

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

Following the information provided in the previous report, on 29 June 2020, the public was [informed](#) that two constitutional judges of the Constitutional Court of the Republic of Croatia proposed the initiation of proceedings to review the constitutionality of legal changes and decisions made by the Civil Protection Headquarters during the corona crisis. By 25 June 2020, the Constitutional Court had received a total of 27 proposals for the review of constitutionality, of which 8 related to the review of the constitutionality of laws and 19 regarding the review of the constitutionality of other regulations. The Constitutional Court requested information and observations from the Government.¹ The decision to initiate proceedings ex officio will be decided at a session of the Court.

Deputy Prime Minister, Minister of the Interior and Director of the National Civil Protection Headquarters Davor Božinović stated that the decisions and measures of the Headquarters and the Government regarding the coronavirus were in accordance with the Constitution and laws, and that he saw no problem in initiating a review of the constitutionality.²

On 29 June, State Electoral Commission³ banned the possibility of voting from home for those infected with the coronavirus, while at the same time allowing it to people in self-isolation because of suspected COVID-19 who are also at risk. The CSO Gong warned⁴ that this is a denial of fundamental political and constitutional law. The infection could theoretically be spread by those in self-isolation, so the question arises whether in this case the rights of the infected were unreasonably limited. Gong states that the public should know on the basis of which law the right to vote was taken away from those infected with coronavirus, given that Croatian regulations do not know the category of deprivation of the right to vote, so there is no defined procedure for depriving someone of that right.

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¹ N1 portal, Judges of the Constitutional Court request the initiation of proceedings ex officio on the decisions of the Headquarters, published on 29 June 2020, available at: <http://hr.n1info.com/Vijesti/a521844/Suci-USUD-a-traze-pokretanje-postupka-po-sluzbenoj-duznosti-o-odlukama-Stozera.html>

² Government of the Republic of Croatia, Božinović: Decisions of the Headquarters and the Government in accordance with the Constitution and the law (Božinović: Odluke Stožera i Vlade u skladu s Ustavom i zakonom), published on 29 June 2020, available at: <https://vlada.gov.hr/vijesti/bozinovic-odluke-stozera-i-vlade-u-skladu-s-ustavom-i-zakonom/29873>

³ State Electoral Commission of the Republic of Croatia, Technical Instruction of the State Electoral Commission prepared in cooperation with the Croatian Institute of Public Health: Voting on election day and ensuring epidemiological protection of all participants at polling stations, published on 29 June 2020, available at: https://www.izbori.hr/site/UserDocImages/2020/Izbori_za_zastupnike_u_HS/Biracki_odbori/Upute-izborni_dan_Bm.pdf

⁴ Croatia, Gong, Infected by the coronavirus denied the right to vote, published on 30 June 2020, available at: <https://www.gong.hr/hr/izborni-sustav/biracko-pravo/zarazenima-od-koronavirusa-uskraceno-je-biracko-pr/>

⁵ Ministry of Administration of the Republic of Croatia, Who has the right to vote in the Republic of Croatia?, available at: <https://uprava.gov.hr/tko-ima-biracko-pravo-u-republici-hrvatskoj/12723>

On 1 July, 54 new cases were recorded in the last 24 hours, so the number of currently ill (active cases) in Croatia is 568. Another 80 people are being treated, with two patients on a respirator. In the last 24 hours, 1352 people were tested.⁶

1.2 Measures affecting the general population

1.2.1 Social distancing

On 27 May, the Civil Protection Headquarters published the *Decision on amendments to the Decision on the necessary measures to limit social gatherings, work in the trade, service trade and holding of sports and cultural events for the duration of the declared epidemic disease Covid-19*⁷. According to this decision, the ban on public events and gatherings with more than 40 people is lifted, and the number of people who can be present at certain public events and gatherings is determined by the recommendations and instructions of the Croatian Institute of Public Health, together with other anti-epidemic measures. Sports competitions are held without the presence of spectators, from 30 May in the open air and from 13 June indoors. The Civil Protection Headquarters has passed a Decision⁸ which, as of 15 June, given the good epidemiological situation, enables the holding of sports competitions in the presence of spectators. The Croatian Institute of Public Health published recommendations on how spectators will be able to attend sports competitions: on 13 June the Recommendation for holding outdoor sports competitions in the presence of the audience⁹, and on 17 June the Recommendation for holding indoor sports competitions in the presence of the audience.¹⁰ Both contain recommendations for spatial-organizational conditions of the facility; space hygiene, recommendations for users, athletes and employees of the facility; spectators; and food and beverage consumption areas.

Following the escalation of the epidemic that started mid-June, after a 3-week period of decrease (including only three new cases from 31 May until 10 June), as some of the new cases were associated with nightclubs, on 26 June, the Government issued a Decision on control of compliance with the Recommendation for the prevention of infection with COVID-19 in the catering industry of

⁶ koronavirus.hr, 54 new cases in the last 24 hours, in hospitals a total of 80 people, published on 1 July, available at: <https://www.koronavirus.hr/najnovije/52-nova-slucaja-u-posljednja-24-sata-u-bolnicama-ukupno-75-osoba/35>

⁷ Civil Protection Headquarters, Decision on amendments to the Decision on the necessary measures to limit social gatherings, work in the trade, service trade and holding of sports and cultural events for the duration of the declared epidemic disease Covid-19, 27 May 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20-%20mjere%20dru%C5%A1tvena%20okupljanja%20-%2005.%20izmjena.pdf

⁸ Civil Protection Headquarters, Decision on amendments to the Decision on the necessary measures to limit social gatherings, work in the trade, service trade and holding of sports and cultural events for the duration of the declared epidemic disease Covid-19, 9 June 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20o%20nu%C5%BEnim%20mjerama%20ograni%C4%8Davanja...%20-%2006.%20izmjena.pdf

