

DEMOCRACY AND HUMAN RIGHTS

DEMOCRACY AND THE STATE OF EMERGENCY

Responses to the Corona Crisis in
the Western Balkans, Croatia and Slovenia
Report One

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This is the first in a series of reports which sets out to monitor effects of the corona crisis management on institutions, political and civil rights, parties, civil society, as well as external factors.



Leaders are invoking executive powers and are seizing a great deal of authority with scant resistance. We are witnessing a curtailing of civil and political rights on a massive scale, which is unprecedented in peacetime.



While there was anger in the non EU-member states of the region about the EU's restrictions on the export of medical equipment, China is using the pandemic to strengthen its ties by providing medical equipment and expertise.

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Editorial

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The Corona Crisis has a firm grip on almost each and every country around the world. Severe measures have had to be taken in order to slow down the spread of the disease. In many countries, governments have declared a State of Emergency and basic rights and freedoms have been restricted. While many of these measures have been necessary for the safety and security of citizens, these restrictions also impose limitations on the functioning of democratic institutions. Once the medical situation improves again, hopefully soon, these measures will have to be lifted again. But there remains a danger that some negative effects will stay. The threat of a new pandemic will most surely remain on peoples' minds and this might be misused by some political actors so that these emergency measures become permanent. While the effects on the health of citizens and the economy deserve the most attention in the media and public debate, we would like to focus on the repercussions on the democratic development of the countries in South East Europe.

The Friedrich-Ebert-Stiftung has been active in all the countries of the region for many years, supporting the development of democracy, social justice and the path to European integration. Through our network in academia and civil society, we have asked experts, political scientists, sociologists and political analysts, to write reports on the response of the governments to the crisis and their effects on democratic institutions and public life. The reports cover the situation of "Democracy and the State of Emergency" in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Serbia, and Slovenia. As the corona pandemic and responses to it in the region unfold, we will continue to monitor the development. While this is the first report, we will publish a second analysis in May, followed by further reports in June and July 2020.

Our aim is to monitor the development, provide a basis for comparison and to allow for an investigation of possible neg-

ative effects, a further backsliding of the democratic development and authoritarian tendencies. To this end, we are building on a broad definition of democracy that includes institutions, political and civil rights, political parties, civil society, elections, as well as the behavior of external factors. In other words, we are focusing on the restriction of rights, constraints on media reporting, personal data protection, surveillance of citizens, checks and balances, the relationship between the government and opposition, the reaction of civil society, and lastly, but not least, the role of the 'great powers' in the region.

Our analysis of the initial reaction of the countries under observation to the coronavirus pandemic point to one key similarity: leaders are invoking executive powers and are seizing a great deal of authority with scant resistance. We are namely witnessing a curtailing of civil and political rights on a massive scale, which is unprecedented in peacetime. While extraordinary times might call for extraordinary measures, we are witnessing that checks and balances are often ignored in the name of executive power. The accumulation of the power of the executive has contributed to the further weakening of parliaments which already had a subordinated role in the relationship with the executive branch. The opposition is being marginalised and the role of civil society will be even more crucial in controlling the government; we can observe that in some countries NGOs are already 'stepping in'.

However, we can also detect significant differences in the approach of the countries under observation in their fight against the coronavirus. In some countries, such as North Macedonia, Albania, Serbia, and Bosnia and Herzegovina a State of Emergency has been introduced, while in others this is not the case. Many of them (for example, North Macedonia, Montenegro, Albania, Serbia) also introduced curfews both on working days and at weekends. Moreover, in countries like Serbia and Albania there is an increasing personalisation of power, with President Aleksandar Vucic and Prime Minister Edi Rama playing the leading role in the fight against the coronavirus pandemic and being omnipresent. On the other hand, in countries like Croatia and Montenegro, medical experts are much more in the spotlight than the elected officials.

¹ Disclaimer: The opinions expressed in this paper are those of the author and do not reflect the opinions of the OSCE. The OSCE is not responsible for the content and for any inaccuracies, misinterpretations or fabrications possibly contained in the paper.

The reactions to the coronavirus pandemic clearly demonstrate the weaknesses of political and party systems. Even in these extraordinary times, the regular political disputes have prevented a closer cooperation between the government and the opposition. Slovenia, Bosnia and Herzegovina, and Montenegro offer a good example of this, but the most striking is Kosovo, where the Government lost a vote of confidence in the midst of the pandemic. In Serbia and North Macedonia, parliamentary elections had to be postponed and it remains to be seen if the pandemic will have an effect on these.

No massive surveillance has been detected so far, which might, in most of the observed countries, be much more due to the lack of necessary technology rather than the will of political actors to protect the personal data of citizens. The Montenegrin example illustrates this best. With respect to the media, the spreading of fake news appears to be an issue in North Macedonia and Slovenia, while journalists in Slovenia have had to additionally deal with increased pressure from political actors. This is also the case with their colleagues in Serbia.

Finally, one must also emphasise the role of external factors. At the beginning of the crisis, there was widespread anger among non-EU member states of the region over the behaviour of the EU regarding the restriction on the export of medical equipment to the Western Balkans. This dissatisfaction was in particular expressed by Serbian President Aleksandar Vucic in a bizarre press conference, in which he called the EU solidarity a fairy tale and Chinese President Xi Jinping a brother. As argued by Tepavac and Brankovic in their report on Serbia, "this crisis may clear some doubts regarding the foreign policy orientation of the Serbian government". By providing medical equipment and expertise China seems to be using the pandemic to strengthen its ties with the countries of the region. Yet it is not the only one that has been pursuing this kind of 'aid-diplomacy'. Others have been active in the region as well: Russia, the United Arab Emirates, and even Turkey. The announcement of a large EU sponsored aid-package for the health systems as well as social and economic recovery of the countries of the region shows that the EU is learning from its mistakes.

This collection of first reports provides a wide range of details and observations on the actions taken and their repercussions on all aspects of democratic life. As the spread of the Corona pandemic is still ongoing around Europe and the world, government responses and effects on societies are still unfolding as well. We hope that we can provide an insight into the measurements taken and dangers involved and will continue to monitor "Democracy and the State of Emergency" in the region. A second report will follow on May 18, 2020.

ALBANIA

Arjan Dyrmishi

Abstract

- Albania was the first country of the region to impose partial lockdown measures on 11 March.
- Given the perceived threat from the virus, lockdowns, quarantines and other limitations were accepted by the population.
- For more than a year Albania has been through a deep institutional and political crisis which has had a negative toll on democracy.
- The situation created by COVID-19 adds to the uncertainty as the political crisis may be coupled with an economic cost inflicted by the lockdown measures.

Context

As the COVID-19 crisis broke out, Albania was already in a deep political and institutional crisis. For more than a year the parliament had been functioning in a peculiar mode following the resignation of the opposition members of the parliament. Aiming to force the government to resign and to organise early elections, the opposition also boycotted participation in the June 2019 local elections. The elections were held with the participation of the ruling Socialist Party and some small parties culminating in the former winning in all 61 municipalities. So, in terms of the dispersion of political power among competing parties, 2019 was marked by the concentration of legislative and executive power in the hands of one party in an unprecedented manner since the establishment of pluralism in Albania.

Relations between government and President also deteriorated markedly. The relationship between the President and the Prime minister have never been cordial in post-communist Albania but for the first time in 2019 the parliament established a commission of inquiry to remove the President on the grounds of violating the Constitution following a request filed by the Socialist Party.

Parliament has extended the mandate for the commission of inquiry three times because the final decision to remove the president can only be made by the Constitutional Court which is not in session. Since May 2018, the sole body with competence to interpret the Constitution has ceased to be functional, due to the failure of its members to pass the vet-

ting process and the delays caused by the same political disputes to appoint new members.

The continuing political and institutional crisis has exacted its toll on the health of Albania's democracy with worsening scores in major international indexes.¹ Division of powers, independence of the media, openness and transparency and independence of the judiciary have all been negatively affected.

Adding to the political crisis, the country was devastated by an earthquake in November last year. The economic damage caused by the earthquake was significant to the extent that the EU hosted a donors' conference to help with reconstruction.

Imposition of restrictive measures

Albania was the first country in the region to impose lockdown measures, but the timing and manner of the decision showed that the decision taken was not coherent with previous recent government positions on the matter. As COVID-19 was increasingly affecting Italy during February, the Albanian authorities were adamant not to take any measures, despite the frequent and close contact between the two countries. On the contrary, measures were considered as attempts to spread panic.

At the end of February, the board of "Udha e Shkronjave" private school in Tirana decided to suspend classes for two weeks and conduct classes online, as a preliminary measure to help stop the spread of the virus. The Ministry of Education reacted to this move by the school, taking draconian measures against it. The ministry declared that the actions of the school were unfounded and were spreading panic. On 24 February the Minister of Education announced that the school's licence had been revoked and all its students were transferred to different schools, effectively ending the school's activity.²

¹ EUI Democracy Index, World Press Freedom Index, Corruption Perception Index (in which Albania has dropped 23 places in the last three years)

² Order of the Minister of Education, No. 66, Dated 24.02.2020

Albania was the first country in the region to impose lockdown measures

Two weeks later, on 11 March, the position of the Albanian authorities was completely changed as lockdown measures were imposed affecting initially the largest urban areas, only to be then imposed on the whole country in a matter of days.

During the first days the measures were modified continually without prior warning and without providing justifications for the various aspects of restriction measures. At the beginning of the implementation of the measures, the government issued a 6:00pm curfew on all citizens apart from essential workers, and government workers tasked with stopping the pandemic. Heavy fines were announced for breach of these rules.³ Over the following days, changes were made to the citizens' mobility timetable 6am to 10am and 4pm to 6pm replacing the previous times, with two new hours when citizens could move about.⁴ Subsequently, the timetable was updated again to only allow citizens to leave their homes between 5am and 1pm.⁵

In addition, the government further restricted citizens by making it mandatory to apply for a temporary permit online through the E-Albania government portal or by phone in order to be allowed to move for just one hour per day. This was later updated to an hour and a half. Under this rule, only one adult person per family could exit their house per day. The elderly are completely prohibited from leaving their homes, unless for strict emergencies, with the government providing delivery of their pensions to their household through the postal service.⁶

Besides the inconsistent nature of the adoption process of the measures, the proportionality of the measures must be stressed, given that these measures are highly restrictive even when compared to the measures taken in neighbouring countries afflicted seriously by the pandemic.

When asked to provide details on the matter, the prime minister explained that these measures were specifically taken due to the low medical capacity of Albania, painting lugubrious pictures of military trucks hauling away thousands of bodies per day had the government allowed for a laxer approach on the crisis.⁷

3 Order of the Minister of Health and Social Protection No. 177/1, Dated 16.03.2020, Article 1

4 Order of the Minister of Health and Social Protection No. 177/2, Dated 18.03.2020, Article 1

5 Order of the Minister of Health and Social Protection No. 193, Dated 20.03.2020, Article 2

6 Decision of the Council of Ministers No.236, Dated 19.03.2020, Article 2.

7 Article detailing the claim from the prime minister: <https://www.balkanweb.com/mos-numerojme-mijera-te-vdekur-rama-disa-humb-je-nuk-i-kemi-ne-dore-u-futem-shpejt-ne-llogore-turp-ta-humbasim-kete-avantazh/>

Constitutionality of measures

For a period of over ten days the government authorities adopted a series of acts that restricted rights and freedoms without declaring a State of Emergency. These detailed all manner of crisis management factors, from a ban on exporting medicine,⁸ the passing of a bonus payment to all doctors and medical staff working during the crisis,⁹ authorising the army to aid the state police on enforcing the measures taken on the matter,¹⁰ to detailing the specific hours that people were allowed to walk outside, all without actually having declared a state of emergency, and so forth.

The lockdown continued to be legally enforced in this manner until 24 March, 2020, when the government decided to declare a State of Emergency through a Decision of the Council of Ministers. In this document, all the provisions made previously by the government were kept in force. This act was treated as a technical formality, as the government was ordering armoured personnel vehicles into urban centres with loudspeakers telling people to stay indoors, well before having declared a State of Emergency.¹¹ The government had adopted a decision on the engagement of the Armed Forces to ensure the implementation of preventive measures against the epidemic, already by 11 March.¹²

Institutional setting

The measures have been taken predominately through acts adopted by the executive branch through the council of ministers, prime minister, and ministers.

The management of the medical and technical aspects of the crisis is performed by the Technical Committee of Experts, an ad hoc body created by the Ministry of Health and Social Protection and consisting of health experts. These experts make all relevant decisions on matters of medical resources management during the crisis as well as on the allocation of resources dedicated to testing the populace for the virus.

The Ministry of Health and Social Protection has regularly provided information of the number and status of infected persons through daily briefings.

The presidency has set up its own structure to monitor the situation in the country and the President has capitalised on his call to the government to take measures made as early as January. The President called a meeting of the National Security Council on 25 March conducted through online virtual communication means. The National Security Council, headed by the President, is an advisory body that cannot make any legally binding decisions.

8 Order of the Minister of Health and Social Protection No. 131, Dated 08.03.2020.

9 Decision of the Council of Ministers No.207, Dated 10.03.2020.

10 Decision of the Council of Ministers No.211, Dated 11.03.2020.

11 News article showing armored cars moving through the streets of major cities: <https://www.balkanweb.com/covid-19-ushtria-nis-pat-rullimet-me-mjete-te-blinduara-ne-tirane-dhe-durres/>

12 Decision of Council of Ministers Nr.211, datë 11.3.2020

The political and public debate

Political activity decreased during the crisis. Following the imposition of the lockdown measures, Parliament suspended its regular activity. Partial activities were resumed at the end of March after teleworking solutions were installed. On 16 April, Parliament will convene for the first time in a plenary session since the imposition of the lockdown measures, following amendments to the Regulation that comply with social distancing measures to prevent the spread of the virus.¹³

The opposition has criticised the government for not taking measures earlier and has stepped up its criticism of multi-million private-public partnership contracts demanding that these contracts be cancelled and the money allocated them used to fund the health sector and subsidise small businesses and families in economic difficulty. Another topic where the opposition has been vocal is the increase in the number of people tested, citing that Albania has the lowest per capita levels of testing in the region.¹⁴

The crisis has provided Prime Minister Rama with the opportunity to personally assume a greater political and institutional role

The NGOs role has been limited due to the measures imposed. However, NGO experts have been active in the media commenting and giving opinions on various aspects of the crisis and the measures taken. The latest action was undertaken in response to a communication from the Prime Minister that the Penal Code will be amended to provide for up to 15 years' imprisonment for breach of the imposed lockdown measures. The Albanian-Helsinki Committee and some 30 NGOs issued a joint statement arguing, among other points, that the proposed amendments do not contribute to the current crisis and are disproportionate. Other NGO initiatives have included provision for relief and advocacy for the support of most vulnerable persons or groups affected by the crisis.

The media has regularly covered and reported on the crisis but most of the reporting is based on pre-prepared footage by PR staff at the ministries. There has also been media debate involving analysts on the government's measures, but the argument has been mainly shaped by the editorial lines that analysts maintain.

Legitimacy of the measures through the behaviour of citizens

The measures have been generally accepted by the citizens, although the Police have administered various fines to over 300 people, daily, for breach of measures. Generally, the Police have performed professionally with no major complaints being raised by citizens or reported by the media or advocacy groups. Similarly, no concerns have been reported on the performance of military units deployed to support the Police in enforcing the lockdown.

In the month to date since the imposition of the lockdown measures, Albania now records 433 infected people, 23 fatalities and 197 recovered patients in a population of 2,877,797 inhabitants. The relatively low number of infections has contributed to the acceptance of the measures by the citizens.

The opposition parties and NGOs have also not raised any concern except for the deployment of military hardware such as Humvee Armed Personnel Carriers with mounted heavy machine guns that, evidently, were not for use against the virus.

A concerning aspect is the risk of the disproportionate use of measures against persons accused of spreading panic. The media reported that the antiterrorism unit of the State Police has filed requests for the prosecution of ten individuals on the grounds of attempting to spread panic.¹⁵ If the accusations are proved by the prosecution, they could be sentenced to five years' imprisonment for spreading panic.

Personalisation of power

The crisis has provided Prime Minister Rama with the opportunity to personally assume a greater political and institutional role. The Prime Minister has been the communicator-in-chief, personally announcing every decision taken, starting from details on the lockdown hours, to the justification of every decision including urging people to "not go out, to take care of their family, and to remember to wash their hands". On several occasions he has appeared on TV replying to and giving explanations to citizens who have sent messages on Facebook.

