
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 07-09 April 2020

Freedom of association, assembly and expression

1. [The Independent Journalists' Association of Serbia \(NUNS\)](#) has called on journalists to respect the Code of Journalists of Serbia as well as regulations regarding the protection of personal data when reporting on the corona virus pandemic. One of the reasons for this NUNS reaction was the reporting of the daily "Novosti", with the headline "[Novi Pazar is a NEW center of the Epidemic in Serbia: Baker Sows a Viral Virus in the City, Fears to Have Many Infections](#)" they concern the occupation as well as the place of work of the person designated as the carrier of the infection. Although the name of the baker is not stated, the information provided makes that person recognizable in the local community and illicitly stigmatized, thereby endangering his dignity and right to privacy. In addition to this case, there was a flagrant violation of patients' rights by the Pink television, which reported from the intensive care unit of the Infectious Clinic in Belgrade, and hospital records on patients' beds were visible during the TV report. Due to all of the above, NUNS announced that it would initiate proceedings through the Complaints Board of the Press Council and submit a report to the Regulatory Body for Electronic Media.

2. Reporters Without Borders pointed to the difficult position of journalists during the corona virus pandemic, stating that in many countries they have become collateral victims of the fight against the virus. It states that this crisis has been used in some countries to counter the freedom of the media, and in addition to the case of Hungary, the arrest of portal Nova.rs journalist Ana Lalic is mentioned. In conclusion, it once again urges national and European institutions to ensure the normal functioning of the media and their protection during a pandemic.

3. Commenting on the criticism of President Aleksandar Vucic that he is running a political campaign during the pandemic, [Prime Minister Ana Brnabic](#) sent a series of harsh words to the account of the daily "Danas" and other media. On that occasion, she accused them of hypocrisy and unprofessionalism for criticizing her move to show pictures of the president's children on the TV show, stating that those same media were publishing pictures of Vucic's son on the front pages.

4. [The Independent Journalists' Association of Serbia \(NUNS\)](#) reacted after Prime Minister Ana Brnabic's guest appearance in the TV show on the television "Happy", in which she made a series of untruths and lump sums at the expense of arrested journalist Ana Lalic, directly violating the presumption of innocence and putting undue pressure on the prosecution and police who are dealing with this case. It also points to the very wrong rhetoric by which independent media have been declared enemies of the state and blamed for spreading misinformation and spreading panic in society. NUNS has announced that it will also address

relevant international organizations, but first and foremost the institutions of the European Union, bearing in mind that such moves by state officials are not in line with the policies that should be represented by the leaders of a country aspiring to full membership. In the same show, Ana Brnabic also made accusations against N1 television and Nova S, which she accused of not allowing tabloid headlines against the editor-in-chief of an internet portal because they "fear opposition leaders Djilas and Solak." [N1](#) said it would never, but also would never in the future, broadcast tabloid speculations, and urged the Prime Minister to show the same approach to all televisions, unless she mentions other televisions she shouldn't mention N1 also, because she only contributes to the general chase and attacks with her attacks that this television faces on a daily basis.

5. [The daily "Kurir"](#) published a text accusing Peter Horrocks and Adrian Wells of being "BBC veterans behind unverified and irresponsible information circulated by the N1 for days and weeks", aided by Ralf Manti, program director and corporate affairs at United media. The text states that they are behind the publication of fake news that does great damage to the health system at the time of the fight against the corona virus. An "analysis" of the N1 television reports, which was alleged to be fake news, was also carried out, which continued the campaign launched by the editor-in-chief of the daily Informer against that television. On the occasion of the attack, television "N1" appeared and recalled that, according to the Press Council, [daily "Kurir"](#) committed only 1106 violations of the code in its titles in the second half of last year, 151 of which in the articles on minors. They also announced that they would initiate [legal proceedings](#) against the "Kurir" through domestic and international authorities as a result of these attacks.

6. After the tabloid attacks and accusations against the editor-in-chief, a threatening message signed under the name of Srdjan Petrovic arrived at the website of [the portal "Direktno"](#), informing the reporters of the portal that "they should be killed and destroyed". The "Direktno" portal is known for its very sharp criticism at the expense of the authorities, which was also discussed by Prime Minister Ana Brnabic, emphasizing that it was a medium controlled by opposition leader Dragan Djilas. The Association of Journalists of Serbia reacted to these threats, pointing out that no journalistic text should be the reason for such messages and that it is the responsibility of the competent authorities to find the perpetrators as soon as possible.

