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# THREE FREEDOMS PLATFORM

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FREEDOM OF ASSOCIATION  
FREEDOM OF ASSEMBLY  
FREEDOM OF EXPRESSION



## Three freedoms under the magnifying glass

### Review of violations of freedom of association, assembly, expression and other freedoms in Serbia 27-31 March 2020

#### Freedom of association, assembly and expression

1. Bearing in mind that the pandemic of the virus corona does not only lead to negative effects on the health of citizens, but that there will be increasingly clear and intense economic implications in the form of economic downturn and layoffs, media sector employees have come under special pressure. For this reason, [Media and Journalists Associations](#) - Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Independent Electronic Media, Local Press, Association of Online Media and the Association of Media, in cooperation with the The Branch trade union of culture, art and media „Independence“, have submitted to the Government of Serbia proposals for measures to mitigate the negative consequences of the state of emergency on the economic survival of the media and protection of labor rights of journalists and media workers. The letter requires the state to take appropriate measures to assist journalists who are facing a drastic fall in income, but also to work in very difficult and unsafe conditions. If adequate measures are not adopted in due time, besides the existence of journalists, the free flow of information and the true and timely information of citizens will be jeopardized.

2. Journalist of KTV Zrenjanin, Danijel Radic and cameraman Robert Bajtaji [were arrested](#) after entering the Zrenjanin municipality building to ask the Mayor Sasa Santovac about the reason for announcing a public tender for leasing state farmland during the corona virus pandemic. The reason for the arrest and filing of a criminal complaint was a refusal to disinfect when entering the City Administration building, which turned out to be inaccurate because the [footage](#) released by that television clearly shows that the reporter had the proper equipment in the form of a mask and gloves. This case highlights the egregious abuse of a state of emergency and the punishment of journalists for their professional work, which is why the Independent Association of Journalists of Serbia [appealed](#) to the Basic Public Prosecutor's Office in Zrenjanin to withdraw criminal charges against the KTV Zrenjanin team. Such treatment runs counter to the appeals of United Nations experts who urged Member State authorities to enforce freedom of information laws to the fullest extent possible and to ensure normal working conditions for journalists.

3. [Journalist of the portal „Info Vranjske“](#), Slavomir Kostic, was called for an informative interview after that portal reported on the [news](#) that two people with symptoms appeared in the municipality of Trgoviste with symptoms indicating that they may have been infected with the corona virus. During the interview, the journalist was told that he was being pre-investigated for disturbing the public and spreading panic. Kostic has not been detained by police after the interview, but it is not yet known whether criminal proceedings will be launched against him. The suspicion that these are only precautionary measures in order to prevent the spread of fake news is reinforced by the fact that Kostic has repeatedly written about illegal actions of the [Mayor of Trgoviste](#) and illegal financing with money from the municipal budget of a private factory owned by him.

4. As much as disabling the normal work of journalists, spreading fake or unverified news can lead to dangerous results in the public. In certain cases, the police and the prosecution do not respond and it can be concluded that this is a selective application of legal provisions. In this regard, the citizens of Gornji Milanovac and Zajecar were victims of inaccurate news broadcasted by the television "Prva" and daily newspaper "Informer". The television station "[Prva](#)" reported that two residents of Gornji Milanovac were hospitalized in Cacak due to a virus infection with a corona virus, while the daily "[Informer](#)" reported that half of the staff at the Zajecar court were infected with the virus, which caused alarm panic citizens in this city. As this are a television with national frequency and the newspaper with with the highest number of readers in the country, the potential for the spreading of the panic is much greater.

5. Unknown authors have misused the current situation regarding the corona virus pandemic to attract public attention by creating a fake Facebook page called "COVID 19 Serbia" that serves to showcase prominent individuals who are known as harsh critics of the government. The editor-in-chief of the Beta agency, [Dragan Janjic](#), was among the first to be targeted and accused of maliciously and falsely reporting to citizens.

6. Restrictions on the movement of citizens have greatly hindered the normal functioning of civil society organizations engaged in activities of general interest and which provide citizens with certain services that can help them overcome the crisis caused by the corona virus pandemic. Namely, the introduction of a "curfew" prohibits leaving home after 5 pm, and one of the measures is to ban the use of public transport, unless it concerns citizens who have been issued permits to move between 5 pm and 5 am. [The newly established legal framework](#) defines the procedure for obtaining such a license, which involves the employer applying for such a license, followed by the Ministry of Economy and ultimately the Ministry of the Interior. The Ministry of Economy's notice which prescribes this procedure covers only persons employed in public companies and companies performing activities of general interest, and they are completely bypassing non-profit associations that have a very significant function in these conditions. For this reason, civil society organizations have launched an initiative to develop clear CSO licensing procedures, with a proposal that involves the active involvement of the Office for Cooperation with Civil Society, which, in cooperation with representatives of the association, would consider the validity of the submitted requests, before sending the Ministry of Interior final decision.