Through his daily appearances on TV and social media the Prime Minister communicated the measures or decisions even before they were formally enacted.

The underlying communication narrative of the prime minister has been that Albania is at "war" with an "invisible enemy" that can be beaten only through "sacrifices" we make in peace.

¹³ Albanian Parliament website: <https://www.parlament.al/News/Index/10001>

¹⁴ Article on the opposition demanding more testing: <https://www.gazeta-shqip.com/2020/04/05/cfare-fsheh-qeveria-pd-ultimatum-rames-te-rritet-menjehere-numri-i-testimeve/>

¹⁵ Article on the matter discussed by the Antiterrorism Unit of the Police: <https://www.gazeta-shqip.com/2020/03/31/antiterrori-ne-sh-qiperi-10-persona-nen-hetim-per-perhapje-paniku-ne-rrjetet-sociale-rrezikojne-5-vjet-burg/>

The crisis has not produced any shift in Albania's relations with other countries

Through his narrative the Prime Minister also showed that he preferred heavy-handed measures. He posted a video on his Facebook page supposedly showing Spanish police beating and chasing people down the streets,¹⁶ with the message "either respect social distancing... or you will also be running." However, it turned out that the footage was not from Spain but from Algeria showing the police dispersing protesters.¹⁷ When asked by Italian media about the problem of the increased powers that Viktor Orban has invested in himself, taking advantage of the crisis, Prime Minister Rama was dismissive of the question, claiming that no war is won by being defensive.¹⁸

The opportunity to show personality politics has also been seized by mayors who appear daily on the media handing food packages to people, although this is hardly what people expect mayors to do.

The central-local government relations

Relations between central-local governments in Albania have been traditionally politicised often leading to dysfunctional public services. However, given that both central and local governments are controlled by the same political party such a contradiction has not become evident during this crisis. The only exception is the northern municipality of Shkodra which is temporarily being run by an opposition Mayor and which is the second most affected in terms of infected persons after Tirana. Contradictions have flared up there on who bears the responsibility for the increased number of cases prompting the government to take the decision to dismiss the prefect and appoint one of the deputy ministers to ensure coordination between the central and local governments in the Shkodra municipality.¹⁹

The international dimension

The crisis has not produced any modification or shift in Albania's relations with other countries. China and Russia, two countries that have taken advantage of the crisis to project their foreign policy objectives, have not targeted Albania on this occasion. Turkey on the other hand remains the most influential country, appearing also to have leverage in Albania even in particularly contingent situations, as revealed by Prime Minister Rama during an interview with the media. "It is no secret", he said, "I have been in continuous contact

with the President of Turkey for two weeks, and as a last resort in case there is no possibility of communication with any other state, Turkey will provide the critically needed support."²⁰

16 <https://www.facebook.com/watch/?v=279339289718933>

17 ABC News: <https://abcnews.al/rama-ben-gafen-me-videon-nga-algeria-reagon-ambasadori-spanjoll-pamjet-skane-te-bejne-me-spanjen/>

18 Interview of Rama on Italian media: <https://tg.la7.it/esteri/il-premier-albanese-edi-rama-in-diretta-nel-tg-30-03-2020-148614>

19 Albanian Telegraphic Agency: <https://ata.gov.al/2020/04/11/zv-ministri-lamallari-komandohet-koordinator-per-situaten-ne-qarkun-e-shkodres-shkarkohet-prefekti-millja/>

20 TV Klan. https://www.youtube.com/watch?v=7e4Vjss_Cpo

BOSNIA AND HERZEGOVINA

Miroslav Zivanovic

Abstract

- The institutional response of BiH authorities to the COVID-19 threat, enforced under the State of Emergency declarations, brings challenges for BiH's fragile democracy. For the moment, established crisis management structures are implementing fairly comprehensive emergency health policies combined with restrictive mobility measures.
- The generally positive perception from citizens of the government(s) efforts is occasionally marred by publicly stated concerns and incidents revealing flaws in the organisation and implementation of emergency policies. Some of these are moving in the direction of exceeding constitutional democratic and human rights guarantees which are not supposed to be subject to derogation under any circumstances.
- While the pandemic crisis is still advancing, the media, civil society and political opposition are supposed to be on the frontline of efforts made to safeguard the institutions of democracy, rule of law and human rights. In doing so, they must avoid conduct that will undermine public trust in the government(s).

Political and civil rights

In response to the COVID-19 epidemic, the government(s) in Bosnia and Herzegovina (BiH) are undertaking what appears to be a comprehensive set of measures concerned with issues such as: a) preventing transmission, including health communication, ensuring physical distancing, isolation and quarantine, monitoring and surveillance, testing; b) ensuring provision of the necessary infrastructure and workforce; c) providing health services, including planning services, managing cases and maintaining essential services; d) financing health services, including health financing, entitlements and coverage; e) other sectoral measures, including border management, mobility and transport, economy, state aid, civil protection, cross-border collaboration and international assistance.

Due to the complex system of governance, BiH marked several formal declarations of a State of Emergency. At state level, the State of Emergency was declared on March 17 and at lower government levels, on March 16.

In order to prevent the further spread of the disease, crisis management authorities on all administrative levels issued a number of executive orders and significantly restricted freedom of assembly and mobility of citizens. Since March 22 a "Stay at Home" campaign has been active for the whole population and movement restriction was made mandatory for everybody under 18 (FBiH) and over 65 (24hrs). The curfew hours are from 8pm – 5am (FBiH, RS) and from 9pm – 5am in the Brcko District. These orders remain in effect until further notice in FBiH and until April 27 in RS. However, authorities in the FBiH amended some of these orders to allow children with disabilities to go outdoors, within 100 meters of their home, and persons under 18 to travel in vehicles. Also, between April 6 and April 10, persons over 65 in FBiH were allowed to go out between 8am and 12am and collect their pensions. On March 30, Republika Srpska moved to allow persons over 65 to go out on Tuesdays and Fridays between 7am and 10am.

City public transportation and intercity bus and train connections have remained cancelled since March 20. Crisis management authorities in RS banned intercity movement of the population outside their place of residence during weekends. All public gatherings and manifestations are prohibited, while places of public gathering are closed.

On March 16, all foreigners were banned from entering the country and a mandatory 14-day period of self-isolation or quarantine was required for all incoming BiH nationals. Truck drivers entering BiH with essential goods and supplies are exempt from border quarantine, but still under a special surveillance regime. Border quarantine tents have been erected at several border crossings, while international airports in BiH are closed to all commercial passenger flights to BiH as of March 30, but will remain open for international goods and aid.

*punishing those responsible for the
circulation of information that can
cause panic*

Effective measures to protect people's health and lives during the COVID-19 pandemic include combating disinformation

that may cause panic and social unrest. In BiH, decrees and legislative proposals aimed at punishing those responsible for the circulation of information that can cause panic run the risk of limiting the work of journalists and freedom of expression on social media platforms. In RS, a decree stipulates fines of 500 to 4,500 euros for individuals and companies that spread panic and fake news through the media and social networks. At the same time, the government of the FBiH, began monitoring information on social networks, and five criminal proceedings have since been instituted for allegedly spreading false information and panic.

These activities provoked a reaction from Journalists' Associations throughout the country who called on authorities to ensure unimpeded access to information and decisions regarding the COVID-19 epidemic in a safe and free manner, without imposing any restrictions, censorship or restrictions on journalists. In their view, this particular approach requires the urgent withdrawal of any decisions and regulations concerning the restriction of freedom of expression and opinion in the media and on social networks,

The state Communications Regulatory Agency (Agency) issued several public statements in relation to media reporting about the COVID-19 epidemic and the State of Emergency. The Agency urges the media to report responsibly, accurately, and cautiously on the ongoing Coronavirus pandemic. The media are advised to take a professional approach when reporting on the pandemic, referring to credible sources and protocols of competent authorities, so that information is published without sensationalism and dissemination of misinformation that could cause the spread of fear, panic, and anxiety within the general public. With regard to freedom of expression and information, the Agency spotlights a statement issued by the Council of Europe's Committee of Experts on Media Environment and Reform: "The crisis situation should not be used as a pretext for restricting the public's access to information. Neither should it introduce any restrictions on media freedom beyond the limitations allowed by Article 10 of the European Convention on Human Rights". Several Journalists Associations and leading media outlets, together with the Agency, issued a call to all journalists and media outlets to follow the instructions of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ), regarding the credibility of sources of information, the security of journalists during crisis, and to base their reports on accurate, reliable and objective information from official sources.

Facing a diminished work capacity of institutions and limited freedom of movement of citizens, the Central Election Commission of BiH adopted a conclusion to submit to the Parliamentary Assembly of BiH an initiative to amend the Election Law of BiH. Since Local elections in BiH are due in the first week of October 2020, their official declaration by the Commission would put in motion several election activities in a precisely defined timeframe that would be very difficult to implement in the given circumstances. The initiative gives the Commission official authority to declare the postponement of an announcement and the implementation of elections. In

addition, amendments provide for the responsibility of the Commission to declare a decision on the announcement and implementation of elections in a period of up to 90 days, after the State of Emergency ends. However, wider political support to postpone the local elections has not materialised.

On March 24, the Personal Data Protection Agency in BiH passed a decision to ban the public disclosure of the personal data of COVID-19 patients and persons relating to the measure of isolation and self-isolation. The Agency reacted to enquiries from citizens who reported cantonal and local authorities making publicly available lists with the personal data of COVID-19 patients and persons declared the subjects of measures of isolation and self-isolation. Additionally, authorities and institutions who made publicly available the personal data of COVID-19 patients and persons declared the subjects of measures of isolation and self-isolation were instructed to immediately remove these data. The Agency confirmed that the public announcement of the personal data of persons violating isolation and self-isolation measures is justified from the perspective of public interest.

Ministries of Internal Affairs of entities and cantons are responsible for the surveillance of citizens who are officially the subjects of measures of isolation and self-isolation. More technically advanced methods of surveillance of a wide range of the population have not been applied in Bosnia and Herzegovina.

Key institutions

The complex system of governance in BiH has affected the institutional setup dealing with the pandemic crisis. Prior to the pandemic, BiH had no pandemic response plan or emergency legislation dealing with the pandemic. Therefore, the institutional setup for pandemic crisis management is defined by protection and rescue legislation of all administrative levels in Bosnia and Herzegovina. At state level, the Ministry of Security of BiH established a Coordination Body for Protection and Rescue. The Ministry of Civil Affairs of BiH coordinates the responses of all BiH entities within the health sector. For this purpose, the Ministry periodically organizes Conferences of the Health Ministries in Bosnia and Herzegovina. Pandemic crisis management in FBiH is the responsibility of the Federal Headquarters of Civil Protection. The Crisis Headquarters of the Federal Ministry of Health is operational and on a regular basis submits proposals of measures to the Federal Headquarters of Civil Protection. Identical institutional setup operates on the level of cantonal authorities in FBiH. In RS, the RS Government and Ministry of Internal Affairs supervise management of the COVID-19 emergency through the Republic Headquarters for Emergency Situations. Local headquarters for civil protection or emergencies are operational, too.

In general, crisis management of the pandemic in BiH has been organised in line with the Constitution. The declared State of Emergency on all administrative levels activated quite dynamic normative activity with numerous decrees, instructions, decisions, orders and other acts issued on a daily basis

by the executive authorities. Some measures provoked fairly intense public debates relating to the violation of human rights as they have specific place in the Constitution of Bosnia and Herzegovina. It is too early to detect with precision whether the introduced measures exceed constitutional provisions, but general public discourse and media reporting point to the conclusion that those measures exceeding constitutional provisions will be those recognised by citizens and the expert community as measures violating human rights.

the pandemic crisis management is highly decentralised and complex

The right to life and the prohibition of torture and inhuman or degrading treatment or punishment will be, and already are, the subject of the greatest public and media interest. Sound analysis will be required in order to determine whether the imposed measures and established protocols (or failure to implement them properly) within the health system to deal with the pandemic jeopardise the obligation of BiH, its entities and cantons, to ensure the availability of and access to quality health care and services for patients. An identical approach will be required in areas such as the right to a private life, freedom of expression and information, media freedom, access to official information, privacy and data protection, prohibition of discrimination, and so on.

A high-ranking civil servant is now Acting President of the Coordination Body for Protection and Rescue in BiH, after the Minister for Security resigned from this position on March 31. In FBiH, the Head of the Federal Headquarters of Civil Protection is the Deputy Prime Minister and Minister for Finance in the FBiH Government. In RS, the President of the RS Government leads the Republic Headquarters for Emergency Situations with the Minister for Internal Affairs as his deputy. Ministers for Health or high-ranking officials from health administration are usually responsible for leading crisis headquarters established within the ministries of health.

The pandemic crisis management structure is highly decentralised and complex. State level institutions only have a constitutional role to coordinate activities. Healthcare and services are the responsibility of the RS Government and cantonal governments in FBiH. The same applies to the structure of civil protection. RS, within its territory, introduced a centralised pandemic crisis management structure, while FBiH also represents a model of decentralised crisis management structure. The relation between national, meaning state, and local crisis management structures is purely formal and without any relevance to addressing the key challenges of the pandemic.

Prior to the pandemic crisis, legislative oversight of the executives in BiH, including monitoring of the implementation of legislation, was in need of enhancement. Declarations of a State of Emergency and measures of confinement will further diminish the capacity of parliaments to control executive action. Since the beginning of the crisis, parliaments, assemblies and local councils have usually held short sessions with

the sole purpose of amending their rules of procedure and introducing online sessions as a way to ensure the continuity of their activities. However, it is obvious that online work will not be able to ensure quality in the performance of their functions.

Inspections and the police must ensure effective implementation of measures for the prevention of transmission and further spread of the disease. They sanction violations of measures and executive decrees related to curfew, isolation and self-isolation, public gatherings, and so on. BiH Border Police, in cooperation with other authorities, is enforcing measures and executive decrees related to restrictions on cross-border movement. Up to now, the media have not reported any major incidents relating to security forces overstepping their duties and responsibilities.

Political parties

Many opposition political parties in BiH decided to take on the role of silent observer of the ongoing pandemic crisis in the country. Their officials are not present in the media, they are not issuing any relevant statements and it appears that they have decided to put themselves in a kind of "political self-isolation". On the other hand, a few larger opposition political parties, based in the Federation of Bosnia and Herzegovina, have opted for a more active role and engaged themselves, with varying degrees of success, in public activities such as periodical press statements criticising the crisis management authorities and ruling political parties for misuse of crisis context to promote their narrow and particular political interests. In addition, they are presenting their own ideas of measures to combat the spread of the disease, as well as measures to deal with the anticipated economic failure. Almost without exception, these measures are not underpinned by expert analysis and clear details of their implementation. In addition, opposition party officials and activists sporadically organise some limited campaigns of solidarity and volunteerism aimed at the most vulnerable categories. However, opposition members of parliaments, assemblies and representative bodies appear to play a crucial role in attempts to ensure legislative control over executive government. They continue to pressure for the organisation of legislative and representative bodies sessions needed to have real public debate on a variety of State of Emergency policies. Active opposition contributes in raising issues that grab the attention of citizens such as curfew measures, effectiveness of introduced health protocols, crisis management authorities' approach to quantity of testing, among others.

the opposition political parties take on the role of silent observer

The emergency has not significantly changed the pattern of behavior in relations between government and opposition. Public calls for various political leaders and officials to overcome their political disagreements and unite in a joint effort to combat disease are only of a declarative nature and spo-

radic. On the other hand, governments accuse the opposition of the inappropriate politicisation of crisis management issues, while the opposition continues to undermine the capacities of the ruling political parties and their governments to deal competently with the crisis, accusing them of misusing the crisis to promote and protect their narrow political interests and the interests of their clientelist networks.

Without exception, political officials and governments in BiH are calling for self-discipline and respect for measures preventing the transmission of the virus. Occasionally, some crisis management issues develop to a level of political disagreement that initiates mutual recriminations of political actors on different grounds. Media outlets, especially those with editorial policies open to informants outside the government sector, are exposed to government criticism due to the notion that criticism toward crisis management structures, questioning measures and the quality of their implementation are contributing to public unrest and panic.

Civil society

The most active civil society organisations in Bosnia and Herzegovina established a self-understanding that their role in relation to developing the COVID-19 crisis is to uphold respect for democracy, the rule of law and human rights. This includes some private media outlets, as well. Unfortunately, the number of such civil society organisations is disappointingly low and includes just several of the most prominent and well-established organisations such as Transparency International BiH, Helsinki Citizens' Assembly (hCa) Banja Luka, Sarajevo Open Centre, BH Journalists' Association, Mediacentar, Peace Building Network, „Why not“ Association, Press Council BiH, among others. Some of them were able to reorganise their resources and establish services aimed at crisis management monitoring, publicly reacting to any substantial violations of democratic practices, human rights and disinformation. The majority of smaller, locally-oriented NGOs either limited or ceased their activities, or decided to engage their resources and activism in local humanitarian activities and solidarity initiatives.

