

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Czechia

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1. Measures taken by government/public authorities

Based on the Crisis Act No. 240/2000 Coll., on 12 March 2020 the Czech Government declared a state of emergency across the entire territory of the Czech Republic for a period of 30 days.¹ The public was informed via various media channels. The opposition has been accusing the government of mismanaging public communication of the developments concerning the spread of the virus.² An obligatory quarantine for people returning from risk countries (except pending workers or transport workers) for 14 days was introduced on 13 March 2020. On 11 March 2020, primary and secondary **schools were closed**. Nursery schools remain open, but the Ministry of Education, Youth and Sport has recommended that their operators consider closing them.³ Parents or caregivers of children under 13 years of age can apply for a caregiver's allowance if they are unable to go to work because they need to take care of a child who is out of school (originally the age was 10 years, but it was later increased to 13 years of age). The allowance is roughly 60% of the salary, calculated on a daily basis, and self-employed people will also be entitled to it.⁴ People taking care of their relatives due to care facilities closing are also entitled to the same allowance. The time limit for these benefits was legally extended till the end of the crisis measures. Until the end of these measures employers are obliged to provide sick leave to parents of children up to the age of 13. According to the government resolution on the state of emergency, regional authorities must ensure childcare for the children aged 3-10 of caregivers of selected occupations (such as security forces, health professionals, teachers).⁵ No further data are available about the impact of school closures on working women or children. All cultural, sporting and social events that would assemble a crowd of more than 30 people were banned on 12 March 2020. Effective from 11 March 2020 the meeting sessions of the Chamber of Deputies were adjourned until 14 April 2020.⁶

From 16 March 2020 additional crisis measures came into effect,⁷ **limiting the free movement of people** to just making essential trips, such as going to work, visiting relatives, doing shopping, and doctors' visits. All restaurants, bars, theatres, concert halls, and similar establishments are closed. Czech citizens and foreign nationals with a temporary or permanent visa are prohibited from traveling abroad. Tourists can leave the country and air transit travel is not covered by the ban. The country is closed to visitors, with the exception of Czech citizens or people with a temporary or permanent visa. Walks in nature and in parks are permitted, but people are ordered to limit their social contact, and as of 19 March 2020 people are required to wear a face mask or use other means to cover their mouth and nose when outside of their place of residence.⁸ In the Olomouc region, which gradually became the first hotspot for the spread of the coronavirus in the country, 21 villages and towns were fully

¹ Ministry of the Interior (2020) [State of Emergency](#), press release on 12 March 2020.

² Czech Television 24 (2020) [Kabinet nezvládá komunikaci o koronaviru, kritizují opoziční politici. Dělá, co chce veřejnost, hájí postup Vondráček](#) (The cabinet is mismanaging communication on the coronavirus, sat oppositional politicians critically. Vondráček defends the procedure: They are doing what the public wants), 8 March 2020.

³ Ministry of Education, Youth and Sport (2020) [Informace k vyhlášení nouzového stavu v ČR \(Information on the declaration of a state of emergency\)](#), press release on 12 March 2020.

⁴ Česká správa sociálního zabezpečení (Czech social insurance administration) (2020) [Ošetřovné](#) (Caregiver's allowance).

⁵ See Government Resolution No. 219 from 15 March 2020

⁶ Chamber of Deputies, Parliament of the Czech Republic (2020) [41. schůze Poslanecké sněmovny byla ukončena](#) (The 41st session of the Chamber of Deputies was concluded), press release, 11 March 2020.

⁷ Government of the Czech Republic (2020) [Resolution of the Government of the Czech Republic of 15 March 2020 no. -- on the adoption of a crisis measure](#).

⁸ Government of the Czech Republic (2020) [Vláda zavedla povinnost nosit ochranné prostředky a vyčlenila seniorům čas pro nakupování potravin](#) (The government introduced the obligation to wear protective gear and selected a time frame for seniors for shopping groceries), press release 18 March 2020.

