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The Parliamentary Response to COVID-19 and States of Emergency (SoE) in the Western Balkans: Second Report



HUGEN

Human Rights and Gender
Equality Network of Committees
in the Western Balkan



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Introduction

The outbreak of COVID-19 is proving to be an unprecedented global crisis which is causing virtually all public institutions and authorities to respond and to act. Parliaments are no exception as they employ their capacities to continue to function during this crisis and at the same time to maintain their positions as cornerstones of democracy. Providing the required parliamentary responses during crises like this could also be perceived as a test of the strength and stability of democratic systems. Ultimately, parliaments should ensure that an appropriate balance is maintained between the necessary health regulations restrictions and the relevant human rights provisions.

After the initial period when the first COVID-19 cases were registered in the Western Balkan region and strict measures and restrictions were imposed by the governments, this research paper examines how eight parliaments from the Western Balkan region continued to respond to the COVID-19 crisis. In this latest period, some of the region's parliaments sharply increased their oversight activities and other regular parliamentary activities (organising plenary sessions, committee sessions, other official meetings etc). From the almost complete suspension of parliamentary activities and the process of handing over specific competences to their executive branches in March and April, parliaments moved to the position of being able to organise regular plenary and committee sessions and even to adopt or amend some important human right legislation.

Some of the countries in the region were also among the first globally to have national parliamentary elections after the outbreak of COVID-19. From June to September, parliamentary elections were organised for the Parliament of Montenegro, the Assembly of the Republic of North Macedonia and the National Assembly of the Republic of Serbia. In some cases, special procedures were adopted in order to allow voting by citizens who were infected with COVID-19.

This period was also marked by the wide spread relaxation of individual measures and restrictions. Unfortunately, this relaxation was followed by the reinstatement of some restrictions and measures which were in force during the first lockdown in March and April. There are still instances around the region where, for instance, restrictions on freedom of movement continue to be in place. As the World Health Organization has warned, the massive relaxation of measures and restrictions could potentially lead to healthcare catastrophes, parliaments and governments still need to take care that measures and human right restrictions are adequate, well balanced and reasonable.

When it comes to potential human right violations, some constitutional courts from the region have issued several official judgments that some of the decisions made by their governments were contrary to their constitutions or to ratified international treaties. Constitutional courts should remain ready to react swiftly to potential human right violations as governments continue to test the limits of human rights.



Parliament of Albania

The first case of COVID-19 was confirmed in Albania on 8 March 2020. From the onset, government authorities imposed a series of measures that restricted citizens' rights and freedoms in order to stop the widespread transmission of the COVID-19 virus. This was done by orders of the minister responsible for the Ministry of Health and Social Protection (MHSP) and decisions of the Council of Ministers. The lockdown was legally enforced on 24 March 2020 through a decision of the Council of Ministers which declared a state of natural disaster¹.

The decision to declare the state of natural disaster stipulated that the coordination body should be the Inter-Ministerial Committee on Civil Emergencies that was previously established following the earthquake in November 2019. The Institute of Public Health was assigned the role of the technical secretariat in charge of administrative aspects to stop the spread of COVID-19. Moreover, a Technical Committee of Experts was established under the MHSP and it was composed of 11 members and chaired by the MHSP deputy minister². These experts made proposals to the government concerning relevant decisions on medical resources management during the crisis as well as on the allocation of resources dedicated to testing the population. Due to the COVID-19 restrictions, the Parliament of Albania issued its decision on the consent to extend the state of natural disaster on 23 June 2020³.

During the lockdown a series of restrictions were imposed affecting freedom of movement, freedom of assembly and freedom of speech. The measures included: curfew hours, administrative fines for breaches of lockdown, quarantining and criminalisation of breaches of quarantine and intentional infection, and the use of police and military forces to enforce the measures. The measures on curfew hours were subject to very frequent changes from the beginning of the lockdown. The first restrictions on movement by pedestrians were introduced on 16 March. All citizens were required not to go out from 18:00 onward and sitting in public places was banned. On 19 March, citizens could go out only between 06:00 and 10:00 and 16:00 and 18:00. However, starting from 30 March citizens could go out to buy food, medicine or other services between 05:00 and 13:00, after which they had to obtain authorisation to do so. The authorisation could be granted for one hour, through the submission of a request through the E-Albania portal, or by sending a message to a mobile phone number. On 20 April, the authorisations were issued weekly for normal working hours, between 05:00 and 08:00 and 16:00 and 17:30. Apart from working purposes, one family member could request authorisation to go out for errands for 90 minutes. During the weekends, the elderly and children up to 14 years were allowed to go out until a specified time during midday.

Despite the state of natural disaster remaining in force until 23 June, the lockdown measures started to ease by the end of April with an expansion of the list of businesses allowed to open with the implementation of reduced working hours and measures to contain the further spread of the virus. During May, restrictive measures were further eased by

¹ Order No. 156/2, dated 11 March 2020, on the declaration of the state of the COVID-19 pandemic is available at: <https://qbz.gov.al/eli/urdher/2020/03/11/156-2/f0cde613-e092-409f-9840-27514786c1ea>; and Decision No. 243, dated 24 March 2020, on the declaration of the state of natural disaster is available at: <https://qbz.gov.al/eli/vendim/2020/03/24/243/dc183551-1297-44e2-b35c-ffb33ee669c7>.