However, general citizen perception of government measures to prevent transmission and further spread of the disease is quite positive. Still, certain objections have become public and they are concerned with movement restrictions, the unclear position of the government toward BiH citizens returning to BiH from abroad, executive decrees dealing with fake news and disinformation, the quality and quantity of testing performed and discrimination in access to health services. Citizens of BiH have reacted to the pandemic crisis with solidarity and support. Throughout the country, in local communities, volunteers provide assistance to vulnerable categories of population, especially the elderly, persons with disabilities and those in need of social assistance. It remains an open question whether this particular humanitarian effort is enough to address the needs of these categories. In this phase of the crisis, citizens value highly the role and engagement of medical experts. However, sporadic incidents and media reports about medical experts and health facilities

hesitating to provide medical care due to fear of COVID-19 and other unethical and unprofessional behaviour within the health system clearly do harm to this, generally, positive perception.

questions articulated by the media usually remain without a clear answer

BH government(s) are challenged by the pressure to offer a balanced combination of strong and comprehensive self-discipline campaigning supported by clear and well-defined restrictive measures in those specific segments where self-discipline promotion fails to produce positive outcomes. Official advice on hygiene and physical distancing are issued on a regular basis in Bosnia and Herzegovina. Crisis management authorities organise daily press conferences providing information on outbreak severity and introduced measures. In addition, ad hoc press conferences are held if there are any emergency updates or new measures being introduced. However, the established system of crisis communication can be regarded as one-way communication where authorities decide on the quantity and content of shared information. At the same time, questions, articulated by the media, NGOs or the expert community, which are the result of increased public interest in some aspects of the pandemic crisis usually remain without a clear answer, or without any answer at all.

External factors

Both authorities and citizens in BiH perceive the role of external factors as a provider of aid and expert assistance. BiH has already received or expects emergency aid from Turkey, Russia, USA, China and other foreign governments, including the EU. It seems that countries providing aid to BiH do so without any ambition to strengthen their influence, but rather to justify the reputation and influence they already have.

The authorities in BiH have not publicly raised the issue of external or international responsibility for the pandemic crisis. Rather, the adopted measures to address the pandemic crisis in BiH have been influenced more by regional practice (Serbia, Croatia, North Macedonia) and even China, than general measures introduced in the EU. This may be thanks to the overall perception that EU health sector capacities are much better and that they can allow themselves considerably fewer restrictive measures.

CROATIA

Nenad Zakosek

Abstract

- Croatian democracy remains vital in the crisis caused by the coronavirus pandemic. The emergency management in Croatia is based on a system of civil defence which has enabled effective management of the pandemic possible
- Substantial restrictions of freedom of assembly, freedom of business activity and freedom of movement have been introduced. The government's communication strategy concerning emergency management has been clear and transparent and is well received by citizens. Media freedom has not been restricted, journalists and media are able to perform their watchdog function and monitor
- While criticising possible human rights infringements and violations of democratic procedures, parliamentary opposition parties and civil society organisations remain active and critical of the government, but at the same time they support the emergency measures and contribute to the sense of national unity and discipline necessary to combat the pandemic
- A complete lockdown of public life and mobility restrictions have serious economic consequences and government is introducing measures aimed at dealing with them

As well-known Croatian journalist and writer Jurica Pavicic recently pointed out, there is a stereotype about Croats which seems to be confirmed in the current coronavirus crisis. The stereotype goes as follows: in ordinary times Croats behave as typical Balkan natives, they ignore laws and bend rules to their advantage, but in times of crisis they become as disciplined and law-abiding as Germans. If we look at the results achieved in combating the coronavirus pandemic, there is obviously some truth in this stereotype. Until now, Croatia has dealt well with the crisis without using repressive measures or restricting democracy.

The first case of coronavirus in Croatia was registered on February 25. In the nearly seven weeks since then, until April 12, there have been 1600 registered cases of infection and 23 people have died of infection. This result is, for the time being, better than those in most European countries. As of April 12, Croatia counts 5.6 coronavirus related deaths per million inhabitants. Other European countries have had a

much worse situation caused by the coronavirus pandemic. How has Croatia achieved this favourable result in dealing with the coronavirus pandemic?

Institutional response

The basis for the response to the pandemic in Croatia is a mechanism of emergency management which includes a system of civil defence and quality institutions of public health inherited from socialism and improved by the experience from the 1991-1995 war. A key institution for combating infectious diseases is the Croatian Institute for Public Health (CIPH) in Zagreb, which began preparing anti-epidemic measures in January, before the first case of coronavirus infection was registered in Croatia. The CIPH is the main institution which the Croatian Ministry of Health can rely on in designing anti-epidemic measures.

However, it was precisely at the moment of preparation for the imminent epidemic that the Croatian Ministry of Health was shaken by a scandal which forced the incumbent Minister, Milan Kujunzic, to step down on January 28. The Minister failed to report all his real estate possessions and explain how he financed their acquisition, which provoked Prime Minister Andrej Plenkovic to remove him from his post. The new Minister of Health, Vili Beroš, was appointed and confirmed by the parliament on January 31. This situation even had repercussions for the initial coordination of EU-member states in organising a response to the coronavirus pandemic. Since Croatia holds EU-Council Presidency for the first half of 2020, the first meeting of Ministers for Health from EU-member states aimed at discussing common strategy in combating the coronavirus crisis was scheduled for the end of January. The meeting had to be postponed for two weeks due to the appointment of the new Croatian Minister for Health. Nevertheless, the choice of Vili Beroš, a neurosurgeon from Zagreb, proved to be fortuitous for Prime Minister Plenkovic, since the previous Minister was incompetent and unpopular, while the new Minister performs his duties in a very competently. So it is no surprise that in the current crisis, within two months, he has become the most popular politician in Croatia (according to polls).

The new Minister, in coordination with the director of CIPH, Krunoslav Capak, immediately established an emergency management structure at the Ministry for Health and began

organisational and technical preparations for dealing with the pandemic. By mid-February, the system of civil defence had been mobilized and the Headquarters of Civil Defense of the Republic of Croatia (in the following text: National Headquarters) was established, with a network of subordinated regional and local headquarters. Minister for the Interior, Davor Božinović, was appointed Head of the National Headquarters. As the fourth-highest ranking person in charge of emergency management (after Beroš, Capak and Božinović) Alemka Markotić, Director of the University Hospital for Infectious Diseases in Zagreb, the only such specialised hospital in Croatia, was added to the crisis management team.

the coronavirus pandemic was aggravated by an earthquake in Zagreb

At this point it is necessary to mention that the problems of dealing with the coronavirus pandemic were aggravated by an earthquake in Zagreb, the capital of Croatia, on March 22. The earthquake had a magnitude of 5.5 on the Richter scale and was the strongest earthquake in Zagreb since 1880. In the context of the public health crisis, it is important to mention that three hospitals in Zagreb were severely damaged. Nevertheless, no major disruption in the implementation of anti-pandemic measures occurred. Another problem generated by the earthquake is the unsatisfactory coordination between the emergency management of the National Government and Zagreb City Administration.

The legal basis for the emergency management was created on March 18 when the Croatian Parliament passed legislation by a simple majority to change the system of civil defence. The Law authorised the National Headquarters of Civil Defence to decree measures necessary to combat the coronavirus pandemic, including rules and guidelines by which substantial human rights are restricted, in particular freedom of assembly, freedom of business activity and freedom of movement. In the following table a detailed timeline of the introduction of measures to combat the pandemic in Croatia is presented.

Despite some very serious restrictions to human rights, there has been no declaration of a State of Emergency in Croatia. The government decided to act on the basis of Article 16 of the Croatian Constitution which stipulates that “freedoms and rights may only be restricted by law in order to protect the freedoms and rights of others, public order, public morality and health” and that “every restriction of freedoms or rights shall be proportional to the nature of the necessity”. Thus, according to the government, there was no need to introduce a State of Emergency. In this situation regarding anti-epidemic measures the police mainly has a monitoring and instructive role, while there is no need for deployment of the army. On the other hand, this situation is convenient to the government, since it can enact restrictive legislation by a simple majority in Parliament (this has met with serious criticism and controversy and is discussed in the section below).

Any infringement of the rules introduced by the National Headquarters or the Ministry for Health has the character of a misdemeanor and is punishable only by fines. The punitive measures mainly apply to persons at risk of coronavirus infection (e.g. persons returning from abroad or contacts of infected persons), who have been confined to 14 days of self-isolation but violate this instruction. For repeated transgressors fines can amount to several thousand Euros. A case of a woman was mentioned in the press who, after a fourth transgression of the self-isolation measure, was confined to mandatory quarantine.

Controversies concerning restrictions of human rights

Very soon after March 18, when legislation gave new extraordinary restrictive powers to the National Headquarters, critical voices amplified questioning the constitutional basis of this legislation. The main opposition party, SDP, but also the President of the Republic, Zoran Milanović, and several legal experts including a judge of the Constitutional Court, Andrej Abramović, argued that substantive restrictions of human rights presently imposed either by the government or by the National Headquarters, do not have adequate constitutional foundation. Rather than Article 16 of the Constitution, which does not presuppose declaring a State of Emergency for human rights restrictions, Article 17 should serve as the basis for the Croatian Parliament to declare a State of Emergency by a two-thirds majority of representatives (which can be reached only by opposition votes). Article 17 stipulates as follows: “During a state of war or an immediate threat to the independence and unity of the State, or in the event of severe natural disasters, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Parliament by a two-thirds majority of all members...”. A decision on declaring a State of Emergency would have a clearly defined period of validity and in the case of prolongation the government would have to cooperate with the opposition to secure two-thirds of votes in Parliament. In this context critics have particularly objected to the excessive restrictions to the freedom of movement placed by the National Headquarters. Its decision from March 23 prohibits anyone from leaving city or municipality of residence. At the same time, exemptions are allowed and e-permits for leaving residences have been introduced which can be issued by companies, physicians and local headquarters of civil defence. Within a few days after the introduction, more than 900,000 permits (a quarter of all adult citizens) have been issued, a number which casts doubt on the usefulness of this measure.

The government has not responded to these criticisms. Instead, it has proposed a draft bill to change the Law on the Protection of the Population from Infectious Diseases, which would define in greater detail the emergency powers of the Ministry for Health and National Headquarters necessary to combat the coronavirus pandemic and thus retroactively legalise all restrictive measures which have been introduced. The SDP and other opposition parties insist that this might

not be enough to prevent possible legal action by those demanding compensation for damages caused by the restrictions.

Another draft bill proposed from the government has caused outrage from the opposition, civil society and the media. Changes to the Law on Electronic Communication would give government the right to track the movements of citizens by using geolocation through mobile phones. Critics vigorously reject this proposal as a dangerous repressive measure. On March 31, forty-six Croatian NGOs signed a petition asking the government to withdraw the draft bill. The government has not responded yet, but it is likely that the draft bill will be discarded.

Democratic processes and the pandemic crisis

The coronavirus pandemic has reached Croatia at a very specific moment in its political life. The ruling party, the Croatian Democratic Union (HDZ), commands a fragile parliamentary majority. The government experienced a string of scandals involving several ministers, who were forced to step down. On January 28, the last in this sequence of scandals forced Prime Minister Plenkovic to remove the Minister for Health, Milan Kujundzic. On January 5, HDZ's presidential candidate (and incumbent President) Kolinda Grabar Kitarovic was defeated in the presidential election by Social Democrat Zoran Milanovic, who took office on February 18. This boosted the voters' support for SDP. For the first time since the parliamentary elections in 2016, the SDP overtook HDZ in the polls. The presidential election also strengthened right-wing populist Miroslav Škoro, who came third in the first round of the election. He declared his ambition to unite all Croatian right-wing extremists and challenge HDZ in the parliamentary elections due in September 2020.

Here, HDZ leader and Prime Minister, Andrej Plenkovic, was challenged by a strong inner-party right-wing opposition, led by Deputy Party President, Milijan Brkić. According to HDZ's party constitution (enacted in 2018), six leading party positions (President, Deputy President and four Vice-Presidents) should be elected by a direct vote of all party members no later than March 2020. Despite the coronavirus crisis the election was ultimately scheduled and carried out on March 15. The successful emergency management and combating of the pandemic resulted in a complete turnaround for Prime Minister Plenković. He defeated his counterpart Miro Kovac with 80 to 20 percent of votes and all members of his team were elected into the party presidency. None of the challengers succeeded in winning any of the leading party positions. Thus, the HDZ inner-party election confirmed Plenković's moderate centre-right political platform and completely crushed his right-wing inner-party opposition. His opponents were very vocal in accusing him of a leftward shift of HDZ, especially after HDZ's weak result in the May 2019 elections for the European Parliament. Immediately after the election Milijan Brkić and Miro Kovac were removed from their positions in the Parliament (Brkić was Vice-President of the Parliament, Kovac was Chair of the Foreign Policy Committee).

The coronavirus crisis has strengthened the two mainstream parties, HDZ and SDP, and weakened the populists

As witnessed across Europe, successful emergency management in the coronavirus crisis can boost support for government parties. This is also true of Croatia. After three months of the SDP lead in the polls after the presidential election, the latest Crodemoskop poll from early April shows that HDZ has returned to the top with 28.4 percent voter support. But the main opposition party is still doing well with 27 percent voter support. Right-wing populist Miroslav Škoro comes third with 10.9 percent voter support, which is a significant drop compared to his result in the first round of the presidential election, when he received 24.4 percent. It can be said that in Croatia the coronavirus crisis has strengthened the two mainstream parties, HDZ and SDP, and weakened the populists. While in the elections to the European Parliament in 2019 HDZ received 22.7 percent and SDP 18.7 percent of votes, all populist options received combined more than one third of votes. The latest poll shows that a fragmented spectrum of populist parties and initiatives is supported by no more than a fifth of voters.

In general, it is fair to say that there have been no restrictions to democratic life in Croatia apart from the measures against the coronavirus pandemic, such as social distancing and restrictions to freedom of movement. The parliament is sitting as usual. Due to the damages to the parliamentary building caused by the March 22 Zagreb earthquake, parliamentarians were forced to convene at the Westin Hotel Conference Hall, Zagreb. But after completion of necessary repair work, they will return to the seat of the Parliament on St. Marcus Square in Zagreb. As indicated above, the SDP, as the strongest opposition party, has been critical of the constitutional and legal framework of emergency measures restricting human rights, but it supports the way the government is handling the crisis and is thus contributing to the sense of national unity and discipline necessary to combat the pandemic.

94 percent of citizens support the way the government is handling the coronavirus crisis

The emergency measures inevitably strengthen the role of the executive, but the focus was on the Minister for Health, Vili Beroš, and Minister for the Interior and Head of National Headquarters, Davor Božinović, who both performed their duties in a moderate and low-key way. It should be also underlined that since March 9, the National Headquarters and Minister for Health have been holding regular daily press conferences in which journalists usually ask very critical questions and meticulously dissect every information item they are given. The focus in these press conferences is on medical experts, received positively by Croatian citizens. A poll conducted by Ipsos on March 28 showed that 94 percent of cit-

izens support the way the government is handling the coronavirus crisis. It is fair to say that media and journalists are generally not hindered in performing their watchdog function, although there have been some localised incidents where journalists were threatened by citizens or police.

No extraordinary powers were given to the Prime Minister or the President. The Prime Minister has addressed Croatian citizens only on a few occasions, mainly focusing on economic issues, and the President has kept a low profile. Political debate in Croatia has increasingly addressed the economic consequences of the coronavirus crisis and questions of an adequate response to it. Here, the SDP has put forward its own proposals but has also supported the main measures introduced by the government. In this paper we cannot discuss economic policy matters.

Finally, there have been no repressive measures against civil society. The NGOs are able to monitor government policies. It is somewhat odd that, apart from criticisms concerning attempts at tracking the mobile phones of citizens in order to control social distancing, the most controversial issue in the realm of civil society were the attempts of some Catholic priests to hold mass during the Easter holidays. Although the Croatian Bishops Conference has advised against organising gatherings of Catholic congregations since the introduction of social distancing, some priests have ignored this, which has caused wide criticism by the media and human rights NGOs. This behaviour from Catholic priests and devotees violates the secular character of the Croatian state and engenders a sense that not all citizens are equal before the law, since Catholics can claim privileged treatment.

