj/367>

Headquarters amended the decision again, allowing the release of measures for an area of two or more counties within Croatia, in which case no e-Pass is required to move to those areas.⁵⁹

The Republic of Croatia and Hungary have agreed to mitigate common border crossing measures for those citizens of two countries who reside in a border area 30 kilometres from the border or are employed by a company established in the area. In accordance with the mentioned measures, they are allowed to cross the border every day, i.e. when there is a need to cross with mandatory self-isolation in their own home upon their return. The mitigation of the introduced health measures applies only to those nationals of two States who have a legitimate reason to cross the border for carrying out those works which are considered important to the economy, as well as those who can prove that they have agricultural land in the territory of another State for the purpose of carrying out agricultural work.⁶⁰ Also, according to a notice from the Ministry of Administration, workers working abroad have e-passes issued by Civil Protection Headquarters.⁶¹

Further to the earlier request to Croatian citizens who temporarily or permanently live and work outside the country to further delay travel to the Republic of Croatia which is not necessary, the Ministry of Foreign and European Affairs, in agreement with the Civil Protection Headquarters of the Republic of Croatia, reiterated the importance of this appeal. Everyone who enters the territory of the Republic of Croatia from other countries will be familiar with the measure of compulsory quarantine accommodation for a period of 14 days or will have to carry out a mandatory measure of self-isolation within a period of 14 days. They will be subjected to the same procedure on their return to their countries of origin.⁶² People transiting through the Republic of Croatia are obliged to use highways.⁶³

On 30 March, The Ministry of the Interior proclaimed that no measures prescribed by the Law on Foreigners will be taken towards foreigners unable to leave the Republic of Croatia for objective reasons within the period prescribed by the Schengen Borders Code. They are requested to contact the respective police departments by mail or telephone, and avoid personal visits to the police station, unless requested.⁶⁴

⁵⁹ Civil Protection Headquarters, Decision amending the Decision prohibiting leaving the place of residence and permanent residence in the Republic of Croatia (*Odluka o dopuni Odluke o zabrani napuštanja mjesta prebivališta i stalnog boravka u Republici Hrvatskoj*), 18 April 2020, available at: <https://www.koronavirus.hr/najnovije/odluka-o-dopuni-odluka-o-zabrani-napustanja-mjesta-prebivalista-i-stalnog-boravka-u-rh-475/475>

⁶⁰ New measures for crossing the common border for individual citizens of the Republic of Croatia and Hungary (*Nove mjere prelaženja zajedničke granice za pojedine državljane Republike Hrvatske i Mađarske*), published on 31 March 2020, available at: <https://www.koronavirus.hr/najnovije/nove-mjere-prelazenja-zajednicke-granice-za-pojedine-drzavljan-republike-hrvatske-i-madjarske/352>

⁶¹ Instructions on issuing e-Passes to workers working under a work contract and workers working abroad (*Uputa o izdavanju e-Propusnica radnicima koji rade temeljem ugovora o djelu i radnicima koji rade u inozemstvu*), published on 5 April 2020, available at: <https://www.koronavirus.hr/najnovije/uputa-o-izdavanju-e-propusnica-radnicima-koji-rade-temeljem-ugovora-o-djelu-i-radnicima-koji-rade-u-inozemstvu/405>

⁶² It is recommended to avoid all travel - for the purpose of short-term stay in the Republic of Croatia - that is not urgent! (*Preporuče se izbjegavanje svih putovanja - u svrhu kratkotrajnog boravka u RH - koja nisu žurna!*), published on 7 April 2020, available at: <https://www.koronavirus.hr/najnovije/preporuca-se-izbjegavanje-svih-putovanja-u-svrhu-kratkotrajnog-boravka-u-rh-koja-nisu-zurna/416>

⁶³ The obligation to use the highways during transit through the Republic of Croatia (*Obveza korištenja autocesta prilikom tranzita kroz RH*), published on 24 April 2020, available at: <https://www.koronavirus.hr/najnovije/obveza-koristenja-autocesta-prilikom-tranzita-kroz-rh/226>

⁶⁴ Ministry of the Interior, Notice to foreign third-country nationals (*Obavijest stranim državljanima trećih zemalja*), published on 30 March 2020, available at: <https://mup.gov.hr/vijesti/obavijest-stranim-drzavljanima-trecih-zemalja/286130>

