
THREE FREEDOMS PLATFORM

FREEDOM OF ASSOCIATION
FREEDOM OF ASSEMBLY
FREEDOM OF EXPRESSION



Three freedoms under the magnifying glass

Review of the violations of the basic freedoms during the state of emergency in Serbia 03-06 April 2020

Freedom of association, assembly and expression

1. The Commissioner for Human Rights of the Council of Europe, [Dunja Mijatovic](#), warned that measures taken by states to prevent misinformation should not undermine media freedom and that some governments have just misused such measures and imposed excessive restrictions on freedom of information. Citing examples of countries where such restrictions have occurred, she notes that there have been cases in Serbia related to preventing journalists from attending press conferences, receiving information from health care officials or reporting on the work of security services. We remind that the Government first [adopted](#), and a few days later, abolished the Conclusion, which practically introduced censorship and created a legal basis for the prosecution of journalists, which led to the arrest of [Ana Lalic](#), the journalist of the portal "Nova.rs".
2. [Vojislav Seselj](#), the president of the Serbian Radical Party and a convicted criminal against humanity, again threatened the journalist of the daily Danas, Snezana Congradin, by calling on those responsible to arrest her. Commenting on the arrest of the journalist, Ana Lalic, in the morning program of TV Prva, he called on the state to "show strength and simply arrest them", justifying this by introducing a state of emergency. This is just one in a series of Seselj's attacks with journalist Congradin appearing as one of the most frequent targets. Unfortunately, the authorities have never reacted adequately and Seselj's attacks have so far been without sanctions
3. The editor-in-chief of the pro-regime tabloid "Informer" [Dragan Vucicevic](#) continued to attack and insult the journalist of the N1 television, Zaklina Tatalovic, with allusions to her physical appearance and accusations of being an "American man". Until now, journalist [Tatalovic](#) has often been targeted by pro-government tabloids, especially after her participation in press conferences at which she raised embarrassing questions for government officials. Despite numerous appeals from colleagues and journalist's associations, the competent authorities did nothing to protect her from further attacks, which contributed to their repeated recurrence.

4. [The citizens of Kragujevac](#) remain deprived of relevant information from the Clinical Center in that city, which is the most important place for treatment not only for Kragujevac residents but also for all citizens of Sumadija district and its surroundings. Journalists tried unsuccessfully to come up with statements from V.d. director of the Clinical Center Predrag Sazdanovic, while Mayor Radomir Nikolic appeared only once at a Crisis Staff press conference and announced more regular information, but unfortunately this did not happen. Apart from the Kragujevac Institute for Public Health, all other relevant institutions remained inaccessible to all media representatives, which jeopardized the fundamental right of Kragujevac citizens to be informed in a timely and truthful manner.

5. [The Independent Journalists' Association \(NUNS\) of Serbia](#) has responded to the increasing and grave violations of the right to information, abuse of state authorities and the judiciary, and attacks by pro-government media on independent journalists, culminating in the past few days. Examples of such abuses include attacks on Jugoslav Cosic, Zaklina Tatalovic, Snezana Congradin, and the arrest of journalist Ana Lalic. They also express a justifiable fear that the state of emergency introduced by the corona virus epidemic does not receive the contours of the 1999 bombing that has been remembered as a time of open and brutal persecution of journalists. Finally, NUNS urges state officials to respect the laws which are still in force and concludes that the protection of professional journalists also protects the right of citizens to make informed choices.

6. The site of the organization, [National Coalition for Decentralization](#) has suffered several strong hacking attacks to gain control over the content of the site. The total number of requests to the site was 722 thousand, with over 3,000 IP addresses per second, which lasted exactly one hour.

7. The portals ["Afera" i "Vidovdan"](#) published an article in which the Open Society Fund and the Belgrade Open School are being accused that through financial means they bribed professors of the Faculty of Theology for the purpose of "occupying" the Serbian Orthodox Church. According to the text, George Soros is behind the mentioned organizations, and he provided money for the bribery, as well as for the media promotion on the N1 television program. Attacks and labeling of civil society organizations as "foreign factors" agents is not new to the domestic public and it is a continuation of a long-standing campaign against the non-governmental sector with aim to further discredit them and weaken citizens' confidence in their work.