⁹ Croatian Institute of Public Health, Recommendation for holding outdoor sports competitions in the presence of the audience, 13 June 2020, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Preporuke_za_sportska_natjecanja_otvoreno_13_06.pdf

¹⁰ Croatian Institute of Public Health, Recommendation for holding indoor sports competitions in the presence of the audience, 17 June 2020, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Preporuka_za_sportska_natjecanja_u_zatvorenim_objektima_uz_gledateljstvo-1.pdf

nightclubs¹¹. The control of compliance with the Recommendation is introduced and will be carried out by teams that include a Civil Protection Headquarters inspector and a police officer, coordinated by heads of regional Civil Protection offices. Control teams will check whether the notices on hygienic measures and social distancing measures are visible at the entrance; whether the sanitizers and notice of obligation to disinfect hands are provided; whether the prescribed physical distance is maintained; whether the nightclub adheres to the limits of the total number of visitors; and whether the ban of using a dance floor for dance is respected. The team is obliged to warn the responsible person to immediately correct the omission. In case of repeated omissions, the sanctions will be imposed.

According to the Article 75 of the Law on the Protection of the Population from Infectious Diseases¹², a legal entity could be fined for a misdemeanour offense in the amount of HRK 30.000-80.000 if it does not implement general measures to prevent and control infectious diseases.

According to the Article 76a of the Law on the Protection of the Population from Infectious Diseases¹³, 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.¹⁴

1.2.2 Education

In June, the *Instructions for the prevention and suppression of the COVID-19 epidemic related to the work of preschool facilities and classroom teaching from 1st to 4th grade, special class divisions and work with children with disabilities who have a teaching assistant*¹⁵, published by the Croatian Institute of Public Health on 20 May, still apply.

The instructions were followed by an amendment on 5 June¹⁶, alleviating certain measures. The use of disinfectants for hand sanitizing among children is now limited to 2-3 times a day, while soap and water are preferred. All didactic equipment and toys, including those brought from home, can be used in both outdoor and indoor spaces of the school premises. Parents are now allowed to accompany their children into school facilities.

¹¹ Civil Protection Headquarters, Decision on control of compliance with the Recommendation for the prevention of infection with COVID-19 in the catering industry of nightclubs, 26 June 2020, available at: https://civilna-zastita.gov.hr/UserDocImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka%20-%20no%C4%87ni%20klub.%20docx.pdf

¹² 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.

¹³ 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.

¹⁴ 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/teho/clanak/policija-ima-novi-informacijski-sustav-koji-im-omogucava-kontrolu-mjera-samoizolacije-pitali-smo-kako-on-funkcionira-foto-20200316>

¹⁵ Croatia, Croatian Institute of Public Health, published on 20 May, available at: https://www.hziz.hr/wp-content/uploads/2020/03/Upute_vrtici_skole.pdf

¹⁶ Croatia, Croatian Institute of Public Health, published on 5 June, available at: <https://mzo.gov.hr/UserDocImages//dokumenti/Vijesti/2020//Izmjena%20i%20dopuna%20uputa%20HZJZ-a%20te%20dodatne%20preporuke%20za%20djecje%20vrtice%20i%20skole.pdf>

School is attended by lower-grade pupils in groups of 10-15 children, while upper-grade pupils are finishing the school year online, according to the aforementioned instructions. The school year ends on 26 June for most pupils, with the exception of high school graduates, who finished the year on 29 May¹⁷ and are taking State Matura graduation exams until 3 July¹⁸. Access to State Matura is granted to pupils living outside of Croatia, while pupils infected with COVID-19 and those in self-isolation will be taking state exams in the fall term¹⁹. No significant incidents regarding state exams and COVID-19 have been reported in June. On 10 June, the Croatian Institute of Public Health published Instructions for the prevention and control of the COVID-19 epidemic related to the operation of schools in correcting negative grades and extended teaching²⁰, a framework which regulates these specific forms of school work which take place during summer holidays, in line with the instructions published on 20 May.

For the following school year, the Ministry of Science and Education published an *Action plan for distance learning*²¹, presenting three possible models depending on the epidemiological situation: the first model is based on classroom learning with brief periods of distance learning for all school children and university students, the second model combines distance learning for most pupils and classroom learning for certain groups of children (primarily lower-grade children), while the third model is based on distance learning. On 8 June, the Ministry of Science and Education announced the decision to finance additional learning materials for primary school children from households which receive social assistance, as well as mandatory school books for secondary school children with the same status, in the school year 2020/2021²².

1.2.3 Work

On 7 June, following the favourable epidemiological situation, the Civil Protection Headquarters of the Republic of Croatia passed a Decision amending the Decision on working hours and the manner of operation of trade activities during the declared epidemic of the COVID-19 disease. The Headquarters recommendation to regularly clean and disinfect the store premises remains active in accordance with the recommendations and instructions of the Croatian Institute of Public Health.²³

Given the renewed increase in the number of infected people in the second half of June, the Croatian Institute of Public Health issued Instructions for healthcare staff, patients and visitors during the COVID-19 pandemic²⁴ on 21 June, and the Additional instructions for individuals, collectives and

¹⁷ Croatia, Nacional.hr, published on 17 December 2019, available at: <https://www.nacional.hr/divjak-kraj-skolske-godine-za-maturante-do-29-svibnja-za-ostale-ucenike-do-26-lipnja/>