External factors

The outbreak of the coronavirus pandemic has coincided with the EU-Council Presidency of Croatia. In these circumstances, the Croatian government could not achieve much in meeting the goals set for the first half of 2020. Prime Minister Plenkovic boasts that his Government has facilitated an agreement to open EU-accession negotiations with North Macedonia and Albania. There have also been some attempts by the Croatian Ministry for Health to coordinate a common response to the pandemic in the EU, but it was not successful in this. Minister for Health Beroš has repeatedly stated that Croatia expects EU assistance in acquiring the necessary medical equipment to combat the pandemic. Recently, however, the Croatian government purchased a substantial amount of medical equipment from China, as it was the only country able to supply. In designing economic policy measures to deal with the consequences of the coronavirus crisis, Prime Minister Plenkovic has stressed that Croatia expects to receive EU assistance which should be made available to all EU member states.

The political discourse of blaming the EU or any other foreign powers for certain behaviour during the coronavirus crisis has not been present in Croatia, apart from some extreme right-wing media and groups. On the other hand, the government has shown pride in Croatian competence and the effective

handling of the coronavirus crisis in comparison to most other countries.

REPUBLIC OF KOSOVO

Besa Kabashi-Ramaj

Abstract

- The Republic of Kosovo, due to the rapid spread of the COVID-19 virus pandemic has had to face a situation of unprecedented risks, on top of its now historical challenges with political instability and overall lack of human security be it economic, health, food, environmental, community or otherwise.
- At the outset of the corona crisis, there was no Emergency Management System available, and the government of the Republic of Kosovo focused on leveraging what functional parts of institutions are available as well as the human and technical capabilities available.
- The political turmoil has detracted from the COVID-19 fight and its real risks, by shifting the focus to political discourse. The disagreements between the winning party in the government and their coalition partner, and with the President, led to the government being voted out has left the country in political chaos, amidst a pandemic

Security and Health Care Situation

The Strategic Security Sector Review (SSSR) is a 2012-2014 comprehensive review of the security sector which analysed the security threats and risk to the people and Republic of Kosovo (RKS). This review found that RKS's security institutions were not yet consolidated and also lacked an effective National Response Plan (NRP) tailored to its security landscape and institutions. As a result, the Republic of Kosovo today faces the pandemic without an Emergency Management System (EMS) and all its accompanying capabilities and thus without its benefits: the ability to efficiently prevent, prepare, respond and recover from a major threat to the security of its people. In a situation where prevention is not a possibility, nor is preparation, the RKS Government is responding with drastic measures, to curtail further contagion and loss of life.

It is important to understand that the Republic of Kosovo healthcare system lacks the necessary human and technical capabilities to treat health issues "en masse". In the 2012-2014 SSSR review, RKS identified issues with the healthcare system, from management, all the way up to human capabilities and a serious lack of technical capabilities. A good illustration of this lack is the then factual existence of around 16

beds equipped for intensive care. Regarding the prospects in the case where a potential risk or threat became reality, the measures included removing other patients to create more space, field hospitals, and the unthinkable eventual necessity for "triage". Another indicator is the lack of capabilities for medical air-evacuations, another identified necessary capability, which, despite efforts, has remained just that, an SSSR recommendation. It would be difficult to understand the number of causes that resulted in death, since RKS institutions lack the capabilities to maximise the medical "golden hour" through medical air-evacuations.¹ As we see with the current COVID-19 situation, the rapid spread of the virus, initially in China in December 2019, finally hit RKS in March 2020. So far, the RKS has been facing an epidemic that requires specific human capabilities and equipment, such as respirators, yet RKS, for the whole country, has only approximately 95, most of which are already in use for critical cases with other conditions.² The last strategy on how to face a pandemic was adopted some time ago in 2013, and was designed specifically around the then threat from SARS.³

While legally, there are highly disjointed strategic documents and structures, which, put to the test, have failed to address emergency situations of much less intensity and risk (eg, the Restelica avalanche) and the EMS is not a reality, the government of RKS is in a state of quasi ad-hoc emergency management not to say completely ad hoc, having some limited structures in place. In the above-mentioned circumstances, the Government of RKS has adopted an approach to managing the COVID-19 situation, focusing mainly on leveraging what functional parts of institutions are available as well as the human and technical capabilities available. This has meant that the Prime Minister has built government actions upon information gathered by the Kosovo National Institute

- 1 Republic of Kosovo Government. (2014, March). *Analysis of the Strategic Security Sector Review*. Retrieved from Office of the Prime Minister: http://www.kryeministri-ks.net/repository/docs/Analysis_of_Strategic_Security_Sector_Review_of_RKS_060314.pdf
- 2 Ramadani, D. (2020, March 18). *kallxo.com*. Retrieved from Kosova në emergjencë shëndetësore, në të gjitha spitalet janë vetëm 95 respiratorë: <https://kallxo.com/shendeti/kosova-ne-emergjence-shendetesore-ne-te-gjitha-spitalet-jane-vetem-95-respiratore/>
- 3 National Institute of Public Health. (2013, September). *Plani i veprimtave kundër gripit pandemik*. Retrieved from Ministry of Health: https://msh.rks-gov.net/wp-content/uploads/2013/12/1.Plani_i_veprimtave_kunder_gripit_pandemik_final.pdf

for Public Health (KNIPH) and the Ministry of Health primarily as well as other support institutions. These actions were then issued as government decisions to be implemented by all relevant institutions.

Government Measures and Restrictions

The Government of RKS began with measures to contain the COVID-19 spread in the RKS on March 11, 2020. The initial measures included milder restrictions for public activities, restricting public gatherings, businesses, but not shutting them down completely. At this point the only suspended category were schools and public events (instructed to be held without public audiences). Since then, measures have continued to become stricter. On March 12, 2020, the government created the Special Commission for the Prevention of Infection from COVID-19, a commission tasked with managing the “prevention of infection from Corona Virus COVID-19” on behalf of the Government of the RKS (Government of the Republic of Kosovo, 2020). The measures proceeded to become stricter and harsher, with intercity transport being suspended, flights in and out of the country being suspended, and all businesses being severely restricted or completely shut down (save for a select few categories considered vital, examples being the food and pharmaceutical industries) as new cases of infected citizens with COVID-19 were being confirmed by the Kosovo National Institute for Public Health (NIPH). The Government of the RKS declared a Public Health Emergency on March 15, 2020 as cases of COVID-19 infections grew leading to progressively stricter measures.

Intercity transport was suspended, flights suspended, and all businesses severely restricted or shut down

One of the measures taken by the Government of the RKS, which became a controversial subject and that of much public debate and speculation was the decision on the restriction of movement, taken on March 23, 2020. The decision of the government prohibited the movement of RKS citizens between 10:00 and 16:00 and 20:00 and 06:00, a schedule which later changed but the restriction was not lifted. The restriction of movement provided exemption for “medical needs, production, the supply and sale of essential goods (food and medicines for people and livestock/poultry), and for services and activities related to pandemic management (essential government and municipal management and personnel of the following sectors: health, security and public administration)”.⁴ The decision was contested by the President of the RKS, citing it as unconstitutional, having violated basic human freedoms in an environment where the constitutionally accepted state for issuing such a measure “State of

Emergency” had not been declared.⁵ The constitutional court, having reviewed the case, distanced itself from evaluating the measures taken as necessary or not in fighting the pandemic, instead focusing on the legal implications of such a decision. Despite this, the Constitutional decision was to be enforced only after the timeline already foreseen in the initial restriction decision.⁶ As to how this is viewed by the population, it is a polarising subject between the Prime Minister and the President of the same country, during a pandemic, viewed as highly irresponsible on the Prime Minister’s part by some and a “coup” on the President’s part by others.

Another government decision that created controversy was not permitting Kosovar citizens returning to the RKS to enter the RKS, a decision later retracted, allowing Kosovar citizens to enter the country with special permits and arrangements (March 23, 2020). On March 28, 2020, Despite common practices where, with the deterioration of a state emergency situation, the management and decision-making ascended to a higher level within the government structures, the Government of the RKS tasked the Ministry of Health with reviewing the situation and all government decisions and as of April 8, is authorised to issue measures and recommend future measures. As of April 12, 2020, new measures, based on new COVID-19 infection cases will include not a statewide movement restriction, but a municipality by municipality movement restriction and quarantines. All decisions are enforced via the Kosovo Police, who ensure that government orders are followed and detain anyone violating the restrictions. Interestingly, there has been no population blowback as far as police interventions and the measures taken. There is a wide impression that such measures are necessary.⁷

Additionally, the Government of the RKS has adopted an emergency financial package which includes a wide range of financial support packages relating to: social assistance, retirement payments, business organisations and public enterprises experiencing financial difficulties, municipalities, field workers, grocery store staff and pharmacies, recovery support for exports, and other impacted categories, amounting to around 179,650,000 Euros.⁸

When facing a pandemic, or any other state emergency related to any threat or risk that can jeopardise the lives of citizens and national security, it is critical to understand the magnitude of resources necessary to face that threat or risk.

4 Government of the Republic of Kosovo. (2020, March, April). *Documents*. Retrieved from Office of the Prime Minister: <https://kryeministri-ks.net/en/documents-en>

5 Bota Sot. (2020, March 23). Presidenti Thaçi: *Albin Kurti e shkeli në mënyrë flagrante Kushtetutën e Kosovës, duke kufizuar lëvizjen e lirë të qytetarëve*. Retrieved from Bota Sot: <https://www.botasot.info/aktuale-lajme/1259695/presidenti-thaci-albin-kurti-e-shkeli-ne-menyre-flagrante-kushtetuten-e-kosoves-duke-kufizuar-levizjen-e-lire-te-qytetareve/>

6 Constitutional Court. (2020, March 31). *Judgement*. Retrieved from Constitutional Review of Decision No. 01/15 of the Government of the Republic of Kosovo, of 23 March 2020: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-vendimit-nr-01-15-te-qeverise-se-republikes-se-kosoves-te-23-marsit-2020/>

7 Government of the Republic of Kosovo. (2020, March, April). *Documents*. Retrieved from Office of the Prime Minister: <https://kryeministri-ks.net/en/documents-en>

8 Ibid.

The RKS, ideally, would have had the recommendations of SSSR implemented, consolidating its security sector, from strategic documents all the way down to creating clarity for the roles and missions of its entire security sector related institutions as well as raised human and technical capabilities to face such threats, all with clear vertical and horizontal chains of communication, coordination and cooperation. Unfortunately, this has not happened. The resulting situation is a country that must make do with what it has, a disjointed system, the lack of capabilities in manpower as well as technical capabilities, and an approach creating ad hoc efforts and units to handle the situation. While it has been commendable to see the current government hard at work to make do with what it has, it is important to understand that a country's stability and strength lies in strong institutions and a strong system, rather than strong individuals. To illustrate this better, we should ask if the response to the containment of COVID-19 spread would have been as it is with less capable individuals in crucial institutions. The answer is, probably not. Therefore, unless the RKS urgently absorbs the message and learns from this experience, moving to promptly consolidate its security sector and all its necessary accompanying capabilities, including a tailored RKS Emergency Management System (EMS) and a National Response Plan, the four crucial stages of EMS will never be possible, and facing threats and risks will unfortunately have to end in a "triage" type of situation. The epidemic has shown that the RKS has not worked adequately in prevention and preparation has been inadequate, hence the intense work now to respond as well as is possible. In cases where prevention and preparation are not handled properly, response and recovery are almost an impossibility, at least not without immediate great cost in human lives and subsequent long-term wellbeing.

Political Repercussions

Despite the gravity of the situation, especially under the RKS capabilities to face such a threat, the current government focus has shifted considerably to political discourse, amidst substantial disagreements between US and EU foreign policy on how to support a long-term sustainable solution between the RKS and Serbia, the RKS's stance on tariffs for Serbia and the reaction of the newly formed government in regard to these subjects. Prime Minister Kurti's government's refusal to lift the tariffs for Serbia completely and without demanding reciprocity have been a major source of disagreement with US foreign policy on the matter, which resulted in a serious disagreement with the coalition partner, the Democratic League of Kosovo (LDK), which despite initial support, eventually insisted the RKS could not act outside its strategic partner's foreign policy. This subject resulted in very public rifts between LDK members. However, the government's decision to fire LDK's interior minister, for not being in line with government policy on how to fight COVID-19 and siding with the recommendation of the President for declaring a State of Emergency is what eventually sealed the fate of the government. Most received this news with shock and disbelief that this was the true motive to firing the minister, suggesting the Prime Minister must have known the govern-

ment would not last after this move and the possibility to avoid a hard decision relating to the tariffs on Serbia and the pressure the government was under. The disagreements between the winning party in the government and their coalition partner, and with the President, led to the government being voted out, a situation that has left the country, yet again, in political chaos, amidst a pandemic. This is a clear sign of a serious lack of unity, even in such grave times for the citizens of the RKS and a sign of political immaturity. For a large portion of the population, this has fed more revolt to the political leadership and for another large part of the population, it has fed more nationalist and radical attitudes.

The government being voted out, has left the country in political chaos amidst the pandemic

The political turmoil has detracted from the COVID-19 fight and its real risks, by shifting the focus to political discourse and the risks it is posing the RKS in the international arena, with the RKS's strategic partners, like the US, the Quint and EU as a whole. Furthermore, the resolution of the pending issues between the RKS and Serbia has been reframed to a discourse where strategic partners are being blamed for interference. At the same time, the government walked into a situation where it would not last, resulting in its being unable to broker the hard discussions between the RKS and Serbia. This situation has further shifted media focus from the pandemic to political debates and the prospects that lay ahead amidst serious political insecurity. The political debates have become less tolerant and much harsher, spilling over into social media and the reaction of two very polarised masses, the moderates and the more nationalist and radical thinkers who feel very strongly and voice their frustrations in extremes. While the media seems to have the freedom to ask the questions that need to be asked, it is the masses that are becoming less tolerant with questioning whatever political leadership they so vehemently support.⁹

It seems the decades of lack of human security have created vulnerabilities amongst RKS citizens, vulnerabilities which can now potentially be easily leveraged to achieve certain political goals, polarising the population even further. The danger that lies in this polarisation is that it still signals desperation mixed in with a lack of know-how on leveraging democracy to their benefit, understanding the importance of oversight and pinning their hopes to a system rather than an individual, group of individuals or party. At the same time, these societal polarisations/voids generate a huge risk to stability, allow countries like Russia to push their foreign policy agenda via feeding already existing social divisions into deeper and more dangerous divisions that can fuel social unrest, removing the

⁹ Walker, S. (2020, March 26). *Kosovans look on aghast as government falls while coronavirus bites*. Retrieved from The Guardian: <https://www.theguardian.com/world/2020/mar/26/kosovo-government-falls-in-vote-of-no-confidence>

sense of societal security and threatening the stability of the country as a whole.

*Decades of lack of human security
have created vulnerabilities amongst
the citizens*

As it is, with the strong popular allegiance to one party or the other, and with the government allowing itself to be involved in weighty political discourse, in a situation where the country is facing a pandemic, it is clear that power is personal to a party, an agenda or an individual and that political unity, within, as well as outside the RKS, is lacking among political parties, even now. While the current government has been heavily engaged in managing the epidemic, calling for solidarity and self-discipline, it has also been sending contradictory messages through its political actions that allowed the breakup of the government, or its current stance which clearly favours new elections versus a new government. These types of actions led to the deterioration of the relationship with its former coalition partner, the Democratic League of Kosovo (LDK), even though there are still LDK public appointees who are in their ministerial positions carrying out their work. The fall of the government was perceived as a highly irresponsible, borderline treason of citizens' interests and wellbeing by Kosovars, with extreme opinions on who is to blame. As for the civil society, NGOs, aside from giving mixed reviews on the restriction of movement, statewide, without a state of emergency, have not been very vocal. The media on the other hand, has been very active but also very polarised, about their programming and political debates, with visible space being given to one party and view or the other.

Amidst a pandemic and political mayhem, the people, as always, have shown resilience and in general terms have not questioned the government measures, despite some debates questioning if movement restrictions would create larger crowds during periods where movement was possible. Despite this, they have also seemed to not self-restrict as necessary to prevent the COVID-19 contagion going further, forcing the government to create stricter measures enforced through the Kosovo Police. This may also have resulted as a side effect of the Kosovar cultural context and the fact that this is a very social and family-oriented population facing a very unnatural demand in order to protect themselves and each other, requiring them to act against their nature. The first instinct for Kosovars, in time of distress, would be to help one another, something that now must be completely redefined. They, so far, have had to rely on government messaging and communication regarding the measures that must be taken, besides those taken by institutions, something that has been generally accepted. In the social aspect, the pandemic has forced people to rethink priorities, but also to be resilient and not just within their family unit but their community, including expressions of gratitude and support for the healthcare providers and all who are on the frontlines of the fight against COVID-19, something highly visible in the

media and available social media. Finally, as the situation deteriorates, with more COVID-19 positive cases per day, the ongoing political discourse continues to signal disunity and a lack of focus on fighting the pandemic and resolving the political disputes between the coalition parties and government and opposition on creating a new government or holding future elections.