locked-down on 15 March 2020,⁹ after 25 cases of infected people were identified.¹⁰ Another village at Vysočina was locked down on the same day.¹¹ The lock down shall end on 30, resp. 31 March 2020. Since 14 March prison visits have been suspended. From 16 March 2020 visits to detention centres for migrants are banned. But the head of a facility can permit entry in emergency cases for the purpose of in-person legal aid, interpretation and social services.¹² The same measure applies to all counselling and contact facilities managed by the Refugee Facilities Administration of the Ministry of the Interior.¹³ visits to nursing homes and hospitals has been in place except for children, persons with limited legal capacity, mothers giving birth and terminal patients.¹⁴ The ban was further extended to mothers giving birth on 19 March 2020 which means prohibition of the presence of fathers at birth, though it was later relaxed for mothers needing special assistance like mothers with disabilities, foreign mothers or mothers giving birth to a dead child. Courts are functioning, but some judicial proceedings have been halted because of the obligation of judges, lawyers or witnesses to quarantine after returning from a high-risk country.¹⁵ There is no information about coercion to test for the virus. The Police claim to make checks on people who are required to quarantine at home, often based on announcements by the public who are encouraged to tip off the Police. Fines are imposed on those who do not adhere to the regulations by not following the rules of quarantine, by not wearing face masks, or by gathering in large groups. Residents of rural areas and villages around the country have been raising concerns that many people who live in towns but own cottages in rural areas are moving to these cottages for the duration of the measures limiting free movement. Villagers fear that cottagers may bring the virus to areas that had until then been shielded from its spread.¹⁶ People returning from a number of so-called high-risk countries are required to self-quarantine and based on Section 92n (3a) of the Act No. 258/2000 Coll. on the protection of public health¹⁷ the violation of this measure may entail a fine of up to CZK 3 million (EUR 107,000).

The Customs Administration and the Financial Administration introduced a range of measures to address the situation of the **Self-employed**. For instance, the self-employed can request an adjustment be made to the amount of advance on income tax they have to that the self-employed do not have to pay their compulsory pension insurance payments for six months starting in March. Similarly, a bill will be introduced to absolve the self-employed of health insurance payments.¹⁸ With a view to decreasing the negative economic impact on small entrepreneurs and the self-employed, the Ministry of Industry and Trade introduced the COVID credit programme, which offers an interest-free loan with liberal conditions.¹⁹ On 12 March 2020 the Czech Banking Association introduced a three-

⁹ Kottová, A. (2020) Opatření je drastické, ale asi oprávněné, říká starosta uzavřené Červenky. Dozvěděl se o něm ve tři ráno (The measure is drastic, but probably right, says the mayor of locked-down Červenka. He found out about it at 3 am), Irozhlas, 16 March 2020.

¹⁰ The lock down is to end on 30 March 2020.

¹¹ This lock down shall end on 31 March 2020.

¹² Refugee Facilities Administration of the Ministry of the Interior (2020) [Upozornění: Zákaz návštěv v zařízeních SUZ MV](#) (Warning: Ban on Visits to the RFA MOI Facilities), press release on 11 March 2020

¹³ Refugee Facilities Administration of the Ministry of the Interior (2020) [Upozornění: Omezení služeb CPIC a SIP](#) (Warning: restriction of services), press release on 16 March 2020.

¹⁴ Lidovky.cz (2020) [Nová opatření kvůli koronaviru: ministr Vojtěch navrhne zákaz návštěv v domovech seniorů a nemocnicích](#) (New measures because of the coronavirus: Minister Vojtěch suggests a ban on visits to old people's nursing homes and hospitals), 8 March 2020. See also Government Resolution

¹⁵ Novinky.cz (2020) [Karanténa zastavila některá soudní líčení](#) (Quarantine has halted some judicial proceedings), 12 March 2020.

¹⁶ Frouzová, K. and M. Ťopek (2020) [Dodržování karantény kontrolují nejen policisté. V chalupářských oblastech spoléhají na hlášení obyvatel](#) (Not just the police are monitoring adherence to quarantine. In recreational areas they Police rely on tips from the general public), Hospodářské noviny, 23 March 2020.

¹⁷ Czech Republic, Act No. 258/2000 Coll. on protection of public health (*Zákon č. 258/2000 Sb. o ochraně veřejného zdraví a o změně některých souvisejících zákonů*), 11 August 2008.

¹⁸ Government of the Czech Republic (2020) [Vláda rozhodla o prodloužení omezení pohybu na veřejnosti až do 1. dubna, schválila také další kroky na podporu zaměstnavatelů](#) (The Government decided about prolonging the restriction of free movement and endorsed further steps to support employees), press release 23 March 2020.