This solution would be of great importance given that many CSOs carry out activities that involve an activists in the field, such as those engaged in delivering humanitarian assistance, providing legal assistance or support to vulnerable groups (people with disabilities, Roma, children, the elderly and sick persons, migrants, homeless persons, etc.). Civic Initiatives have made a [publication](#) that addresses the needs and activities of civil society organizations during a state of emergency, as well as mapping and referencing organizations that will assist citizens throughout the pandemic.

## Other freedoms

*During the State of Emergency, Civic Initiatives will also report on violations of other human rights.*

1. [The Initiative for Economic and Social Rights - A11](#) indicated that derogations from some individual human rights during the state of emergency were not in accordance with the Constitution, the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The document states that the current situation did not require the introduction of a state of emergency, and that the measures imposed on the basis of that decision were not adequately reasoned, and that the purpose of their application in some cases does not justify their introduction. A particularly problematic solution is a complete [ban on leaving a place of residence for a certain category of population](#), which does not result in restriction but the abolition of freedom of movement. The analysis points to the worrying fact that the Government has failed to comply with the provisions of the international conventions in which it is a signatory, which prescribe the obligation to notify the Secretary-General of the United Nations or the Secretary-General of the Council of Europe of the derogation of the rights guaranteed by those legal acts. This, in addition to transparency, seriously questions the legitimacy the measures adopted and the procedures for their adoption. It is also insisted on the unconstitutional violation of the "Ne bis in idem" principle by adopting a Misdemeanor Regulation for violating the Interior Minister's order to restrict and prohibit the movement of persons on the territory of the Republic of Serbia. In addition, the practice of making judgments by express procedure is worrying, based on the trial conducted via video link, more precisely the Skype application. In this way, the first convictions in criminal proceedings were issued for failure to comply with health regulations at the time of the epidemic, which sentenced several persons to two to three years' imprisonment. [The Serbian Bar Association](#) has therefore strongly protested, saying that in this way the defendant's right to a fair trial is drastically violated.

2. [Jovana Popovic](#) from Kikinda was arrested for allegedly violating a quarantine measure, although she did not receive an official decision on home isolation on her return from Montenegro, nor she was informed of it informally. She is suspected of breaking the Order of the Government of Serbia on the implementation and organization of quarantines when leaving the house. The Prosecutor attached as evidence on the basis of which the criminal proceedings were initiated the [unsigned minutes](#) of the Ministry of Health stating that she had been verbally informed that she had been quarantined. There is a reasonable suspicion that in this case, too, it was a matter of abuse of the state of affairs and confrontation with political dissenters, bearing in mind that Jovana Popovic became known to the general public by performing a song criticizing the authorities and performing it at a large opposition protest and also on the civic protests in Belgrade.

3. [The Center for Investigative Reporting in Serbia](#) has announced that salaries will be reduced by 35% to healthcare professionals employed at the Clinical Center in Nis, who are currently in self-isolation due to exposure to the virus during the course of their work. Director of the Clinical Center, Zoran Radovanovic said that it was not his decision, but this was the law that was valid throughout the territory of the Republic of Serbia. It is not just that this possibility is not humane, but it is in conflict with announcements that healthcare workers will receive a pay increase of at least 10 percent. The Government, more precisely, the [Ministry of Health](#), says that each case will be examined for reduced salaries of doctors, while deputy director of the Institute of Public Health of Serbia "Dr Milan Jovanovic Batut", Darija Kisic Tepavcevic, says that any salary reduction for any health worker who in the workplace was exposed to the infection, is not considered. Unfortunately, this is not the only problem that medical professionals in Nis faced. Namely, the Union of health workers published an advertisement for the sale of protective masks for medical workers,

at a price of 100 dinars a piece, which, according to the whistleblower from the Nis Ambulance , Dragan Stamenkovic, is more than the purchase price of the masks.

For the reasons mentioned above, [the Union of Physicians and Pharmacists](#) demanded greater protection for healthcare professionals, insisting precisely on the provision of adequate personal protective equipment, but also on giving up due to mandatory self-isolation under the paid leave category. Considering the gravity of the situation, the responsibility of the job as well as the constant exposure to a virus that has paralyzed a significant number of countries in the world, these demands of medical professionals represent the minimum of assistance that the state is obliged to provide.