¹⁸ Croatia, National Centre for External Evaluation of Education, published on 9 May, available at: <https://mk0ncvot6usx5xu4d.kinstacdn.com/wp-content/uploads/2020/05/Kalendar-i-vremenik-provedbe-ispita-%E2%80%93-ljetni-rok-2019-2020-FINALE-4.pdf>

¹⁹ Croatia, studentski.hr, published on 5 July, available at: <https://studentski.hr/vijesti/svijet/na-drzavnoj-maturi-31-000-pristupnika-ravnateljica-ncvvo-a-prokomentirala-kako-je-proslo>

²⁰ Croatia, Croatian Institute of Public Health, published on 10 June, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Upute_produzena_nastava_i_popravni_10_06.pdf

²¹ Croatia, Ministry of Science and Education, published on 10 June, available at: <https://mzo.gov.hr/vijesti/akcijski-plan-za-provedbu-nastave-na-daljini/3804>

²² Croatia, Ministry of Science and Education, published on 8 June, available at: <https://mzo.gov.hr/vijesti/3796>

²³ Civil Protection Headquarters, Headquarters: No new cases, abolished compulsory break in the shops for disinfection, published on 7 June, available at: <https://vlada.gov.hr/vijesti/stozer-nema-novoboljelih-ukinuta-obavezna-pauza-u-trgovinama-radi-dezinfekcije/29684>

²⁴ Croatian Institute of Public Health, Instructions for healthcare staff, patients and visitors during the COVID-19 pandemic, 21 June, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Upute_za_djelatnike_zdravstvenih_ustanova_pacijente_i_posjetitelje_21_06.pdf

employers²⁵ on 25 June. Both instructions include keeping physical distance of at least 1.5m and maintaining hygiene. On 26 June, Croatian Institute of Public Health, Ministry of Demography, Family, Youth and Social Policy, and Teaching Institute of Public Health Dr. Andrija Štampar issued Instructions for prevention and control of the COVID-19 epidemic for social service providers in the Social welfare systems²⁶.

At a press conference held on 29 June, Prime Minister Andrej Plenković, Minister of the Economy, Entrepreneurship and Crafts Darko Horvat and Minister of Labour and Pensions Josip Aladrović reported on the results of a measure to support jobs preservation during the crisis due to the COVID-19 pandemic and announced the introduction of measures related to short-time work, self-employment and assistance to micro-entrepreneurs in fighting the consequences of the pandemic. Almost HRK 5.6 billion was paid out, and when contributions are added to that, the total amount reaches HRK 8 billion. The Prime Minister stated that the number of registered insured employees in June is higher than in February before the crisis. Prime Minister Plenković also presented a new measure related to the reduction of working hours — the short-time work scheme - which will be implemented as of 1 July. The aim of which is to preserve jobs among employers whose temporary reduction of workload has occurred due to special circumstances caused by COVID.²⁷ The support can be used by employers who perform economic activity and employ 10 or more workers and expect a decrease in the total monthly working hours of all full-time employees in the month for which support is required of at least 10 percent. The support can be used for at least 10 or 20 percent of workers, depending on the size of the employer, provided they were employed on 31 May.²⁸ For micro-entrepreneurs, who employ up to 9 employees, a support measure is envisaged, when they experience a drop in income of over 50% in June 2020 compared to June 2019.²⁹

1.2.4 Access to justice

No strategies aimed to deal with case backlog or increased litigation due to COVID-19 measures during the reported period had been adopted. Steps to lift restrictions previously imposed on court proceedings are determined by each court individually through a decision on the organization of its work brought by the president of the court. There have been no general instructions or recommendations from the president of the Supreme Court of the Republic of Croatia or Ministry of Justice which would apply to all courts in this period.

Having in mind that Croatia has successfully gone through all three phases of the relaxation of epidemiological measures related to coronavirus pandemic, the work of the courts has almost completely normalized during the reporting period, and presidents of the courts had issued decisions

²⁵ Croatian Institute of Public Health, Additional instructions for individuals, collectives and employers, 25 June, available at: [https://www.hzjz.hr/wp-content/uploads/2020/03/Dodatne upute za pojedince kolektive i poslodavce .pdf](https://www.hzjz.hr/wp-content/uploads/2020/03/Dodatne_upute_za_pojedince_kolektive_i_poslodavce_.pdf)

²⁶ Croatian Institute of Public Health, Ministry of Demography, Family, Youth and Social Policy, and Teaching Institute of Public Health Dr. Andrija Štampar, Instructions for prevention and control of the COVID-19 epidemic for social service providers in the Social welfare systems, 26 June, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Miere_socijalna_skrb_Verzija_07_26_06.pdf

²⁷ Government of the Republic of Croatia, Prime Minister on job preservation measures: Today we have more employees than before the crisis in February, published on 29 June, available at: <https://vlada.gov.hr/vijesti/premijer-o-potporama-za-ocuvanje-radnih-mjesta-danas-imamo-vise-zaposlenih-nego-prije-krize-u-veljaci/29875>

²⁸ <https://mjera-orm.hzz.hr/skracivanje-radnog-vremena/>

²⁹ <https://mjera-orm.hzz.hr/potpورا-ocuvanje-radnih-mjesta-mikropoduzetnici/>

to continue working in full capacity with further adherence to general preventive measures (maintaining social distance, hand disinfection, etc.). For example, president of the Zagreb Municipal Court published a decision on termination of earlier decisions on restrictions while entering the court building and holding court hearings, stating however, that all parties are still obliged to disinfect their hands when entering the court and that wearing protective masks is also recommended.³⁰ Also, thermal cameras have been installed at the entrance to the Municipal Civil Court in Zagreb. Rijeka Municipal Court issued a decision by which in the period from 1 June until 1 July, judges and court advisers will hold hearings in specially designated halls which have been scheduled earlier, and from 1 July 2020 onwards, at the courtrooms in the usual manner.³¹ Zagreb Municipal Misdemeanour Court also published decisions on termination of earlier decisions on restrictions, stating that as of 1 June the Court will continue to hold hearings in all types of cases³², however, that the parties are still obliged to disinfect their hands at the entrance to the court while it is also recommended to wear protective masks in the court premises.³³