² Exit News, 'Technical Committee of Experts, No Reason to Change the Testing Strategy for COVID-19', 7 April 2020. Available at: <https://exit.al/komiteti-i-eksperteve-asnje-arsye-te-ndryshohet-strategjia-e-testeve-per-covid-19/>.

³ It was decided that the state of natural disaster should be in place for 30 days from 24 March. See Decision No. 18/2020 on giving consent for the extension of the state of natural disaster, available at: <https://www.parlament.al/Files/Projekte/20200424110940vendim%20nr.%2018,%20dt.%2023.4.2020.pdf>.

⁴ Order of the Minister of Health and Social Protection No. 177/1 dated 16 March 2020. Available at: <https://new.shendetesia.gov.al/wp-content/uploads/2020/03/177.1-urdher-per-kufizimin-e-levizjeve-ne-zonat-urbane.pdf>.

⁵ More information is available at: <https://www.pwc.com/al/en/publications/newsflash/COVID-19%20Newsflash%20-%20Further%20measures%20in%20Albania,%2030%20March%202020.pdf>.



reducing curfew hours and further expanding the number of businesses allowed to operate⁶. From 1 June restrictions on freedom of movement were lifted; but restrictions on gatherings and certain leisure activities continued, as did appeals to adhere to safety protocols. Even though the trend of daily cases continued to rise, from 23 June until the end of September no new restrictions were introduced. With regard to the COVID-19 situation in Albania, the number of daily infected cases from March to the end of September ranged from one new case on 19 May to 178 new cases on 24 August. By 1 October there were 5,341 active cases of COVID-19, 388 total reported deaths and over 8,000 recovered cases⁷.

Concerns over the proportionality of the measures taken during the lockdown were raised by human rights activists. Despite the restrictions on the freedom of peaceful assembly, on 17 and 18 May 2020 citizens and civil society activists clashed with police in protests against the demolition of the National Theatre building and over 50 citizens were detained. A series of other protests followed this protest⁸. In relation to media freedoms, during the first month of the lockdown press announcements were not open to journalists. Official public information was delivered first through the prime minister's social media platforms. Also, confirmation from independent sources was very challenging⁹.

With regard to education during the lockdown, pursuant to the order of the MHSP educational institutions at all levels were closed and shifted to online teaching and learning alternatives¹⁰. Due to the unpredictability of the pandemic, the need to adapt to the new situation posed real challenges for both students and academic staff. In June, students could take final exams in high schools and universities as well as attend supplementary classes to catch up on the lessons missed during the lockdown. Moreover, despite requests to postpone elections for public university bodies, elections were held on 30 July¹¹. On 14 September, the school year started as scheduled but with the new COVID-19 measures such as physical distancing in classrooms and the requirement to wear masks for pupils in middle school and high school. The first cases of COVID-19 in schools were unfortunately reported on the second day of school¹².

On 31 March, the government submitted to the Council of Europe notification about the derogation from certain obligations of the Republic of Albania under Articles 8 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 1 and 2 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 2 of Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms. These derogations ceased to be in force from 24 June when the state of natural disaster ended. Therefore, the provisions of the convention and the protocols are being fully executed again¹³.

The parliament was one of the first in the region to adapt parliamentary activity quickly to allow committees to work remotely through online platforms. This fact was praised in various international reports. Also, the decision to allow committee meetings to take place remotely, using videoconferencing platforms, allowed these meetings to be available to a wider audience¹⁴. To a certain degree, the resumption of parliamentary activity was important for the balance of powers between the executive and legislative branches. Despite the unusual working circumstances, from

⁶ Friedrich-Ebert-Stiftung (15 June 2020). 'Democracy and the State of Emergency'. Available at: <http://library.fes.de/pdf-files/bueros/belgrad/16286.pdf>.

⁷ More information is available at: <https://www.worldometers.info/coronavirus/country/albania/>.

⁸ More information is available at: <https://monitor.civicus.org/country/albania/>.

⁹ Picari, Mimoza (8 April 2020). 'Back-to-Back Crises Further Erode Media Rights in Albania'. Voice of America. Available at: <https://www.voanews.com/press-freedom/back-back-crises-further-erode-media-rights-albania>.

¹⁰ Order no.135, dated 9 March 2020, to close educational institutions to prevent the spread of COVID-19. Available at: <https://qbz.gov.al/eli/urdher/2020/03/09/135/07a95e7a-b538-4420-b888-a392020b116d>.

¹¹ Exit News (4 May 2020). 'Albanian Students Demand University Elections Be Postponed'. Available at: <https://exit.al/en/2020/05/04/albanian-students-demand-university-elections-be-postponed/>.

¹² A2CNN (15 September 2020). "'COVID' Schools in Tirana, 12 Teachers and 3 Pupils Infected'. Available at: <https://a2news.com/2020/09/15/shkollat-covid-ne-tirane-12-mesues-dhe-3-nxenes-te-infektuar/>.

¹³ Withdrawal of derogation was contained in Verbal Note No. 129/20 of the Permanent Representation of Albania, dated 24 June 2020 and registered at the Secretariat General on 24 June 2020. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations>.