1.3 Impact of measures on particular groups

- *homeless people,*

The Ministry for Demography, Family, Youth and Social Policy has informed that during the COVID-19 epidemic the Plan for the care of the homeless in the Republic of Croatia and the Plan for the care of the homeless in extreme winter conditions for 2019/2020 will be applied. It has also suggested that public meal centres shall operate respecting the full compliance with the hygienic measures, standards of cleaning and other measures issued by the Croatian Institute of Public Health such as respecting social distance, limitation of number of persons present on the premises at the same time etc.⁶⁵ Media sources continuously report on the growing problems of the homeless during the pandemic who are largely uninformed about the current situation, many of them are facing health problems and the capacities of the existing shelters are not enough to accommodate the number of persons in need. Croatian Network for the Homeless stressed that the existing spatial, protection, staffing and other capacities are insufficient to ensure the adequate care, as well as that the activation of the Plan for the care of the homeless in extreme winter conditions did not result in additional engagement of local communities and organizations listed in the Plan and therefore additional efforts are necessary.⁶⁶

- *older people (which should include older persons in institutions),*

On 27 March, the Croatian Institute for Public Health announced the Guidelines on preventing and combating the COVID-19 epidemic in nursing homes and other institutions in the welfare system⁶⁷ in which the following documents are to be applied: Recommendations for the preservation of health of persons 60+ and those with chronic diseases⁶⁸, Respiratory protection measures including SARS-CoV-2 for people with chronic illnesses and the elderly⁶⁹ and Recommendations for the preservation of the health of persons over 65 years of age and chronic patients (COVID-19)⁷⁰.

According to the aforementioned documents, the most effective ways of avoiding contagion include maintaining personal hygiene and hygiene of the area in which older people reside and by avoiding physical contact. Also, it is advisable to speak with an expert to reduce the fear of uncertainty, loneliness and other problems caused by the pandemic. As far as concrete measures are concerned, resident's freedom of movement is restricted; the instruction states that elderly are allowed to leave the premises in justified cases, i.e. if they need hospitalization or other urgent medical care. The aforementioned documents also recommend the organization of communication via videoconferencing / video visits and the use of other technologies for long-distance visits, as well as more frequent and longer telephone calls to mitigate the consequences of visiting restrictions. Admission of new beneficiaries is suspended, except in urgent situations, with mandatory 14-days self-isolation.

⁶⁵ Ministry for Demography, Family, Youth and Social Policy, *The care of the homeless during the COVID 19 epidemic and the organization of public kitchen work*, available at: <https://mdomsp.gov.hr/vijesti-8/zbrinjavanje-beskucnika-za-vrijeme-trajanja-epidemije-covid-19-i-organizacija-rada-puckih-kuhinja/12661>

⁶⁶ Croatian Network for the Homeless, Important and urgent! Call for help to the homeless, available at: <http://beskucnici.info/vazno-i-hitno-apel-za-pomoc-beskucnicima>

⁶⁷ Croatia, Croatian Institute for Public Health, published on 27 March, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Protokol_za_domove_27_03_2020-1.pdf

⁶⁸ Croatia, Croatian Institute for Public Health, published on 3 March, available at: <https://www.hzjz.hr/wp-content/uploads/2020/03/Stariji-i-ostali-osjetljivi-na-koronavirus-2.pdf>

⁶⁹ Croatia, Croatian Institute for Public Health, available at: <https://www.hzjz.hr/wp-content/uploads/2020/03/Stariji-i-kroni%C4%8Dni-Mjere-za%C5%A1tite-2.pdf>

⁷⁰ Croatia, Teaching Institute for Public Health Andrija Štampar, published on 18 March, available at: <http://www.stampar.hr/hr/preporuke-za-ocuvanje-zdravlja-osoba-starijih-od-65-godina-i-kronicnih-bolesnika-covid-19>

Despite the recommendations, SARS-CoV-2 entered nursing homes in Croatia. The Ombudswoman has launched an examination procedure after the first case of new coronavirus was recorded in one of the nursing homes. She requested a statement after it was determined that, after the first appearance of the symptoms, the nursing home did not contact competent regional public health authority (Regional Public Health Institute), as prescribed by the Guidelines on preventing and combating the COVID-19 epidemic in nursing homes and other institutions in the welfare system on 27 March 2020. After the incident, Civil Protection Headquarters of the Republic of Croatia brought the Decision on the necessary measure of strengthening control of implementation of the Guidelines on preventing and combating the COVID-19 epidemic in nursing homes and other institutions in the welfare system⁷¹. Updated Guidelines⁷² are available from 16 April. Among other restrictions, beneficiaries are prohibited to go home for a visit, in order to prevent them to get infected outside of the premises and to prevent the infection spread to other beneficiaries. The Ombudswoman warned that the prevention measures could also have a negative effect on the already existing sense of social exclusion of the elderly, including those living in nursing homes, since after the visit of family members was banned, their contact with the outside world was extremely difficult, and probably impossible for some⁷³.