Other freedoms

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

1. [The President Aleksandar Vucic](#) in the TV show on the National TV, again stated that he regularly calls citizens infected with the corona virus by telephone. For this reason, the public was justifiably interested in asking where the patient's telephone numbers were delivered to the President and whether those numbers were provided to him without the consent of their owners, if this statement was true. Recently, the problem of disrespect for patients' privacy rights and the frequent violation of these rights by the media have been increasingly raised. That is why it is necessary to answer these questions as soon as possible, as well as to publicly point out the harmfulness of such treatment by the authorities in Serbia.

2. The introduction of "Skype" trial practices has raised a number of issues regarding the respect for the right to a fair trial, and one of them regards the safeguards against abuse that derive from Article 25 of the Constitution of the Republic of Serbia and Article 3 on the Convention on the protection of human rights and fundamental freedoms which must not be derogated from during a state of emergency. [Belgrade Center for Human Rights](#) points to the potential danger that a defendant who has been the victim of abuse or inhumane treatment, who is physically controlled by officials during the main trial and gives his testimony via video link, may be discouraged from talking about the violence he suffered. On the other hand, it is also difficult for judges who are required to conduct investigations if there are clear indications that violence has taken place, even more difficult for them to detect injuries on the defendant's body. This issue is additionally important if we mention the fact that a large number of procedures have been conducted in the past few days for violating the prohibition of movement. Just for violating that measure,

about 700 people were convicted in misdemeanor and criminal proceedings between last Saturday and Monday.

3. The Ombudsman, [Zoran Pasalic](#) pointed to the particularly difficult situation of the Roma people during the crisis caused by the corona virus pandemic and urged representatives of local self-governments to take all necessary measures to ensure adequate conditions for these persons. Pasalic stated that it is necessary to provide sufficient quantities of clean water, hygiene packages and foodstuffs for all Roma people. The Ombudsman also emphasized that he would monitor the behavior of local self-governments, but would also react if there was a violation of the rights of this category of population.

4. Although representatives of the civil society sector more than 10 days ago demanded that procedures for issuing movement permits during the "curfew" to be adopted, this has not yet been done. This makes it difficult for organizations that directly work with their beneficiaries, especially those who provide social protection and humanitarian assistance services. On the other hand, [Prime Minister Ana Brnabic has announced that the procedure for issuing permits](#) will be accelerated for citizens who take care of people with disabilities, the elderly, children and others who need someone else's help and care. The Ministry of Labor, Employment, Veterans' and Social Affairs has prescribed a procedure for issuing permits to geronto housewives, personal escorts and personal assistants, and has designated local self-government units and a social work center for their issuance. Although this issue has not been systematically resolved, such a decision contributes to improving the conditions of at least one group of organizations and their users.

5. In recent weeks, the public in Serbia has been riddled with numerous conspiracy theories that link the corona virus with particular projects, states, or economic powers. One such theory that has emerged on social networks is that this pandemic, as well as measures of population restriction, are used to "settle migrants across Serbia." Of course, such a theory has no basis in reality, and the [Commissariat for Refugees and Migration](#) addressed the impact of the fallout on the position of migrants in Serbia. In their statement, they stated that migrants who were detained in Serbia without being beneficiaries of migrant centers were placed in such centers under the control of the Serbian Armed Forces after the state of emergency. It is also stated that all necessary measures have been taken to ensure their health care as well as very restrictive procedures. The statement also said that the migrants themselves have taken an active part in the implementation of measures aimed at preserving their health.

6. The timing of the epidemic requires specific and well-timed measures to protect the rights of persons with mental disabilities, given that this is a category of citizens who, even in ordinary circumstances, are more vulnerable than other citizens. Because of that reason, [The Initiative for the Rights of Persons with Mental Disabilities \(MDRI-S\)](#) has asked the competent ministries to exempt members of this category of people from the restraining order after 5 pm. The reason behind this petition is the heightened sensitivity of these persons due to the limitations on walking, which is of great importance for people with intellectual and mental disabilities as well as people with autism. However, in practice, cases of actions that are not in the interest of these persons are recorded, such as the placement in the homes of those members of this group who, through supported housing programs, live outside the institutions. Such treatment is not in line with the specific needs of these categories of persons, and is contrary to the recommendations of the Council of Europe and the relevant UN bodies for the treatment of persons with mental disabilities during a state of emergency and pandemic.

7. [The Coalition for Charity](#) has recommended that the Government of Serbia exempt from paying VAT all persons who make a donation to non-profit organizations, associations, foundations and endowments during the state of emergency. The statement said that the VAT exemption measures prescribed by the Government only apply to government institutions as donors, as well as donors who donate products that they themselves produce or distribute. In addition, government measures do not cover organizations such as the Red Cross and the Food Bank. Highlighting the significant role of the civil society sector in counteracting the negative effects of the crisis caused by the corona virus, the Coalition for Charity urges the state to extend the scope of the adopted measures.