¹⁴ This can be seen as one of the main sideeffects of livestreaming of committee sessions. More information is available at 'OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic'. Available at: https://www.osce.org/files/f/documents/e/c/457567_0.pdf.



the beginning of March the parliament was expected to have a more proactive role and take the decision-making process more under its own control in order to avoid simply following the actions of the executive branch¹⁵.

Partial activities were resumed at the end of March after teleworking solutions were installed. Plenary sessions were as usual, with the necessary protective equipment and adequate social distancing, while committee sessions and meetings were primarily online. On 16 April, the parliament convened for the first time in a plenary session since the imposition of the lockdown, following amendments to the Rules of Procedure. The amendments to the Rules of Procedure enabled teleworking for the committees and staff, the use of online plenary sessions if deemed necessary, reducing the discussion time from 240 to 180 minutes¹⁶, limiting the number of MPs in plenary sessions if deemed necessary¹⁷, lifting the restrictions on the approval of legal initiatives using the accelerated procedure, procedures for the review and adoption of legislation, et cetera¹⁸.

From 16 April to 7 October 2020, the parliament held 21 plenary sessions¹⁹ in line with relevant COVID-19 measures. This was an intensive period in terms of the number of bills discussed and adopted in the parliament. Important decisions and legal acts were passed such as amendments to the criminal code, the appointment of the heads of the State Audit Institution and other independent institutions and agencies, state budget revisions, and a series of acts relevant following the earthquake damage of November 2019 and the COVID-19 situation. Also, during this time, important draft amendments to the constitution and the electoral code were discussed in the parliamentary sessions. In this regard, the agreement on the electoral reform was published before the end of the state of natural disaster and it was part of the agenda of the parliament²⁰.

The quick adjustment to the online work of the committees and the administrative staff of the parliament enabled regular oversight activity. Starting from 14 April, a total of 618 committee meetings were held online. The Committee on Legal Affairs, Public Administration and Human Rights held 34 online meetings, the Council on Legislation carried out nine online meetings and the Subcommittee on Human Rights and the Subcommittee on Gender Equality and Prevention of Violence against Women held two and four meetings respectively. The Subcommittee on Human Rights and the Subcommittee on Gender Equality and Prevention of Violence against Women held three joint sessions from 22 June to 30 July on issues relevant to prevention of sexual abuse and gender-based violence. Also, the Alliance of Women Parliamentarians in cooperation with the subcommittees held a hearing on domestic violence during COVID-19 with the deputy minister of the interior, and one on health and social protection²¹.

Meanwhile, online working continues to be the modus operandi of the standing committees which have carried out hearings on the annual performance of independent institutions. Also, during March and April, COVID-19 hearings were held with the state police director²² on the issue of migrants at border crossings and the deputy minister of the interior²³ on domestic violence issue.

¹⁵ Institute for Political Studies (13 August 2020). 'Parliament During COVID-19'. Available at: <http://isp.com.al/wp-content/uploads/2020/09/ISP-PARLAMENTI-GJATE-PERIUDHES-SE-COVID-19.pdf>, p.10.

¹⁶ The discussion time is once again 240 minutes by Decision No. 24 dated 7 September 2020.

¹⁷ Currently, the parliamentary premises allow participation for all 122 MPs in person session.

¹⁸ Institute for Political Studies. 'Parliament in a Time of Pandemic: Results and Problems. Monitoring period January to July 2020'. Available at: <http://isp.com.al/wp-content/uploads/2020/09/ISP-PARLAMENTI-NE-KOHEN-E-PANDEMISE-Monitorimi-per-periudhen-janar-korrik-2020-1.pdf>.

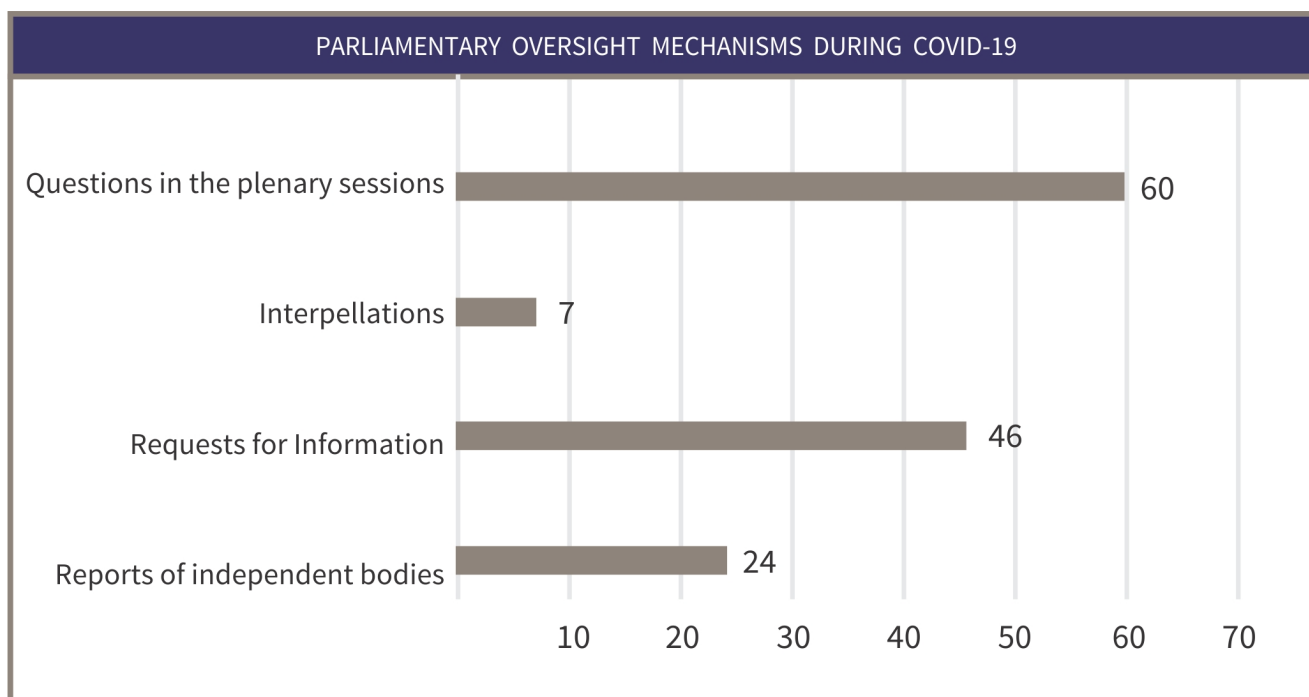
¹⁹ More information is available at: <https://www.parlament.al/Files/Lajme/Dokument/skeda%20statistikave%20PANDEMIA.pdf>.