On 3 April, Croatian MP Ivan Pernar, shared his opinions about older people on his social media asking people if they think that it is “normal for the whole country to be paralyzed and quarantined for months so that some grandparents would live a day, a week, a month or a year longer?”⁷⁴. The Croatian Pensioners' Union promptly reacted by seeking public condemnation of Pernar's words stating that he “calls for the abolition of measures to prevent the spread of contagion, inhumanly explaining that older people must die of something anyway”⁷⁵. Croatian Ombudswoman also reacted to Pernar's words characterizing his statement as “an extremely inappropriate way (to) upset senior citizens and relativize the value of their lives” and continuing how “it is clear that by this statement, Mr. Pernar has placed the lives of the elderly in a less valuable position than the lives of other citizens, thereby encouraging discrimination against the elderly. He is a parliamentarian whose statements have more reach for citizens than it would be if he were an anonymous person.”⁷⁶

Ombudswoman also warned that restricting citizens' freedom of movement so that they can leave their place of residence only with an issued pass, makes it even more difficult for seniors to collect their pensions, especially for ones who live in places without a bank or ATM. Because of this, retirees

⁷¹Croatia, Ministry of Demography, Family, Youth and Social Policy, published on 17 April, available at: <https://mdomsp.gov.hr/vijesti-8/odluka-o-nuznoj-mjeri-pojacane-kontrole-provodjenja-upute-za-sprjecavanje-i-suzbijanje-epidemije-covid-19-za-pruzatelje-socijalnih-usluga-u-sustavu-socijalne-skrbi/12719>

⁷² Croatia, Ministry of Demography, Family, Youth and Social Policy, published on 16 April, available at: https://mdomsp.gov.hr/UserDocsImages/Vijesti2020/Mjere_socijalna_skrb_Verzija%205%2016_04.pdf

⁷³ Croatia, Croatian Ombudswoman, published on 9 April, available at: <https://www.ombudsman.hr/hr/kako-zastititi-prava-starijih/>

⁷⁴ Croatia, screenshot from Ivan Pernar Facebook profile, published on 3 April, available at: <https://www.mojevrijeme.hr/magazin/2020/04/besramni-pernar-je-li-normalno-da-drzava-bude-paralizirana-da-bi-neki-djed-zivio-dulje/>

⁷⁵ Croatia, News Portal Dnevnik.hr, published on 3 April, available at: <https://dnevnik.hr/vijesti/koronavirus/sindikat-umirovljenika-trazi-osudu-istupa-ivana-pernara-zbog-izjave-o-starijim-osoba-i-karanteni---600357.html>

⁷⁶Croatia, Croatian Ombudswoman's reaction to Ivan Pernar's statement, published on 6 April, available at: <https://www.ombudsman.hr/hr/uvredljiva-i-krajnje-neprijemljiva-izjava-saborskog-zastupnika-o-starijima/>

must either travel, which many cannot due to their poor health or costs, or ask someone to raise a pension for them, exposing them to fraud⁷⁷.

On 24 April Recommendations for the elderly and chronic non-infectious diseases during the gradual easing of COVID-19-related restrictions⁷⁸ were published by the Croatian Institute for Public Health. The recommendations include general prevention measures such as washing hands, avoiding touching the face, sneezing and coughing into a bent elbow, wearing a mask, maintaining personal hygiene and physical distance, maintaining room hygiene by regularly cleaning frequently used surfaces. People over the age of 65 and those with chronic diseases are advised to avoid crowded public places and, if necessary, seek assistance from the Red Cross, as well as to continue normal everyday activities which include physical activity, maintaining contact with loved ones via telephone, cell phone or social networks, good nutrition and, if needed, seeking professional help via helplines when feeling anxious or stressed.

- *Roma and Travellers*

According to the comprehensive field information collected by GOHRRNM only Bjelovar County registered two Roma (returning from abroad) testing positive and subsequently placed in self-isolation.⁷⁹

According to Roma youth organization of Croatia, there are no infected people among the Roma population in the Republic of Croatia. They have detected several reasons that could explain it. First of all, majority of Roma live in segregated settlements and non-Roma people rarely come to Roma settlements. Second, many Roma are social assistance recipients which disables them from having vehicles. By eliminating urban and suburban transportation, they simply remained in isolation, which also reduced the chance of infection. Third, Roma minority makes less than 1% of the overall Croatian population, which could also explain that they should not be severely affected by the infection. Even though some argued that their living conditions could make them more exposed to the risk of infection, in Croatia it has not yet manifested.

One of the issues for Roma people living in settlements during the pandemic has been access to food and hygiene. In some settlements, food packages were delivered and distributed. For example, Red Cross Society of Čakovec distributed instructions (in Boyash Romanian and Croatian) for proper washing of hands/hygiene and soap for all households in Roma communities in the Međimurje County (5000 units). There were provided by the Međimurje County while the Međimurje Red Cross carried out the distribution.

