

## Recent regional developments in human rights and democratisation in South-East Europe during 2020

Marija Ivanović,<sup>\*</sup> Edoardo Castiglioni,<sup>\*\*</sup> Desara Dushi,<sup>\*\*\*</sup>  
Imane Bellaadem<sup>\*\*\*\*</sup> and Ajla Henić<sup>\*\*\*\*\*</sup>

**Abstract:** *In South-East Europe (SEE), as in other countries across the world, the year 2020 was marked by the outbreak of the COVID-19 pandemic and attempts by governments to respond to it. The implementation of measures to protect citizens' health implied the introduction of states of emergency and strict lockdowns that, in many cases, resulted in the curtailing of human rights and further weakening of the rule of law. This article provides insights from four SEE countries — namely, Serbia, Albania, Bosnia and Herzegovina, and Kosovo — and analyses to what extent the introduced measures met the threshold of legality, legitimacy, necessity and proportionality. The main finding of this paper is that incumbents across SEE used the state of emergency to concentrate power in their own hands, while at the same time sidelining parliaments and the judiciary and depriving vulnerable groups of their basic human rights. In summary, regional governments fared rather poorly when it came to respecting citizens' rights and freedoms, especially in two important aspects: the proportionality and necessity of imposed measures.*

**Key words:** COVID-19; Western Balkans; human rights; democracy; rule of law

\* MA (GC SEE/ERMA), MA (CEU); Academic Tutor, Global Campus South-East Europe/ERMA Programme; marija.ivanovic@cis.unsa.ba  
\*\* MA (LUISS), MA (GC SEE/ERMA); edo.castig@gmail.com  
\*\*\* PhD (Bologna & Luxemburg); Postdoctoral Research, Vrije Universiteit Brussel; Desara.Dushi@vub.be  
\*\*\*\* MA (GC SEE/ERMA); Programme Officer, Civil Rights Defenders; imane.bellaadem@aiesec.net  
\*\*\*\*\* MA (GC SEE/ERMA); Research Associate and PhD candidate, University of Hamburg; ajlahenic@gmail.com

## 1. Introduction

In South-East Europe (SEE), as in other countries across the world, the year 2020 was marked by the outbreak of the COVID-19 pandemic and governments' attempts to respond to it. The implementation of measures directed towards protecting citizens' health implied the introduction of states of emergency and strict lockdowns that, in many cases, resulted in the curtailing of human rights and further weakening of the rule of law. Even though human rights law and democratic systems provide mechanisms through which restrictions and suspensions of norms can take place, these interruptions in the legal order have to be in line with prescribed rules and procedures (Council of Europe 2020). Therefore, it cannot happen that the state of emergency introduced to control the sanitary crisis is used as a pretext for concentration of power in the executive, weakening of the rule of law, and curtailing of citizens' rights and freedoms. As Fionnuala Ní Aoláin, the United Nations Special Rapporteur, has put it, "emergency or not, States must reach the same threshold of legality, legitimacy, necessity and proportionality for each measure taken" (Rutzen and Dutta 2020). Her words reflect very well the notion that, even in times of emergency, principles of democracy, human rights and rule of law should be upheld and safeguarded to the greatest extent possible (Council of Europe 2020; Venice Commission 2020b).

The country contributions that follow explore precisely what Ní Aoláin pointed out, in the context of government reactions in Albania, Bosnia and Herzegovina, Kosovo and Serbia. The questions addressed here are: 1) To what extent were the COVID-19 related restrictions in line with the fundamental principle of rule of law?<sup>1</sup> 2) How did the implemented restrictions impact human rights and democratic outlook in these countries? Therefore, the aim of the paper is to evaluate the legality, proportionality and necessity of restrictive measures (Council of Europe 2020; Venice Commission 2020b) introduced by SEE governments in response to public health emergencies. We found these questions to be important, as the 2021 Freedom House report suggests that "COVID-19 has exacerbated the global decline in freedom. The outbreak exposed weaknesses across all the pillars of democracy, from elections and the rule of law to egregiously disproportionate restrictions on freedoms of assembly and movement."<sup>2</sup> The trends present in the SEE region fit well with this observation, as, in almost every country presented below, contributors found that the state of emergency resulted in the concentration of power in the executive, and that principles of legality, proportionality and necessity were not fully respected, especially with regard to freedom of movement.

- 1 Here, the rule of law is understood to encompass: "the legality principle, separation of powers, division of powers, human rights, the State monopoly of force, public and independent administration of justice, protection of privacy, right to vote, freedom of access to political power, democratic participation in and supervision on public decision making, transparency of government, freedom of expression, association and assembly, rights of minorities as well as the majority rule in political decision making" (Venice Commission 2020b, para. 9).
- 2 Freedom House. "Freedom in the world 2021: Democracy under siege." [Link](#)

## 2. Serbia: Rule of law in lockdown

Throughout 2020, Serbia was caught up with the management of the emergency caused by the fast spread of the SARS-CoV-2 virus. As a response, the Serbian authorities declared on 16 March a state of emergency that would stay in force until 6 May 2020. The Decision on the State of Emergency was followed by many executive decrees containing derogations of human and minority rights, mostly stemming from strict curfew hours and other restrictions on the freedom of movement and the freedom of assembly. The following sections will analyse to what extent these derogations complied with the principles of legality, necessity and proportionality established by international law.

### 2.1. The state of emergency: Subordinating the parliament

The Decision on the State of Emergency was taken by President Vučić, Prime Minister Brnabić and the Speaker of the Assembly Gojković who notified the inability of the Assembly to convene. The Constitution of Serbia envisages this procedure; however, it is an exception rather than a rule. Under article 200 of the Constitution, the National Assembly shall have a primary role when it comes to imposing the state of emergency and exceptional restrictions on human rights. Only in a situation where the Assembly is not in a position to convene can the executive take over its functions of adopting a decision on the state of emergency and prescribing derogations on human and minority rights. Watchdog organisations promptly intervened to contest the legality of the procedure (Belgrade Centre for Human Rights 2020, 15–16). Notably, despite the Constitution according to the Speaker a power of notification, it remains doubtful that Gojković was also in a position to decide for the whole Assembly the inability to convene. The Constitution specifies neither who should take this decision nor the procedure to be followed. Additionally, article 200 stipulates that “when the decision on the state of emergency has not been passed by the National Assembly, the National Assembly shall verify it within 48 hours from its passing, that is, as soon as it is in a position to convene.”<sup>3</sup> The same procedure is valid in relation to derogative measures. Yet it was six weeks later that the Assembly finally met again to approve the Decision and the restrictions undertaken.