Zagreb Municipal state Attorney's Office published information that as of June 1 2020, criminal Department will continue to work regularly and receive clients at their premises, however, it is recommended that parties continue to address their submissions and requests by e-mail or telephone. Parties and attorneys who come in person to the State Attorney's Office must wear protective masks and disinfect hands at the entrance. Due to the earthquake damage on the building, civil department will not receive clients until further notice.³⁴

On 2 June, the State Attorney's Office of the Republic of Croatia, the Office for the Suppression of Corruption and Organized Crime, issued a decision that from 3 June the parties can once again personally come to the premises of the Office, however that parties will be received according to the decisions, recommendations and instructions of the Croatian Institute for Public Health, while maintaining social distance.³⁵

There is no information on the use of remote hearings and video conferences within the court proceedings despite the lifting of restrictions.

1.2.5 Freedom of movement

For the beginning of the first extended weekend (following 11 June, Corpus Christi) after the relaxation of epidemiological measures, 112.023 applications have been received through the Enter Croatia system for 235035 persons who, in addition to fulfilling the prescribed conditions, have already entered or announced their entry into the Republic of Croatia.³⁶

³⁰ Croatia, Zagreb Municipal Civil Court, Decision, 1 June 2020, available at: <http://sudovi.pravosudje.hr/ogszg/>

³¹ Croatia, Rijeka Municipal Court, Decision, 28 May 2020, available at: <http://sudovi.pravosudje.hr/osri/>

³² Croatia, Zagreb Municipal Misdemeanour Court, Decision, 1 June 2020, available at: https://sudovi.pravosudje.hr/pszg/img/File/informiranje/Odluka_01_06_2020.pdf

³³ Croatia, Zagreb Municipal Misdemeanour Court, Decision, 15 June 2020, available at: <https://sudovi.pravosudje.hr/pszg/img/File/informiranje/2020-06-15.pdf>

³⁴ Croatia, Zagreb State Attorney's Office, <http://www.dorh.hr/ZDOZagreb>

³⁵ Croatia, State Attorney's office of the Republic of Croatia, Office for suppression of corruption and Organized Crime, Decision, 2 June 2020, available at: <http://www.dorh.hr/03062020>

³⁶ [koronavirus.hr](https://www.koronavirus.hr), Extended weekend: traffic at the borders of the Republic of Croatia, published on 11 June 2020, available at: <https://www.koronavirus.hr/najnovije/produljeni-vikend-promet-na-granicama-republike-hrvatske/701>

As of June 15, based on the agreement between the Republic of Croatia and the Republic of Slovenia, border crossings for border traffic between the two states have been reopened.³⁷

On 30 June, the Civil Protection Headquarters published a Decision on temporary ban on crossing over the border crossings of the Republic of Croatia³⁸. The ban does not apply to the citizens of EU Member States, Schengen Member States and states associated with the Schengen area as well as members of their families, and third-country nationals who are long-term residents. Exceptions to the application of this Decision shall apply to third-country nationals with valid work-related, educational, tourist and other urgent personal reasons. The decision applies until 15 July.

Following the decision of the European Commission, as of 1 July all Member States open borders to nationals of 15 countries considered safe: Algeria, Australia, Montenegro, Georgia, Japan, South Korea, Canada, China (provided that China lifts restrictions on EU citizens), Morocco, New Zealand, Rwanda, Serbia, Thailand, Tunisia, and Uruguay. Furthermore, as of 1 July all EU/EEA citizens and permanent residents in the EU/EEA states (along with the United Kingdom, Iceland, Liechtenstein, Norway, Switzerland, Andorra, Monaco, San Marino and the Vatican) can freely enter Croatia without restrictions. All passengers should fill out the ENTERCROATIA form and thus announce their arrival for faster border crossing and potential follow-up of contacts in case of infection.³⁹

As in the previous reporting period, there were no formal changes to the asylum application procedures.

1.3 Impact of measures on particular groups

- *elderly people,*

Since 18 June, the number of Covid-19 positive cases started to rise again after weeks of having one or none new cases per day. In June restrictions for older people living in institutions were reintroduced. On 21 June, Croatian Institute for Public Health published *Instructions for prevention and control of the covid-19 epidemic for social service providers in the social welfare system*⁴⁰. The instructions refer to homes for the elderly and infirm and other providers of social accommodation services and organized housing in the City of Zagreb, Zagreb County, Split-Dalmatia County and Osijek-Baranja County. Until further notice, all visits to residents, bringing food, etc. are prohibited, and residents are not allowed to go home to visit so that during the stay outside they would not get infected and transmit the virus to others upon return. Going to other accommodation outside the social welfare system must be justified for medical reasons and previously organized. It is recommended to temporarily restrict nursing home residents from going outside organized housing except in medical and extraordinary / justified circumstances. Residents should avoid any contact with

³⁷ koronavirus.hr, Open border crossings between the Republic of Croatia and Slovenia, published on 15 June 2020, available at: <https://www.koronavirus.hr/najnovije/otvoreni-pogranicni-granicni-prijelazi-izmedju-republike-hrvatske-i-slovenije/135>

³⁸ Croatia, Civil Protection Headquarters, Decision on temporary ban on crossing over the border crossings of the Republic of Croatia, 30 June 2020, available at: https://civilna-zastita.gov.hr/UserDocsImages/CIVILNA%20ZA%C5%A0TITA/PDF_ZA%20WEB/Odluka-zabrana%20prelaska%20preko%20grani%C4%8Dnih%20p.%2030.6.2020..pdf

³⁹ koronavirus.hr, Opening of borders at EU level from midnight, published on 30 June, available at: <https://www.koronavirus.hr/najnovije/od-ponoci-otvaranje-granica-na-razini-eu/719>

⁴⁰ Croatia, Croatian Institute of Public Health, published on 21 June, available at: https://www.hzjz.hr/wp-content/uploads/2020/03/Mjere_socijalna_skrb_Verzija_6_21_06.pdf

other residents unless it is inevitable. It is obligatory for all users to adhere to the measure of physical distance (2 meter distance, no more than five residents in the same space, etc.)

