

# Coronavirus pandemic in the EU – Fundamental Rights Implications

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# Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency

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

In its judgment from 4 June 2020 No. 6, As 88/2020-44,<sup>1</sup> the Supreme Administrative Court annulled the ruling of the Municipal Court in Prague from 30 March 2020 No. 15 A 31/2020-59<sup>2</sup> and returned the case for further proceedings. The ruling of the Municipal Court in Prague concerned the Special Measure of the Ministry of Health from 18 March 2020 No. MZDR 12344/2020-1/MIN/KAN<sup>3</sup> (hereinafter the 'first Special Measure'), which forbade the presence of fathers at childbirth. This Special Measure was annulled and replaced by the Special Measure of the Ministry of Health No. MZDR 13620/2020-1/MIN/KAN<sup>4</sup> from 27 March 2020 (hereinafter the 'second Special Measure'), which upheld this ban.

The complainants (a couple) challenged the legality of the first Special Measure on 26 March 2020 and demanded it be annulled. They amended their original action on 29 March 2020 and asked for the second Special Measure to be annulled. The Municipal Court in Prague rejected their case on 30 March 2020. The Court argued that it could not review the legality of the first Special Measure, since it had been annulled; and as the original action of the complainants attacked only the first Special Measure, the court could not accept the amendment from 29 March 2020 and could not decide on the legality of the second Special Measure; the complainants should have submitted a new action attacking only the second Special Measure. The Supreme Administrative Court in its judgment from 4 June 2020 No. 6 As 88/2020-44 held that the Municipal Court in Prague should have accepted the amendment of the action, and it should have reviewed the legality of the second Special Measure. The Court emphasized that in a situation where, during a declared state of emergency, emergency measures are cancelled at relatively short intervals and replaced by new ones, it might not be possible to obtain a substantive review of any such measure, as every measure could be revoked and replaced by a new one before the court was able to decide on its legality.

The non-admission of the amendment thus represents an infringement of the right to a fair hearing and the right to effective judicial protection of the applicants' rights within the meaning of Article 36(2) of the Charter of Fundamental Rights and Freedoms.<sup>5</sup>

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<sup>1</sup> Supreme Administrative Court (2020), Judgment No. [6 As 88/2020-44](#), 4 June 2020.

<sup>2</sup> Municipal Court in Prague (2020), Judgment No. [15 A 31/2020-59](#), 30 March 2020.

<sup>33</sup> Ministry of Health (2020), [Special Protection Measure No. MZDR 12344/2020-1/MIN/KAN](#) (Mimořádné opatření), 30 March 2020.

<sup>4</sup> Ministry of Health (2020), [Special Protection Measure No. MZDR 13620/2020-1/MIN/KAN](#) (Mimořádné opatření), 30 March 2020.

<sup>5</sup> Czech Republic, Constitutional Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms ([Listina základních práv a svobod](#)), 28 December 1992.

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

*Focus on:*

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

Gatherings of people in larger groups were gradually made possible again over the course of the month of May, but until 8 June gatherings were limited to 300 people or less.<sup>6</sup> As of 8 June events with up to 500 people were permitted and the same number of people could visit exhibition halls, castles, theatres, cinemas, concert halls, and circuses.<sup>7</sup> The obligation of to practise social distancing in theatres and cinemas and the obligation of visitors to swimming pools to wear a protective mask was abolished.<sup>8</sup>

As of 15 June it has been possible to organise mass events for up to 2,500 people, although the area where an event takes place must be divided into five sectors (max. 500 persons each) which it should not be possible to move in between.<sup>9</sup> The same special measure notes that restrictions on the number of people who can gather do not apply to assemblies that take place based on Act No. 84/1990 Coll. on the right to assembly.<sup>10</sup> This act covers gatherings that are organised with the aim of expressing free speech and other constitutional rights and freedoms, to exchange information and viewpoints, and to participate in public and social issues via expressing one's opinion.