Keeping the focus on legality, constitutional experts believe that constitutional infringements also occurred between March and June 2020, in relation to the content and procedure of the measures derogating human rights (Cavdarevic 2020; Marinković 2020). The most evident example concerns the Interior Minister’s Order Restricting or Prohibiting the Movement of Individuals in the Territory of the Republic of Serbia, issued

3 Official Gazette of the RS, no. 98/2006, art. 200 (8).

in March.<sup>4</sup> Not only does the Constitution not envisage the possibility for a Minister to individually restrict human rights, including the freedom of movement, but the form would also appear to be inappropriate as the Constitution refers to a “decree of the Government co-signed by the President of the Republic.”<sup>5</sup> Nonetheless, the Constitutional Court of Serbia proved to be ineffective in monitoring the government’s actions. Despite the legal uncertainties of the state of emergency and the Order of March 2020, the Court acted in a non-responsive way. This is quite surprising considering that, under article 168 of the Constitution, the Court itself may initiate a constitutional review procedure. Out of sixty-six initiatives for constitutional review of the emergency measures, coming from civil society and lawyers’ associations, the Court ruled in just one single case. One month after the state of emergency was imposed, the Court simply rejected allegations of its unconstitutionality, underlining the extraordinary circumstances linked with the pandemic and failing to provide sufficient clarification of how the procedure had complied with the Constitution (Cuckić and Ivković 2020).

The state of emergency in Serbia can also be scrutinised in the light of the principle of necessity. It has been noted that resorting to existing laws on emergency situations would equally have provided the government with exceptional instruments for confronting the situation at the time (Trifković 2020, 6). Additionally, in the days preceding the Decision the authorities were minimising the virus as the “funniest virus in the history”, increasing public uncertainty about the real necessity of the Decision (OSCE 2020, 2). Without parliamentary debate, President Vučić was the true protagonist in deciding the timing and the intensity of the emergency. The State of Emergency was lifted on 6 May, and in June the country held the postponed general elections, boycotted by the opposition parties, that ended up with an absolute majority for the Serbian Progressive Party (SNS). What emerges in the period considered is the marginal role played by the Parliament in framing the necessary measures, accompanied by an “alarming concentration of powers in the executive” (Tzifakis 2020, 202). The role of the National Assembly, allegedly not in a position to convene for more than a month, was limited to the sanctioning of the Government’s regulations on 29 April. Just one week later, the same Assembly abolished the Decision without explaining how the epidemiological situation had changed. The Parliament, unable to safeguard and monitor the executive’s prerogatives in emergency times, subordinated itself to the executive on crucial issues.

Departing from procedural considerations, it is worth looking more closely at the content of the derogations of human rights adopted during the state of emergency, notably at the restrictions on the freedom of movement, in order to consider their proportionality.

4 The Belgrade Centre for Human Rights (2020, 17) asked the Constitutional Court to review the Order because of its violation of the principle of “ne bis in idem” and the incompetence of the body to derogate on human and minority rights.

5 Official Gazette of the RS, no. 98/2006, art. 200 (6).

## **2.2. Disproportionate restriction of movement and resultant discontent**

The restrictions of movement on people over 65 exemplify how some of these measures had a severe impact on the freedom of movement. The previously cited Interior Minister's Order, amended several times between March and April, imposed constraining curfew hours upon the older generation allegedly in name of their special vulnerability to COVID-19. From 18 March to 21 April, persons over 65, living in a city with a population of more than 5,000, and persons who were 70 years of age or older, living in a community with fewer than 5,000 inhabitants, were prohibited from leaving their houses for 24 hours a day. The only exception was on Sundays, when they could go out usually between 3:00 a.m. and 8:00 a.m. to buy groceries. The humiliation imposed by the disposition is even clearer if compared with the limitations which were in force for the rest of the population. In the same period, the ban on movement for Serbian citizens under the age of 65 was generally softer; namely, curfew hours between 5:00 p.m. and 5:00 a.m. on workdays, except on Saturdays when the curfew would begin at 3:00 p.m.

The degree of the restrictions is so different that it may be argued that they derogated various human rights provisions under international law. The A 11 watchdog organisation noted that, while the curfew on people aged up to 65 years takes the form of a derogation on the freedom of movement under article 12 of the ICCPR, the case law of the ECtHR suggests that the mandatory isolation for people over 65 amounts to deprivation of liberty under article 5 of the ECHR (Kovačević 2020, 23–25). This and similar measures imposed on refugees and asylum seekers, forbidden to leave the asylum and reception centres from 16 March to 14 May, were disproportionate as they applied to a whole category of people a derogation that normally requires both a motivated and individual judicial decision and the possibility to challenge this decision before a judge. At least one other argument may show that the Order went beyond the extent strictly required by the exigencies of the situation. It can be argued that the regulation was discriminatory, on the ground of age, according to an extensive interpretation of article 4 of the ICCPR. The freedom of movement of younger people affected by chronic diseases or immunocompromised, despite being equally endangered, was not similarly curtailed. The differential treatment, “lacking the individual approach in specific cases”, may be deemed arbitrary if made solely on the ground of age (Šošić 2020).

In connection with the intense ban on movement, the restrictions sparked various forms of civil resistance among the population. The discontent of many Serbian citizens initially expressed through the “Noise Against Dictatorship” actions, consisting of banging pots from balconies

during the spring lockdown, turned into violent protests in Belgrade and other cities in July when the government tried to impose new strict curfew hours following a new surge in infections (N1 Belgrade 2020; BBC News 2020a).

### **2.3. Failing the test of democratic resilience**

Considering these findings about the introduction of the state of emergency and the derogations of human rights in contravention of international standards, we can turn to what consequences they had for democracy and rule of law in Serbia. Recently, The Economist Intelligence Unit (2021, 22) attributed to Serbia a new drop in its Democratic Index that downgraded the country to its lowest position since 2006. This is the latest of a series of reports recording a progressive rise in authoritarianism and a decline of democratic institutions in the country. The European Commission (2020, 3–4) reports that highly problematic aspects for the satisfaction of accession criteria precisely concern democracy and the rule of law. In connection with such later developments, the pandemic crisis proved to be a test for the resilience of democratic institutions as it destabilised the ordinary division of powers and increased the necessity of derogating human rights. Yet the way that the incumbents adopted the state of emergency and the related derogations on human and minority rights involved constitutional infringements, the subordination of the parliament in framing necessary measures, and disproportionate measures.

