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State of Emergency: Corona, the Media and new Rules in South East Europe

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The worldwide Covid-19 pandemic influences the daily life immensely and is responsible for several restrictions in our lives. Especially in these times of crisis it is important that the citizens receive correct information. Journalists and media play therefore a vital role. In the current context serious and reliable media are even more important as the current pandemic is also an "infodemic" where a lot of false information is spread. Thus, local authorities in South East Europe are not only fighting against the spread of the virus, but also against fake news and disinformation. However, there comes the danger that the crisis is being used to turn off unwanted, critical voices. With a view to the developments of the last weeks it must be stated: The Corona crisis seems to intensify the still existing democratic deficits in South East Europe. The situation is worsened by the lack of awareness for quality journalism, by media which are driven by interests and sensationalism as well as by the relatively low trust in journalistic reporting and by a low level of media literacy. This overview will show how media and governments in the ten countries covered by the KAS Media Programme South East Europe are dealing with this "information crisis." Due to the daily changes, this is only a snapshot of the events which have happened until 9th April 2020.

Albania

In the last couple of years there were repeatedly reports how Prime Minister Edi Rama discredits journalists by calling them "trash bins." Recently, he even warned mobile phone users with a voice message before their calls: "Wash your hands, don't move from your house for pleasure, open windows as much as you can, protect yourself from the media." With this Rama continues his fight against independent media. Recently he himself became victim to false news. He shared a video on his social media profile which was allegedly showing Spanish police approaching protesters to impose curfews. Later it was proven that the video was actually filmed in Algeria.

The fact that the Prime Minister himself is becoming victim of fake news is even more dangerous considering that media only have little other information sources than the government. Media and human rights organisations have criticised the government of monopolising information. Medical staff is prevented to talk to journalists. Thus, journalists only have the information which they receive at the government press conferences.

Print media are currently suffering the most from the limitations. In Albania (as well as Kosovo) there are currently no print editions of newspapers and they are only available online. TV shows are also being cancelled due to the new rules which don't allow more than two people in the room meaning it is impossible to finish productions.

Bosnia and Herzegovina

The government in Bosnia and Herzegovina has the goal to contain disinformation. The entity Republika Srpska has for example introduced fines for the dissemination of false news which could lead to panic or public disorder. The amount of the fines for persons and companies (also media companies) lies between 500 and 4500 Euro. On 28th March two Facebook users had to pay fines for comments. Also, in the other entity of the country, the Federation Bosnia and Herzegovina, some cases concerning dissemination of panic via Facebook comments was handed over to the prosecution.

A lot of criticism was raised after the Ministry of Interior of the Republika Srpska announced that the data of people in self-isolation will be made public. Due to the pressure by the data protection authority this regulation was shortly after revoked.

Furthermore, the lack of transparency of authorities is regularly criticised. In that way the journalists' association "BH novinari" complains that the media are not informed enough. During official press conferences just a few questions can be asked and the answers are often vague or not answered at all.

Bulgaria

In Bulgaria the law for the actions during the state of emergency was passed in mid-March. This also included a stricter approach against fake news. Its distribution could be punished up to 3 years in jail and a fine up to 10.000 Leva (approx. 5.000 Euro). However, President Rumen Radev, who is part of the opposition, vetoed against this part of the law. The reason: Since there is no definition of fake news, he sees a danger of self-censorship and restrictions of media freedom.

The parliament thereupon removed this part of the law. The governing party however announced to give a more precise formulation and reintroduce the law to the parliament.

Concerning the compliance with the quarantine provisions, the police is allowed to see the data of mobile phones without a court order, thus being able to track people via their phones. The mobile providers need to save the data for at least six months.

Croatia

Croatia's capital Zagreb did not only suffer from the corona pandemic, but also under aftermath of the earthquake on the 22nd March. There are still damages visible, especially on historic buildings in the city centre. The supply with gas and warm water only functions partly.