It is still necessary to wear a face mask and keep a distance of two metres from others inside buildings, in public transportation (exceptions apply), and at mass events.

### 1.2.2 Education

*Focus on:*

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

From 1 to 30 June schools had the option to resume teaching, but the in-person participation of students remains voluntary and at most 15 students can be present in class (for those who do not attend school, distance learning continues).<sup>11</sup> The same applies to children who attend special schools for children with physical or mental disabilities, children with autism, or children with serious behavioural problems, although these schools were originally scheduled to open only on 30 June. School-leaving exams and entrance exams can now be held.

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<sup>6</sup> Ministry of Health (2020), Special Measure.

<sup>7</sup> Ministry of Health (2020), Annex No. 3 of Government Resolution from 1 June 2020 No. 605 ([Příloha č. 3 usnesení vlády ze dne 1. června 2020 č. 605](#))

<sup>8</sup> Ministry of Health (2020), Special Measure No. MZDR 15757/2020-21/MIN/KAN from 5 June 2020 ([Mimořádné opatření Č. j.: MZDR 15757/2020-21/MIN/KAN](#)).

<sup>9</sup> Ministry of Health (2020), Special Measure No. MZDR 20588/2020-7/MIN/KAN from 12 June 2020 ([Mimořádné opatření Č. j.: MZDR 20588/2020-7/MIN/KAN](#)).

<sup>10</sup> Czech Republic, Act No. 84/1990 Coll. on the Right to Gather ([Zákon č. 84/1990 Sb. o právu shromažďovacím](#)), 27 March 1990.

<sup>11</sup> Ministry of Health (2020), Special Measure No. MZDR 20584/2020-3/MIN/KAN from 25 May 2020 ([Mimořádné opatření Č. j.: MZDR 20584/2020-3/MIN/KAN](#)).

### 1.2.3 Work

Focus on:

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

As reported in the previous bulletins, no restrictions were in place to prevent people from going to their workplaces even during the state of emergency, but whenever it was possible employers allowed people to work from home. Since May, many people have returned to work in the office, where people are still required to maintain a distance of two metres from each other, but the wearing of face masks is not required.<sup>12</sup> No further developments were identified in the month of June.

**People in precarious work.** As mentioned in the previous bulletins, the Government initially excluded people who work on the basis of a contract of services or to perform a job 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. While as of 1 May these workers are granted financial compensation if they are parents of children up to 13 years of age who are out of school (paid retroactively from 1 April),<sup>13</sup> on 29 June the Government endorsed an additional financial support scheme for this group of workers, which until then was only open to people who are self-employed. According to the amendment to the Act on Bonus Compensation No. 159/2020 Coll.<sup>14</sup> people who worked on a temporary contract for the duration of at least four months in the six months preceding 31 March and who could or did not work during the time of emergency are entitled to a daily compensation of 350 CZK (approx. € 13) amounting to a maximum of 31,150 CZK (approx. € 1,160) in total.<sup>15</sup>

### 1.2.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*

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<sup>12</sup> Aktuálně.cz (2020), 'While working in an Office or in a Hot Place It Is Not Compulsory to Wear Face Masks, It Is Enough to Keep a Distance' ([Při práci v kanceláři nebo v horku už není nutné mít roušku, stačí rozestupy](#)), 15 May 2020.

<sup>13</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 ošetrovného na 80 % a rozšíření nároku i pro tzv. dohodáře bylo dnes s konečnou platností schváleno. Prezident republiky návrh schválený parlamentem dnes také podepsal. Ošetrovné se zvýší automaticky, a to zpětně od 1. dubna.](#)), press release 29 April 2020.

<sup>14</sup> Czech Republic, Act on Bonus Compensation No. 159/2020 Coll. ([Zákon č. 159/2020 Sb. Zákon o kompenzačním bonusu v souvislosti s krizovými opatřeními v souvislosti s výskytem koronaviru SARS CoV-2](#)), 9 April 2020.