From these violations of the requirements of legality, necessity and proportionality, and from the other considerations, we can conclude that the state of the rule of law and democracy worsened throughout 2020 in Serbia. Indeed, what emerges is an increased dominance of the executive, the absence of checks and balances such as the Constitutional Court and the Parliament, and the disrespect of international obligations concerning derogations of human rights.

### **3. Albania: Human rights in times of crisis**

In March 2020 Albania was hit by the global COVID-19 pandemic, although initially it managed to avoid the gravest consequences. Starting from 10 March the Albanian government adopted several measures with the aim of limiting the spread of the pandemic, being the first country in the region to impose partial lockdown measures (Dyrmishi 2020). While these measures have been continuously reviewed depending on the development of the pandemic, they were usually published with a delay. In certain cases, the legal acts were not published at all, which prevented citizens from obtaining complete and accurate information about the adopted measures and the restrictions arising from those legal acts.

The following sections provide an overview of the rule of law situation and human rights implications in Albania since the start of the lockdown. The analysis is focused on restrictions to freedom of movement, freedom of assembly and media freedom, and how these restrictions are capable of shaking the rule of law.

### 3.1. The state of emergency is declared

On 24 March the Council of Ministers decided to declare a state of natural disaster for one month,<sup>6</sup> which was later extended for another two months. The same normative act also empowered the Inter-Ministerial Committee on Civil Emergencies (KNEC), chaired by the Prime Minister, to manage the crisis, concentrating power in the hands of the executive. While the Albanian constitution prescribes that the legislature should give its consent every thirty days to the prolongation of a state of emergency, the parliament approved the government's request to extend the state of natural disaster for a two-month period (Bianku 2020).

In the light of the 'war' against an 'unknown enemy', as the Albanian Prime Minister described the response to the global pandemic, the immediate declaration of the state of emergency despite only a few cases of infection can be considered a necessary measure to prevent the spread of the disease. Such measure was in accordance with the WHO recommendations and similar to the lock-down measures adopted by most of the European countries. Having in mind the devastating outcomes of the pandemic in China, the declaration of the state of emergency and the restriction of human rights can be considered as necessary and reasonable for the protection of the lives of citizens. Moreover, the measures seem justifiable given the fact that the national health system was not prepared for dealing with hundreds of infected and hospitalised citizens. There is no doubt that these measures initially had the legitimate aim of preventing the spread of COVID-19 and limiting its impact in the country.

However, many argue about the proportionality of such measures, especially in the initial months of the pandemic when the country had not yet recorded its first cases. The ongoing curfew and the impact these measures had on the rule of law and human rights in the country is also disputable. Considering the unpredictability of the disease, the weak state resources and the fragile health care systems, such measures can be considered as justifiable for preventing a COVID-19 outbreak such as those in Italy, Spain or France, which, despite having better equipped healthcare systems, were not completely able to cope with the situation. Initial steps are crucial for avoiding worst-case scenarios, especially when

6 Decision no. 243, dated 24.3.2020, of the Council of Ministers, "On the declaration of the state of natural disaster".

the future of the pandemic remains unpredictable. Nevertheless, even in unstable and emergency situations, there are limitations to what can be considered as acceptable actions for the preservation of the rule of law. The next sections provide examples where these limitations have surpassed the requirements of necessity and proportionality.

### **3.2. New sanctions**

One of the main focuses of the Albanian government was the enforcement of physical distancing, through restrictive measures which also include criminal penalties. On 16 April 2020, the Assembly amended by urgent procedure the Criminal Code, introducing two new provisions. These provisions added penal sanctions for non-compliance with the measures of the state authorities during the state of emergency or during the state of the epidemic (Criminal Code article 242/a) and for spread of infectious diseases (art. 89/b). In other words, the provisions imposed criminal sanctions, including imprisonment, on individuals infringing the restriction on freedom of movement (quarantine). This was the first time that such a situation had been regulated by Albanian criminal law.

These amendments were criticised by local civil society representatives, regarding the precipitous way in which these amendments were adopted and the heavy sanctions of up to three years of imprisonment for a first offence and up to eight years for repeat offences. Theoretically, these provisions prevented any person infected with COVID-19, who was being treated at home, from going out for medical check-ups or for any other necessities. In practical terms, the implementation of the provision prohibiting both the intentional and the negligent spread of infectious diseases seems problematic and prone to abuse. The provisions were criticised also by the Albanian Ombudsman, who declared that no laws of a permanent nature can be adopted during an extraordinary situation, except when absolutely necessary (People's Advocate of Albania 2020). The Ombudsman also contested the severity of the sentencing measures under these provisions, considering them disproportionate and exceeding the severity of punishment determined for serious criminal offences (People's Advocate of Albania 2020). Lastly, these measures run counter to the need to decongest prisons for preventing the spread of infection.

### **3.3. Freedom of movement restrictions**

The authorisation of freedom of movement only to individuals who request specific permission, for justifiable reasons, and only when such requests are made via the online platform, caused a certain indirect discrimination towards those groups who did not have internet access, or a technological device to access the platform, or who are digitally illiterate (especially old people living alone, who had to be assisted by their family members). Another problematic issue during the state of emergency



was the methodology that the government used for authorising free movement. On Friday evenings the government, mainly through social media messages by the Prime Minister, announced the categories of people authorised to break the quarantine the following morning. Such measures changed very frequently, and their announcement on short notice caused confusion due to the limited foreseeability of the measures (Bianku 2020).

A particular situation infringing freedom of movement was the denial of the right to enter the territory to Albanian citizens arriving from Greece at the land border.<sup>7</sup> They were left unattended at the border for several days until a second decision was made forcing them to quarantine in hotels designated by the state at their own expense. Besides infringing freedom of movement, this situation might be seen as problematic in terms of article 3 of Protocol No. 4 (Prohibition of expulsion of nationals). Such a measure, even in times of crisis, can hardly be justified under human rights laws.

### **3.4. Civil society watchdogs and media freedom**

The lockdown and the freedom of assembly restrictions have also negatively affected civil society activism (Tzifakis 2020). This was seen as an opportunity by the Albanian government to implement a critical decision, which under normal conditions would have met with popular resistance. In the early hours of 17 May, the government demolished the National Theatre in Tirana. The haste of implementing this decision during a state of emergency is incomprehensible, unless of course it aimed to prevent a potentially strong public opposition to the demolition of the building. This did not however prevent demonstrations, and those that followed were accompanied by police violence against demonstrators, including the attacking and arrest of journalists (VOA 2020), leading to several days of chaos.