²⁰ Institute for Political Studies, Parliament in a time of pandemic: results and problems. Monitoring period January - July 2020. Available at: <http://isp.com.al/wp-content/uploads/2020/09/ISP-PARLAMENTI-NE-KOHEN-E-PANDEMISE-Monitorimi-per-periudhen-janar-korrik-2020-1.pdf>

²¹ More information is available at: <https://www.parlament.al/News/Index/10119> and <https://www.parlament.al/Files/ProgramiPunes/Kalendari%20i%20nenkomisionit%2022%20Qershor-%2030%20Korrik%202020.pdf>.

²² More information is available at: <http://www.parlament.al/News/Index/10115>.

²³ More information is available at: <https://www.parlament.al/News/Index/10106>.



Source of data- Parliamentary website²⁴

Despite these efforts there are obvious shortcomings with the current situation and parliamentary work. The major shortcomings are related to the facts that parliament has not established an ad hoc committee to monitor the pandemic. Also, the online version of parliamentary activity created only limited room for public consultation on legislation²⁵.

During the lockdown, the criminal code was amended to introduce provisions for jail sentences of two to eight years for anyone breaking the quarantine and self-isolation rules in pandemic times and intentionally spreading the infection²⁶. Human rights organisations said these amendments conflicted with the principle of proportionality and they highlighted the accelerated procedure to approve legislation that must be passed with a qualified majority, such as the criminal code²⁷. Moreover, amendments to the criminal code increased jail sentences of up to five years for domestic violence related acts²⁸.

²⁴ Statistics during the pandemic, 16 April to 7 October 2020. Available at: <https://www.parlament.al/Files/Lajme/Dokument/skeda%20statistikave%20PANDEMIA.pdf>.

²⁵ Institute for Political Studies, p.16.

²⁶ Law No. 35/2020, on some additions and amendments to law no. 7895, dated 27 January 1995, Criminal Code of the Republic of Albania, as amended, Article 242/a and Article 89/b. Available at: <https://qbz.gov.al/eli/ligj/2020/04/16/35/8dabf5aa-6226-4ced-b9d0-76b88493da7b>.

²⁷ Civil Rights Defenders (16 April 2020). 'Albania's Government Unconstitutionally Pushes Draconian Sentences in Fight against COVID-19'. Available at: <https://crd.org/2020/04/16/albanias-government-unconstitutionally-pushes-draconian-sentences-in-fight-against-covid-19/>.

²⁸ Criminal Code, Article 130/a. Available at: <https://qbz.gov.al/eli/ligj/2020/04/16/35/8dabf5aa-6226-4ced-b9d0-76b88493da7b>.



Parliamentary Assembly of Bosnia and Herzegovina

Based on data available on 12 October 2020, the number of confirmed COVID-19 cases in Bosnia and Herzegovina (BiH) since the beginning of the pandemic was 30,837. The total number of COVID-related deaths was 936 while the number of currently active cases was 6,314²⁹. The highest number of daily cases was recorded on 8 October (456 cases), while the lowest number of cases since the beginning of April was recorded on 30 May (nine cases).

Regarding the management of the COVID-19 pandemic as well as the health sector in general, the Ministry of Health does not exist at the state level in Bosnia and Herzegovina as health is decentralized to the entity level. The decentralised approach towards the alleviation of the pandemic is addressed and managed by the two entities and Brcko district separately and mainly through three institutions: the Ministry of Health and Social Protection in Republic of Srpska, the Ministry of Health of the Federation of Bosnia and Herzegovina and the Department of Health and Other Services of Brcko district. The main institution at the state level is the Ministry of Civil Affairs of Bosnia and Herzegovina, which primarily dealt with the establishment of checkpoints at border crossings where those entering BiH were to be isolated, and the closure and/or opening of borders and regulations of civil air traffic. The decision of the Council of Ministers of Bosnia and Herzegovina on 17 March 2020, when the state of natural or man-made disaster in the territory of BiH was declared, is still in place, although both entities (Republic of Srpska and the Federation of Bosnia and Herzegovina) have lifted similar decisions separately in the past.