<sup>15</sup> Government of the Czech Republic (2020), 'The Government Endorsed the Programme for Assisting Spas; the State also Helps Small Entrepreneurs and Carriers' ([Vláda schválila program na pomoc lázním, stát pomůže i drobným živnostníkům a dopravcům](#)), press release 29 June 2020.

- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

As reported in the previous bulletins, Czech courts resumed their work from 17 April based on a recommendation from the Ministry of Justice.<sup>16</sup> No further developments were identified in the month of June.

### 1.2.5 Freedom of movement

*Focus on:*

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; ‘essential workers’). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

**Travel and border restrictions.** Border restrictions were significantly eased and in some cases completely lifted in the month of June. While as of 27 May selected categories of people were permitted to travel to and from the Czech Republic (usually on the condition that they have with them a negative COVID-19 PCR test no older than four days), as of 5 June the obligation to present a negative COVID-19 test or undergo self-quarantine was lifted for Czech citizens or people legally residing in the Czech Republic when traveling to and from Austria, Hungary, Germany, or Slovakia.<sup>17</sup> European Union citizens legally residing in Hungary, Germany, Austria, and Slovakia and foreign nationals with long-term resident status in those countries could also enter the Czech Republic without a negative COVID-19 test or the obligation to self-quarantine. The same ministerial measure maintained the obligation to present an up-to-date negative COVID-19 test at the regional Hygiene Office within 72 hours of entry remains valid for all other categories of people, except for workers in critical infrastructure, diplomats, and similar categories).

Border controls between the Czech Republic and Austria and Germany also ended on the same day, but the Ministry of Foreign Affairs warned that the opening of the border with Germany is still only a unilateral step of the Czech government.<sup>18</sup> Border controls still apply at Václav Havel Prague International Airport, which continues to be the only airport which may be used for international flights.<sup>19</sup>

A Special Measure issued by the Ministry of Health effective as of 15 June allowed for further mobility of Czech citizens or foreign nationals legally residing on the territory of the country with respect to other EU and Schengen area countries.<sup>20</sup> EU and Schengen area countries were divided

<sup>16</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>17</sup>Ministry of Health (2020), Special Protection Measure No. MZDR 20599/2020-7/MIN/KAN from 5 June 2020 ([Ochranné opatření Č. j.: MZDR 20599/2020-7/MIN/KAN](#)).

<sup>18</sup> Government of the Czech Republic (2020), ‘Results of the Government’s Proceedings from 5 June 2020’ ([Výsledky jednání vlády 5. června 2020](#)), press release 5 June 2020.

<sup>19</sup> USNESENÍ VLÁDY ČESKÉ REPUBLIKY ze dne 4. května 2020 č. 506 o zrušení krizového opatření.

<sup>20</sup> Ministry of Health (2020), Special Protection Measure No. MZDR 20599/2020-8/MIN/KAN from 12 June 2020 ([Ochranné opatření Č. j.: MZDR 20599/2020-8/MIN/KAN](#)).

into three categories according to the level of risk of COVID-19 disease into low-risk, medium-risk, and high-risk countries. The Ministry of Health's accompanying memo establishes that Czechs and foreign nationals with long-term residence in the Czech Republic are permitted to travel to all categories of countries, but are exempt from presenting a negative test COVID-19 PCR test only after returning from countries with low and medium risk.<sup>21</sup> Foreign nationals who are not long-term Czech residents arriving from medium- and high-risk countries must present a negative test upon arrival or face a 14-day quarantine.

The measure has been colloquially termed 'traffic light' and a weekly updated list of EU countries according to the level of risk is available on the Ministry of Health's website.<sup>22</sup> There is no end date foreseen for this measure.

The Ministry of Foreign Affairs upholds its recommendation of avoiding all unessential travel to countries indicated with red on the 'traffic light' and to countries that are outside the EU/Schengen area, but no travel ban is in place.<sup>23</sup> People returning from countries that are not on the 'traffic light' map must report to the regional Health and Hygiene Office within 72 hours of entry into the country and present a negative Covid-19 PCR test result or self-quarantine.