Media freedom was another right to be infringed during the lockdown. At the start of the state of emergency, the Prime Minister urged the public to “protect themselves against the fake news” (ABC News 2020). All the information regarding lockdown measures and the management of the pandemic was disseminated via timed disclosures only through media outlets working for the government and through the Prime Minister’s official media channel ERTV and his official Facebook account.

This approach allowed for a concentration of powers in the government in relation to any information regarding the pandemic situation that was released to the public. The Prime Minister had full power over deciding when to instil fear and when to instil hope in the public through the news

7 Joint Order no. 240, dated 07.04.2020, of the Minister of Health and Social Protection and the Minister of Interior, “On the self-assembly of Albanian citizens who want to enter the territory of the Republic of Albania from all Land Border Points”.

he delivered every day. Such a restriction of media powers aggravated the structural problems of media freedom in the country and consolidated the executive authority at the expense of human rights.

### **3.5. Temporary release of detainees**

Nevertheless, among the many problems that were either created or deepened during the state of emergency, it should be mentioned that some positive steps were also taken. An example of a positive measure taken by the Albanian government is the decision of March 2020 to temporarily release (into house arrest for three months) about 600 persons deprived of their liberty (Ministry of Justice 2020). These included two categories of prisoners: those who had up to three years of imprisonment left to serve, and individuals over 60 years old suffering from health issues and considered more vulnerable to COVID-19. Both categories were low risk prisoners. The measure aimed to protect the health of these vulnerable groups from COVID-19. This measure showed non-discrimination and equal treatment in terms of the right to health of individuals deprived of their liberty.

### **3.6. Questionable rule of law and human rights record**

The situation of emergency in Albania can be said to have been managed legitimately and to a certain extent in a way proportionate to the unknown and unforeseeable risks of the COVID-19 pandemic. Restrictive government measures were mainly the consequence of the weakness of the healthcare system. With hospitals lacking resources to deal with serious cases, there was an urgent necessity to prevent the spread of the pandemic. However, the legal form of adoption of most of the legal acts, the legislative changes through fast-track procedures, the introduction of imprisonments for violations of emergency measures, and the nature of parliamentary control, all seemed problematic in terms of constitutional compliance (Bianku 2020), questioning the rule of law in the country. Media freedom is another issue that requires detailed analyses, due to its deep structural problems. To conclude, careful decision-making is required when confronted with such an unpredictable situation, given the need to avoid enduring harm to rule-of-law principles and fundamental freedoms.

## **4. Bosnia and Herzegovina: Uncoordinated responses to the pandemic**

Bosnia and Herzegovina (BiH) registered its first cases of COVID-19 in early March 2020. Following other countries in the region, BiH authorities started cancelling events, recommending social distancing and self-isolation. Crisis management in BiH is rather decentralised, relying on the entity levels. The entity of Republika Srpska (RS) is rather centralised, while power in the entity of the Federation of Bosnia and Herzegovina

(FBiH) is further devolved to ten cantons. Consequently, harmonising all administrative levels represents one of the key challenges of the pandemic. This contribution will look into several segments of the crisis management in BiH; namely, the state of emergency, freedom of movement, and freedom of expression.

#### **4.1. State of emergency in BiH**

According to the legal system in BiH, states of emergency and states of natural disaster are declared at the entity level and only subsequently at the state level. On 16 March 2020, FBiH declared a state of natural disaster (Decision 408/2020), whereas RS declared a state of emergency in its territory on 28 March 2020 (Decision 02/1-021-299/20). The state-level executive body, the Council of Ministers of BiH, declared a state of emergency without a good assessment of the situation at the time of proclamation (Law on Protection and Rescue of People in BiH 2008).

As mentioned in the introduction, all measures limiting human rights and freedoms must be restricted in time, and must be necessary and proportionate to the aim. None of the above-mentioned decisions contained provisions specifying the duration of the state of emergency or natural disaster. In addition to this, measures adopted on entity levels were neither coordinated nor harmonised. At one point, one could find restrictive measures in RS including curfews and obligation to quarantine, while at the same time FBiH had abolished these measures (Živanović 2020). It can be argued that discrepancies between the measures could have negatively affected the coherence of the response to the pandemic and increased legal uncertainty among citizens. The National Assembly of RS passed a Decision on the abolition of the state of emergency in the RS on 21 May 2021, and the Council of Ministers passed the same decision for FBiH on 31 May 2020 (Venice Commission 2020a).

Furthermore, the fact that certain procedures become simplified in a state of emergency was abused by certain levels of government in BiH. Professed care for the health of citizens was revealed to be a smoke screen for the misuse of public funds and enrichment of BiH political elites. In FBiH for example, declaring the state of natural disaster enabled the government to initiate expedited public procurement procedures related to the health crisis. However, only 537 out of 25,886 procurement procedures were related to the pandemic (Transparency International 2020). The best-known corruption case is related to the purchase of 100 respirators that turned out to be inadequate for use in hospitals, which were imported by a company trading in fruits and vegetables (Transparency International 2020; Djugum, Bajrovic and Heil 2020). This represents an abuse of power that has had direct impact on the deterioration of democracy and public trust in institutions.

## 4.2. Freedom of movement

During states of emergency or natural disaster, the state is allowed to restrict some rights of its citizens, but only if this is legal, necessary and proportionate to its aims. As in other countries in the region, BiH introduced curfews for its citizens in order to prevent the spread of COVID-19. On 20 March 2020, the Federal Civil Protection Headquarters (FCPH) issued a ban on the movement of persons under 18 and over 65 in FBiH, whereas in RS only persons over 65 were subject to the ban. Ten days later, the ban in FBiH was amended and children with disabilities were allowed to go out within a radius of 100 meters from their home. During April, these decisions were loosened with the introduction of windows during which people over 65 would be allowed to leave their homes and children were allowed to be moved in cars (Ninković 2021).

These bans are particularly problematic as they affect two vulnerable groups. The reasoning behind choosing these two groups does not justify a complete ban on movement. Firstly, children and minors were not considered to be a group at high risk if infected with the virus, and the long-term consequences on children's mental health were not taken into consideration. The Balkan Investigative Reporter Network BiH interviewed a mother of two boys, aged 3 and 11, stating that the boys started becoming restless and nervous as they were forced to be inside the house all the time. The older son started having anger outbursts while the younger son was crying more often (Ćerimović, Wurth and Brown 2020). Furthermore, these measures disproportionately affected single parents and children with disabilities due to their additional vulnerability, as they are the groups who suffered the most (Naimarević 2020).