On 26 June, Ministry of Demography, Family, Youth and Social Policy published *Guidelines for the prevention and control of the COVID-19 epidemic for social service providers in the social welfare system*. All visits are forbidden until further notice, nursing home residents cannot leave the nursing homes and going to other accommodation outside the social welfare system must be justified for medical reasons and pre-arranged. For all workers in nursing homes the following rules apply: measuring temperature before coming to work (if the temperature is above 37,2 worker must inform their supervisor and stay home), workers who spend some time away from nursing home are tested upon their return, all workers must respect the measure of social distance, wash their hands and wear masks when working in closed spaces. Residents are temporarily not allowed to go outside unless it is a medical emergency, they need to keep distance and disinfect their hands before each meal. If resident spends time outside their nursing home, upon return it is necessary to place them self-isolation for 14 days. Testing of residents according to the special indication of the epidemiologist is provided. Nursing homes need to enable more frequent and longer telephone calls to mitigate the consequences of restricting visits. Until further notice, the admission of new residents is suspended except for temporary accommodation in crisis situations with mandatory isolation for 14 days and taking swabs for testing for SARS-CoV during the implementation of accommodation and after 14 days of self-isolation.⁴¹

For elderly people outside nursing homes, general measures to prevent the spread of the virus mentioned in the last two reports remain in place. On 28 June 2020, the Ministry of Demography, Family, Youth and Social Policy published on its website Protective Measures against COVID-19 for Persons with Disabilities⁴² issued by the Croatian Institute of Public Health. Persons with disabilities should adhere to the same general protection measures as the general population, with note that they should continue to use all the prescribed therapy. It is mandatory to wear surgical or other types of masks for protection in public transportation and in all indoor spaces. If a person with a disability develops any of the Covid-19 symptoms, they must contact their family doctor by phone or e-mail, where they will get all necessary information related to further diagnosis and treatment.

- *women,*

No specific measures targeting women have been implemented in June; however, a rise in domestic and intimate partner violence has been reported on a national level. Croatian police released data on domestic violence in the first three months of 2020, which show a drastic increase in domestic violence compared to the first three months of last year. From the beginning of the year to the end of March, the Ministry of the Interior recorded 2,055 misdemeanours and 339 criminal offenses of domestic violence, which is 37 percent more misdemeanours and as much as 57 percent more criminal offenses than at the same time last year.⁴³

With regard to the field of domestic violence, since the beginning of the pandemic, the Ministry of Demography, Family, Youth and Social Policy has been providing professional support to social welfare

⁴¹ Croatia, Ministry of Demography, Family, Youth and Social Policy, published on 26 June, available at: <https://mdomsp.gov.hr/vijesti-8/upute-za-sprjecavanje-i-suzbijanje-epidemije-covid-19-za-pruzatelje-socijalnih-usluga-u-sustavu-socijalne-skrbi-12848/12848>

⁴² Croatia, Ministry of Demography, Family, Youth and Social Policy, published on 26 June, available at: https://mdomsp.gov.hr/UserDocsImages/Vijesti2020//Osobe_s_invalidietomi_Mjere_zastite_28_06.pdf

⁴³ Croatia, www.bilten.org, news portal, published on 9 June, available at: <https://www.bilten.org/?p=33110#>

centres, as well as shelters that provide accommodation services for victims of domestic violence. MDFYSP periodically monitors shelters' occupancy with the aim of monitoring both shelters' capacity and the availability of accommodation services. On 29 May 2020, the Croatian Institute of Public Health developed guidelines for prevention and control of the COVID-19 epidemic for social care accommodation service providers in relation to shelters that provide services for victims of domestic violence⁴⁴.

The Gender Equality Ombudsperson, Višnja Ljubičić, reports that her office has also processed an increased number of domestic violence and intimate partner violence cases during the period between March and June⁴⁵. Accordingly, with regard to domestic violence in the fight against the COVID-19 virus epidemic, the Ombudsperson asked those responsible to include additional protection of women in the system of protection and suppression of sexual and gender-based violence because women were a vulnerable group in terms of labour rights, wages, pensions and exposure to domestic and sexual violence even before the epidemic. She concluded that women face more risks in the present situation, both in economic terms and in terms of exposure to gender-based violence⁴⁶.

- *Detainees (including measures on early release or alternatives to detention)*

As stated in the previous report, the first phase of relaxation of measures to prevent the transmission and suppression of the COVID-19 in penitentiaries began on 25 May 2020 and it is still ongoing. As a result of introducing measures that restricted prisoners' rights to visit, prisoners were allowed to contact family members and other close relatives via video calls which before the epidemic was only possible for contacting children. For that reason, Ombudswoman proposed to the Ministry of Justice the possibility of permanently retaining video calls after the pandemic is over. As a response to the Ombudswoman's proposal, the Ministry of Justice stated that an analysis of the needs and possibilities of retaining video calls is planned and that the preconditions for this possibility will be met after the adoption of the new Law on Execution of Prison Sentence which is in parliamentary procedure⁴⁷. In the draft proposal in article 124 it is prescribed that visits may be provided through the audio-video conference with the consent of the prisoner. Explanation for envisaging audio-video conference is due to development and greater availability of technology⁴⁸.