¹⁹ Českomoravská záruční a rozvojová banka (2020) [Bezúročný úvěr pro podnikatele zasažené koronavirem](#).

month delay of instalment payments for people who have a mortgage or consumer loan.²⁰ The measure targets employees and the self-employed, who are expected to be hit the hardest by the financial ramifications of the pandemic. Mobile network operators introduced special offers, including free phone calls and internet services.²¹

There are only a few specific measures to address the situation of **vulnerable populations** and the media debate in the country is largely geared toward concerns for public health and the economy. The only group whose special needs are widely emphasised in public debate are elderly people, and a number of initiatives, many of them based on public volunteering, have emerged to help them. Starting on 19 March 2019 only people over the age of 65 are allowed to shop between the hours of 10 am and 12 noon in retail shops, drugstores, and pharmacies.²² In cooperation with the NGO Život 90 the City of Prague also introduced a crisis line for elderly people on 13 March 2020.²³ Besides providing psychological support the hotline also aims to coordinate volunteering and social work activities for the elderly. Several other cities have similar initiatives. Olga Richterová, the deputy chairwoman of the Pirate Party, which is a party in Parliament, sent an open letter to the Minister of Labour and Social Affairs on 16 March 2020 asking that the minister address a number of urgent social issues that are the direct result of the current situation.²⁴ According to Ms Richterová (as well as other media sources),²⁵ large numbers of people have already been made redundant and the government needs to focus on their immediate material needs. Other populations she mentions as being particularly vulnerable but whose situation is currently not addressed by any particular measures are people in insolvency or people in a foreclosure process. The situation of homeless people is also not resolved with respect to a possible mandatory quarantine. The NGO Jako Doma (Homelike), which focuses on homeless women, is also appealing to the state authorities to take the increased vulnerability of homeless people into account when planning measures.²⁶ The Prague City Council ruled that from March as long as the state of emergency is in effect the city will not charge

²⁰ Czech Banking Association (2020) [Prohlášení ČBA o přijetí mimořádného opatření bankami](#) (Declaration from the CBA regarding the introduction of extraordinary measures by banks), press release 12 March 2020.

²¹ Irozhlas (2020) [Telefonické služby zdarma? Čeští operátoři kvůli koronaviru upravují nabídku, chtějí pomoci v krizi](#) (Telephone services for free? Czech [telecommunications] operators are adjusting their offers in response to the coronavirus, they want to help in critical times), 14 March 2020.

Ministry of the Interior (2020) [Vláda zavedla povinnost nosit ochranné prostředky a vyčlenila seniorům čas pro nakupování potravin](#) (The Government has made wearing protective gear mandatory and has set aside a time for seniors only to shop for groceries), press release 18 March 2020. <https://www.vlada.cz/cz/media-centrum/aktualne/vlada-rozhodla-o-povinnosti-nosit-mimo-domov-ochranné-prostředky-a-vyčlenila-seniorum-cas-pro-nakupovani-potravin-180451/>

²³ The City of Prague (2020) [Speciální linka pomoci pro seniory](#) (A special hotline for seniors), press release, 13 March 2020.

²⁴ Richterová, O. (2020) [Otevřený dopis k situaci OSVČ, ÚP a sociálních služeb vzhledem k opatřením ke koronavirové nákaze](#) (An open letter on the situation of the self-employed, the employment office, and social services in connection with the measures introduced in response to the coronavirus), published on 16 March 2020.

²⁵ John, Z. (2020) [On-line: Kolínská automobilka TPCA zavírá už dnes](#) (On-line: The Kolín car plant is shutting down already today), *Seznam Zprávy*, 18 March 2020.

²⁶ Jako Doma (2020) [Koronavirus a lidé bez domova](#) (The Coronavirus and homeless people), press release 17 March 2020.

an interest rate for **delayed rent payments**.²⁷ Other municipalities have also introduced relieve measures for small businesses in terms of rent reductions or remission.