The statement that these two groups were disproportionately affected was further proved by the ruling of the BiH Constitutional Court. One appellant was a single parent, claiming that, due to the introduced restriction of movement, he was prevented from providing care and protection to his child. On 22 April, the BiH Constitutional Court concluded that the appellants' right to freedom of movement under article II(3)(m) of the Constitution of Bosnia and Herzegovina and article 2 of Protocol No. 4 to the European Convention had been violated (Decision AP-1217/20). The Court noted that the FBiH legislature did not respond to the crises in a timely manner, whereas the executive power had declared a state of natural disaster transferring the power of managing the crises to FCPH. Furthermore, the Court emphasised that the Law on Protection of Population from Infectious Diseases prescribes that the Federal Ministry of Health can bring such measures.

FCPH did not take into consideration any milder measures nor did it include any exceptions within either category. The above-mentioned court decision particularly focuses on elderly persons over the age of 65 who are still working, within legislative and executive bodies and many other

professions with a retirement age of 70 years, as they should have been exempt from the restrictive measure. Moreover, the Decision was in force until further notice, contributing to the legal uncertainty and increasing the possibility of arbitrariness. Every decision that limits human rights and freedoms must be strictly limited in time and reviewed regularly. They can only last as long as necessary to achieve their objective, which was not the case with this particular Decision. Without a defined timeframe of duration, this Decision directly violated the human rights of citizens in BiH and thus was ruled unconstitutional. The Decision would have exacerbated legal uncertainty and lack of uniform measures within BiH.

Lastly, free movement of BiH citizens between or through entities on weekends and during some weeks was restricted due to the fact that one entity would introduce curfew. Access to information that would clearly address moving through one entity to get to another was not available and citizens were relying on the experiences of other citizens. These limitations were introduced regardless of the fact that no special epidemiological status of quarantine has been established for any area in BiH. RS and two cantons in FBiH have introduced unconstitutional measures prohibiting leaving the place of residence (Al Jazeera Balkans 2020).

### **4.3. Freedom of expression**

In the attempt to control the narrative of the pandemic, governments in the region have started silencing the media and the general public, fining all critics, and overburdening social media with demands to remove posts and comments. Freedom of expression deteriorated significantly during the COVID-19 pandemic in Bosnia and Herzegovina. It has been noted that both entities have adopted decisions restricting freedom of expression and freedom of media. Namely, the RS National Assembly on 6 April 2020 adopted a decision enabling the fining of citizens and journalists for spreading fake news related to the pandemic to prevent stirring panic (Džihana and Halilović 2020). Although FBiH did not bring any decree on this matter, it is documented that the Federal Police Administration had registered five cases of spreading panic through social networks by sharing misinformation and false news connected to the pandemic. All these cases had been handed over to prosecutor's offices for further proceedings (Muslimović 2020).

The problem with the above-mentioned decisions is that they are broadly set and undefined. No criteria have been set as to what is meant by the terms used (false news, allegations, panic, serious disturbances of public order or peace), nor is a procedure or public authority prescribed. All powers of interpretation and action have been handed over to the jurisdiction of the Ministries of the Interior and possibly the misdemeanour courts, which have neither the political nor the professional qualifications to make appropriate decisions in the field of restricting the right to freedom

of expression. Since no “serious disturbance of public order or peace” or “panic” was registered, so there was no consequence of the alleged spread of false news (which is a condition for an action to be legally qualified as a misdemeanour or criminal offense), a logical question arises about the basis on which the police administrations made their decisions and filed misdemeanour and criminal charges. The possibility of abuse is all the greater because the decree in the RS states that the prohibitions also apply to false news which “prevents or significantly impedes the implementation of decisions and measures of state bodies and organisations exercising public authority” (Džihana and Halilović 2020). In this way, any criticism of the actions of public authorities or omissions in their work could be interpreted as “obstruction of decisions and measures of state bodies and organisations” (Džihana and Halilović 2020, 8–9).

Furthermore, freedom of media and access of journalists to information of public significance has been restricted. Press conferences were mainly closed to journalists, and in some cases questions were pre-set and agreed on before the conference. This can be viewed as a one-way communication where authorities decide to what extent they will be sharing information of public interest (Živanović 2020).

#### **4.4. Decentralized state, uncoordinated measures and deteriorated freedoms**

The issues and challenges that BiH has been facing have intensified during the pandemic. The failure to comply with legal obligations to coordinate emergency measures has led to inconsistencies in legal solutions at all levels in BiH. It is necessary that all measures brought should be coordinated and harmonised in terms of both the intensity and the type of the measures. Changes to legal regulations require reasonable justification and must be communicated in a clear manner, which is not visible in the decisions of public authorities in BiH. The overall crisis management shows that the actions of public authorities in BiH were disoriented, leading to legal uncertainty. Rule of law and legal certainty must be the ground of every decision adopted, even in a state of emergency. In the months and years to come, it will be shown whether fundamental rights and freedoms will continue to deteriorate or more transparent crisis management will be introduced.

#### **5. Kosovo: Political deadlock in times of coronavirus**

Kosovo confronted the first wave of the coronavirus pandemic immersed in a political and constitutional turmoil, with parliament polarised and fragmented due to a no-confidence motion filed on 25 March 2020 against Prime Minister Albin Kurti, leader of Vetevendosje, a left-wing and reformist political party. The no-confidence motion was led by the other political party in the coalition government, the Democratic League of Kosovo (LDK) (Bami 2020d; BBC News 2020b).

This article focuses on the government's pandemic responses and their consequences to citizens' fundamental freedoms and constitutional rights. Human rights challenges were largely present across the Balkan region due to the health crisis. In the following sections, we aim to analyse whether the executive applied the principle of proportionality during the restrictions on freedom of movement and peaceful assembly. It is important to note that 2020 was characterised by intense political developments, as outlined in the next section, as they are essential to understanding the government's management of the pandemic.

### **5.1. Power struggle during the COVID-19 health crisis**

On 11 March 2020, the recently formed coalition government of Kosovo adopted a set of measures and recommendations in response to the COVID-19 pandemic while avoiding a declaration of a state of emergency (Bami 2020a). A day later, the government established a Special Commission for the Prevention of Infection from COVID-19. The Special Commission strengthened coronavirus-related measures: the suspension of transport and flights, the almost complete shutdown of businesses except for essential activities, restrictions on public gatherings, and a lockdown from 12 March until 31 May 2020 (Kacarska and Milacic 2021). The Prime Minister of Kosovo chaired the Special Commission, which included more than twenty members (Deloitte Kosova 2020). It was not until 16 March 2020 that the Kosovo government declared a public health emergency (N1 News 2020b).