MONTENEGRO

Filip Milacic ¹

Abstract

- The extraordinary situation led to an accumulation of power in the hands of the executive
- No signs of government using the pandemic as cover to seize new powers that have little to do with the outbreak or to crack down on dissent
- Stronger oversight role of the parliament and involvement of the opposition in the decision-making process necessary
- Deep polarization and identity conflicts visible even during the pandemic

On 17 March, and as the last country in Europe, Montenegro confirmed the existence of first coronavirus cases on its territory (273 cases in total as of 13 April). The National Co-ordination Body for Communicable Diseases (NKT) was selected as a crisis management body and is headed by Deputy Prime Minister Milutin Simovic. The existence of the NKT is legally founded in the Article 15 of the Law on Public Administration and Article 56 of the Decree on the organization of the work of the state administration. The NKT includes the representatives of various state bodies: the Ministry of Health, the Public Health Institute of Montenegro, the Clinical Centre of Montenegro, sanitary inspection, Ministries of Interior, Defense, Economy, Transport and Maritime Affairs, the Capital City, the National Security Agency and the Prime Minister's Office...". In other words, the elected politicians are making the decisions, but this ad-hoc emergency management also provided for an essential role of the medical experts in the decision-making process, which are, according to one survey, the most trusted public persons in the country in the moment.²

Even though the state of emergency hasn't been introduced, the adopted measures to fight the pandemic are strongly

affecting the civil and political rights, fore mostly freedom of assembly and mobility of citizens. The NKT has banned all public gatherings, the presence of more than one person in all public areas, and religious ceremonies with presence of the citizens (from the religious communities only the Serbian Orthodox Church and its believers violated the ban), as well as suspended the passenger traffic, and since 30 March introduced curfews: on weekdays from 19:00 to 5:00, on Saturday from 13:00 to 5:00, and on Sunday from 11:00 to 5:00.

The non-compliance with the measures is subject to criminal liability, in accordance with Articles 287 and 302 of the Criminal Code of Montenegro. However, a genuinely unusual situation indicated that the government has no capacities for the effective surveillance of the citizens. On 21 March, following the approval of the Agency for Personal Data Protection and Free Access to Information, the NKT has decided to disclose the names of individuals, who have been prescribed mandatory 14-day self-isolation decisions. The decision was made after it was established that some individuals – who were subject to this measure upon their arrival in Montenegro – have been leaving their homes.³ The opposition parties condemned such a decision of the Government, while some NGOs claim that it violates the right to privacy⁴ and have, therefore, filed an initiative to the Constitutional Court of Montenegro for assessment of constitutionality and legality of the decision.⁵

There are no military actions on the streets, but the government uses drones to check if people are complying with the measures. So far no measures were adopted that would enable the use of data (even anonymised) from major telecommunications companies to track people's movement or that would allow the national security agency to access infected individual's phone records.

1 Disclaimer: The opinions expressed in this paper are those of the author and do not reflect the opinions of the OSCE. The OSCE is not responsible for the content and for any inaccuracies, misinterpretations or fabrications possibly contained in the paper.

2 This is additionally interesting if one bears in mind that the two leading medical experts are also the officials of the ruling Democratic Party of Socialists (DPS). <https://www.cdm.me/drustvo/gradani-najvise-vjeruju-bobanu-mugosi-crkveni-poglavari-vjernike-da-pozivaju-da-uskrs-slave-kuci/>

3 <http://www.gov.me/en/News/223144/National-Coordination-Body-for-Communicable-Diseases-begins-to-disclose-identity-of-persons-in-self-isolation-protecting-health.html>

4 Vijesti 23/3, p. 3, Dan 22/3 p. 13-17

5 <https://www.pobjeda.me/cla-nak/gra-danska-a-lijansa-podnije-la-inicijativu-za-oc-jenu-ustavnosti-odluke-nkt-a>

*As the last country in Europe
Montenegro confirmed
the existence of first coronavirus
cases on its territory*

The pandemic also affected the scheduled municipal elections in the coastal town of Tivat, which were planned for 5 April, as President Milo Djukanovic postponed them. The elections will be held within 90 days from the day when the competent state bodies and health institutions confirm that the danger has ceased. With respect to the media, there was no tightening of criminal law against them and no measures were adopted that could prevent the media from freely reporting on government activities and the entire situation in general. Representatives of the crisis team answer journalists' questions every day in regular press conferences and the agitation against "anti-state" journalists in the media close to the government could not be detected either. Overall, the key media outlets have been showing a great deal of responsibility in their reporting and there was no significant spreading of fake news.

Institutional disputes

The depicted adoption of the measures was followed by the disputes between the government and the opposition regarding their constitutionality. The Democratic Front (DF), which is the strongest oppositional political actor, claims that the measures of the NKT could only be promulgated and implemented if a state of emergency was declared and that everything else is a "brutal violation of the Constitution and laws".⁶ On the other hand, the government claims that everything is in accordance with the Constitution.

Both claims seem to be legally founded. According to Article 25 of the Constitution, "during the proclaimed state of war or emergency, the exercise of certain human rights and freedoms may be limited, to the necessary extent". However, Article 39 of the Constitution stipulates that "freedom of movement, residence and leaving Montenegro may be restricted if required so for conducting the criminal procedure, prevention of contagious diseases spreading or for the reasons of security of Montenegro". Therefore, two NGOs urged the Constitutional Court to solve the dilemma.⁷

In addition to it, the DF has been urging Parliament's President Ivan Brajovic to schedule the extraordinary parliament's session, dedicated to the measures imposed by the Government and the NKT to fight the coronavirus. The DF claims that the NKT is running the state without any control and legitimacy, adding that the parliament has been suspended since the first day of the crisis, despite the fact that many

parliaments in the region and Europe are working and discussing the measures taken in order to fight coronavirus as well as their effectiveness.

*One should not only think about the
legality, but also about the political
legitimacy of the adopted decisions*

As previously demonstrated, the whole depicted procedure – the creation of the NKT and the decisions it has taken – is legally founded. Moreover, as the Article 39 of the Constitution clearly states it, the introduction of the state of emergency is not necessary. However, we are witnessing the curtailing of the civil and political rights that is unprecedented in the peacetime. Therefore, one should not only think about the legality, but also about the political legitimacy of the adopted decisions. The decisions taken in order to fight the pandemic would have a stronger political legitimacy if the prime minister, as the head of the executive, who is according to the Constitution running the state, were also the head of the crisis management body. Having in mind the nature of the taken decisions – the curtailing of civil liberties on a massive scale – the measures would be granted a wider legitimacy if the prime minister was the one to officially call the shots.

In addition to it, and which is even more challenging for the political legitimacy of the taken decisions, is the non-involvement of the parliament and the opposition. As already emphasized, we are witnessing the unprecedented curtailing of the rights and the oversight role of the parliament is crucial in this moment. Moreover, for that kind of decisions one needs a broad acceptance and, therefore, the stronger involvement of the opposition in the decision-making process. The recent bipartisan agreement to organize the sessions of the parliamentary committees via video conferencing system as well as the session of the parliament by the end of April is, thus, highly welcome. It is useful to remind that in a democracy only elected officials have legitimacy to make decisions. They are called to listen to the advice of the experts – in this case medical experts –, but in the end they alone must make decisions.

Relationship between the parties: From call for unity to business as usual

In the beginning of the crisis the majority of political actors – both in the government and the opposition – have shown a high level of maturity and sense of responsibility. They all called for setting aside political misunderstandings and divisions in order to confront the challenges in harmony and unity, and were united in the stance not to use this pandemic for political, party or any private and group interests.⁸ There was a widespread support for the extraordinary measures of the Government as

6 <https://www.pobjeda.me/clanak/markovic-sve-je-u-skladu-sa-ustavom>

7 Vijesti 1/4, p. 6-7

8 http://predsjednik.me/view_page.php?id=991; <https://www.pobjeda.me/clanak/df-neophodna-kohezija-i-solidarnost-ne-koristiti-pandemiju-u-politicke-svrhe>

these are extraordinary times. The clearest example of this new national solidarity were the financial donations by all key political entities dedicated to fight the pandemic.

“We are all in the same boat” approach seemed to prevail and it looked like this necessity of cooperation might reduce the mistrust between the political actors. In other words, the extraordinary shock that the coronavirus pandemic is bringing seemed to have the potential to mitigate political polarization and to help changing the course toward greater national solidarity and functionality. Coronavirus is the “common enemy” that does not distinguish between the ruling and opposition parties and many studies have shown that strong, enduring relational patterns often become more susceptible to change after some type of major shock destabilizes them.

National identity based toxic polarization even in these extraordinary times an obstacle for the national unity

However, in the recent days much more dissent on the Montenegrin political scene could be observed. Some opposition parties have been accusing the Government, and in particularly the Democratic Party of Socialists (DPS), of using the crisis as a kick off of the political campaign (the next parliamentary elections should take place in October), preparing a great electoral theft and the illegal spending of the aid funds in order to satisfy their political interests, and abusing the pandemic for its particular interests.⁹

It is thus again demonstrated that a national identity based toxic polarization of the Montenegrin party system is even in these extraordinary times an obstacle for the national unity. Maintaining the national harmony is also a difficult task amid the mistrust between Montenegrin political actors, not necessarily only between the ruling parties and the opposition parties. This is especially the case with the DF and Democratic Montenegro (DCG), which nurture a deep mistrust toward the ruling parties and question the intentions of almost every move of the Government. In addition to it, the nature of the DF – as the radical right political actor – prevents it from cooperating with the Government in a long term. Even in such times the DF is focusing on the issues of ethnicity and ethnic rights, and is strongly criticizing the Government for not accepting the help from Serbia and not demanding the help from Russia, but in the same time accepting the help from Turkey. In this context, it must also be emphasized that some opposition parties, such as the Social-Democratic Party (SDP), Demos, and the United Reform Action (URA), have a more nuanced approach. They are both criticizing and commending the Government as well as proposing their own measures for the fight against the pandemic.

⁹ <https://www.vijesti.me/vijesti/politika/snp-dps-krizu-koristi-za-pocetak-politicke-kampanje>

Solidarity and unity in the society

No measures were adopted that are preventing the civil society actors from performing their duties. The NGOs are able to do their job and some of them have been active as the already mentioned issue with the publication of the names of individuals, who have been prescribed mandatory 14-day self-isolation, confirms. The pandemic also prompted a widespread solidarity and the sense of the unity in the society. On 18 March, citizens and legal entities started donating money for the purchase of necessary medical equipment. The money has been donated by individuals, the famous Montenegrin athletes, the state officials, the state owned and privately owned companies as well as politicians from both the ruling and opposition parties. On 6 April, the NKT announced that almost seven million Euros have been donated.¹⁰ What is more, one survey showed that almost all Montenegrin citizens, 96% of them, support the measures introduced by the NKT to fight the coronavirus.¹¹

Pro-Western vs. pro-Eastern division visible even in the pandemic

The current pandemic has the foreign aspect too, which is mostly in the service of the internal politics and once again revealed country's pro-Western vs. pro-Eastern division. One of the first decisions of the European Commission in the crisis – to restrict the sale of the medical equipment thereby placing the Western Balkans in the same group with the rest of the world – was used by the Eurosceptic forces, fore mostly pro-Serbian and pro-Russian media, to delegitimize the whole process of the Europeanization. It was no surprise when they used this unfortunate decision to start questioning the country's European integration thereby claiming that the EU has abandoned the country and the region in the critical moment like this. This topic is still an important element of the pandemic's foreign aspect. Montenegrin Minister of Foreign Affairs Srdjan Darmanovic, together with his colleagues from the region, sent a letter to European Commissioner for Trade Phil Hogan, EU High Representative for Foreign Affairs and Security Policy Joseph Borrell, and EU Commissioner for Neighbourhood and Enlargement Olivér Várhelyi, with the request to exclude the Western Balkans from EU restrictions.

When the EU changed its initial approach and decided to help the region – donating three million Euros to Montenegro for emergency health care plus 50 million for long-term programs in line with needs, most for health, the economy and entrepreneurs¹² –, this was, in particularly, emphasized by the highest state officials and media close to the government. On the other hand, the DF demanded that the country

¹⁰ <http://www.gov.me/vijesti/223591/Zasjedalo-NKT-Naredbe-i-preporuke-se-u-najvecoj-mjeri-postuju-usvojen-lzvjestaj-o-donacijama-uplacenim-do-danas.html>

¹¹ <https://fosmedia.me/index.php/infos/drustvo/mjere-nacionalnog-kordinacionog-tijela-podrzava-96-odsto-gradana>

¹² <https://www.vijesti.me/vijesti/politika/velika-pomoc-eu-tri-miliona-hitno-za-zdravstvo-50-miliona-za-dugorocni-program>

should also strongly rely on the help of Russia and China, and called for Serbia's help, while the Government stated that Serbia finds itself in an even more difficult situation than Montenegro. The assistance to Montenegro also arrived from other countries, namely China, Turkey, and United Arab Emirates. The debates on the origin of assistance, thus, became the proxy for the country's pro-Western vs. pro-Eastern division.

No signs of autocratization

In sum, so far there are no signs that the government is using the current public health crisis as cover to seize new powers that have little to do with the outbreak or to crack down on dissent. Moreover, one should commend the highest state officials for not using the warlike terminology in the fight against pandemic. Defining the situation as a state of war offers an opportunity for the attacks on democracy. There are no constraints in the war, war is demanding homogenization of the nation, and dissent is usually branded as undermining the state's ability to fight the danger.

This extraordinary situation led to an accumulation of power in the hands of the executive. Albeit being justified, this mere fact demands a more active role of the parliament. Particularly in this critical moment the parliament should be able to perform its oversight role and the opposition should be included in the decision-making process as much as possible. In addition to it, the Government should be much more careful in dealing with the personal data. Unfortunately, it was again demonstrated that even in the times of a pandemic a deep polarization of the party system poses a major obstacle for the cooperation between the government and the opposition.

NORTH MACEDONIA

Nenad Markovikj

Abstract

- The government of North Macedonia has imposed one of the strictest mobility restrictions on citizens in Europe
- President Stevo Pendarovski declared a State of Emergency in the country on 18 March, 2020
- There is enormous popular support for the restrictive measures introduced by the government
- The EU and Turkey have played leading roles in terms of delivering international aid to the country

Political and civil rights

Ever since the breakout of the Covid-19 virus in the country the government imposed serious restrictions on the mobility of citizens in the country, one of the strictest in Europe. Although the general picture relating to human rights is satisfactory to date, there are several critical issues the government should endeavour to improve, such as quarantine conditions in local hotels and border-quarantine center transfers for citizens returning from abroad.

The first set of measures imposed were those concerning medical crisis management, based on the Law on Protection of Citizens from Infectious Diseases¹ as well as the Law on Crisis Management.² One of the very first rafts of resolute measures to be introduced in the country on 13 March, 2020, targeted two municipalities quarantined as areas of Covid-19 outbreak, Debar and Centar Zhupa.^{3,4} Apart from these quarantine measures for Debar and Centar Zhupa, on 10 and 11 March, 2020 the government introduced the first set of prohibitive and precautionary measures for the entire country.⁵

The measures were supplemented and broadened on 14 March⁶ and 16 March 2020, respectively. Additional prohibitory measures were also introduced on 19 March, 2020 while special measures for the city of Kumanovo were introduced on 3 April, 2020. The strictest set of measures was introduced on 6 April, 2020, effective 8 April, 2020, most probably to intercept possible increased mobility among citizens during Catholic and Orthodox Easter (12 April, 2020 and 19 April, 2020 respectively).