**Asylum applications.** Compared to the previous months, from March on the number of both new and repeated applications for asylum dropped by more than half, although the number started rising again in May.<sup>24</sup> In total, in January 121 applications were registered and in February the number of asylum applications was 128. In the spring months a steep decline occurred and the number of applications was as follows: 58 applications were registered in March, 17 in April, and 33 in May.

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people,*
- *women,*
- *Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).*
- *Detainees (including measures on early release or alternatives to detention)*

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<sup>21</sup> Ministry of Health (2020), Memo No. MZDR 20599/2020-9/MIN/KAN from 12 June 2020, which establishes the list of countries of the European Union or their parts and other countries of the Schengen area or their parts with low and medium risk of COVID-19 infection ([Č. j.: MZDR 20599/2020-9/MIN/KAN Sdělení Ministerstva zdravotnictví, kterým se vydává seznam členských států Evropské unie nebo jejich částí a dalších států schengenského prostoru nebo jejich částí s nízkým rizikem a se středním rizikem nákazy onemocnění COVID-19](#)).

<sup>22</sup> Ministry of Health (2020), 'List of European Countries Based on the Risk of Infection' ([Seznam evropských zemí podle míry rizika nákazy](#)), press release 29 June 2020.

<sup>23</sup> Ministry of Foreign Affairs (2020), 'Update: A sign-post of information on travelling to other countries' ([Rozcestník informací k cestování do ostatních států](#)), press release 3 July 2020.

<sup>24</sup> Ministry of the Interior of the Czech Republic (2020), '[International protection in the Czech Republic: Monthly statistical overview, May 2020](#)', Department for Asylum and Migration Policy.

- *or another group not listed that have immersed in your country as facing particular challenges - before selection, this should be discussed with FRA.*

**Detainees.** The ban on prison visits was lifted on 18 May, permitting one visitor per detainee at a time. Under standard conditions detainees can receive at most four visitors at a time. Children under the age of 15 can only participate in prison visits if they are accompanied by an adult and in the case of pre-trial detention centres all visiting minors under 18 must be accompanied by an adult.

On 8 June the Deputy Ombudsperson Monika Šimůnková issued a statement protesting that the current restrictions on the number of visitors infringes children's rights to visit their parents and to maintain close contact with them as laid down in the Convention on the Rights of the Child.<sup>25</sup> Due to the restrictions, children under the age of 15 are currently fully prevented from participating in prison visits and no minors can visit pre-trial detention centres. Ms Šimůnková underlined that maintaining family relations between children and their imprisoned parent via letters or telephone is not equivalent to personal visits. She commended the fact that in some prisons Skype calls are permitted, but emphasised that Skype should only serve as a complementary means of communication and not be an alternative to personal visits.

The Deputy Ombudsman requested that the Minister of Health re-evaluate the applicable restriction measures so that minors can continue visiting facilities of the Prison Service.

Restrictions on prison visits were slightly modified from 22 June, when the Ministry of Health's special measure allowed up to two visitors if one of the visitors is under the age of 15.<sup>26</sup>

**Roma.** While it is anticipated that the special crisis measures and the concomitant economic downturn have negatively affected the lives of Czech Roma, the immediate impact of the measures is unclear.<sup>27</sup> There are no quantitative or qualitative analyses of the scale of the implications of the measures on the health of Czech Roma, but official sources commented that the number of Czech Roma who have been infected is probably very low.<sup>28</sup>

No communities with a high number of Roma inhabitants have been placed under targeted lockdown or quarantine or have in any way been singled out by authorities for special intervention measures. There were no reports of discriminatory practices or abuse against quarantined Roma by authorities in the media or other sources.