After the curfew regime in the early stages of the pandemic which was in place in the whole territory of Bosnia and Herzegovina, no further strict measures targeting citizens' freedom of movement and economic activities were applied. Companies in all sectors and institutions throughout the country are open, but the situation is still fluid and changes from time to time. Some restrictions are common and those are mainly related to the working hours in the hospitality industry, meaning that restaurants and bars must close by 11:00pm. Intensified controls and sanitary inspections of business entities are performed throughout the country, and the increase in the amount of penalties, such as temporary closures of businesses, is reported in places where sanitary measures are not implemented³⁰.

The school year 2020/21 started as planned at the beginning of September in the whole territory of Bosnia and Herzegovina and in all levels of academic institutions. The combined approach of traditional and online teaching has been applied in most cases. In elementary and high schools, individual teaching classes have been shortened from 45 minutes to 30 minutes (in some cases 20 minutes), groups of children are kept to a maximum of 15 and face masks are mandatory for children as well as for teachers. The general recommendation is to conduct outdoor teaching sessions if possible.

Nevertheless, in the recent period Bosnia and Herzegovina is reporting a significant spike in the number of new COVID-19 cases to around 300 on a daily basis. On 13 September the first case of reinfection by COVID-19 was reported in BiH in the city of Tuzla and soon it was followed by another case of reinfection in Brcko. All these developments led to a new set of measures so in the canton of Sarajevo face coverings/masks became mandatory even outdoors as of 15 October 2020. Face coverings/masks continue to be mandatory in indoor spaces in the Federation of Bosnia and Herzegovina, while in Republic of Srpska they are recommended, not mandatory. Regarding the limitation of the number of people who can gather in indoor spaces, in both Republic of Srpska and the Federation of BiH, the number is still limited to 50.

²⁹ The total number of tested persons on a state level was 262,637 and the total number of recovered patients was 23,587. More information is available at: <http://mcp.gov.ba/?lang=en>. *Epidemiološka Slika (COVID-19)* is available at: <http://mcp.gov.ba/publication/read/epidemioloska-slika-covid-19?pagelid=3>.

³⁰ More information is available at: <https://www.oecd.org/south-east-europe/COVID-19-Crisis-in-Bosnia-and-Herzegovina.pdf>.



One of the substantive changes related to the management of the COVID-19 pandemic is that starting from 12 September 2020 Bosnia and Herzegovina is regulating the entrance of foreign citizens into the country³¹. From this day the negative SARS-COV-2PCR test, not older than 48 hours, is required from all foreign citizens when entering the country, except for the citizens of Serbia, Montenegro and Croatia, as well as the spouses and children of Bosnian and Herzegovinian citizens regardless of their nationalities.

As for the work of the Parliamentary Assembly of Bosnia and Herzegovina, from 28 May to 8 October 2020 there were seven regular and three urgent sessions of the house of peoples held from 15 May to 14 October and six regular and four urgent sessions of the house of representatives (a total of 20 sessions for both houses). All sessions were held in the assembly's premises and required wearing the mandatory facemasks and maintaining social distance. No further COVID-19-related health and sanitary measures during the sessions were reported. During these sessions, representatives proposed, discussed and voted on COVID-19-related measures, as summarised in the following paragraphs.

On 26 May the house of representatives of the assembly established a Temporary Investigation Committee regarding the Work of the Judiciary in BiH with the objective of examining emergency imports of medical equipment, primarily respiratory equipment in the Federation of Bosnia and Herzegovina and a mobile COVID hospital in the Republic of Srpska. Soon after the establishment and first actions of this committee, the High Judicial and Prosecutorial Council of BiH rejected cooperating with them, arguing that the committee was working beyond its mandate as parliamentary monitoring of judicial institutions is not provided for by existing laws and regulations in BiH³². In the case of the importation of respiratory equipment into the Federation of Bosnia and Herzegovina, the committee started an investigation and identified the prime minister of the Federation of Bosnia and Herzegovina, Fadil Novalic, and two other persons as the main suspects in alleged crimes. The BiH Prosecutor's Office suspected them of committing criminal offenses related to conflicts of interest, money laundering and forgery. On 31 May, the court of Bosnia and Herzegovina rejected the motion of the BiH Prosecutor's Office to issue an order for Novalic and the other suspects to be taken into custody for a month. Although the investigation is still in place, on 30 June the court of Bosnia and Herzegovina suspended all prohibitions for the suspects and Novalic remains as the prime minister of the federation.

Political turbulence related to COVID-19 continued further when the state minister for export and economic relations, Stasa Kosarac, allegedly attended a controversial private party in Sarajevo during the curfew and in contravention of the pandemic measures. The request for the minister's dismissal was proposed by the opposition parties in the assembly. On 10 June during the ninth regular plenary session of the house of representatives, MPs voted against the proposed dismissal of the minister³³.