In tandem to these measures, a debate developed on the possible introduction of a State of Emergency in the country. The government, on 18 March, 2020, asked the Parliament of the Republic of North Macedonia to declare a State of Emergency.⁷ However, Parliament has not been in session due to the scheduled pre-term elections that were to be held on 12 April, 2020.⁸ Hence, the President declared a State of Emergency of a duration of 30 days on 18 March, 2020.⁹

Additionally, the Republic of North Macedonia was to hold pre-term elections on 12 April, 2020. Regarding this, President Stevo Pendarovski summoned all political leaders of the relevant political parties on 17 March, 2020,¹⁰ where all participants reached a decision that the elections must be indefinitely postponed and held after the Covid-19 crisis comes to an end. In the meantime, the technical government will continue to function as acting government.¹¹

1 Official Gazette of the Republic of Macedonia 37/2016. The complete text of the Law on Protection of Citizens from Infectious Diseases is available on <http://zdravstvo.gov.mk/wp-content/uploads/2018/01/ZAKON-ZA-ZASHTITA-NA-NASELENIETO-OD-ZARAZNI-BOLESTI-zakluchno-so-br.-37-od-2016.pdf> (accessed 6th April 2020).

2 Official Gazette of the Republic of Macedonia 29/2005. The complete text on the Law on Crisis Management is available on <http://www.macedoniar.gov.mk/files/dokumenti/pzrdo/Zakon%20za%20upravuvanje%20so%20krizi%202005.pdf>. (accessed 6th April 2020).

3 https://vlada.mk/sites/default/files/dokumenti/odluka_krizna_sostojba.pdf (accessed 6th April 2020).

4 https://vlada.mk/sites/default/files/dokumenti/odluka_za_zabrana_za_dvizhenje_18_vrsm.pdf (accessed 6th April 2020).

5 For a detailed set of measures, please see the timeline annexed to this paper (Annex 1).

6 <https://vlada.mk/node/20516?ln=mk> (accessed 6 April, 2020).

7 <https://koronavirus.gov.mk/vesti/213781> (accessed 6 April, 2020).

8 The Constitution, however, in Article 125 provides for the possibility that a State of Emergency is to be declared by the President of the country, if Parliament cannot assemble for any reason, thus the request for the declaration of a State of Emergency was formally forwarded to the President.

9 <https://pretsedatel.mk/во-вредно-обраќање-на-претседателот-н/>. (accessed 6 April, 2020). The introduction of a State of Emergency in practice means that the government aggregates all executive and legislative power via the possibility to issue governmental decrees (decree-laws) that have legally binding force and serve instead of Laws. Furthermore, a State of Emergency serves as a clear constitutional basis for possible limitations on human rights as clearly provisioned in Article 54 of the Constitution, where such limitations are possible only during a State of Emergency.

10 <https://pretsedatel.mk/лидерска-средба-кај-претседателот-пе/> (accessed 6 April, 2020).

11 The formation of a technical government is a mechanism established before the parliamentary elections in 2016, 100 days prior to election day, as a possibility for the opposition to gain control over crucial sectors of the government (Ministry of Interior and Ministry of Labor and Social Policy, primarily) as a guarantee of the legitimacy of the electoral process.

In terms of media reporting, in the initial phases of the outbreak, the strategy was based on daily press conferences with the Minister of Health, Venko Filipce, where he gave daily updates on newly diagnosed cases, deceased and cured patients. Initially, journalists were allowed to ask questions in person, after which social distancing was introduced during the press conferences. At present, journalists participate in the press conferences via Skype and are allowed to ask questions.¹² In early April 2020 the government introduced a single portal (www.koronavirus.gov.mk) with all the relevant information.¹³ A mobile phone application was released for both Android and Apple users (Koronavirus MK). No formal constraints on media reporting have yet been introduced.

Local portals, individuals and even serious political actors have been sharing fake news, intentionally or otherwise. Examples include but are not limited to information on the lack of reserves of flour that were allegedly to last for just 26 days;¹⁴ information on the depreciation of the value of the Macedonian currency (MKD denar);¹⁵ and information on the lack of tests for the Covid-19 virus and an effective reserve of only 100 tests.¹⁶ All fake news has been denounced quickly regarding the possible cause of short-term disturbances. The Ministry of the Interior has reacted to the Public prosecutor's office in 10 cases against individuals spreading fake news although legal grounds for further proceedings are currently being disputed.¹⁷

The government imposed one of the strictest restrictions on the mobility of citizens in Europe

In regard to personal data protection, the government has been very careful not to reveal the identity of infected individuals or deceased patients. However, and mostly due to the size of the country, the identity of some infected individuals has been revealed in a matter of hours. At the beginning of the outbreak, newspapers reported on new cases anonymously, but revealed occupational and professional data on individual cases, sufficient to reveal the identity of the respective individuals. Furthermore, the government is attempting to develop a mobile phone application for informing citizens whether they have been in close proximity to infected persons, with guarantees that it will not infringe on

the privacy of personal data.¹⁸ The opposition immediately reacted negatively on the grounds of potentially excessive control of citizens.¹⁹

The only surveillance measures imposed by the government relate to regular physical surveillance on possible breaches of the restrictions of movement during the periods when the restrictive measures are in effect, as well as the systematic check-ups of persons issued with self-isolation orders by the Ministry of Health. No other measures have been introduced yet.

On account of possible human rights issues having raised much public attention, the issue of the treatment of citizens returning from other countries stands out. Namely, all citizens coming from any foreign country are, by default, sent to state quarantine facilities (predominantly private hotels paid for by the government). However, at the border crossings during reception, witnesses have reported inadequate conditions in the accommodation where citizens are temporarily situated (hygiene issues, overcrowded facilities, no conditions for social distance etc.) waiting on the next scheduled transport.²⁰ On occasion, citizens returning from other countries have witnessed stays on buses of several hours without food, water or access to toilets, and have even reported that the buses collect passengers from several border crossings and only then transport them to the quarantine facilities.²¹ As for the conditions in the hotels used for quarantine, citizens have witnessed poor conditions in a number of hotels, as well as insufficient food delivery.²²

Key institutions and institutional setup

The institutional setup for fighting the Covid-19 pandemic was established on 14 March, 2020 with a decision by the government.²³ With this decision, the government of the Republic of North Macedonia created a Main Coordinative Crisis Headquarters (MCCH hereinafter).²⁴ The MCCH coordinates all activities relating to fighting the pandemic.

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- 12 However, the process of the selection of journalists to have the opportunity to ask questions remains unknown to the general public.
- 13 Information includes daily updates on infected, deceased and cured patients, live press conferences, economic measures, safe return of citizens abroad and even medical and psychological assistance for citizens in need.
- 14 <https://infomax.mk/wp/видео-митовски-до-спасовски-во-услови/> (accessed 6 April, 2020).
- 15 <https://republika.mk/vesti/ekonomija/shto-se-sluchuva-so-denarot-dali-devalvira-vo-odnos-na-evroto/> (accessed 6 April, 2020).
- 16 <https://novatv.mk/mitskoski-imam-informatsii-deka-imaat-samo-100-testa/> (accessed 6 April, 2020).
- 17 <https://prizma.mk/prijavite-za-lazhni-vesti-megu-pravdata-i-tsenzurata/> (accessed 11 April, 2020). What is problematic is that the Macedonian penal code does not offer sufficient legal grounds for processing cases of such a legal nature.

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- 18 <https://www.slobodenpecat.mk/manchevski-aplikacijata-za-spravuvane-so-koronavirusot-nema-nikakov-dopir-so-nashite-lichni-podatoci/> (accessed 12 April, 2020).
- 19 <https://twitter.com/ilijadimovski/status/1248494091341463552>. (accessed 12 April, 2020).
- 20 <https://www.fakulteti.mk/news/05042020/nervoza-nechistotija-nedostoinstveno-vrakjanje-doma---revoltirani-gragjani-na-deve-bair> (accessed 6 April, 2020).
- 21 Ibid.
- 22 <https://tv21.tv/mk/svedoshtvo-od-drzhaven-karantin-hotelot-e-dobar-no-hranata-ne-e-dovolna/> (accessed 6th April 2020).
- 23 <https://vlada.mk/node/20516?ln=mk> (accessed 8 April, 2020).
- 24 The Head of the MCCH is the President of the Government of the Republic of North Macedonia (Prime Minister), and the composition of the MCCH consists also of all the deputies of the President of the Government of the Republic of North Macedonia, the Minister of Health, Minister of Defense, Minister of Internal Affairs, Minister of Transport and Communication, Minister of Finance, Minister of Education and Science, Minister of Foreign Affairs, the director of the Crisis Management Center as well as the Director of the Protection and Rescue Directorate. The decision of the government to establish the MCCH affords an opportunity for the involvement of external competent institutions and experts, according to specific needs. Its coordinative meetings take place daily within the premises of the Government of the Republic of North Macedonia, immediately after the meetings of the Committee on Infectious Diseases within the Ministry of Health.

The declaration of a State of Emergency moved the balance of political power into the hands of the government

On a local level, in certain areas where outbreaks of the Covid-19 virus were detected, local crisis HQs started to spontaneously form on a municipal level. However, this process was not coordinated and institutionalised until 31 March, 2020. On this date, and within the efforts of the Secretariat for European Affairs (SEP hereinafter), a constitutive session was held²⁵ concerning the establishment of a coordinative body for the coordination of the headquarters of local self-government units (municipalities and the city of Skopje) for fighting the Covid-19 pandemic (CBCH hereinafter).²⁶ One of the first decisions of the CBCH was to order the municipalities to form crisis headquarters to deal with the Covid-19 pandemic, even on a local communities level, on the lines of “providing close coordination of the needs of citizens and more direct access on the ground.”²⁷In reality, the management of the crisis is highly centralised.

The declaration of a State of Emergency in itself moved the balance of political power in the state into the hands of the government. The executive power, as previously stated, has the power to issue governmental decrees (decisions) that have a legally binding force and serve instead of Laws. This means that Parliament is bypassed while the State of Emergency is in force. The military and police have been actively engaged since the beginning of the outbreak in the country. The military is predominantly being utilised to support the police in vital tasks such as control of the country’s borders, control of the movement of citizens via mobile stations set up in specific areas (such as quarantined cities) as well as safeguarding quarantine facilities and assisting in the regular functioning of the facilities.²⁸ The police, besides its regular activities, monitors for possible breaches of movement restrictions (people and vehicles) and performs daily checkups on persons issued with self-isolation orders by the Ministry of Health. The Ministry of the Interior daily informs the general public on the numbers of breaches and violations of movement restrictions and breaches of self-isolation orders. No serious incidents have yet been reported, and only minor incidents have occurred.

25 <http://www.sep.gov.mk/content/?ID=4591#.Xo1ssy-cZQI> (accessed 8 April, 2020).

26 The main coordinator of the CBCH is the deputy President of the Government of the Republic of North Macedonia, Bujar Osmani. Other members of the CBCH include the Director of the Protection and Rescue Directorate (deputy coordinator), five inspectors from the Protection and Rescue Directorate, as well as state secretaries from the Ministries of Health, Internal Affairs and Defense.

27 Ibid.

28 <http://www.arm.mil.mk/generalshtab-na-arm/blagodarnost-i-pod-drshka-od-nachalnikot-na-generalshtabot-do-pripadnicite-na-armijata-za-profesionalno-izvrshuvanje-na-dadenite-zadachi-za-vrem-e-na-vonrednata-sostojba/> (accessed 8 April, 2020).

Political parties and civil society

Relations between the government and opposition at the beginning of the Covid-19 outbreak started off as relatively constructive, especially after the leadership meeting in the President’s office on 17 March, 2020, when an almost immediate consensus was reached to postpone the parliamentary elections for an indefinite period of time. However, since the leadership meeting, relations between government and opposition have severely deteriorated. Government-opposition relations occupy a large portion of public discourse in North Macedonia on a daily basis, with frequent confrontations on two fronts, predominantly: medical measures in fighting the pandemic and economic measures for repairing the economic damage from the Covid-19 outbreak. The biggest opposition party, VMRO-DPMNE, constantly proposes different sets of measures criticising governmental policies daily.²⁹

There is generally no “blame game” discourse in the country on the part of the government and opposition directed towards specific countries. However, social networks are overwhelmed with conspiracy theories and hate speech, usually directed towards China, as a source of the outbreak, and the EU, as a poorly-organised and slow to respond organisation in terms of humanitarian and medical aid. International aid is accepted indiscriminately, from all sides, with messages of solidarity and mutual help. Help has come from various sides such as the EU, USA, Turkey, Slovenia (NATO aid via a bilateral line), China, Czech Republic, Bulgaria (announced) etc. Regarding international aid and government-opposition relations, a recent development concerns fighting over the “ownership” of international aid being delivered, such as the latest example with NATO aid delivered via Slovenia, whereas both the opposition and government are trying to take the credit for it.³⁰ This further complicates relations between the government and opposition, diverting public debate in an unproductive direction.

Relations between the government and the opposition severely deteriorated

The work of civil society, ever since the beginning of the outbreak is quite constructive and supportive of government efforts to fight the crisis. NGOs are active in collecting financial aid for fighting the pandemic, and there are numerous examples of individuals and organised groups attending marginalised parts of society that cannot provide for themselves during this period. No civil society organisation or ad-hoc movement has openly criticised governmental measures and the measures are being perceived as necessary with openly

29 The opposition initiated its own campaign to gather popular ideas from citizens on fighting the Covid-19 outbreak as well as bettering the economy under the slogan “Because I Love Macedonia”.

30 <https://politika.com.mk/фото-како-стигна-помошта-од-словенија/> (accessed 9 April, 2020).

high support for their implementation.³¹ A public perception exists that prohibitive measures are needed and that relying on self-discipline is not a completely viable option for local society.³² This fundamentally eases the implementation of restrictive measures for the government on all levels.³³

External factors

Unlike other countries in the region, the number of actors involved in the crisis, directly and in terms of attracting noticeable media attention, is very small (EU and Turkey). In the early stages of the pandemic outbreak, the EU was perceived very negatively mostly due to the fact that it was slow to react in helping Western Balkan countries and the public image of the EU further deteriorated after the decision of the EU on regulations regarding export restrictions on medical products to third countries and the special export permit regime. Although no serious political actor directly blamed or attacked the EU, social networks generated a great deal of negative content on the issue. Nevertheless, the image of the EU incrementally began to improve after an announcement that North Macedonia is receiving direct financial aid of 66 million Euros from the EU and an EU decision to include candidate countries in the joint procurement of medical supplies needed to fight the epidemic.³⁴

Turkey has been the second most prominent actor in terms of helping North Macedonia by sending aid to the country. On the 8 April, 2020, Turkey delivered direct medical aid to the country consisting of masks, protective suits and tests for the Covid-19 virus. The aid was delivered despite the fact that North Macedonia joined EU sanctions imposed on Turkey on 1 April, 2020 relating to drilling operations in the exclusion zone in Cyprus. This was utilised, although not directly by relevant political factors, as a discursive tool on social networks to blame the Macedonian government for making a crucial mistake in terms of its foreign policy vis-à-vis Turkey.

As for China, Russia and the USA, it can be seen that they are currently not playing a very noticeable role in the crisis. Unlike in neighboring Serbia, China has delivered a symbolic amount

of aid to the country,³⁵ although part of society expected more Chinese aid, hoping that North Macedonia would follow the Serbian example. The USA has delivered a very modest amount of financial aid (1.1 million dollars), while Russia is probably the least noticeable major power in the local context, mostly reacting to the accession of North Macedonia to NATO, and not really visible in fighting the Covid-19 outbreak to this date in the local context.

The government, as well as other relevant political actors such as the opposition parties, are not officially generating a discourse of blame against any country, nor does the government engage in attacking or defending specific centers of power.

31 <https://sitet.com.mk/detektor-anketa-gragjanite-zadovolni-od-merkite-40-ochekuvaat-da-se-zarazat-so-korona-virusot>. (accessed 9 April, 2020). There is over 70% support for the measures on the restriction of movement and over 90% public support of the measures regarding the restriction of public gatherings, the closing of pubs, bars and restaurants, as well as schools, border crossings and airports.

32 Ibid.

33 The implementation of measures, more or less, follows the regional model implemented in the countries of the Western Balkans, as well as similar European examples. However, this is not very often referenced in the PR strategy of the government, or at least not accentuated frequently. Measures are advertised as necessary and in line with best practices for fighting the Covid-19 pandemic globally, although it is visible that the model for fighting the pandemic, in terms of the measures, resembles neighboring Serbia as well as countries in the region.

34 <https://civilmedia.mk/varheji-eu-i-zemjite-od-zapaden-balkan-zaed-no-protiv-kornona-virusot/>(accessed 12 April, 2020).

35 Twin city of Skopje, Nanchang, has sent 50,000 protective masks as a donation. Unfortunately, this spurred an "ownership debate" between the opposition and Mayor of Skopje who intervened for the aid to be delivered. <https://fokus.mk/shilegov-i-trajanovski-vo-kavga-za-toa-koj-ja-dogovoril-donatsijata-od-nanchang/>. (accessed 12 April, 2020).