Also, the Red Cross Society has established psychosocial support for all beneficiaries within the EU funded project "Roma support – mobile team for family support" and others who are interested in the fact that social workers regularly contact families, provide support, help with distance learning, solve and coping with family problems and provide information. At the level of the whole of Međimurje County, the Red Cross Society has distributed food and hygiene packages for all those over 65 who are below the at-risk-of-poverty threshold or Centre for Social Welfare beneficiaries (guaranteed minimum allowance), with 63 households in Roma communities receiving a package of 300,00 HRK.

⁷⁷ Croatia, Croatian Ombudswoman, published on 9 April, available at: <https://www.ombudsman.hr/hr/kako-zastititi-prava-starijih/>

⁷⁸ Croatia, Croatian Institute for Public Health, published on 24 April, available at <https://www.hzjz.hr/wp-content/uploads/2020/03/Preporuke-za-osobe-starije-%C5%BEivotne-dobi-i-osobe-s-kroni%C4%8Dnim-nezaraznim-bolestima-u-okviru-postupnog-ubla%C5%BEavanja-restrikcija-vezanih-uz-COVID-19.pdf>

⁷⁹ Croatia, Input provided by the Office for Human Rights and Rights of the National Minorities. The input was gathered through Commission's questionnaire via the National Roma Contact Points (NRCP), from regional, local and national authorities Office as well as from NGOs dealing with Roma issues.

The packages and logistics were provided by the Red Cross of Međimurje, while representatives of Centre for Social Welfare and Međimurje County participated in the distribution of the packages.

In Istria, County Working Group on Roma, in cooperation with the Roma minority council and a Roma NGO has distributed food coupons to those most at risk.⁸⁰

The Roma youth organisation of Croatia detects the biggest problem in education and they believe that this situation will lead to a deepening gap in educational outcomes between Roma and non-Roma in the coming period.⁸¹ On 15 April, the Roma youth organisation of Croatia sent a letter to the Ministry of Science and Education, the Government's Office for Human Rights and Rights of National Minorities, and the Office of MP Veljko Kajtazi demanding urgent measures to provide resources and conditions for the implementation of post-epidemic measures to provide institutional or non-institutional education for children belonging to the Roma national minority during the summer holidays.⁸² REYN⁸³-Croatia, in cooperation with the Ministry of Science and Education, conducted a survey in primary schools two weeks after the closure of schools due to the COVID-19 virus pandemic and the commencement of long-distance teaching. 65 schools responded to the survey. In as many as 30% of schools, more than 30% of Roma children do not regularly participate in distance education, and the reasons are varied, from poverty to inability to receive adequate support in families. The [results of the survey](#) are shared with relevant institutions and organizations and we expect rapid and systematic support for Roma children.⁸⁴ Most of central level measures are mainstreamed (education being a notable exception) while there are many regional and local targeted measures. Examples include: Extremely helpful role of Roma teaching assistants and pilot Roma health mediators (Međimurje), and particularly of Roma national minority councils, a special form of local & regional advisory bodies on minority affairs to local & regional authorities, in outreach and providing with contacts, advice and health protection materials (Međimurje, Bjelovar and other counties). Ministry of Education with the financial support by UNICEF Croatia, providing additional 100 tablets and 500 SIM-cards to Roma children in need and buying additional server to meet increased needs of the Ministry of Education.⁸⁵ Public Health Institute in cooperation with the Roma minority council of the City of Zagreb has translated leaflets on 'Covid 19', 'Infection', 'Self-isolation' to Romani and made it available through web pages, social networks and platforms.⁸⁶

⁸⁰ Croatia, Input provided by the Office for Human Rights and Rights of the National Minorities. The input was gathered through Commission's questionnaire via the National Roma Contact Points (NRCP), from regional, local and national authorities Office as well as from NGOs dealing with Roma issues.

⁸¹ Croatia, Roma youth organisation of Croatia (*Romska organizacija mladih Hrvatske*), email received on 27 April 2020

⁸² Croatia, Roma youth organisation of Croatia (*Romska organizacija mladih Hrvatske*), email received on 27 April 2020.

⁸³ REYN-Croatia is a member of the Romani Early Years Network.

⁸⁴ REYN-Croatia (*REYN-Hrvatska/Mreža podrške romskoj djeci-Hrvatska*), Roma children who have stayed at a distance from education by distance education (*Djeca Romi koja su nastavom na daljinu ostala na obrazovnoj distanci*), published on 23 April 2020, available at: <http://www.reyn-hrvatska.net/index.php/2020/04/23/djeca-romi-koja-su-nastavom-na-daljinu-ostala-na-obrazovnoj-distanci/>

⁸⁵ Croatia, Input provided by the Office for Human Rights and Rights of the National Minorities. The input was gathered through Commission's questionnaire via the National Roma Contact Points (NRCP), from regional, local and national authorities Office as well as from NGOs dealing with Roma issues.