Other freedoms

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

1. [The Belgrade Center for Human Rights](#) has launched an initiative before the Constitutional Court to review the constitutionality of the provisions of the [Decree on Emergency Measures](#), as well as the [Restriction and Prohibition of Movement of Persons in the Republic of Serbia](#). "The disputed articles of the Decree on Emergency Measures did not prescribe specific measures of derogation from human and minority rights by the Government of Serbia, but authorized the Ministry of the Interior, with the consent of the Ministry of Health, to do so on its own," the statement said. The Constitution explicitly provides that if the Assembly is unable to convene, measures that derogate some of the human and minority rights may be passed by the Government, with the signature of the President of the Republic, and shall not leave the possibility of delegating that competence to individual ministries. For this reason, they find that the provisions of Articles 2 and 3 of the Decree on Emergency Measures authorizing the Ministry of the Interior, ie the Ministry of Health, to restrict or prohibit the movement of persons in public places, as well as the provisions of the aforementioned Orders contrary to the valid The Constitution. Along with submitting this initiative to the Constitutional Court, a warning was sent to the Government of Serbia that such action could result in numerous court proceedings against the State and that it was therefore necessary that the Government "prescribe all measures of derogation from human and minority rights in

the form prescribed by the Constitution of Serbia and according to the need for their introduction." In their [second statement](#), they pointed out that there are legal obstacles for citizens who violate the Order on the restriction of Movement to be fined in the misdemeanor proceedings. It states that the [Decree on Time Limits in Court Procedures during a State of Emergency](#) stipulates that "deadlines for appeals against first-instance decisions of first-instance decisions on misdemeanor punishment of citizens who violate the Restriction and Prohibition of Movement Order will begin to run only after the decision on termination of emergency is made". As Article 6 of the [Law on Misdemeanors](#) provides that the offender will be subject to the regulation in force at the time of committing the offense, and in the event of a more lenient regulation on the offender, the fact that the termination of the state of emergency automatically ceases to apply the [Misdemeanor Regulation for violating the Minister's order of internal affairs on restriction and prohibition of movement of persons in the territory of the Republic of Serbia](#), there will inevitably be an abolition of the perpetrators of the offenses, that is, the misdemeanor courts will be forced to suspend all irregular misdemeanor proceedings.

2. The expansion of the corona virus pandemic has raised a number of issues that have not been adequately addressed by states, and one of them is how to treat children whose parents are absent due to Covid-19 infection. This is not just a hypothetical problem, as evidenced by the situation in [Vranje](#) when three children were left alone in the apartment after their father passed away and their mother was transferred to hospital for corona virus infection. These are underage children aged 9, 14 and 16 who have relatives who are ready to take care of them, but this was not possible because tests had not yet arrived to determine if any of the children had been infected. An additional problem is the fact that they are in isolation and, accordingly, they cannot leave the apartment and no one is allowed to visit them. After the public was informed of this case, the Ministry of Labor, Employment, Veterans' and Social Affairs issued an [Instruction on the treatment of social care institutions in the declared state of emergency caused by the Covid-19 virus pandemic in the protection of children without parental care](#). The aforementioned instructions prescribe the obligation of the Social Welfare Center to provide the child with a health examination, the implementation of adequate epidemiological measures, as well as the mandatory testing if it has not been carried out beforehand, and the satisfaction of basic existential needs and supervision if it is concluded from the assessment that the children can stay within family apartment or home. Mandatory participation of children in the whole course of the procedure is also required, as well as obtaining their opinion and consent to take measures, in accordance with the provisions of the Family Law and the Law on Social Protection.

3. The continuous violation of human rights, which has been particularly intensified since the declaration of the state of emergency, has led to an increase in the volume of work faced by the institutions of the Ombudsman and the Commissioner for the Protection of Equality. [The Ombudsman](#), Zoran Pasalic, said that 200-250 citizens are contacting daily the institution, and that another 70 or so are doing it via email. According to him, citizens most often address them because of problems with their labor status, but also because of respect for the rights of persons with disabilities. In addition, the [Ombudsman](#) had to appeal to those in charge to test the patients housed in the improvised hospital on the Belgrade Fair (it mainly houses patients who have come from abroad) to determine if their further treatment was necessary or could be sent home, which was eventually done.