The authorities have also registered an increase in cyberattacks and phishing emails. Thus, for example the online platform "Carnet" which is used for schooling kids online was attacked several times.

A positive sign concerning data protection was the shutdown of the webpage "samoizolacija.hr" which was collecting personal data of people not complying with quarantine restrictions. The Ministry of Interior reported that the website was breaking European Data Protection Regulations; the police has its own methods to prosecute such offences. This apparently includes a draft law of the government which was brought into parliament on 26th March. The draft foresees that authorities can track the mobile phones of people in self-isolation. Mobile operators would need to provide these data without any court order. This obvious invasion of privacy caused a wave of criticism. Afterwards the President of Parliament Gordan Jandroković announced that the law would not be passed fast-tracked but be debated in parliament in two readings.

Kosovo

The Corona crisis has led to the breakup of the government coalition in Kosovo and hence to a substantial government crisis. Due to disagreements in dealing with the pandemic, Prime Minister Albin Kurti (Party "Vetevendosje") fired Minister of Interior Agim Veliu (Democratic League of Kosovo – LDK). Afterwards there was a discord between both coalition partners and a successful motion of no confidence against Kurti.

End of March – likely due to interethnic conflicts – a reporter team of the newspaper Gazeta Blic was attacked in the Serb-dominated north of the country in the city of North Mitrovica. The journalists interviewed some inhabitants on the current situation when they were attacked. One of the journalists was even brought to the hospital.

Like in Albania there are no printed newspapers in Kosovo. They are only available online.

Republic of Moldova

The Republic of Moldova gave a particularly negative example of restrictions of media freedom. The Audio-visual Broadcasting Council, responsible for licensing and controlling audio-visual media, decided on 24th March that media are only allowed to publish official positions (e.g. the government or WHO). According to this regulation it wasn't allowed to assess official statement, especially not criticizing them or asking experts to evaluate government measures. After a petition signed by several media organisations and the criticism of President Igor Dodon, the Council revoke the regulation shortly after.

There was also some criticism due to other regulations passed during the Corona pandemic. It wasn't allowed for journalist to ask the government questions during press conferences which weren't given in written beforehand. Furthermore, press conferences now only happen online.

In the fight against disinformation the Moldovan intelligence service got permission to shut down websites with fake news. So far more than 50 internet portals have been shut down. If and how much these websites have been checked on disinformation is not public. There are allegations that they were just took down because they were listed on the website "stopfals.md" which publishes portals spreading disinformation.

A violation of data protection happened when President Dodon gave the name of the first Covid-19 patient to the public.

Montenegro

Montenegro belongs to the countries which suspend partially data privacy of citizens during the crisis. The names of people who were in quarantine were made public. The authorities justified this step by saying that a lot of people did not take the personal ban of going out seriously. In another case however, data protection was taken seriously by authorities: a medic was arrested because he disclosed the names of infected persons in a messenger group.

Furthermore, there were arrests due to the suspected distribution of false news. That way, a man was in jail for three days because he claimed on Facebook that the government conceals the real number of Corona infected individuals.

But there is also positive news: The Ministry of Culture informed that they would provide journalists, photographers and cameramen with protective clothes. For the practice of their profession they need to protect themselves from infections.

North Macedonia

In North Macedonia there were also considerations to penalise the spread of fake news. However, these were only plans, as the prohibition of censorship doesn't give legal possibilities. Nevertheless, the police already forwarded 15 online portals to the prosecution office for the dissemination of disinformation and panic.

The state gives financial support to media. 50 percent of social expenditure of media companies are covered by the state.

The Association of Journalists of Macedonia will be giving protective clothing to journalists in the upcoming days and also offer psychological help for media workers.