⁸⁶ <http://www.stampar.hr/hr/preporuke-za-pripadnike-romske-nacionalne-manjine>

2 Users' data - privacy and data protection

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

On 14 April, the Government of the Republic of Croatia launched the first COVID-19 digital assistant *Andrija* that can be activated on mobile application *WhatsApp* and therefore is limited to WhatsApp users only. *Andrija* is powered by artificial intelligence and can be simultaneously connected with millions of citizens and all relevant institutions in order to advise people how to diagnose and manage suspected COVID-19 infections⁸⁷. It was pointed out that "the digital assistant is a safe and anonymous application and that no information is collected in a way that could identify the person or to monitor anyone"⁸⁸. *Andrija* as a digital assistant functions more like a questionnaire with a pre-set choice of answers. Anything beyond these questions or answers *Andrija* is not able to assist. Therefore, its AI is questionable.

Moreover, the Regional Office for Civil Protection Osijek for the purpose of controlling the implementation of measures by the Civil Protection Headquarters implemented a central aerial surveillance system over citizens using drones which monitor gatherings and also record people's temperatures.⁸⁹ The drones oversee public spaces and track gatherings of people on them, and in case they are detected police react and warn citizens about the need to comply with epidemiological measures. It was publicly explained that drone pilots do not look through citizens' windows or into their terraces and yards, and that they forward the recordings exclusively to the Ministry of Interior with the sole purpose of more rational use of police resources.⁹⁰ The same measure of surveillance was introduced in several other cities.

2.2 Legal framework enabling collection, processing, sharing and storage of user data

Article 104 of the Electronic Communications Act prescribes that "Location data other than traffic data, relating to subscribers or users of public communications networks or publicly available electronic communications services may only be processed when they are made anonymous, or with the consent of the users or subscribers in the manner and for the duration necessary for the provision of a value added service⁹¹". On March 25, 2020, the Government of the Republic of Croatia proposed amendments to the Electronic Communications Act with the aim of tracking locations of people

⁸⁷ Government of the Republic Croatia, Official government website for accurate and verified information on coronavirus, link available at: <https://www.koronavirus.hr/andrija-prvi-digitalni-asistent-u-borbi-protiv-koronavirusa-u-hrvatskoj-zivi-na-whatsappu/460>

⁸⁸ INDEX.HR web portal, Article: Is *Andrija* another attempt of the Government to start tracing citizens mobile phones, 15 April 2020, link available at: <https://www.index.hr/vijesti/clanak/je-li-andrija-jos-jedan-pokusaj-vlade-da-pocne-pratiti-mobitele-gradjana/2175179.aspx>

⁸⁹ Ministry of the Interior, Civil Protection Directorate, Central system for air surveillance using unmanned aerial vehicles implemented in Osijek, 2 April 2020, available at: <https://civilna-zastita.gov.hr/vijesti/u-osijeku-implementiran-centralni-sustav-za-nadzor-iz-zraka-pomocu-bespilotnih-letjelica/2339> and N1 news portal, Ivan Anušić: We will implement stricter measures to those gathering in groups, 4 April 2020, available at: <http://hr.n1info.com/Vijesti/a497569/Ivan-Anusic-Postrojit-cemo-mjere-za-one-koji-se-okupljaju-u-grupama.html>

⁹⁰ Večernji list news portal, Osijek starts fighting the virus using drones: "We won't spy on citizens", 17 April 2020, available at: <https://www.vecernji.hr/vijesti/osijek-u-borbu-protiv-virusa-krece-s-dronovima-necemo-spijunirati-gradane-1395311>

⁹¹ Electronic Communications Act (OG 73/08, 90/11, 133/12, 80/13, 71/14, 72/17), link available at: https://www.hakom.hr/UserDocsImages/dokumenti/Electronic%20Communications%20Act%20OG73_2008.pdf