4. [The Commissioner for the Protection of Equality](#) welcomed the adoption of a previously launched Initiative addressing the movement of personal assistants of persons with disabilities, who provide these services in the evening when a general ban on movement is in force. This initiative also applies to assistance and support services for people with disabilities, provided by informal individuals, relatives or friends, who do not live in a shared household, as well as by our citizens who are in the terminal phase of the disease and who use palliative care at home conditions, as well as people with dementia. In addition to this issue, Commissioner, Brankica Jovanovic, called for an end to the practices [of sexist and misogynistic public comments](#) that had been made in the past days at the expense of Daria Kistic Tepavcevic, deputy director of the Batut Institute. She pointed out that such a narrative strengthens the sexist stereotype, which denies the possibility of women's professional achievement, and instead insisting on knowledge,

work and professional competences, insists on physical appearance as the sole merit for someone's high position.

5. [The Commissioner for Information of Public Importance and Personal Data Protection](#), Milan Marinovic, responded to the reportage of Pink television from the Department of Infectious and Tropical Diseases in which patients with the most severe form of coronavirus infection are treated. The Commissioner emphasizes that the publication of data on the health of individuals as well as the broadcasting of images where it can be unequivocally established which patient is a huge violation of the regulations. Apart from the obvious and illegitimate favoritism of the media close to the authorities, such actions deeply violate the citizens' right to privacy, which necessitates the urgent reaction of those responsible to prevent such and similar abuses in the future.

6. [The Director of the Committee of Lawyers for Human Rights \(YUCOM\)](#), Katarina Golubovic, assessed that inadequate communication, as well as the lack of adequate justification for the adopted measures, contributed to the general confusion and increase in the number of cases of violation of the fundamental rights and freedoms of citizens. On that occasion, she pointed out open questions regarding obligations arising from the prescribed measure of self-isolation after entering the country, as well as issues in the area of labor relations, as well as family relations and the exercise of parental rights by divorced parents. Insisting that the possibility of trials through Skype is not provided for by the existing legal framework, Golubovic points out that their efforts are currently aimed at repairing the damage and ensuring the publicity of the trial, and it is quite certain that the issue of constitutionality and legality will be raised sooner or later of trials like this.

7. [The non-governmental organization Praxis](#) appealed to the Government of the Republic of Serbia to take measures to enable the protection of those categories of population who, due to their lack of documents, remain invisible to the state and excluded from the social protection system. The appeal emphasizes the status of the members of the Roma national minority, who are still among the poorest and most marginalized sections of the population, and who because of lack of personal documents or because they have no registered residence in the place where they actually live, do not have access to national cuisine and other forms of humanitarian help. Attention is also drawn to the very difficult financial situation they face after the outbreak of the epidemic and the need to provide them with the personal hygiene products in order to protect against the spread of the infection.

8. In addition to express trials via Skype, there is a lack of clear criteria and a very unbalanced practice of treating citizens who violate the measure of self-isolation. On the one hand, public figures such as celebrities and popular athletes were given the opportunity to conclude a plea agreement with the Prosecution immediately after being taken into custody, under which symbolic sanctions were imposed to them. On the other hand, there are increasing cases of citizens either receiving draconian prison sentences or delaying the start of the trial unjustifiably with the extension of detention. This is the case with [Ivana Beric](#) from Sombor, as well as with [Jovana Popovic](#) from Kikinda, who is known to the public for her political activism directed against the ruling regime. Such cases, in addition to creating a sense of legal insecurity, further encourage divisions in society and a sense of inequality and unfair privilege for certain people.

9. [The Crisis Staff of the city of Bor](#) has issued an unconstitutional order (Number: 217-70 / 2020-I) requiring all citizens associations and voluntary societies to make all their human resources available to assist the oldest fellow citizens in order to supply food and medicine for them. Such an order is obviously unconstitutional given that the Law on Disaster Risk Reduction and Emergency Management and declaring the emergency situation is cited as the legal basis, but based on the signature of the President of the Republic, the Prime Minister and the President of the National Assembly March 15 a decision was made to declare a state of emergency.