On 25 June, the Ministry of Justice confirmed first coronavirus positive convict. Upon admission to the Prison in Zagreb, the convict did not show any symptoms of illness whatsoever. The judicial police officers who participated in the admission procedure, including all persons that were in contact in the last two days with the convict are tested for COVID-19.

On 26 June until revocation at the Prison Hospital in Zagreb due to the protection of prisoners being treated (with weakened immunity), the right of prisoners to visits is temporarily restricted. Visits may

⁴⁴ Croatia, Ministry of Demography, Family, Youth and Social Policy, published on May 29, available at: https://mdomsp.gov.hr/UserDocsImages/Vijesti2020/Smjestaj_29_05.pdf

⁴⁵ Croatia, Gender Equality Ombudsperson, published on 21 June, available at: <https://www.prs.hr/index.php/priopcenja-prs/2926-izjava-pravobraniteljice-za-al-jazeeru-o-obiteljskom-nasilju-za-vrijeme-pandemije-koronavirusa>

⁴⁶ Croatia, www.reci.hr, published on 30 May, available at: <https://reci.hr/aktualno/zivot/obiteljsko-nasilje-u-2020-policija-evidentirala-57-posto-vise-kaznenih-djela/>

⁴⁷ Ombudswoman of the Republic of Croatia, Article: "Permanently introduce video visits for all prisoners", 8 June 2020, link available at: <https://www.ombudsman.hr/hr/traino-uvesti-video-posjete-za-sve-zatvorenike/>

⁴⁸ Government of the Republic of Croatia, Proposal of the Law on the Execution of Prison Sentence, March 2020, page 51 and 106, link available at: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-03-05/131602/PZ_852.pdf

be granted only with the special approval of the warden, and when necessary to protect the rights of prisoners in court proceedings or in other unforeseeable cases.

The Ministry of Justice stated that they will continue to monitor epidemiological indicators on the risk of the outset of coronavirus on a daily basis but also take appropriate measures to detect the possible occurrence of the disease and prevent its further spread in order to protect the health of all persons deprived of their liberty⁴⁹.

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

The finals of the Adria Tour in Zadar, a tennis tournament organized in June 2020 by tennis player Novak Đoković, has been cancelled after one tennis player tested positive for coronavirus. After that several other participants also tested positive and Novak Đoković was proclaimed by the citizens and the media as the one responsible for the appearance of coronavirus among the tournament participants. After the cancellation of the finals, a graffiti message containing hate speech and wishing death for Đoković was detected on one wall in the city of Split which stated as follows: "To die of it is our wish, greetings from Split if only you died. Die Đoković". The wall with the message was repainted shortly after the message appeared.^{50 51}

In April 2020 the Office of the Ombudswoman warned about the increased risk of stigmatization of persons infected or suspected of being infected with coronavirus, which in extreme cases can lead to discrimination, violation of rights and exclusion from society.⁵² They stressed that health conditions are often associated with a negative perception that defines society's attitude towards the sick person. The same happens in today's situation of coronavirus infection when, at the time of its appearance in certain parts of China and awareness of its strength and contagiousness, people of Asian descent began to face harsh stigmatization. The media reported on such cases in Croatia as well, for example when children were throwing stones at tourists from China and shouting "corona, corona" after them. According to the Office of the Ombudswoman, combating the stigmatization of infected persons can also contribute to the successful implementation of measures to combat the epidemic, so it is

⁴⁹ Ministry of Justice, Article: "On Thursday evening, a positive test for coronavirus was confirmed in the Zagreb Prison", 26 June 2020, link available at: <https://pravosudje.gov.hr/vijesti/u-cetvrtak-navecer-potvrđen-pozitivan-nalaz-na-koronavirus-kod-kaznenika-zatvora-u-zagrebu/22022>

⁵⁰ Tportal.hr newportal, In the center of Split graffiti with hate message towards Novak Đoković, 25 June 2020, available at: <https://www.tportal.hr/vijesti/clanak/u-centru-splita-osvanuo-grafit-s-porukom-mrznje-prema-novaku-dokovicu-foto-20200625>

⁵¹ Gol.dnevnik.hr portal, Split quickly reacted to the morbid hate message towards Novak Đoković, 25 June 2020, available at: <https://gol.dnevnik.hr/clanak/rubrika/tenis/split-reagirao-na-sramotni-grafit-u-sinjskoj-ulici---610601.html>

⁵² Ombudswoman of the Republic of Croatia, Article: Stigmatization may lead to violation of rights, discrimination but also weaken the efforts to combat the epidemic, 9 April 2020, link available at: <https://www.ombudsman.hr/hr/stigmatizacija-moze-dovesti-do-krsenja-prava-diskriminacije-ali-i-umanjiti- napore-suzbijanja-epidemije/>

important that each individual bases his/her behavior and actions on relevant and verified information from the authorities. On the other hand, in order to protect people from stigmatization, they emphasized that it is especially important to maintain a way of informing which protects the information from which tested and infected persons could be recognized.