Due to a sharp increase in the price of face masks, on 4 March 2020 the Ministry of Finance introduced a **cap on the price of respirators** for consumers.²⁸

2. Impact of the outbreak on certain national or ethnic communities

On 17 March 2020 Amnesty International Czech released a public statement on the importance of adhering to human rights in connection with the global coronavirus pandemic. The statement is not specific to the Czech Republic.²⁹ The document was, however, not translated into Czech and only an English version is available on the organisation's website. The Commissioner for Human Rights wrote an open letter to the elderly in Czech Republic encouraging them to keep calm and follow the necessary measures. She assured the elderly that the measures were introduced in order to protect them and informed them about all kinds of programmes offered by municipalities as well as NGOs to assist them in their daily life.³⁰ The Public Defender of Rights remains open to petitions and has presented some advice for children³¹ and for the parents of children in institutions³². No information about discrimination or **hate crime/speech** in connection with the epidemic was discovered from NGO sources or public authorities. In Iustitia, which is the only NGO with a special focus on hate crime and hate speech, had as of 23 March 2020 not yet been able to collect reliable data.³³ Only a few xenophobic incidents have been reported in the mainstream **national media**. The online newspaper of Czech Radio reported that passengers on a train refused to allow a woman from Mexico and her ten-year-old son who live in the Czech Republic into a train compartment because they were foreign nationals.³⁴ When they were able to find an empty compartment, an ethnic Czech man joined them who demanded to know the woman's ethnic origin and asked whether she and her son were speaking Italian. The man took pictures of her and her son. The same article describes the experiences of a man originally from South Korea who claimed that he does not feel safe on public transportation as people make loud comments and throw aggressive looks at him. Sinophobic comments appeared in the national weekly magazine *Reflex*, which published an interview with Professor Jan Pirk, the head of the Cardiology Centre of the prestigious Institute of Clinical and Experimental Medicine.³⁵

²⁷ The Capital City of Prague (2020) [Praha nebude nájemcům účtovat úroky z prodlení plateb nájemného](#) (Prague will not charge tenants interest on delayed rent payments), press release 16 March 2020.

²⁸ Ministry of Finance (2020) [Ceny respirátorů budou kvůli koronaviru regulovány](#) (The price of respirators will be regulated because of the coronavirus), press release 4 March 2020.

²⁹ Amnesty International Czech (2020), [Responses to Covid-19 and states' human rights obligations: preliminary observations](#), public statement, 17 March 2020.

³⁰ [Government Commissioner for Human Rights](#) (2020), [Otevřený dopis zmocněnkyně pro lidská práva Heleny Válkové seniorkám a seniorům](#) (Open letter of the Commissioner for Human Rights Helena Válková to seniors), press release 18 March 2020.

³¹ [Public Defender of Rights](#) (2020) [Jsme tu pro vás](#) (We are here for you), press release 24 March 2020 and [Koroňák není kamarád!](#) (The coronavirus is not your friend!), press release 2 April 2020.

³² [Public Defender of Rights](#) (2020) [Aktuálně k návštěvám rodičů v zařízeních pro děti](#) (Reflection on parental visits of children who reside in institutions), press release 18 March 2020.

³³ Telephone conversation with In Iustitia on 23 March 2020.

³⁴ Štefan, V. (2020) [Zírání, odsedávání, pokřikování ‚korona‘. Někteří cizinci žijící v Česku zažívají kvůli viru agresi](#) (Staring, sitting at a distance, shouting 'corona'. Some foreigners living in the Czech Republic face hostility because of the virus), Irozhlas, 14 March 2020.

³⁵ Vagner, P (2020) [V Číně příroda koronavirem reguluje přelidnění. Na přemnožená prasata také přišel prasečí mor, říká Jan Pirk](#) (In China nature is regulating overpopulation with the coronavirus. Overbred pigs were likewise hit by swine fever), *Reflex*, & March 2020.

Professor Pirk was quoted as saying that the virus was nature's solution for overpopulation in China. He also implied that Chinese people are responsible for the pandemic as unhygienic food-consumption practices in China are the cause of the virus spreading to humans.

Little information is available on the impact of the epidemic on ethnic communities. The chairman of the largest NGO for Czech Vietnamese Van Lang told journalists that people with a Vietnamese ethnic background are worried that if they contract the virus the medical care they receive will be inferior to the care given to ethnic Czechs.³⁶ The chairman contacted the Government Human Rights Commissioner Helena Válková, who in her reply assured him that medical care is provided based on need and no other criteria. The letter is not available online.