Official data on the impact that school closures have had on Roma children is lacking, but consultations with both governmental sources<sup>29</sup> and NGOs<sup>30</sup> suggest that children from socially excluded localities (who are often Roma) have had inadequate access to online learning and children from poor families may have been particularly negatively affected. The support of NGOs has been

<sup>25</sup> Public Defender of Rights (2020), 'Prison Visits Are Possible, but Restrictions Apply' ([Ve věznicích jsou v omezeném rozsahu opět povoleny návštěvy](#)), press release 8 June 2020.

<sup>26</sup> Ministry of Health (2020), Special Measure No. MZDR 20598/2020-2/MIN/KAN from 17 June 2020 ([Mimořádné opatření Č. j.: MZDR 20598/2020-2/MIN/KAN](#)).

<sup>27</sup> Telephone interview with the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for National Minorities of the Czech Republic on 12 June 2020.

<sup>28</sup> Telephone interview with the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for National Minorities of the Czech Republic on 12 June 2020.

<sup>29</sup> Telephone interview with the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for National Minorities of the Czech Republic on 12 June 2020.

<sup>30</sup> Telephone interviews with the NGOs Slovo 21 and People in Need on 12 June 2020.

crucial in assisting disadvantaged children in keeping up their studies.<sup>31,32</sup> They have both been providing learning support to children directly in the field or via distance learning and collected and distributed IT equipment for families without computers.<sup>33</sup> According to some media sources, the government did not mobilise any extra resources to support schools and disadvantaged families in the period after the school closures.<sup>34</sup>

The media coverage on the Roma has since the beginning of the special measures been uncharacteristically positive.<sup>35</sup>

A Czech Facebook page and website was set up in the spring months by Czech Roma activists living in the Czech Republic and abroad with the aim of providing accurate information about the pandemic and countering the spread of coronavirus-related hoaxes in the Roma community.<sup>36</sup>

**Women.** State authorities and NGOs reacted swiftly after the introduction of the state of emergency and proposed a number of measures for the support of women, especially with respect to protection from violence.

On 8 April the Committee for the Prevention of Domestic Violence and Violence against Women of the Government Council for the Equality of Women and Men endorsed an incentive called 'Draft measures for the protection of domestic violence victims and victims of sexual violence with regard to the COVID-19 pandemic'.<sup>37</sup> The document contains a set of recommendations for various ministries and state authorities, such as the fact that hospitals do not refuse to treat victims of domestic and sexual violence, and did not do so even in the period when non-essential visits to medical facilities were discouraged, or that the Ministry of the Interior closely monitors and evaluates statistical data about sexual violence and, if applicable, considers the introduction of new measures preventing the increased risk of domestic and sexual violence.

The Committee for the Prevention of Domestic Violence and Violence against Women held a meeting on 18 June evaluating victim protection during the state of emergency in the Czech Republic, concluding that further analysis is needed.<sup>38</sup> Participating representatives of organisations providing support to victims of domestic violence noted a 50% increase in contacts with clients on

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<sup>31</sup> Interviews with Člověk v tísni (the People in Need Foundation) and the Secretariat of the Office of the Government of the Czech Republic (Council for National Minorities) on 12 June 2020.

<sup>32</sup> Telephone interview with the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for National Minorities of the Czech Republic on 12 June 2020.

<sup>33</sup> Agency for Social Inclusion (2020), 'Donated Computers Help Equal Out Differences in Distance Education. Technology Is Not Enough on Its Own' ([Darované počítače pomáhají vyrovnávat rozdíly ve vzdělávání na dálku. Jen technika ale nestačí](#)), press release 14 May 2020.

<sup>34</sup> Dvořáková, T. (2020), 'How Much Does the Czech Government Value Education?' ([Nakolik si česká vláda cení vzdělání?](#)), *Deník Referendum*, 20 May 2020.

<sup>35</sup> Telephone interview with the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for National Minorities of the Czech Republic on 12 June 2020.

<sup>36</sup> The Facebook page is accessible [here](#) and the [website](#) here.