undergoing self-isolation. In its proposal, the Government argued that restriction will "exceptionally allow the processing of location data other than traffic data in order to protect national or public security, in precisely and clearly defined situations where the Government of the Republic of Croatia declared a natural disaster or catastrophe, or when the minister responsible for health declared an epidemic of an infectious disease or a threat of an epidemic of an infectious disease, all in accordance with specific regulations, without which the health and lives of citizens could not be effectively protected without processing these data"⁹². In these extraordinary situations, the health minister would have authority to ask telecommunication operators to provide data on the locations of people which would then be sent to the minister of interior affairs for further action. The proposed amendment suggested adding Article 104a "Exceptions in the processing of location data without traffic data" which would read as follows: (1) As an exception to Article 104 of this Act, the processing of location data without traffic data is exceptionally permitted in order to protect national and/or public safety, in cases where the Government of the Republic of Croatia has declared a natural disaster or catastrophe, or when the minister for health declared the epidemic of a contagious disease or the danger of an epidemic of a contagious disease, in accordance with special regulations, whereby the health and lives of citizens could not be effectively protected without the processing of such data. (2) Operators of public communications networks and publicly available electronic communications services, based on the request of the minister responsible for the declared natural disaster or catastrophe, or the minister responsible for health, shall provide the body referred to in paragraph 3 of this Article with location data without traffic data, for processing with the aim and for the purposes referred to in paragraph 1 of this Article. (3) The state administration body responsible for civil protection affairs is authorized to process the data referred to in paragraph 2 of this Article to the extent and in the manner necessary to achieve the goal and purpose referred to in paragraph 1 of this Article. Special rules on the protection of personal data shall apply accordingly to such data processing."⁹³ However, MPs did not vote on the issue since the emergency procedure for its adoption had been abandoned and the law was sent to the second reading in the Parliament. In Croatia, the procedure of passing a law can be done in regular and urgent procedure. The regular procedure of passing a law contains two readings (first and second), exceptionally third, during which proposals of laws/amendments are discussed at the parliamentary session. However, in urgent procedures the first and second readings are combined. As the opposition of parliament opposed the proposed amendments to the Electronic Communication Act for violating human rights and being too general, namely they argued that the Law should clearly define the scope of persons who can be under surveillance, the obligation to notify them about it, the exact duration of surveillance measures, disposition with data after the end of an epidemic, as well as oversight over the implementation of the measure.⁹⁴

2.3 Privacy and data protection concerns and possible solutions

Government in its proposal of the Amendments to the Electronic Communications Act⁹⁵ as described above in 2.2. did not foresee the category of citizens to whom the monitoring applies, duration of the monitoring period or prescribed method of processing the collected data, their storage and destruction, including informing people of monitoring their location during self-isolation. Therefore,

⁹² Government of the Republic of Croatia, Proposed Amendments to the Electronic Communications Act, 18 March 2020, link: <https://vlada.gov.hr/sjednice/216-sjednica-vlade-republike-hrvatske-29028/29028>

⁹³ Government of the Republic of Croatia, Proposed Amendments to the Electronic Communications Act, 18 March 2020, link: <https://vlada.gov.hr/sjednice/216-sjednica-vlade-republike-hrvatske-29028/29028>

⁹⁴ Dnevnik.hr web portal, Article: Act on tracing mobile phone is sent to the second reading "It is unnecessary and lousy and it would be good for Government to withdraw it", 7 April 2020, link available at: <https://dnevnik.hr/vijesti/hrvatska/sabor-zakon-o-pracenju-mobitela-poslan-u-drugo-citanje---600763.html>

⁹⁵ Government of the Republic of Croatia, Proposed Amendments to the Electronic Communications Act, 18 March 2020, link: <https://vlada.gov.hr/sjednice/216-sjednica-vlade-republike-hrvatske-29028/29028>

proposed amendments were subject to public criticism by numerous civil society organizations⁹⁶, Ombudswoman Office⁹⁷ and academia. A legal expert Mrs. Alaburić highlighted that the proposed amendments by introducing a measure of monitoring of citizens through the location of a mobile phone represent a serious additional interference of the state in the privacy of citizens, which is neither effective, necessary, nor proportionate in a democratic society to protect the health of the population⁹⁸. However, amendments to the Electronic Communication Act were criticised by several legal experts. Notably, they criticised that the law must be passed by two-third majority of parliamentarians since it represents interference in the privacy of the citizens⁹⁹.

Regarding the above mentioned application *Andrija*, an IT expert raised concerns about privacy and data protection because citizens are obliged to give their mobile number since WhatsApp works only through a mobile phone number. Moreover, it has been shown that in some cases the application asks for citizens' location. He emphasizes that *Andrija* chatbot could be made without seeking users' data because it could be accessed on the koronavirus.hr official Government website and thus it could avoid giving personal data. In addition, the IT expert warned that "the andrija.ai website does not even have a prescribed cookie alert, it does not specify exactly what kind of data is collected, who processes and manages the collection, who has access to it, or how long that data will be stored, which represents major violations of a whole range of laws and European rules¹⁰⁰.