There was a dispute between the two parties in the coalition government over how to manage the coronavirus health crisis and whether to declare a state of emergency. PM Kurti's Vetevendosje political party was not supportive of declaring the state of emergency, stating that it would present an "unnecessary cause of panic"; the Serbian List also opposed the proposal and raised concerns "about an occupation of Serbian municipalities by the Kosovar army" (Distler 2020). However, the junior party in the coalition was the Democratic League of Kosovo (LDK), one of the largest political parties in Kosovo with a conservative-liberal ideology, and it supported declaring the state of emergency as proposed by the President of Kosovo, Hashim Thaci. According to the Kosovo constitution, if a state of emergency is declared "the Assembly shifts the government's power to the Security Council, which is chaired by Thaci" (Bami 2020c).

Tensions between the ruling parties resulted in the dismissal of Minister Agim Veliu, who openly expressed support for the declaration of a state of emergency (Hajdari 2020). The LDK party then initiated a no-confidence vote against Kurti's government, which was voted out.

The political turmoil left the country with a Vetevendosje caretaker government for more than two months in the midst of an unprecedented health crisis. Consequently, the role of the Parliament was limited during this period; although the caretaker government adopted coronavirus-related measures, the “parliament would not take any steps to exercise oversight over the government it had voted out” (Krasniqi 2020). Furthermore, a new constitutional crisis emerged with regard to the decision on how to form a new government: Kurti aimed to go to new elections; Hashim Thaci was calling for a unity government to face the coronavirus crisis. The Constitutional Court upheld Thaci’s decree to appoint Avdullah Hoti (LDK) as the new Prime Minister of Kosovo, and Hoti took office in June.

## **5.2. Constitutional Court responses to coronavirus restrictions**

The coronavirus pandemic opened an old democratic debate about protecting citizens’ constitutional rights when emergency laws suspend or restrict fundamental freedoms and human rights. If public health must be considered a priority in times of an unprecedented sanitary crisis, the respect of the principle of legality, necessity and proportionality becomes crucial to maintaining the rule of law. Moreover, checks and balances are to be in place to avoid the extreme concentration of power in the executive. Kosovo has been a particular case due to the disagreements played out at the political level between the Prime Minister, the President and the two parties in the coalition government.

To flatten the curve of coronavirus infections in the country, the Kosovo government restricted freedom of movement and peaceful assembly through a country-wide lockdown, using the Law for the prevention and fighting against infectious diseases (PFAID) and the law on health. President Hashim Thaci, whose proposal to declare a state of emergency triggered the power struggle in the coalition government, filed a complaint against this decision to get a constitutional review. Thus, on 31 March 2020, the Constitutional Court declared that limiting freedom of movement should be done explicitly by law passed by the Assembly or by declaring a state of emergency. The Court further noted that the Ministry of Health does not have the authorisation to limit constitutional rights and freedoms “at the level of the entire Republic of Kosovo and for all citizens of the Republic of Kosovo without exception” and declared the decision invalid on the basis of violation of article 55, Limitations on Fundamental Rights and Freedoms (Constitutional Court of Kosovo 2020; Haxhibeqiri and Sokoli 2021). It is important to note that the court clarified the dispute between the parties over the question of the imperative need (or not) to declare the state of emergency.

The court concluded that the “limitation” of human rights and freedoms can be made “only by law” of the assembly, but this does not mean that the “limitation” of rights can only be made through and after the declaration of a state of emergency. The court also clarified that the term “limitation” used in article 55 of the constitution implies the fact that the assembly



has the right to limit fundamental rights and freedoms through the law, but only insofar as and to the extent that it is necessary, in an open and democratic society, to fulfil the purpose for which the limitation is allowed. In other words, “limitation” implies a lighter degree of interference, and this can be done even without a declaration of a state of emergency; whereas “derogation” implies a more severe degree of interference, since it can never be done without a declaration of a state of emergency (Constitutional Court of Kosovo 2020). However, due to the aggravated health situation caused by the pandemic, the court postponed the entering into force of its judgment until 13 April to allow the government to implement new coronavirus-related restrictions in accordance with the constitution.

Thus, taking into account the constitutional court judgment on the unconstitutionality of limiting the freedom of movement for the whole country and for all citizens, the Ministry of Health (in the caretaker government) introduced new restrictions for each municipality (Ombudsperson Institution of Kosovo, 2020; Bami 2020b), while assembly members referred these new decisions for constitutional review. The Ombudsperson issued a comment to the court (after being asked for it) and stated that “there is a lack of parliamentary oversight on the government’s work” (Ombudsperson Institution of Kosovo 2020). Once again, the court declared the Ministry of Health’s decision to quarantine some municipalities as unconstitutional, because of the absence of a legal framework.

Thus, country-wide agreements between the main political parties were absent due to the political deadlock, and decisions were taken under the umbrella of the judiciary. In a later development, President Thaci resigned from office in November 2020 while facing war crimes charges, and the executive government established in June under Avdullah Hoti was declared unconstitutional following a complaint filed by the Vetevendosje political party (BBC News 2020c).<sup>8</sup>

### 5.3. Human rights in times of COVID-19

Due to the pandemic, Pristina experienced significant political, social and economic trends across 2020. Lockdown measures had socio-economic implications and the pandemic’s consequences predominantly reached vulnerable groups such as minorities. The World Bank reported that unemployment is increasing in the region and thousands of people have fallen into poverty — also positioning minority groups in a more vulnerable position due to the structural effects of the pandemic (World Bank 2020).

8 Hoti was elected Prime Minister with a majority of one vote. However, the unconstitutionality of the designation is based on “the legal status of MP Etem Arifi, who voted for the coalition government and was sentenced on September 29, 2019 on charges of corruption” (Prishtina Insight 2020a). Consequently, elections were called early in 2021 for the formation of a new government in Kosovo. Vetevendosje won the elections.

The harsh economic conditions also jeopardised the work of journalists and the freedom of the media. Lay-offs of media employees and a lack of resources to develop their work freely worsened the situation during COVID-19 (European Federation of Journalists 2020). Additionally, domestic violence cases increased 36% in comparison with the data in 2019, with an additional burden of the slowing down of court cases dealing with women's human rights violations (Ombudsperson Institution of Kosovo 2020).

The application of the limitation of the right of movement and peaceful assembly by law enforcement officials followed double standards "by selectively allowing some events, while refusing others despite the commitment to comply with the COVID-19 rules" (Haxhibeqiri and Sokoli 2021). Additionally, punishment for breaching coronavirus-related measures was not imposed equally among all citizens in Kosovo; politicians and public officials openly violated restrictions, even posting large gatherings on social media (Demi 2020).