During the same session, MPs adopted a proposal on the Law on Salaries and Remunerations in BiH Institutions which primarily aimed at limiting the maximum amount of severance pay along with other types of financial limitations. Nevertheless, on 1 September, during the eleventh regular session of the house of peoples, the proposal related to the Law on Salaries and Remunerations in BiH Institutions was defeated, together with a proposed Law on Mandatory Contributions of Officials in BiH institutions to combat the COVID-19 pandemic and a law on emergency austerity measures in institutions due to the pandemic. All three laws were proposed by the house of representatives and were designed as a package of financial measures aimed at reducing the financial consequences of the COVID-19 pandemic by proposing temporary cuts of 20 per cent to MPs' salaries as well as cuts to additional spending on compensation for overtime work, business travel, transportation and others³⁴.

On 15 November local elections were scheduled to take place in Bosnia and Herzegovina. On 7 May the central electoral commission adopted the decision on local elections in BiH in 2020, initially planned for 4 October. Due to the

³¹ More information is available at: <https://www.paragraf.ba/propisi/bih/odluka-o-propisivanju-dodatnih-uslova-za-ulazak-stranaca-u-bosnu-i-hercegovinu.html>.

³² More information is available at: <https://www.slobodnaevropa.org/a/30680496.html>.

³³ More information is available at: <https://www.parlament.ba/session/OSessionDetails?id=1999&ConvernerId=1>.

³⁴ More information is available at: <http://ba.n1info.com/Vijesti/a458763/Dom-naroda-PSBiH-Odbijeno-nekoliko-zakona-koji-predvidjaju-mjere-stednje.html>.



institutional inability to adopt the Law on the Budget of Institutions of Bosnia and Herzegovina for 2020, the elections needed to be rescheduled. Only on 15 July, during the eighth urgent session of the house of representatives, the report of the commission for the approval of the draft budget was adopted, specifying the planned amount of 4.5 million BAM to conduct local elections in 2020. On 21 July during the fourth and fifth urgent sessions of the house of people BiH Draft Law on Budget of Institutions of Bosnia and Herzegovina and Bosnia and Herzegovina's international obligations for 2020 and its amendments were finally adopted, which was the precondition for setting the final date of 15 November for this years' local elections. The only exception in this case is the Mostar city council for which the elections are scheduled for 20 December 2020. Currently, the majority of institutional capacities in Bosnia and Herzegovina are employed to arrange the elections in accordance with the proposed COVID-19 measures for election day. Those measures are mainly related to preparing facilities where the voters will attend to vote, respecting the intensified sanitary principles, physical distance of at least 1.5 meters between voters, providing face masks and hand sanitizers on the spot and organising the regular disinfection and ventilation of all polling stations and others. The elections will be in 64 municipal councils in the Federation of Bosnia and Herzegovina and 56 municipal assemblies in Republic of Srpska, for the total number of 120 municipal chairpersons elected in Bosnia and Herzegovina. Additionally, the elections will be for 14 city councils in the federation and seven city assemblies in Republic of Srpska, for a total of 22 mayors in Bosnia and Herzegovina.



Parliament of the Federation of Bosnia and Herzegovina

A state of natural disaster in the federation was declared on 16 March 2020 and was lifted on 29 May 2020. During the summer months, from June to August, the Federal Ministry of Health reported a significant increase in the number of COVID-19 cases, which slightly declined at the end of August but still maintained a high daily level of new cases. From the beginning of September there was a new spike in the number of COVID-19 infections, which caused the introduction of new and more strict measures, mainly related to the mandatory wearing of face masks/covering outdoors in the Federation of Bosnia and Herzegovina as of 15 October 2020.

A crisis team in the Ministry of Health of the Federation of Bosnia and Herzegovina is continuously updating its social media accounts, using them effectively as channels of communication with citizens. Besides daily information on the number of new cases of COVID-19, the crisis team informs citizens on developments regarding the pandemic, mainly by announcing the number of newly reported cases, but also advising citizens on new or existing COVID-related rules.

On 5 August 2020 Prime Minister Fadil Novalic of the Federation of Bosnia and Herzegovina said that the measures in force from mid-March to the end of May showed good results from the perspective of pandemic management and public health, but were disastrous for the economy. Therefore, he expressed the firm decision of the government of the Federation of Bosnia and Herzegovina not to sacrifice the economy any further and to prevent the potential rise of famine and the number of social cases among the general population. He also said that restrictive measures such as the curfew would not be introduced again, but new measures would be refined on a regular basis in accordance with health indicators.

In July and September in the parliament of the federation, the house of representatives held two regular sessions (thirteenth and fourteenth) and the house of peoples its sixth and seventh sessions. All sessions were in accordance with the COVID-19 pandemic measures. The house of representatives sessions using an online platform, while the house of peoples sessions in the parliament's premises, respecting the social distancing rules and allowing the live broadcast of the session on the YouTube platform for the media and the public. During the fourth urgent session in April the house of peoples adopted a decision to organize online sessions; but they have not been implemented to date.