Part of the citizens expressed their concern that the measure of surveillance by using drones in Osijek mentioned above in 2.1 is in collision with fundamental human rights and freedoms, in particular with the right to privacy. Spokesperson of the Police department of Osijek-Baranja county stated that it does not violate citizens' right to privacy because the drones fly on the altitude of 30, 50 and several hundred meters and therefore faces of people on the ground are not visible.¹⁰¹

⁹⁶ Zagreb Pride web portal, Announcement: Coronavirus Surveillance: Human Rights as another victim of the pandemic, 31 March 2020, link available at: <http://www.zagreb-pride.net/en/coronavirus-surveillance-human-rights-as-another-victim-of-the-pandemic>

⁹⁷ Ombudswoman of the Republic Croatia, Article: It is important to precisely determine whose data will be collected and to monitor the procedure, 30 March 2020, link available at: <https://www.ombudsman.hr/en/it-is-important-to-precisely-determine-whose-data-will-be-collected-and-to-monitor-the-procedure>

⁹⁸ Telegram.hr web portal, Article: The Parliament is about to pass two major acts due to coronavirus. Vesna Alaburić analyses what kind of majority is needed, 14 April, 2020, link available at: <https://www.telegram.hr/price/sabor-ce-uskoro-usvajati-dva-vazna-zakona-zbog-korone-vesna-alaburic-analizira-kakva-je-vecina-za-koji-potrebna>

⁹⁹ Informator.hr, Article: Pandemic and the Constitution of the Republic of Croatia, Author: prof.mr.sc. Đorđe Gardašević, 17 April 2020, link available at: <https://informator.hr/strucni-clanci/pandemija-i-ustav-republike-hrvatske>;

Portalnovosti.com, Article: "Where has the Constitution gone? Constitutional legal experts Ana Horvat Vuković, Đorđe Gardašević and Matija Miloš tell to portal Novosti that measures to restrict freedom of movement and human rights must be passed by the Parliament by a two-third majority as well as amendments to the Electronic Communication Act aimed at introducing mobile phone surveillance for all citizens", 1 April 2020, link available at: <https://www.portalnovosti.com/gdje-je-nestao-ustav>

¹⁰⁰ INDEX.HR web portal, Article: Is Andrija another attempt of the Government to start tracing citizens mobile phones, 15 April 2020, link available at: <https://www.index.hr/vijesti/clanak/je-li-andrija-jos-jedan-pokusaj-vlade-da-pocne-pratiti-mobitele-gradjana/2175179.aspx>

¹⁰¹ 24 sata news portal, Lega in the air: Drones record and measure the temperature of the citizens of Osijek, 8 April 2020, available at: <https://www.24sata.hr/news/lega-u-zraku-osjecane-dronovi-snimaju-i-mjere-temperaturu-685861>

2.4 Any other privacy and data protection concerns

According to information provided on the website of the Croatian Institute of Public Health, the Ministry of Health and the Croatian Institute of Public Health publish the newest findings on coronavirus on their official websites every day until 3pm. The announcements contain current data on the number of infected persons as well as advice related to security and protection of the population.¹⁰² The banner of the website www.koronavirus.hr, which gathers all the relevant information related to the coronavirus epidemic, provides updated information on the number of infected persons in Croatia and worldwide, the number of recovered cases in Croatia and worldwide as well as the number of deceased persons in Croatia and worldwide, with the Croatian Institute of Public Health listed as a source of information. The website also contains a section “Data” which provides a graphic overview of coronavirus cases in Croatia according to counties as well as age and gender. Moreover, www.koronavirus.hr website publishes open (machine-readable) data collected and provided by the Croatian Institute for Public Health and the Ministry of Health which is updated once a day with a 24-hours delay. It includes five sets of data available as follows: daily summary data (history of number of infected, deceased and recovered in Croatia and worldwide), daily data by counties (history of number of infected and deceased by counties), positive data by persons (history of gender and age of infected persons by counties), daily data for the previous day (number of infected, deceased and recovered in Croatia and worldwide on the previous day) and daily data by counties for the previous day (number of infected and deceased by counties on the previous day).¹⁰³

¹⁰⁴

Croatian data protection authority, Personal Data Protection Agency, issued a warning to the citizens on 20 March 2020 after receiving complaints from the citizens about receiving messages through mobile applications requesting personal data from them under the explanation of creating registries on citizens violating self-isolation measures. The DPA emphasized that this kind of collection of data was not done by the Ministry of Interior or the National Civil Protection Headquarters. The DPA warned the citizens not to share their personal information through mobile applications because it suspects that there is a misuse of the current situation and unlawful collection of personal data. It advised citizens that caution should be applied in any disposition of personal data, especially through mobile applications and the Internet. For this reason, citizens were asked to act with special care, responsibly and critically, and not to pass on data to unknown as well as insufficiently known (legal or natural) persons whose identity cannot be determined in advance.¹⁰⁵