3. Impact on privacy and spread of disinformation

On 13 March 2020 the Office for Personal Data Protection issued a statement,³⁷ accompanied by a set of FAQ, in connection with the coronavirus epidemic. The Office contends that based on Government resolution no. 250 of 18 March 2020, the authorities can trace people based on the location in their mobile phones. The authorities can request telecommunication networks to provide such data; however, the people concerned must give informed consent for such action.³⁸ Although online disinformation about the situation exists, it is not significant.³⁹ On 15 March 2020 public discussion on social media of coronavirus cases in the Pardubice region was described as a 'witch hunt' by the online journal *Pardubický Deník.cz*, as over 500 people commented on a post from the governor of that region who was publishing an update on the number of cases.⁴⁰ People were demanding to know the identity, including the address, of the newly infected. In response, the governor of the region announced that in the future he would not make public the specific locations where infected people had been identified.

The Ministry of the Interior issued guidelines for journalists on factual reporting in connection with the coronavirus situation.⁴¹ The recommendations include supporting particularly vulnerable people in journalistic reporting, such as the elderly, people with disabilities, ill people, homeless people, ethnic minorities, and foreign nationals. Based on an article of the Global Investigative Journalism Network, the Czech News Agency also published an opinion piece that contains a set of recommendations on responsible reporting about the pandemic.⁴²

³⁶ Pokorná, Z (2020) [Vietnamci dostali na koronavirus návod předem. Ale obávají se Čechů](#) (The Vietnamese got and advance notice about the coronavirus. But they are weary of Czechs), Seznam, 16 March 2020.

³⁷ Office for Personal Data Protection (2020), [ÚOOÚ ke zpracování osobních údajů v souvislosti s šířením koronaviru](#) (The Office commenting on the processing of personal data in connection with the spreading of the coronavirus), press release, 13 March 2020.

³⁸ Office for Personal Data Protection (2020), [Ke zpracování osobních údajů v rámci opatření proti šíření koronaviru](#) (On processing personal data in the light of measures against the spread of the coronavirus), unspecified date, press release.

³⁹ Tvrdoň, J. (2020) [Léčba česnekem i biozbraň. Facebook chce zkrotit fake news o koronaviru](#) (Garlic as a treatment and biological weapons. Facebook wants to curb fake news on the coronavirus), *Deník N*, 6 March 2020.

⁴⁰ *Pardubický Deník.cz* (2020) [Hejtman aktualizoval počty nakažených. V Pardubickém kraji je pět případů](#) (The governor has updated the number of cases. In the Pardubice region there are five cases), 15 March 2020.

⁴¹ Ministry of the Interior (2020) [Koronavirus COVID 19 - Doporučení pro novináře](#) (Coronavirus COVID 19 – Recommendations for journalists), press release 15 March 2020.

⁴² Czech News Agency (2020) GIJN: [Tipy pro novináře informující o nemoci COVID-19](#) (GIJN: Tips for journalists reporting on COVID-19), 12 March 2020.

A controversial political development with the potential to infringe on fundamental rights occurred on 16 March 2020, when the Government approved an amendment to Act No. 289/2005, Coll. on military information service,⁴³ and the bill will now be discussed in Parliament. The newly amended act will allow the secret military service to install so-called black boxes on internet service providers and possibly also mobile operator networks and thus interfere in domestic networks. According to the NGO Iuridicum Remedium this may represent a dangerous intervention in internet privacy, as the bill includes a sentence that would provide the basis for allowing rights guaranteed under the Charter of Fundamental Rights and Freedoms (Listina základních práv a svobod) to be encroached upon if it is in the interest of the public and safeguards the defence of the state.⁴⁴ NGOs claim that the definition of what constitutes public interest in the bill is too broad. NGO actors and the Pirate Party, which is a Parliamentary party, claim that the debate over the bill was insufficient. It is alleged that the Government deliberately timed the discussion of such a controversial amendment to take place during the crisis period when the media and public attention are focusing on the effects of the coronavirus pandemic. The bill was passed on the same day that extraordinary crisis measures, such as limiting people's free movement, came into effect. Attempts to get this amendment passed had already been made in 2016 and 2017, but they were met with significant resistance from experts and the general public.

⁴³ Czech Republic (2020) [Navrh zákona, kterým se mění zákon č. 289/2005 Sb., o Vojenském zpravodajství, ve znění pozdějších předpisů, a některé další zákony](#) (the Act amending Act No. 289/2005, Coll. on military information service).

⁴⁴ Šípek, H. (2020), [Pod svícnem tma. Vláda schválila zákon o Vojenském zpravodajství](#) (The darkness under a candlestick. The Government has passed the Act on the military information service), *Alarm*, 17 March 2020.