#### **5.4. Political crisis and unconstitutional limits on freedoms**

The coronavirus pandemic created an unprecedented crisis for constitutional rights and fundamental freedoms worldwide. The pandemic plunged Kosovo into a political and constitutional crisis that led to a vote of no confidence, political polarisation and a strongly divided (and almost non-functioning) parliament that weakened the legislative branch. The political circumstances also put into question the existence of effective checks and balances. As in Serbia, citizens in Kosovo protested the poor management of the coronavirus health crisis from their balconies and opposed political confrontation during a pandemic. Kosovars also witnessed their constitutional rights limited due to the public health emergency actions, and they experienced the consequences of the stagnated economy that harshly hit vulnerable groups.

#### **6. Concluding remarks**

This article has examined the extent to which the measures introduced by SEE ruling parties as a response to COVID-19 were in line with the principles of the rule of law. Namely, the aim was to explore how the global coronavirus pandemic affected the human rights and democratic outlook in the region. Therefore, the focus of the article was on the state of emergency and the respect of civil and political rights in selected SEE countries. What the insights from Serbia, Albania and Kosovo demonstrate is that the incumbents used states of emergency to concentrate power in their own hands, while at the same time side-lining parliaments and the judiciary. Perhaps this negative trend was most obvious in Serbia where President Vučić declared the state of emergency, instead of it being declared by the Parliament as prescribed by law. At the same time, fast-track

procedures combined with limited parliamentary oversight enabled further malversations within the system, as the case of the public procurement of dysfunctional respirators in BiH clearly evidences. Overall, it seems that the global pandemic proved a perfect opportunity for increasingly non-democratic incumbents to increase their power at the expense of other branches of government, all under the pretext of protecting citizens' lives.

Besides the concentration of power in the executive, regional governments fared poorly when it comes to respecting citizens' rights and freedoms, especially in two important aspects: proportionality and necessity. For example, in BiH and Serbia, it was the children and elderly who were at first disproportionately affected by restrictions on the freedom of movement. Also, restriction on the freedom of assembly was used to the advantage of some governments, as the case of the demolition of the national theatre in Albania demonstrates. A similar trend was to be observed in relation to freedom of media where incumbents, under the pretext of the pandemic, banned journalists from attending press conferences, or disseminated COVID-19 updates only through government-friendly media. In summary, ruling parties in the countries of SEE often sidelined the international and national principles that are in place to protect citizens' rights and freedoms. More precisely, they took advantage of every opportunity to increase the power in their own hands, and it remains to be seen what consequences this will have in months to come.

## References

- ABC News. 2020. "Rama 'pushton' edhe telefonatat: Jam Edi, laji duart!" [In Albanian.] March 12, 2020. [Link](#)
- Albanian Prime Minister's Office Newsroom. 2020. "Prime Minister Edi Rama's message on latest measures to prevent Covid-19 virus spread." March 12, 2020. [Link](#)
- Al Jazeera Balkans. 2020. "U dva kantona FBiH i u RS-u zabrana napuštanja mjesta prebivališta." [In Bosnian/Croatian/Serbian.] *Al Jazeera*, April 11, 2020. [Link](#)
- Bami, X. 2020a. "Kosovo confirms first two coronavirus cases." *Balkan Insight*, March 13, 2020. [Link](#)
- Bami, X. 2020b. "Kosovo govt tightens freedom of movement restrictions." *Balkan Insight*, April 14, 2020. [Link](#)
- Bami, X. 2020c. "Kosovo's president and PM clash over coronavirus response." *Balkan Insight*, April 18, 2020. [Link](#)
- Bami, X. 2020d. "No-confidence vote topples Kurti govt in Kosovo." *Balkan Insight*, March 25, 2020. [Link](#)
- BBC News. 2020a. "Coronavirus: Serbia scraps curfew plan for Belgrade after protests." *BBC News*, July 9, 2020. [Link](#)

- BBC News. 2020b. "Coronavirus row helps topple Kosovo government." BBC News, March 26, 2020. [Link](#)
- BBC News. 2020c. "Kosovo leader Thaci in Hague detention over war crimes charges." *BBC News*, November 5, 2020. [Link](#)
- Belgrade Centre for Human Rights. 2020. "Human rights in Serbia January–June 2020: focusing on respect for human rights during the state of emergency." [Link](#)
- Bianku, L. 2020. "Albania – Some Exceptional Extraordinary Measures." *VerfBlog* [Link](#)
- Bytici, F. 2020. "Kosovo to partially remove tariffs on Serbian-made goods." *Reuters*, February 27, 2020. [Link](#)
- Cavdarevic, I. 2020. "Serbia and Covid-19: State of emergency in a state in disarray." *Verfassungsblog On Matters Constitutional*, May 12, 2020. [Link](#)
- Ćerimović, Emina, Margaret Wurth and Bethany Brown. 2020. *BIRN BiH*, April 2, 2020. [Link](#)
- Civil Rights Defenders. 2020. Overview of the situation in the Western Balkans. 2020. [Link](#)
- Constitutional Court of Kosovo. 2020. Referrals: 1. KO 219/19 and 2. KO 54/20. [Link](#)
- Council of Europe. 2020. "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member states." *SG/Inf(2020)11*. [Link](#)
- Council of the European Union. 2020. "Belgrade–Pristina Dialogue: EU appoints a new Special Representative." Press release, April 3, 2020. [Link](#).
- Criminal Code of the Republic of Albania. [Link](#)
- Cuckić, N and A. Ivković. 2020. "New low for parliamentary democracy in Serbia." *European Western Balkans*, April 24, 2020. [Link](#)
- Decision No. 243, dated 24.3.2020: On the declaration of the state of natural disaster. Council of Ministers, Republic of Albania. [Link](#)
- Decision of the BiH Constitutional Court. 2020. AP-1217/20. April 21, 2020. [Link](#)
- Decision on declaring state of emergency in BiH. 2020. No. 15/20. Council of Ministers of BiH, 17th March 2020. [Link](#)
- Decision on declaring state of emergency in FBiH No.408/2020. FBiH Government, March 16, 2020. [Link](#)
- Decision on declaring state of emergency in RS No. 02/1-021-299/20. RS National Assembly, March 28, 2020. [Link](#)
- Deloitte Kosova. 2020. "Kosovo: General prevention measures." *ICLG (Global Legal Group)*, May 5, 2020. [Link](#)
- Demi, A. 2020. "Kosovo turns blind eye to officials flouting COVID-19 laws." *Pristina Insight*, November 20, 2020. [Link](#)
- Distler, W. 2020. "Political crisis and the Corona—'State of Emergency' in Kosovo." *Zeitschrift für Friedens- und Konfliktforschung* 9: 375–384. [Link](#)
- Djugum, Aida, Edib Bajrovic and Andy Heil. 2020. "How did a Bosnian raspberry farm get a state contract to acquire 100 ventilators?" *RadioFreeEurope*, May 5, 2020. [Link](#)
- Dymishi, A. 2020. "Albania." In *Democracy and the State of Emergency: Responses to the Corona Crisis in the Western Balkans, Croatia and Slovenia, Report One*. Friedrich Ebert Stiftung, April 20, 2020. [Link](#)