The idea proposed by the draft Amendment to the Electronic Communications Act according to which teleoperators would forward geolocation data of mobile phones to the authorities was largely criticised and therefore the adoption of its amendments is still pending as described above. Considering recent recommendations of the European Commission on respect of privacy of users, media report on the development of the awareness of finding a uniform solution on the EU level. With that regard, on both the European and national level, the introduction of a voluntary mobile app is being considered which would use a Bluetooth connection to notify users when they come into

¹⁰² Croatian Institute of Public Health, Coronavirus - newest data, available at: <https://www.hzjz.hr/priopcenja-mediji/koronavirus-najnoviji-podatci/>

¹⁰³ Government of the Republic Croatia, Official Government website for accurate and verified information on coronavirus, available at: <https://www.koronavirus.hr/podaci/otvoreni-strojno-citljivi-podaci/526>

¹⁰⁴ Rep.hr IT portal, Data on infected persons available in JSON format, 28 April 2020, available at: <http://rep.hr/vijesti/internet/podaci-o-zarazenima-u-hrvatskoj-dostupni-u-json-formatu/6825/>

¹⁰⁵ Croatian Personal Data Protection Agency, Warning for citizens, 20 March 2020, link: <https://azop.hr/aktualno/detaljnije/upozorenje-za-gradane>

contact with infected persons or persons who are obliged to be in self-isolation. Media report that allegedly it is still being considered by the Government whether it would be possible to introduce a solution that represents a combination of those two models i.e. whether it would be possible to keep some more lenient or more precisely defined location tracing solution in case of future need.¹⁰⁶ On 13 May both the Prime Minister and the Minister of Interior publicly confirmed that a mobile application is being developed in Croatia for several weeks that would monitor the contacts of people infected with Covid-19. According to the Minister of Interior, the application will be owned by the Ministry of Health and it will not be a tracing application, but rather informatic support of the work of the epidemiologists. The use of the application will be voluntary and it would provide users with information that they were in contact with an infected person in cases that the infected person also uses the same application and gives consent to share that information through the application.¹⁰⁷ The application is being developed by APIS IT, a state informatic company. According to APIS IT, the use of the application will be anonymous and will not request the name or phone number of the user. If a person decides to download and use the application, the bluetooth technology will record all contacts of 20-minute duration at the distance of 2 meters with other devices that have enabled this function. Data is being saved only on mobile phones. In case that a user is diagnosed with coronavirus, the user decides whether his/her phone will generate notification to the contacts that fall under “2 meters, 20 minutes” rule. All contacts at risk would receive only a notification that they were in contact with an infected person without details on name or location of the contact.¹⁰⁸ However, the Government didn't precisely inform the public whether the application is using centralised or decentralised processing.

On April 15th, 2020, eHealth Network published common EU toolbox for Member States regarding mobile applications to support contact tracing. The essential requirements for national apps, are namely that they be: voluntary; approved by the national health authority; privacy-preserving - personal data is securely encrypted; and dismantled as soon as no longer needed. The added value of these apps is that they can record contacts that a person may not notice or remember.

The Personal Data Protection Agency ('AZOP') issued, on 28 April 2020, a statement¹⁰⁹ (in Croatian) on the guidelines on scientific research and tracing apps during COVID-19 ('Coronavirus'), as published by the European Data Protection Board ('EDPB'). In particular, AZOP stressed the fact that proximity data between the infected person and their contacts may be collected without processing location data. Therefore, AZOP outlined that tracing apps should not collect location data.

¹⁰⁶ Telegram.hr portal, Government gives up on the disputable model which would trace mobile phones. We searched for what they plan next, 21 April 2020, available at: <https://www.telegram.hr/politika-kriminal/vlada-odustaje-od-spornog-modela-kojim-su-htjeli-pratiti-mobitele-istrazili-smo-sto-sad-planiraju/>

¹⁰⁷ Večernji list, online news portal, Plenković: Our experts are working on the application, Božinović explained of what kind, 13 May 2020, available at: <https://www.vecernji.hr/vijesti/bozinovic-pratit-ce-se-samo-uz-dobrovoljni-pristanak-1401955>

¹⁰⁸ Večernji list, online news portal, Mobile phone will alert: 20 minutes with infected person on less than 2 meters!, 13 May 2020, available at: <https://www.vecernji.hr/vijesti/mobitel-ce-javlja-20-minuta-sa-zarazenim-na-manje-od-2-metra-1402020>

¹⁰⁹ Croatian Personal Data Protection Agency, Guidelines of the European data protection committee in the context of COVID-19 pandemic, 28 April 2020, available at: <https://azop.hr/aktualno/detaljnije/smjernice-europskog-odbora-za-zastitu-podataka-u-kontekstu-covid-19-pandemi>