SERBIA

Tara Tepavac and Tamara Brankovic

Abstract

- State of Emergency declared on March 16 with the triple signature of the President of the Republic, Prime Minister and Speaker of the Parliament, instead of the Parliament, which still has not confirmed the decision in plenary in accordance with the Serbian Constitution.
- Executive increased influence over legislative power and the judiciary.
- Parliament has not convened since the beginning of the epidemics in Serbia, without any initiative noted or aim to convene a plenary session or consult with representatives parliamentary groups prior to the declaration of the State of Emergency.
- Parliamentary and local elections, announced for April 26, postponed.
- Attempts to centralise spread of information and restrict media freedoms.

The Beginning of Outbreak: Out of Sight, Out of Mind

The COVID-19 pandemics reached Serbia amid the election campaign in spring, marked by a reshuffle of the opposition, decisions from several opposition parties to boycott the elections and a dominance of the ruling majority in the media. Following a year of parliamentary boycotts, friction between the ruling majority and opposition, Serbia welcomed 2020 in an atmosphere of political tension and anticipation of the parliamentary elections announced for April 26. The outbreak of the coronavirus crisis intensified the deteriorations and challenges that Serbian democracy was already facing, furthered the influence of the executive over legislative power and the judiciary, and revealed attempts to centralise the spread of information and impose measures on media reporting.

*the coronavirus crisis intensified
the deteriorations and challenges of
Serbian democracy*

In the first days of the pandemic, the coronavirus was relatively lightly regarded. During one of the first official press

conferences at the Presidency on this topic, on February 26, Dr Branimir Nestorovic, later a member of the Crisis Headquarters for Combating the Outbreak, defined it as “the most ridiculous in the history of humanity, which can be seen on Facebook”¹, and advised women to go shopping in Milan² as there would be great discounts. The discourse was slightly more cautious but still ranged between optimism, jokes and sarcastic messages on the day of the first recorded case of coronavirus in Serbia, when President Vucic stated³ that “every day 25 times more people die from mosquito bites” than from coronavirus. The preparations for the elections were warming up, with the political parties organising mass collections of signatures for the submission of electoral lists. Within two weeks, as in most of Europe, life as we know it stopped and the discourse changed almost overnight.

Contradictory messages in official communication resulted in confusion, spreading distrust and fear among citizens. Even the date of the first officially recorded case of coronavirus in Serbia raised controversies among the public. The first official case of coronavirus was officially recorded in Serbia on March 6, two days after the elections were called, prompting a mass gathering of tens of thousands of people⁴ at the local committees of the Serbian Progressive Party to submit their signatures for the electoral list. Along with the list of the Serbian Progressive Party, eight more coalitions submitted their lists to the Republic Electoral Commission on March 5. However, a statement from the Deputy Director of the “Milan Jovanovic Batut” Institute of Public Health, Daria Kusic Tepavcevic, that the first case was isolated on March 1, later claimed to be a lapse⁵, alarmed the public and journalists into questioning which of the dates were correct as well as into enquiring about the potential repercussions of such mass gatherings on public health.

- 1 Video retrieved from: https://www.youtube.com/watch?v=sCG5_rQ-JyaU
- 2 Video retrieved from: <https://www.youtube.com/watch?v=w5wGaF-5n5aQ>
- 3 Danas Online/Batut.org.rs/Beta. Prvi slucaj korona virusa u Srbiji. Danas Online. 06.03.2020 <https://www.danas.rs/drustvo/prvi-slucaj-korona-virus-u-srbiji/>
- 4 Markovic, Radmilo. Precutali prve zaražene zbog prikupljanja potpisa. Nova.rs. 22.03.2020 <https://nova.rs/politika/precutali-prve-zarazene-zbog-prikupljanja-potpisa/>
- 5 Stankovic, Stefan. Kusic Tepavcevic: Napravila sam lapsus, prvi slucaj se desio 6. Marta. n1 Info. 23.03.2020 <http://rs.n1info.com/Vesti/a581016/Kusic-Tepavcevic-Napravila-sam-lapsus-prvi-slucaj-se-desio-6.-marta.html>

A week later, the government formed two crisis headquarters – one for the suppression of infectious disease that included the Prime Minister Ana Brnabic, Health Minister Zlatibor Loncar and doctors specialised in epidemiology and pulmonology; and another for the elimination and prevention of possible negative consequences for the economy, co-lead by the President of the Republic and the Minister of Finance. Yet the Ministry of Education was still averse to mounting parents' demands to close schools, while Minister of Education Mladen Šarcevic threatened to sanction all principals who decided to cancel classes in their schools.

key role of Chinese experts

The State of Emergency was declared just two days later, on March 15. The next day, the 2020 parliamentary, as well as local, elections were postponed by a decision of the Republic Electoral Commission. Measures to combat COVID-19 introduced by the government resembled in practice those introduced in other parts of Europe and the world, including a curfew, closure of business and schools, stricter border controls, and so on. However, the officials' narrative over time became more dominated by the hunt for scarce medical equipment, praise for the Chinese model of combating the disease and friendship demonstrated by promised aid and donations, as well as harsh tones directed towards citizens and their lack of self-discipline. Threats with "Italian" and "Spanish" scenarios directed at citizens in late-night SMS messages and at press conferences further fuelled anxiety and fear. The key role of the Chinese experts was acknowledged through consultations on concrete measures launched by the Serbian government, including mass testing, isolation of COVID-19 pockets, separation of infected patients, practice of Chinese traditional medicine in hospitals, and so forth. However, excepting the isolation of infected patients in detached facilities refurbished for medical treatment, no other measures have been applied to date.

State of Emergency: Dominance of the Executive

The State of Emergency was introduced with the triple signature of the President of the Republic, Prime Minister and Speaker of the Parliament, instead of the Parliament which still has not confirmed the decision in the plenary. According to the Constitution, a decision on a State of Emergency should be made with a majority of 250 Members of Parliament, or in the case when Parliament is not in a position to convene, with triple signatures that should be followed again with an approval from the majority of the Parliament within 48 hours, or as soon as it is in a position to convene. If the Parliament does not approve the decision made by the President, Prime Minister and the Speaker, it will be immediately cancelled at the first following session of the Parliament. Yet the legislation failed to specify under which occasions the Parliament is prevented from convening, as did the Speaker

of the Parliament. According to the authors' knowledge, no initiatives were made by the Speaker either to convene a plenary session prior to the decision, or to approach and consult MPs through the representatives of their parliamentary groups, for instance, through the Parliament's Collegium. Moreover, the majority of the MPs, with the exception of several opposition MPs, remained silent on the lack of Parliament's substantive involvement in the process.

Parliament lost its role in the decision-making process

Eight opposition MPs from the 'Enough is Enough' Party submitted an official request calling on the Speaker to urgently convene a plenary session and confirm or reject the decision on the State of Emergency, underlining that the Constitution has been violated. In response, the Speaker finally addressed the public by stating that the plenary session of the Parliament cannot be scheduled due to the government's ban on all gatherings above 50 people. However, the ban was introduced with the Minister of Health's order that prohibited all indoor gatherings in public places. Such an absurd interpretation of the executives' decision as limiting and binding on the legislature prompted MPs to urge the Constitutional Court to address their request. The alarming ease with which Parliament lost its role in the decision-making process on such a crucial issue indicated its "unbearable lightness of being", with a lack of influence and strength to conduct parliamentary oversight and control the executive.

Judiciary underwent changes overnight, also supported by "suggestions" coming from the government executive's recommendation for prosecutions to demand custody for all citizens who violate the quarantine measures. Novelties in this branch of power include restricting the work of the courts to priority cases, introducing urgent prosecution proceedings and online trials via Skype, though without any legal grounds. In addition, the punishments adjudicated by Serbian courts for breaching the quarantine measures so far have included maximum penalties. Moreover, citizens now risk double punishment for one and the same offence, as a result of the government's decree that introduced misdemeanor liability for curfew violation, despite the fact that such an offence is already recognised as criminal in the Criminal Code. Together with the executive's recommendation to the judiciary, the resemblance to a Martial Court described the work of the judiciary in the first weeks of the State of Emergency. The lack of oversight over the executive resulted in decrees and orders opposing Serbian legislation, or even the Constitution itself, which contributed to growing legal uncertainties and confusion among the public.

The borders have been closed, and all those arriving in Serbia received instructions for self-isolation of 14-28 days. However, quarantine measures were observed with legal uncertainties, a lack of clear and systematized instructions to citizens and suspicion of violations of citizens' rights (including arrests of citizens for breaching imposed isolation measures despite a lack of notice given, etc.). Moreover, there are indications

6 Tanjug. Šarcevic: "Bice sankcionisani oni koji na svoju ruku zatvaraju škole". B92. 13.03.2020 https://www.b92.net/info/vesti/index.php?yyyy=2020&mm=03&dd=13&nav_category=12&nav_id=1666108

that legal measures on isolation were imposed retroactively, against the Constitution. Restrictive measures on the freedom of movement increased in almost day by day changes. A complete restriction of movement for the 65+ population along with a curfew from 8pm to 5am for everyone else was introduced on March 18. The daily curfew became stricter (from 5pm to 5am), particularly at weekends, such as the most recent 60 hour-long weekend curfew for the whole population throughout Serbia introduced from April 10 to 13, which brought considerable problems to pet owners in larger cities.

COVID-19 and Foreign Relations: Competition for the Spotlight

The worldwide demand for medical equipment, supplies and assistance caused by the COVID-19 pandemics triggered strong competition. By default, Serbia continues to balance between its commitment to integrate into the European Union, “historic” ties with Russia and economic ties with China. In an almost cheerleading atmosphere, the highest officials led by President Vučić, publicly count, comment on and compare aid received from different countries, praising and privileging some, while omitting others. On March 15, the President of Serbia used the opportunity to publicly direct great affection towards China, calling its president his brother and China the only true friend of Serbia. The European Union was also mentioned in the President’s speech, but in an extremely negative tone. He underlined that European solidarity does not exist, comparing it with a “fairytale on paper”, and stressed that Serbia could not expect help from the European Union. The hype towards China culminated on March 21, when he personally welcomed Chinese aid at Belgrade airport⁷, with a live stream on Radio and Television of Serbia. Even though this was not the only plane with humanitarian aid to arrive, it was the only foreign support that received a live broadcast during a prime-time programme on the main public broadcaster’s channel. Moreover, in the following days, the ambassador of China was given the opportunity to attend and address national press conferences, unlike other ambassadors.

Vucic: European solidarity is just a “fairytale on paper”

The significant support from other foreign actors⁸ received significantly less attention, such as, for instance, a large portion of the EU’s financial support to Serbia, including around 94 million EUR from IPA funds to be re-programmed for the purpose of combating COVID-19. Part of this support was used to enable the transportation of medical equipment, in-

cluding that very cargo which came from China. Other European countries have also offered or already delivered aid, such as Norway and Switzerland. Although Russia lost some of the spotlight, it soon managed to reclaim its place in public discourse following a recent official announcement of support to Serbia

Amidst the crisis, Serbian officials have expressed their affection towards different countries in line with their past track-record. The display of foreign policy preferences has only become more straight-forward, especially when it comes to the EU. Even before COVID-19, Serbia had been increasingly leaning towards Russia and China, despite maintaining its EU integration process, slow, but on track. CRTA’s research on foreign influence in Serbian media for 2019⁹ indicated that the EU has been dominantly portrayed in a neutral tone in Serbian media, the US and NATO in a negative one, while Russia and China in a predominantly positive tone. Moreover, the President of Serbia in first place spoke about the EU in a neutral tone, and then unsurprisingly on Russia in a positive tone. The Minister of Foreign Affairs, on the other hand, can claim the largest amount of anti-EU statements among all Serbian officials. Hence, this crisis may clear some doubts regarding the foreign policy orientation of the Serbian government.

Searching for Accountability with a Human Face

Despite the crisis and all the restrictions, civil society in Serbia has remained active, mobilising and redirecting activities in order to provide adequate response and support, particularly in protecting vulnerable¹⁰ groups and their rights. Carefully monitoring the State of Emergency with a watchful eye, it pinpointed constitutional and legislative breaches by national¹¹ and local government¹² resulting in several initiatives¹³ for

9 Istinomer Team. Coronavirus Has Changed the Course of Foreign Policy. Istinomer. 09.04.2020 <https://english.istinomer.rs/analyses/coronavirus-has-changed-the-course-of-foreign-policy/>

10 Neophodno je hitno preduzimanje mera za zaštitu najugroženijih tokom borbe protiv virusa Sars-CoV 2. A 11 Initiative. 17.03.2020 <https://www.a11initiative.org/neophodno-je-hitno-preduzimanje-mera-za-zastitu-najugrozenijih-tokom-borbe-protiv-virusa-sars-cov-2/>

11 BCHR Files Initiative with the Constitutional Court to Review the Constitutionality of Article 2 of the Decree on Misdemeanor Violations of the Interior Minister’s Order Restricting and Prohibiting Movement. Belgrade Center for Human Rights. 26.03.2020 <http://www.bgcentar.org.rs/bgcentar/eng-lat/bchr-files-initiative-with-the-constitutional-court-to-review-the-constitutionality-of-article-2-of-the-decree-on-misdemeanor-violations-of-the-interior-ministers-order-restricting-and-prohi/>

12 Gradski stab za vanredne situacije u Boru protivustavno i protivzakonito ograničava ljudska prava. CRTA (Centar za istraživanje, transparentnost i odgovornost) 08.04.2020 <https://crt.rs/gradski-stab-za-vanredne-situacije-u-boru-protivustavno-i-protivzakonito-ogranicava-ljudska-prava>

13 BCHR Initiatives Review of Constitutionality of the Decree on the State Emergency Measures and the Order Restricting and Prohibiting Movement of Individuals in the Territory of the Republic of Serbia. Belgrade Center for Human Rights. 31.03.2020 <http://www.bgcentar.org.rs/bgcentar/eng-lat/bchr-initiates-review-of-constitutionality-of-the-decree-on-state-emergency-measures-and-the-order-restricting-and-prohibiting-movement-of-individuals-in-the-territory-of-the-republic-of-serbia/>

7 Predsednik Vucic docekao je tim lekara iz NR Kine. Predsednik Republike Srbije. 21.03.2020 <https://www.predsednik.rs/lat/pres-centar/vesti/predsednik-vucic-docekao-je-tim-lekara-iz-nr-kine>

8 Glavonjic, Zoran. Ko je koliko pomogao Srbiji. Slobodna Evropa. 26.03.2020 <https://www.slobodnaevropa.org/a/ko-je-koliko-pomogao-srbiji/30511328.html>

revision submitted to the Constitutional Court. As cases of political campaigning by party activists, including the President of Serbia, have been recorded, it did not hesitate to publicly call political actors¹⁴ to refrain from misusing the crisis for political promotion.

a journalist was detained due to an article about the conditions in a medical institution

Along with civil society, the independent media set out to preserve credible and quality information in this time of crisis, demand political accountability and uncover and combat fake news and disinformation. Their role became ever more important in the light of the government's attempts to centralise information and degrade media freedoms. This soon became a reality, with a journalist being detained in custody due to an article written about conditions in the main medical institution of Vojvodina, Serbia's Autonomous Province. Despite the fact that she was released soon after the media, civil society and international organisations reacted, this attempt cast a long shadow over the government's intentions. More attempts to marginalise the media followed soon after in mid-April with a decision to hold national press conferences without the presence of journalists¹⁵, who were asked to submit their questions in writing instead.

It is worth mentioning that the government has invested in the transparent informing of citizens by dedicating a special website to COVID-19 developments, releasing information online at regular points, establishing everyday press conferences with a leading medical team and releasing statistics in open data (although with long breaks in updates). Politics still overshadows and interferes with the government's proactive approach as it has from the very beginning. Politics has become louder than the medical profession, information has often been replaced by clichés, and ultimately press conferences have been left without journalists.

When it comes to the citizens, April polls show¹⁶ massive support for the government measures (90%), with also significant support for the introduction of draconian ones (70%) such as a 24/7 curfew. This is interesting given the history of citizens' distrust in institutions, but also lapses made by the

government and an official "blame it on the citizens" approach. Nevertheless, opinion polls reveal a developed readiness in citizens to comply which contradicts the official narrative of "unpopular measures". These results do not necessarily reflect general support of the government. It may just be citizens' desire to overcome the crisis as quickly as possible, or they may opt for more repressive measures in response to system failures. But they do contend the argument placing the blame for the peaks in increased infection of COVID-19 entirely on "roguish" citizens, while pointing to other potential causes such as the inabilities of the system to provide adequate response and protection.