2.2 Infringement of privacy and/or data protection rights

As reported earlier, on 13 May both the Prime Minister and the Minister of Interior publicly confirmed that a mobile application is being developed in Croatia that would monitor the contacts of people infected with Covid-19. The application is being developed by APIS IT, a state informatic company. The use of the application would be voluntary and would provide users with information that they were in contact with an infected person. It would be applicable in case that the confirmed COVID-19 positive person also uses the same application and gives consent to share that information through the application. Media report that APIS IT informed them about the start of the use of application being dependent on legal and technological preconditions which include receiving authorisation for use and starting Google/Apple technological support for the area of Croatia which is coordinated together with the Ministry of Health and Google and Apple companies. The timeline, as described by APIS IT to the media, includes definition of final details of user interface, entering parameters for notification of contacts and calculation of level of risk of infection which will be followed by testing and approval on highest levels and, finally, procedure of publishing for Apple and Google stores.⁵³

According to the information available in the media, on 18 June APIS IT-a confirmed that authorisation from Google and Apple is awaited with respect to the Ministry of Health as the carrier of the application as well as that everything is expected to be finished during July. According to the information in the media, the application will work in a way that when people get in contact, the app exchanges so-called keys or anonymized identifiers via Bluetooth on their mobile phones. In order to exchange anonymous keys, the users of the application will have to be at most two meters away from each other and in contact for at least 15 minutes. The application will not reveal the identity of people or track them, its use will be voluntary and free and it can be turned off and uninstalled at any time. The Minister of Interior stressed the importance of protection of citizens and tourists who arrive in Croatia considering that the idea behind the application is the exchange of information with other countries as well.⁵⁴

On 18 June 2020, as part of the Croatian Presidency of the Council of the European Union, an online conference was held by the Forum of the National Ethics Councils (NEC) and the European Group on Ethics in Science and New Technologies (EGE), an independent advisory body to the President of the European Commission. The event was organized by the Croatian Catholic University with the support of the European Commission and the Ministry of Science and Education with the main discussion being led on the topic "Ethics and Pandemic - Lessons Learned". A representative of the Croatian Personal Data Protection Agency had a presentation on the processing of health data for research purposes in the context of the outbreak of the COVID-19 pandemic, geolocation and other contact tracking tools aimed at informing individuals who may have been in the immediate vicinity with a carrier of the virus

⁵³ Jutarnji.hr, Mobile application for tracking coronavirus is finished, we found out when it starts, 18 June 2020, available at: <https://www.jutarnji.hr/vijesti/hrvatska/gotova-mobilna-aplikacija-za-pracenje-koronavirusa-doznali-smo-kada-starta-15003261>

⁵⁴ RTL.HR, A month from the announcement: Here is when the application for tracking people infected with coronavirus arrives, 18 June 2020, available at: <https://www.rtl.hr/vijesti-hr/korona/3835534/od-najave-proslo-mjesec-dana-evo-kad-stize-aplikacija-za-pracenje-zarazenih-koronavirusom/>

for the purpose of preventing its spreading. He stressed that the GDPR does not hinder the implementation of measures to combat the coronavirus pandemic, including those that involve the use of modern technologies and serve the well-being of mankind. He further stressed that even in extraordinary circumstances, such as a pandemic, the controller and executor of the processing must ensure the protection of personal data of the respondents, as well as that a number of aspects need to be considered to ensure lawful processing of personal data. He emphasized that an emergency is a legal condition that may justify a restriction of liberties under the condition that it is proportionate and limited to the duration of the emergency. Finally, it was stressed that pandemic prevention applications must be developed responsibly, with data protection impact assessments and with all privacy by design and privacy by default mechanisms documented, while source code should be publicly available for as much verification opportunities as possible by the scientific community.⁵⁵

The Office of the Ombudswoman of the Republic of Croatia published an article about protection of human rights in use of artificial intelligence for prevention of spreading coronavirus which referred to the possibility of significant support to epidemiological services that can be provided by artificial intelligence systems implemented through digital technologies. In this context, it was stressed that mobile applications are important for providing citizens with timely epidemiological counseling as well as one of the epidemiological measures to prevent the spread of the epidemic through the possibility of monitoring contacts of infected persons. Considering that an application is being developed for that purpose, it was concluded that it is thereby indeed possible to significantly shorten the period of temporary restriction of freedom of movement of residents of areas affected by the epidemic and restriction of freedom of assembly and association, as well as mitigate the negative consequences for freedom of enterprise. However, it was stressed that the way applications work can have a number of negative consequences on human dignity and certain rights established by the Constitution of the Republic of Croatia, the Convention for the Protection of Human Rights and Fundamental Freedoms and the EU Charter of Fundamental Rights, such as privacy, protection of personal data, freedom of movement and the principle of non-discrimination. It was emphasized that it is therefore necessary to provide an appropriate legal framework that will guarantee citizens that the collection of their personal data will be carried out with the least intrusive technological tools and with adequate protection of guaranteed rights, and that such data will be used for clearly defined purposes and stored for a precise period.⁵⁶

2.3 Spread of disinformation online

On 21 March 2020, The Electronic Media Council issued a warning about reporting during the coronavirus. They highlighted that any publication or dissemination of disinformation, especially in relation to public health issues is prohibited. The Electronic Media Council, in accordance with its

⁵⁵ Croatian Personal Data Protection Agency, Videoconference - Forum of the National Ethics Councils (NEC) and the European Group on Ethics in Science and New Technologies (EGE), 18 June 2020, available at: <https://azop.hr/dogadanja/detaljnije/videokonferencija-forum-nacionalnih-etickih-povjerenstava-nec-forum-i-europ>, conference programme available at: <http://www.unicath.hr/ethics/programme>

⁵⁶ Ombudswoman of the Republic of Croatia, Article: How to protect human rights while using artificial intelligence in combatting the pandemic, 8 June 2020, available at: <https://www.ombudsman.hr/hr/kako-zastiti-ljudska-prava-pri-koristenju-umjetne-inteligencije-u-suzbijanju-pandemije/>

competence, sanction such behaviour taking into account the principle of proportionality and protection of the public interest⁵⁷.