In early May, the house of peoples formed a temporary committee to investigate the controversial respiratory equipment procurement from China. The committee held three sessions which resulted in the report being published on 8 June specifying the details of the procurement of 100 respiratory medical machines from the Republic of China for the total amount of 10.5 million BAM from the budget of the federation of Bosnia and Herzegovina. This was followed by the actions against Prime Minister Novalic and two other persons as described above.

During the thirteenth regular assembly session of the house of representatives held on 15 July, representatives discussed the consequences for the economy of the federation stemming from the COVID-19 responses from the perspective of the implementation of the so-called corona law (officially the Law on Mitigating the Negative Economic Impact of the COVID-19 Pandemic). The law had been adopted by the house of representatives on 23 April and by the house of peoples on 4 May. The discussion raised a number of questions and issues mainly related to the timing and relevance of information, as in that period COVID-19 infections spiked again in the federation. One group of representatives, mainly from the opposition parties, argued that the report on the implementation of the Law on Mitigating the Negative Economic Impact of the COVID-19 Pandemic presented an unrealistic image of the near future which was impossible to assume based on the available information and that a strong focus still should be on health responses and the medical treatment of infected patients.



During the sixth regular session of the house of peoples held on 29 July, representatives adopted a resolution on preventing, alleviating and combating COVID-19 in the federation to provide government support to the Institute of the Faculty of Veterinary Medicine of the University of Sarajevo for already advanced scientific research related to the transmission of COVID-19 between humans and animals. The support is mainly for the procurement of the necessary equipment, diagnostic materials and protective equipment³⁵.

³⁵ More information is available at: <https://parlamentfbih.gov.ba/v2/bs/propis.php?id=581>.



National Assembly of the Republic of Srpska

During May 2020, the Republic of Srpska reported a decline in the number of COVID-19 infections, which led to the reopening of the economy and an increase in the mobility of population. Nevertheless, in June there was a spike in the number of COVID-19 cases reported and the growing trend continued throughout the summer months. This time, the epidemic was managed without wider closures or a curfew regime. Since the COVID-19 outbreak, the infection was reported in 61 out of 64 cities and municipalities in the Republic of Srpska³⁶. On 15 October, the Minister of Health in the government of the Republic of Srpska said that, depending on the epidemiological situation, institutions in charge of pandemic management at the entity level would decide on the direction of their actions³⁷. Furthermore, the minister did not exclude the possibility of the reintroduction of any of the measures that were previously in place, if the health indicators required such a restrictive approach.

The Crisis Headquarters in charge of the management and control of the COVID-19 pandemic was established at the entity level and named the Republic Emergency Headquarters. The commander of the Crisis Headquarters is the prime minister of the Republic of Srpska, the deputy commander is the minister of the interior and the chief is the director of the Civil Protection Directorate. The Crisis Headquarters established a separate team, the Professional Operational Team, in charge of communications with stakeholders during the crisis period.

From 23 May to 6 October, the National Assembly of the Republic of Srpska held three regular assembly sessions (tenth to twelfth) and four special assembly sessions (thirteenth to sixteenth).

The assembly lifted the state of emergency decision (adopted on 28 March 2020) on 21 May when the abolishment of the state of emergency was published in the Official Gazette of the Republic of Srpska. During the thirteenth special assembly held on 20 May, members of parliament adopted the decision to lift the state of emergency.

On 2 July, during the tenth regular session of the assembly, members of parliament adopted the new Rulebook of the Assembly along with the consolidated report on the execution of the budget of the republic for 2019, four laws, four draft laws and several reports. The new rulebook triggered a wide debate among the members of parliament, mainly as the MPs from the opposition parties expressed concerns that the rulebook represented a further derogation of democratic practices in the work of the assembly. These concerns were mainly based on new provisions related to decreases in time for certain discussions as well as the reduction of the quorum.

In this period the Committee on Equal Opportunities held two sessions. The first session was on 17 June and the committee members were tasked to discuss two proposed laws (on mental health protection and on the protection and treatment of children and juveniles in criminal proceedings), two draft laws (on the criminal code of the Republic of Srpska and on the criminal procedure code of the Republic of Srpska), annual reports for 2019 of the Ombudsman for Children and of the Human Rights Ombudsman of Bosnia and Herzegovina and one special report from the Human Rights Ombudsman of Bosnia and Herzegovina on the right to freedom of peaceful assembly. In the second session, held on 21 September, the committee members discussed the Special Report of the Human Rights Ombudsman of Bosnia and Herzegovina on the Representation of Constituent Peoples and Others in Institutions, and on Administrative Organizations and Regulatory Bodies of Bosnia and Herzegovina with the exception of police and security structures. No reports or conclusions from these two committee sessions were published.

³⁶ The largest number of reported cases was in Banja Luka, as well as in bordering cities and municipalities such as Bijeljina, Zvornik and Gradiska.

³⁷ More information is available at: <https://www.bl-portal.com/novosti/seranic-o-korona-virusu-nove-mjere-su-uvijek-na-stolu-u-institutu>.



In addition to the parliamentary sessions, the assembly organised a number of other activities. One of them was training in digital marketing on 28 September for parliamentary staff which aimed to equip parliamentary staff with the knowledge and tools for crisis communication³⁸. The need for this kind of training emerged during the COVID-19 pandemic when citizens expected and required prompt information, but the assembly as an institution considered that it had not been as responsive as the situation required.