<sup>37</sup> Governmental Council for the Equality of Women and Men (2020), Incentive of the Committee for the Prevention of Domestic Violence and Violence against Women supporting the protection of domestic violence victims and sexual violence victims with regard to the COVID-19 pandemic (Podnět [Výboru pro prevenci domácího násilí a násilí na ženách schválil podnět k ochraně obětí domácího a sexuálního násilí s ohledem na pandemii COVID-19](#)), press release 8 April 2020.

<sup>38</sup> Governmental Council for the Equality of Women and Men (2020), The Protection of Domestic Violence Victims during the State of Emergency ([Ochrana obětí domácího násilí v době nouzového stavu](#)), press release 18 June 2020.

the hotlines between March and June. However, there was no surge in the number of cases reported to the police or intervention centres, which are social service providers for domestic violence victims.

A qualitative research study by academic institutions (Institute of Sociology of the Czech Academy of Sciences and the Faculty of Humanities, Charles University) and NGOs specialising in domestic and sexual violence victims (ROSA, Acorus, proFem) conducted in-depth interviews with victims of domestic violence and followed up their cases between 18 April and 5 June.<sup>39</sup> Additional interviews were made with professionals working in NGOs that provide support to victims of violence. No further details are known about the research methodology and at this point only preliminary findings are available.

According to these, the spring months revealed many deficiencies in the capacity of state institutions to provide adequate support to violence victims. In particular, in the first two weeks after the state of emergency was introduced on 12 March the Police, the courts, and the child protection authority remained 'silent' and fulfilled their roles only with a delay. Their activities were, according to the authors of the research, inadequate both in quantity and quality. Although in theory the courts should prioritise cases that involve violence, the study found that several court cases, including ones that involved violence against children, were postponed. Places in shelters for the victims of domestic violence were also found to be lacking.

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

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

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

As reported in Bulletin #1, the incidence of coronavirus-related hate speech or harassment was surprisingly low. Although hatred against certain ethnic or minority groups abroad was regularly reported on in the Czech media, only a few isolated Czech cases were reported. For instance, in March (1) four Italian train passengers heading to Prague were suspected of being infected and their train was halted in Pardubice in order to administer COVID-19 tests to these passengers (the results came back negative);<sup>40</sup> (2) a 22-year old Czech man returning from a trip to South America

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<sup>39</sup>proFem (2020), 'Domestic violence in the times of COVID-19: When there is no escape from the trap (and help is only intermittent)' ([Domácí násilí za COVID-19: Když z pasti není úniku \(a pomoc funguje jen někdy\)](#)), press release 30 June 2020.

<sup>40</sup>Součková, L. (2020), The Italians Who Were Travelling to Prague Do Not Have the Coronavirus ([Italové, kteří cestovali vlakem do Prahy, koronavirus nemají](#)), *Pardubický deník*, 13 March 2020.

contracted COVID-19 and he and his family were subjected to online and verbal harassment for spreading the disease in his hometown of Zákupy.<sup>41</sup>

Official reports which could potentially reveal further details, such as the Ministry of the Interior's quarterly reports on extremism and the quarterly reports of In Iustitia, the sole NGO focusing on hate crime and speech in the Czech Republic, were not available at the time of the submission of this service request.

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

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

As mentioned in Bulletin #2, the Office for Personal Data Protection on 31 March stated that the Ministry of Health did not share any specific details about how personal data are to be used and shared, and data flows are regulated within the 'Smart Quarantine' project.<sup>42</sup> The 'Smart Quarantine' project was initiated by the Ministry of Health in the middle of April and has since been implemented country-wide with the help of regional Health and Hygiene Offices. The project's aim is to establish a 'memory map' of persons who are confirmed to have the COVID-19 virus in order to identify to whom the person may have transmitted the virus in the past five days (at most three weeks) by tracing the subject's movement with the help of telecommunication operators and banks (contingent on the subject's consent). In addition, it includes the optional smart phone application eRouška (eFace Mask): via Bluetooth (not via location tracking) the application senses other mobile phones on which eRouška is installed, but location sharing is not enabled and users cannot trace each other's location (data are encrypted). It also includes the optional smart phone application of Mapy.cz, which employs location tracking.