After the coronavirus outbreak in Croatia, citizens of the Republic of Croatia witnessed a number of disinformation related to COVID-19. One of the first pieces of disinformation was that the City of Zagreb will be quarantined in less than 24 hours, inviting all citizens to buy as much as stock as they need for the next few days. After fake news began to spread on social media, on 11 March, the government spokesperson Marko Milić replied that this is false information and called on citizens not to fall prey to inaccurate and malicious announcements. The Government and the Civil Protection Headquarters highlighted that they regularly and timely inform the Croatian public about all measures being taken to combat the coronavirus pandemic⁵⁸ and the Ministry of Interior stated that the competent authorities are working on investigation and would perform all necessary actions in order to combat disinformation⁵⁹.

On March 19, after lockdown entered into force a malicious email began to spread in Croatia. It was a global phishing campaign trying to take advantage of the coronavirus epidemic through emails and persuade users to run malicious code on their computer. Citizens were receiving a message on their email addresses entitled “An important COVID-19 update for our community” and the alleged sender was the World Health Organization. The fake message contained warnings from health centers, information on the spread of the virus, advice from experts on protection against infection, analysis of the impact of the virus on the economic sector or other areas, offers to invest in “medicines” etc. The fraudsters even included an attachment entitled Covid-19.img, which was the most dangerous part of the message. The Ministry of Interior stated that the analysis found that downloading the aforementioned .img file saves a malicious executable file “Agent Tesla” Trojan. It is a well-known type of Trojan horse that downloads all the data from users' computers and sends it to the attacker. The Ministry of Interior issued a warning to citizens not to fall prey to such messages⁶⁰.

Furthermore, according to information available in the media, a 29-year old woman was posting disinformation through social media about the situation at the Pula Hospital claiming she had information on the number of patients in the Vrsar area. She also depicted the catastrophic situation in the hospital in Pula, people in respirators and sick children. In addition, she gave people various advice related to coronavirus. She represented herself as a doctor in Pula Hospital. Later it was found out that she is not a doctor and had nothing to do with the health system. Police filed an indictment against her for disturbing the public and spreading disinformation through social media⁶¹.

⁵⁷ The Electronic Media Council, Warning by the Electronic Media Council of reporting during the coronavirus pandemic, 21 March 2020, link available at: <https://www.aem.hr/vijesti/upozorenje-vijeca-za-elektronicke-medije-svim-elektronickim-medijima-u-republici-hrvatskoj/>

⁵⁸ The Government of the Republic of Croatia, Article: “A video with disinformation about Zagreb in quarantine is spreading on social networks”, 11 March 2020, article available at: <https://vlada.gov.hr/vijesti/drustvenim-mrezama-siri-se-snimka-s-laznom-informacijom-o-zagrebu-u-karanteni/28969>

⁵⁹ Telegram.hr, Article “Minister Ćorić was upset by the fake video about the quarantine circulating around: “People who do that are idiots”, 12 March 2020, link available at: <https://www.telegram.hr/politika-kriminal/ministra-corica-uzrujala-je-lazna-snimka-o-karanteni-koja-kruzi-okolo-ljudi-koji-to-rade-su-idioti/>

⁶⁰ Ministry of Interior, Article “Caution: phishing campaigns exploit fears of the COVID-19 epidemic”, 19 March 2020, link available at: <https://mup.gov.hr/vijesti/oprez-phishing-kampanje-iskoristavaju-strah-od-epidemije-covid-19/286107>

⁶¹ Telegram.hr, Article: “Istrian police have discovered a woman who pretended to be a doctor on Facebook and spread lies about the coronavirus”, 1 April 2020, link available at: <https://www.telegram.hr/politika-kriminal/otkrivena-je-zena-koja-je-na-facebooku-glumila-da-je-lijevnica-koja-radi-u-pulskoj-bolnici-i-sirila-lazi-o-koroni/>

By the end of May, the police have filed 32 indictments for committing misdemeanors of spreading disinformation and fake news related to COVID-19⁶².

On April 17, Croatian Regulatory Authority for Network Industries (HAKOM) published a press release not to believe fake news regarding connection between 5G Technology and COVID-19. During that period, through social media various “independent research” was pointed as a source of information about the connection between 5G technology and COVID-19. Namely, it was pointed out that 5G technology causes flu-like symptoms in a way that 5G interferes with the absorption of oxygen, burns the brain and, due to dangerous radiation, weakens the human immune system which favors the spread of COVID-19⁶³. HAKOM stated there is no scientifically and professionally grounded connection between 5G technology and any of the previous generations (2G, 3G and 4G) during the coronavirus spreading⁶⁴.

⁶² Novilist.hr, Article “32 indictments were filed for spreading fake news about coronavirus in Croatia. They will be prosecuted under the law of the former Yugoslavia”, 11 June 2020, link available at: <https://www.novilist.hr/vijesti/hrvatska/32-prijave-za-sirenje-laznih-vijesti-o-koroni-u-hrvatskoj/>

⁶³ Vecernji.hr, Article “We uncover conspiracy theories: The coronavirus was released for vaccination, 5G will destroy EU..”, 17 May 2020, link available at: <https://www.vecernji.hr/vijesti/razotkrivamo-teorije-zavjere-korona-je-pustena-da-nas-cijepljenjem-cipiraju-5g-ce-unistit-eu-1402885>

⁶⁴ HAKOM, Press Release “Do not believe fake news because scientifically justified connection between 5G technology and COVID-19 does not exist!”, 17 April 2020, link available at: <https://www.hakom.hr/default.aspx?id=10326>