Repressive measures are certainly justified to a certain extent. They have surely brought instant results when it comes to social distancing. But in the longer run, measures that would stimulate self-discipline, awareness, solidarity and bring a human face to the crisis, would contribute to better individual coping and effective collective action in overcoming this and any future crisis. Despite the fact that the government may have underperformed in communicating the latter, many forms of collective, civic campaigns have been launched in Serbia with the aim to provide support to fellow citizens in the front lines as well as to those in need. These include volunteering, small gestures such as the 8pm-applause, the home manufacture of masks and other protective equipment, delivering free meals, transportation and other services to medical and other workers by different companies and civic groups.

14 CRTA podseca politicare da je predizborna kampanja obustavljena. CRTA (Centar za istraživanje, transparentnost i odgovornost) 07.04.2020 <https://crt.rs/crta-podseca-politicare-da-je-predizborna-kampanja-obustavljena>

15 Redovne konferencije za novinare u 15h od sutra onlajn pitanja mejlom. n1 Info. 10.04.2020 <http://rs.n1info.com/Vesti/a587759/Redovne-konferencije-za-novinare-u-15h-od-sutra-onlajn-pitanja-mejлом.html>

16 Šta kažu istraživanja – Kome građani najviše veruju i podržavaju li restriktivnije mere. Radio Televizija Srbije. 10.04.2020 <https://www.rts.rs/page/stories/sr/%D0%9A%D0%BE%D1%80%D0%BE%D0%BD%D0%B0%D0%B2%D0%B8%D1%80%D1%83%D1%81/story/3134/koronavirus-u-srbiji/3918789/koronavirus-istrazivanja-gradjani-.html>

SLOVENIA

Igor Luksic

Abstract

- In Slovenia, the epidemic gained additional and specific political proportions due to the change of government. The centre-left government of Marjan Šarec was replaced by the centre-right government of Janez Janša at the beginning of the COVID-19 crisis.
- The government led by the right-wing SDS offers an authoritarian stance with a greater role for the police and the military, limiting the work of journalists and limiting the influence of medical experts.
- Slovenia remains within the framework of democratic consensus and constitution.
- The government also criticised the EU and sent signals that favoured regional, i.e. Vishegrad-countries collaboration.

Prime Minister Šarec resigned on January 27, announcing that Slovenia was going to the polls. He was convinced that none of the parties in his coalition would join Janša's government. However, Janša managed to form a new government from the SDS, NSi, SMC and DESUS. This new government was elected on March 13 and immediately held its first meeting. As with the previous 2004-2008 and 2012-2013 Janša governments, its first step was to replace the head of the army and police, and the head of the intelligence within the army.

The first case of COVID-19 infection in Slovenia was confirmed on March 4. On March 7, the Šarec government banned the gathering of more than 500 people and proposed that a maximum of 100 people could congregate indoors.

Minister of Health, Aleš Šabeder (in Šarec's government), declared an epidemic on March 12 due to the increased risk of spreading the new coronavirus. The basis for declaring the epidemic was formed by the expert opinion of the National Institute for Public Health (NIPH). This followed the announcement of a pandemic by the World Health Organization the day before and a proposal from the EU ministers of health meeting, the same day.

Upon this declaration, the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (ACPDR) took charge of the coordination of measures. The ACPDR is a constituent body of the Ministry of Defence and performs ad-

ministrative and professional protection, rescue and relief tasks as well as other work regarding protection against natural and other disasters.

In the first week, Janša's government prohibited public transport, then air transport and also restricted movement at the borders. The government oversaw the repatriation of Slovenian citizens. The government began to intensively, but also improvise, the purchase of masks, respirators, disinfectants and gloves and by the beginning of April a regular supply had been established. The Government prohibited assembly in public places.

On March 29, the government adopted a Decree on the temporary general prohibition of movement and assembly of people in public places and areas within the Republic of Slovenia and the prohibition of movement beyond municipalities. As Slovenia has small municipalities, this measure has received considerable criticism. Even the use of masks and gloves in stores has been criticised by the epidemiology experts as excessive. (From April 10 the use of masks in public areas is no longer mandatory.)

Slovenian journalists operate in an increasingly toxic atmosphere

In the Republic of Slovenia, the National Assembly can declare a state of emergency under a government's proposal. The PM stated at a session of the National Assembly on April 2, that the government had discussed it, but so far had reached no decision. Under the Slovenian constitution, in the event of a state of emergency, authority would pass to the President of the Republic rather than to the government.

According to a statement from the International Press Institute (IPI) in Vienna on March 26, Slovenian journalists operate in an increasingly toxic atmosphere. This is why the IPI called on the Janša government to ensure journalists' rights to work without fear during this time of crisis. Journalists in Slovenia have been subjected to an unprecedented wave of insults and online smear campaigns by the SDS and the COVID-19 outbreak has merely opened a new front. In a statement given on February 12, the Slovene Association of Jour-

nalists (DNS) raised the alarm about the increasing number of online attacks against reporters by Janša supporters and the media close to SDS in the weeks before the political parties agreed to the coalition.

In Slovenia, political division occurs not so much along the public-private divide rather than that for and against the SDS party of President Janez Janša. The SDS is the only party which has established its own media: NovaTV (capitalised on by Hungarian entrepreneurs close to the Orbán circle) and the weekly Demokracija (Democracy), and has organised activists on FB and Twitter. The SDS has been waging a public battle for the abolition of the public broadcasting service (Radio Televizija Slovenija) for a number of years, and now more intensively as a government party, since they believe that RTV is biased and the SDS party is its victim. They also sharply criticise the private but highly influential POP TV. The view of the SDS is that all media, excepting their own, is influenced by the deep state and the former communist regime. This has now become the official position of the government. In a note sent by the foreign ministry to the Commissioner for Human Rights at the Council of Europe on April 8, it said that the public broadcasting service was weakened and manipulated by the former communist regime. In the note they justify Prime Minister Janša's reactions to the media saying that he has to worry about spending taxpayers' money on the public broadcasting service and that any criticism is not really a hindrance to the work of the media and a violation of press freedom. After a strong public and formal reaction to this note, PM Janša's Minister of Foreign Affairs declared they had not influenced the note.

Slovenia does not have any elections scheduled for 2020 at any level.

The government wanted to increase police powers so that they could monitor those infected with COVID-19 via mobile phone after they have been diagnosed. The government also intended to authorise the police to enter the private premises of infected people. Parliament did not pass the proposed articles as one coalition party was opposed to the proposal.

The Human Rights Ombudsman and the Information Commissioner¹ reacted to a March 30 proposal from the government to give police more power. Both institutions were concerned about the possible violation of the Constitution and called on parliament not to approve articles 103 and 104 in the proposed bill. The Ombudsman highlighted that he was not invited to participate in the process of preparation of the bill which was quite unusual compared to the practices of previous governments, particularly when it concerned changes to the framework for police activities, adding: "... the intervention does not satisfy the requirement for urgency (in a democratic society) just by being convenient or wanted. ...

1 "The power to trace individuals referred to in Article 104 constitutes a serious interference with the fundamental constitutional right of individuals to communication privacy and protection of personal data, contrary to the provisions of Article 37 of the Constitution of the Republic of Slovenia, which requires a court order for such interference."

It is difficult to justify that all the measures envisaged are really necessary (police authorisation to enter a foreign [sic] apartment and other premises, tracking of means of communication)".

The government wanted to increase police powers, but the Parliament did not pass the proposed articles

When the security of the country is threatened, the PM convenes the National Security Council as the highest political authority in such cases. In the case of an epidemic, special place is allocated to the National Institute of Public Health (NIPH). According to the government of Marjan Šarec, this was the main expert authority that advised the government on how and when to act. Director Nina Pirnat also spoke publicly on behalf of the profession explaining what was happening regarding the virus in Slovenia, what measures she recommended to the government and why.

At their first meeting on March 13, The new government established a sui generis for the legal institution the Crisis Headquarters (Krizni štab²) of the Republic of Slovenia for the control of the COVID-19 epidemic. At this Crisis Headquarters, the government formed an expert group led by Ms Beovic, a member of the SDS. Thus the new government bypassed the NIPH. Janša's government nominated a special speaker for the corona crisis - Jelko Kacin. This person was also a speaker for the Ministry of Defence in 1991 during the ten-day war of independence, when Janša was Minister of Defence. The government wishes to send the message that the situation is as dire as that of 1991. On March 24, the government dismissed the Crisis Headquarters at the public's warning that it had no legal basis and moved its expert body (Ms. Beovic) to the Ministry of Health.

The government adopted a decree on the National Security Council (SNAV) regulating the forming and functioning of the Council responsible for coordinating national security policy on March 16. This body exists under the Defence Act and is convened by the Prime Minister once a year or where necessary. The Government appointed the Prime Minister, who is the President of the SNAV, the Deputy Prime Ministers, the Minister of Home Affairs, the Minister of Foreign Affairs and the Minister of Finance.

All measures so far have kept within the constitutional framework. The police have not abused their powers by taking into account a number of exceptions to restrictions on movement when sentencing. The military is involved in border activities to defend the Schengen border, but no more than before the epidemic. However, the government used the crisis to replace the leadership of the criminal police.

2 Štab is a command body which originates from the military.

The opposition formed by Social Democracy, the Left, the SAB party and the party of former PM Marjan Šarec is increasingly active. The opposition opposed the remaining measures, additional powers to the army and police and advocated eliminating unnecessary measures to restrict movement to municipality of residence as soon as possible. In its stance it has encountered criticism from the SDS and even the PM.

PM Janša has been clear from the outset who to blame: immigrants and previous government (now the opposition), Soros and the communists, deep state and experts who have not supported all governmental measures. Through Twitter, Janša criticises current broadcasts and dictates to them what he wishes to see broadcast on television. When the Social Democrats organised a roundtable discussion with experts on epidemiology, they were accused of being communists and party apparatchiks who, instead of acting on government instructions, now debate and waste time. PM Janša also accused the EU that it has not been supportive and has been waiting too long for approval of the so-called "corona bond". On the other hand, he said that we can only count on our region (Vishegrad group) and China.

The government, particularly PM Janša and pandemic speaker of the government Jelko Kacin use military terminology and metaphors to show that Slovenia is at war. In war, however, all means are allowed to defeat the enemy. The government has problems with the excessive use of social media creating fake news due to a prestige battle between ministers of different parties and the differences amongst experts and the government.

Prime Minister blaming immigrants, previous government, Soros, communists, deep state and experts

Companies experiencing no disruptions in the supply of materials function smoothly. Grocery and convenience stores are open to business. With regard to non-governmental organisations (NGOs), the SDS has always been geared against those especially concerned with human rights, free press, sexuality and women's equality. It also has no sympathy for unions and the media. It supports those organisations and associations that are conservative and operate under the auspices of the the SDS, NSi, or the Roman Catholic Church. The SDS opposes the activities of the Union of Veterans Association, and sympathises with an organisation that continues the tradition of the Nazi-collaborative organisation of the Domobranci during World War II. In early April, the government called on some NGOs to withdraw from contracts already concluded. So far, the activities of those NGOs organising various forms of assistance for the elderly, the sick and children have been in the public eye.

At the beginning of the epidemic, the public was divided into those led by the SDS, who demanded strict measures, prohibitions and special powers for the military and police, and those who were moderate in response to the density of cases. The previous government of Marjan Šarec led a more moderate reaction while Janša's government has invested more effort into it. The public is still divided. Now that the influenza mortality data of the past years is coming to light and it is becoming clear that the new virus is not such a killer, the public is increasingly expectant of the gradual lifting of the strictest travel bans along with the use of gloves and masks for all.

Slovenia has proven to be a highly disciplined, well-organised society. The ban on gatherings was initially important, especially since a concert by an Italian opera singer was organised in Ljubljana with 10,000 tickets sold. The government banned the concert an hour before the performance and did not allow Italian citizens off their bus. Had some doctors not been on a skiing trip in late February in northern Italy and brought back the virus to three nursing homes, Slovenia would have been even more successful in fighting the virus. According to most moderate assessors and most epidemiologists, the government's actions were slightly exaggerated, but fortunately Slovenia did not opt for the more drastic repressive measures that the SDS, in particular, proposed to the government and the National Assembly.

Slovenia is considered one of the most egalitarian societies (GINI index) as there is a great deal of voluntary work, fuelled by a high degree of solidarity. All this has meant positive results during the epidemic.

The government is highly transparent in communicating its statements, ambitions, and solutions from the outset. It has made no secret of the fact that it is driven by fear of migrant invasion, this time, with the addition that it could introduce a new virus. At the same time, it has clearly positioned itself to save the economy and individual groups of people with a "mega corona" bill worth 3 billion euros. (Slovenia's budget is about 10 billion euros and GDP is about 45 billion.)

Medical experts have been active in the public sector. The government has begun fomenting disputes between them, i.e. young doctors and older experts. According to this perspective, the older experts are bad and communist-related, on the other hand government glorifies the young. On April 7, government appointed one of the leading young medical doctors to the position of Deputy Minister of Health. Otherwise, the public has assessed the functioning of the health system and staff as good and self-sacrificing. In key medical positions, the government replaces all experts who disagree with its severe, authoritarian approach. Thus, in the first week, the government replaced the director of the NIPH, Nina Pirnat, who is regulations-oriented, a leading proponent of measures and the highest expert authority in a crisis. Interim director Eržen publicly expressed his concern about the appropriateness of harsh measures, so the government immediately organised a press conference with another medical doctor, Milan Krek, who would be appointed as the new director

of the NIPH³. PM Janša has made it clear that he will only work with those experts “who understand the spirit of the times”.

The early statements and behaviour of the new government provoked a reaction from the BBC, which noted the following: “Slovenia’s government has also found itself back-pedalling. Recently installed right-wing PM Janša wanted to give police powers to track phones, use facial recognition and enter homes. But he’s been forced to give up these plans after the country’s information commissioner warned that Slovenia would become a “police state” if he went ahead.”

Even EU Commissioner for Human Rights, Mijatovic, mentioned Slovenia in her statement of April 3 titled “Press freedom must not be undermined by measures to counter disinformation about COVID-19”: “In Slovenia, a journalist who filed an information request about the measures adopted by the government to face the pandemic has been the target of a smear campaign by media close to the political party leading the government coalition.”

Generally speaking Slovenia has always produced measures according to the examples of other countries. In the process of legal procedure it is the rule that proposal maker must refer to at least three similar cases in other countries that have already introduced the proposed measure or a similar solution. In response to the COVID-19 crisis it has been the same. Slovenia has not applied a single measure that was created by itself from its own experience and knowledge.

3 25 epidemiologists, almost all from Slovenia, published an open letter on April 4 where they supported Eržen and the previous activities of NIPH: „The epidemiologic profession was no longer (ie, after replacement of Nina Pirnat as director of NIPH on March 14) actively involved ... The policy-making profession has been completely bypassed. Without sanctions, neither critical judgment nor comment on the measures taken is allowed.”

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DEMOCRACY AND THE STATE OF EMERGENCY

Responses to the Corona Crisis in the Western Balkans, Croatia and Slovenia



The “Democracy and the State of Emergency”-reports monitor the development of the corona crisis management, they provide a basis for comparison and allow for an investigation of possible negative effects, a further backsliding of the democratic development and authoritarian tendencies in the Western Balkans, Croatia and Slovenia. For this purpose, the reports are building on a broad definition of democracy that includes institutions, political and civil rights, political parties, civil society, elections, as well as the behavior of the external factors. After this initial report, further analysis will follow in May, June and July 2020.



The analysis shows that leaders are invoking executive powers and are seizing a great deal of authority with scant resistance. We are namely witnessing a curtailing of civil and political rights on a massive scale. The accumulation of power of the executive has contributed to the further weakening of parliaments which already had a subordinated role. In countries like Serbia and Albania there is an increasing personalization of power in the hand of the leaders who are playing the main role in the fight against the coronavirus pandemic and being omnipresent.



The reactions to the coronavirus pandemic clearly demonstrate the weaknesses of political and party systems in the region. Continuing political disputes have been preventing a closer cooperation between the government and the opposition. Elections in North Macedonia and Serbia had to be postponed. In Kosovo, the Government lost the vote of confidence in the midst of the pandemic. By providing medical equipment and expertise, China seems to be using the pandemic to strengthen its ties with the countries of the region. After negative perceptions of a ban on the export of medical equipment to the Western Balkans, the EU is stepping up its assistance.

More information about this subject:
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