At a public hearing in the Senate titled 'Smart Quarantine vs the Safety of Personal Data' on 25 June, the Office maintained its position claiming that it has in no way been consulted on the second version of the project ('Smart Quarantine' 2.0), and that the Office was only consulted on the initial version at the personal intervention of its chairperson.<sup>43</sup> Specifically, the chairperson raised objections against the mobile application eRouška (eFace Mask). The chairperson of the Office for Personal Data Protection claims that despite the Government's assertion that the application processes only anonymous data, in fact it processes personal data as it enables the identification of specific data subjects' telephone numbers. The chairperson also requested that a clear legal framework be established for the sake of future potential use of the project, which clearly delineates the principles of the smart quarantine, the competences of the public health authorities, and the responsibilities of the subjects that provide location data.

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<sup>41</sup> Birdmanová, M. (2020), Lynching People Infected with the Coronavirus: They Were Shouting at My Brother That He Should Hide Away Because They Don't Want the Coronavirus in This Town ([Lynč nakažených koronavirem: Na bratra řvali, ať zaleze, koronu tu nechťejí](#)), *Seznam Zprávy*, 31 March 2020.

<sup>42</sup> Office for Personal Data Protection (2020) 'The Office for Personal Data Protection on the Project "Smart Quarantine" ([ÚOOÚ k projektu „chytrá karanténa“](#))', press release 11 April 2020.

<sup>43</sup> Office for Personal Data Protection (2020) 'The protection of privacy in the times of the coronavirus and the project Smart quarantine' ([Ochrana soukromí v době koronavirové a projekt Chytrá karanténa](#)), press release 25 June 2020.

## 2.3 Spread of disinformation online

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

The Ministry of the Interior addresses some disinformation and hoaxes about the pandemic directly on its website.<sup>44</sup> For instance, the Ministry confronts the claim that the EU is not dealing with the current crisis effectively or that the virus was created as a biological weapon. The Ministry of Health's website also contains a flyer addressing false information about the pandemic and the SARS-CoV-2 virus, e.g. that drinking alcohol or eating garlic prevents infection.<sup>45</sup>

The think-tank Prague Security Studies Institute is implementing a project that monitors the coverage of the coronavirus pandemic on Czech websites known to be spreading disinformation, misinformation, and other contested content with the aim of identifying the main narratives, authors, and patterns of spreading various hoaxes.<sup>46</sup> The project runs from March to July 2020 and thus no results are yet available.

In the past months Czech public media outlets frequently addressed the issue of coronavirus-related disinformation.<sup>47,48,49</sup>

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<sup>44</sup> Ministry of the Interior (2020), 'Coronavirus: Overview of main disinformation claims' ([Koronavirus: Přehled hlavních dezinformačních sdělení](#)).

<sup>45</sup> Ministry of Health (2020), 'The truth about the coronavirus' ([Koronavirus na pravou míru](#)).

<sup>46</sup> Prague Security Studies Institute (2020), '[Disinformation pandemic: Case study of disinformation related to coronavirus](#),' undated.

<sup>47</sup> Vinklová, J. (2020), 'Untrue News about the Coronavirus as a Cyber Threat. Google Helps the Authors of Disinformation Make Money' ([Falešné zprávy o koronaviru jako kyberhrozba. Dezinformátoři vydělávají i díky Googlu](#)), *iRozhlas*, 27 April 2020.

<sup>48</sup> iDnes.cz (2020), 'Coronavirus Myths. Garlic, Hot Water or Alcohol Do Not Help' ([Koronavirové mýty. Nepomůže česnek, horká voda ani alkohol](#)), 29 March 2020.

<sup>49</sup> ČT24 (2020), 'Hoaxes Spread alongside the Coronavirus. Disinformation-Makers Use Scenes from Movies and Ads' ([Koronavirem se šíří i hoaxy. Dezinformátoři používají záběry z filmů i reklam](#)), 29 February 2020.