Romania

With the proclamation of the State of Emergency also a ban on spreading disinformation in the context of Covid-19 was passed. This gives the possibility to shut down webpages which spread false information. For this reason, already one portal was taken from the internet. Traditional media supposedly are not affected. Furthermore, the government assured that websites are being checked individually and informed accordingly. However, the mandate went to the National Authority for Administration and Regulation in Communications (ANCOM). This institution wasn't dealing with these kinds of tasks so far and thus is lacking the competences. Non-governmental organisations as well as the OSCE are warning against limitations in the journalistic work and the danger of self-censorship out of fear publishing something wrong.

One further point of criticism is the law on requests for information. The response time for authorities was extended from 30 to 60 days.

In the context of data protection Romania faces special challenges. The Romania cybersecurity company Bitdefender shared that the number of cyberattacks increased by 500 percent in March in comparison to the previous month. Particularly targeted are public and health institutions.

Serbia

In Serbia there can be mentioned several points concerning media freedom, data protection and the transparency of the government. In the context of data protection President Aleksandar Vučić admitted that they were tracking and following mobile phones with Italian phone numbers. The Serbian constitution however considers data protection even in the state of emergency as a personal right, tracking via mobile phones is only with a court order allowed.

Very strict measures were implemented against the distribution of fake news. However, they are not contributing to the extensive fight against disinformation but limiting the individual freedom.

There were already several arrests for the alleged spreading of panic with fake news in social media. For example, in Belgrade a 31-year old man was taken into custody after he wrote via a messenger service that there won't be any patrol at gas stations for private persons. On 1st April the journalist Ana Lalić from the online portal nova.rs was arrested for allegedly spreading panic, after she reported about the conditions in a hospital in Novi Sad. Supposedly, there isn't enough protective clothing for staff and the coordination of the hospital management shows deficits. There are other cases where the work of critical media has been made difficult. A journalist of the investigative platform CINS wasn't allowed to attend a press conference of the government. The reason: The safety distance between journalists couldn't be kept otherwise.
A general and continuous problem is the lack of transparency of authorities who willingly prefer media where they can expect favourable reporting. Particularly on local level this seems striking. Journalists from Niš reported that the local hospital and authorities were not giving information on the current health situation. After this criticism became public the head of the local crisis unit and the mayor gave interviews to the press – but only to pro-government TV channels like the public broadcaster RTS and private channel Pink.
Another decree was being criticised: Only Prime Minister Ana Brnabić and her crisis unit were authorised to give information on the pandemic. This meant that local authorities wouldn't be allowed to talk to journalists anymore. The information flow was supposed to be centralised and controlled. The regulation however only survived a few days and was revoked upon the initiative of President Vučić.

Critical Measures of Governments

In sum, in the context of media freedom and personal rights in the current phase of crisis following problematic measures can be stated:

1. In principle, authorities need to find instruments and ways to act against the flood of purposefully published fake news. But we observe however more uncoordinated criminal proceedings against reports which supposedly cause panic. Additionally, there is no precise definition of "fake news." By that, publications with false news attract the attention of authorities but not the false information which is spread willingly. This causes insecurities. Since the dissemination of false information relates to high punishments, this leads rather to self-censorship than really combating disinformation.

2. Apparently a lot of people are not complying with the security measures. A lot of people are walking in public although they should be at home in quarantine. In many countries thus the names of those or even of infected citizens were published. This massively violates data privacy. Furthermore, some countries have implemented laws – or plan such – to be able to track people via their mobile phones to prosecute violations of quarantine provisions.

3. Next to these restrictions of democratic rights, many journalists are hindered in their work. They complain about lack of transparency of government agencies and extensions of response deadlines of the rights of information.

A lot of restrictions of the daily life are obviously necessary to stop the pandemic. However, some of the measures in South East Europe seem very drastic and are endangering democracy. In a joint statement David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Edison Lanza, IACHR Special Rapporteur for Freedom of Expression, stated that: "Human health depends not only on readily accessible health care. It

also depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community". Thus, especially in times of crises quality journalism needs to be protected and supported. A positive observation is the solidarity among journalists. Despite the difficult circumstances many of them continue working – although huge number of media companies are already facing huge financial challenges.