- Džihana, Amer, and Mehmed Halilović. 2020. "Ograničavanje prava na slobodu izražavanja u BiH u toku trajanja pandemije COVID-19." *BH Novinari*. [Link](#)
- Euroactiv. 2020. "Serbia vows to continue campaign revoking the recognition of Kosovo's independence." Euroactiv, June 5, 2020. [Link](#)
- European Commission. 2020. "Serbia 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy." SWD 352 (2020). [Link](#)
- European Federation of Journalists. 2020. "Kosovo: new report shows how Covid-19 exacerbates existing problems for media workers." *EFJ*, October 30, 2020. [Link](#)
- Framework of the Law on Protection and Rescue of People and Material Assets in Case of Natural or Other Disasters in BiH. [Link](#).
- Hajdari, U. 2020. "Coronavirus crisis threatens Kosovo government." *Politico*, Pristina, March 20, 2020. [Link](#)
- Haxhibeqiri, N. and T. Sokoli. 2021. "Striking a balance: Human rights v. combating Covid-19 in Kosovo." *Civil Rights Defenders*, Pristina. [Link](#)
- Joint Order no. 240, dated 07.04.2020, of the Minister of Health and Social Protection and the Minister of Interior, "On the self-assembly of Albanian citizens who want to enter the territory of the Republic of Albania from all Land Border Points."
- Kacarska, S. and F. Milacic. 2021. *Democracy and the State of Emergency: Functioning of Institutions in Times of Crisis*. Friedrich Ebert Stiftung. [Link](#)
- Kovačić, N. 2020. "Analysis of measures derogating from human and minority rights during the state of emergency in the Republic of Serbia caused by the epidemic of infectious disease COVID-19." *A 11 – Initiative for Economic and Social Rights*. [Link](#)
- Krasniqi, J. 2020. "Covid-19 pandemic case study: Kosovo." *Heinrich Böll Foundation*, December 10, 2020. [Link](#)
- Mackinnon, A. 2020. "Why the United States Is Stoking a Crisis in Kosovo." *ForeignPolicy*, April 17, 2020. [Link](#)
- Marinković, T. 2020. "Fight Against Covid-19 in Serbia: Saving the Nation or Securing the Re-Election?" *Verfassungsblog: On Matters Constitutional*, May 18, 2020. [Link](#)
- Ministry of Justice. 2020. "Orders No. 91 and No. 92: For measures for the prevention of the spread of COVID-19 at Institutions for the Execution of Criminal Sanctions." Ministry of Justice, Albania.
- Muratagic, Jasmin. 2020. "Constitutionality of emergency measures and legal consequences of COVID-19 pandemic in BiH." *Foundation Public Law Centre*. [Link](#)
- Muslimović, Admir. 2020. *BIRH BiH*, March 30, 2020. [Link](#)
- N1 Belgrade. 2020. "Anti-regime noise continues across Serbia." *N1 Belgrade*, April 30, 2020. [Link](#)
- N1 News. 2020a. "Kosovo Constitutional Court upholds Thaci decree on prime minister." Belgrade, Sarajevo and Zagreb, 29 May. [Link](#)
- N1 News. 2020b. "Kosovo government declares public health state of emergency." Belgrade, Sarajevo and Zagreb, 16 March. [Link](#)
- Naimarević, Bojana. 2020. "Mreža za izgradnju mira, 05th August 2020, Ko brine o osobama sa invaliditetom i osobama s poteškoćama u razvoju u vrijeme pandemije?" [Link](#)
- Ombudsperson Institution of Kosovo. 2020. "Independence and effectiveness of the NHRIs." *European Network of National Human Rights Institutions*. [Link](#)

- OSCE. 2020. "Analysis of the media coverage of the coronavirus pandemic in Serbia: Analysis of the content of daily press and TV stations as of 26 February through 6 May 2020." [Link](#)
- People's Advocate of Albania. 2020. "Independence and effectiveness of the NHRIs." *European Network of National Human Rights Institutions*. 2021. [Link](#)
- Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto. [Link](#)
- Rutzen, Doug, and Nikhil Dutta. 2020. "Pandemics and human rights." *Just Security*, March 12, 2020. [Link](#)
- Šošić, M. 2020. "SERBIA: A brief analysis of the legality of the government measures/ response to COVID-19 from the human rights perspective." *Initiative for Development and Cooperation*, May 12, 2020. [Link](#)
- The Economist Intelligence Unit. 2021. "Democracy Index 2020: In sickness and in health?" [Link](#)
- The Prime Minister's Office. 2020. "Speech of Prime Minister Albin Kurti at the Assembly of the Republic of Kosovo." [Link](#)
- Transparency International. 2020. "Javne nabavke u doba pandemije COVID-19." [Link](#)
- Travers, E. 2020. "Prishtina protests from its balconies." *Prishtina Insight*, 19 March. [Link](#)
- Trifković, M. 2020. "Human rights in Serbia during the first wave of coronavirus: From denial of danger to state of emergency." *A 11– Initiative for Economic and Social Rights*, August 2020. [Link](#)
- Tzifakis, N. 2020. "The Western Balkans during the pandemic: Democracy and rule of law in quarantine?" *European View* 19(2): 197–205. [Link](#)
- Venice Commission. 2020a. Observatory on emergency situations. [Link](#)
- Venice Commission. 2020b. "Respect for democracy, human rights and the rule of law during states of emergency: Reflections." CDL-AD(2020)014. [Link](#)
- VOA (Voice of America). 2020. "Lela: 'Shembja e Teatrit Kombëtar ishte e padenjë dhe e padrejtë. Nuk ka drejtësi, as transparencë'." *Voice of America*, May 17, 2020. [Link](#)
- World Bank. 2020. "Recession deepens as COVID-19 pandemic threatens jobs and poverty reduction in Kosovo." October 22, 2020. [Link](#)
- Živanović, Miroslav. 2020. "Democracy and the state of emergency in Bosnia and Herzegovina." *European Western Balkans*, April 20, 2020. [Link](#)