There were no new or digital means of communication or participation in assembly plenary sessions reported. All sessions, including the training session, took place in existing assembly facilities, which required the physical presence of all parties. During the sessions, besides mandatory face coverings, MPs were now physically separated by transparent panels.

³⁸More information is available at: <https://www.narodnaskupstinars.net/?q=la/vijesti/trening-na-temu-va%C5%BEnost-interne-komunikacije-i-osnove-upotrebe-digitalnih-kanala-komuniciranja>.



Assembly of the Republic of Kosovo

COVID-19 was more than just a health challenge in Kosovo since it had a huge impact on the governance system as well. A government led by Prime Minister Albin Kurti was dismissed by the Assembly of the Republic of Kosovo through a no-confidence motion after his main political partner in the ruling coalition abandoned it. Such a radical step was initiated after deep divisions regarding the need for a state of emergency declaration. Right after this non-confidence motion, the Democratic League of Kosovo (LDK) managed to gather the minimum necessary votes to establish a new majority and vote in a new cabinet led by Avdullah Hoti. Although, the current government has a simple majority of votes in the assembly, it has often been seen that the support of coalition members for the government is conditional upon individual political parties' agendas and the government has unfortunately failed to win assembly support for some of the most important laws for an economic response to COVID-19³⁹.

When it comes to the spread of COVID-19, Kosovo was heavily affected having in mind that the number of deaths in Kosovo was 627 out of 15,705 infected as of 1 October⁴⁰. The number of active cases as of 1 October was 1,347. The number of daily infected cases from June until the beginning of October varied from five cases on 4 June to 275 on 26 July. For a very long time, Kosovo suffered from a lack of sufficient polymerase chain reaction (PCR) tests and only a limited number of people (around 400 to 700 a day) had the chance to be tested. On the other hand, the demand for tests from people who believed they had one of the symptoms of the virus was significantly higher. For this reason, many people went to test themselves to North Macedonia or Albania. As the government was under great pressure for tests, in August the Ministry of Health decided to give permits to more than 29 private laboratories to conduct rapid and PCR tests for COVID-19⁴¹. Publication of decisions related to COVID-19 rendered by the Ministry of Health and the government of the Republic of Kosovo has been confusing since a practice of publication of online information initiated by the former minister of health was not followed by the newly appointed minister. The last decision of the Ministry of Health published online on their webpage is from 14 April⁴².

From the beginning of the pandemic (15 March), a public health emergency was invoked by the government of Kosovo and the decision is still effective⁴³. When it comes to managing bodies established as a response to COVID-19, Kosovo has established four main bodies:

1. COVID-19 Situation Management Committee of the University Hospital and Clinical Service of Kosovo (a body within the Clinical Service Centre in Kosovo);
2. Advisory Board on the Fight Against Covid-19 Pandemic (a body established within the Ministry of Health);
3. Pandemic Management Committee (established by the government of Kosovo); and
4. In some municipalities in Kosovo, Crisis Management Headquarters have been established.

All four managing bodies have the role of providing advice and mentorship for the government, municipalities and health institutions and do not exercise any executive powers.

³⁹ One of the major factors to this disharmony between political parties was the upcoming election of the president of Kosovo.

⁴⁰ Detailed information is available at: <https://corona-ks.info/>.

⁴¹ Prices in the private sector for such tests, primarily for PCR tests, were skyrocketing since citizens had to pay up to €200 for real-time results. Prices for COVID-19 detection tests in Kosovo in the private sector were higher than those in neighbouring countries.

⁴² See the Ministry of Health's website at: <https://msh.rks-gov.net/njoftimi-per-coronavirus/>.

⁴³ During the initial lockdown a state of emergency was not declared in Kosovo. Although, this was a hot topic which led to a change in the prime minister, there was never sufficient political will to invoke such an extreme measure. Declaring a state of emergency would have meant that the Kosovo armed forces and the president of Kosovo would be in charge of managing the situation. Such a scenario did not find sufficient support among political parties in Kosovo who believed that the government and its agencies should be in charge of combating COVID-19.



Initially Kosovo imposed very strict rules during April by closing almost every private and public institution and even restricting the freedom of movement to one and half hours a day. People were only allowed to go out at specific times of the day depending on their personal ID number. Movement was restricted to obtaining personal supplies of food or medication. As the virus continued to spread and the economy started to show the first signs of weakening, the government lifted most of the measures it had imposed by allowing most of the businesses and public institutions to reopen. However, as the measures softened and borders opened, the number of people infected daily rose from tens to hundreds. This pushed the government to reinstate in July some of the restrictive measures it had lifted before, including limits on freedom of movement for certain hours of the day, public transportation restrictions, restricted food service operations and allowing only take-away foods and beverages.

On the human rights dimension, from the beginning of the virus infection in Kosovo a number of restrictive measures were taken that affected the rights of the people, primarily freedom of movement, since borders were closed and movement was restricted for most parts of the day during the peak of the virus's spread. Initially a total shutdown was imposed as the government knew little about how to deal with the spread of the virus and people were allowed to go out of their houses only for a couple of hours. In addition, borders with other countries were closed and people who came from another country had to go through either quarantine or self-isolation for two weeks. All these extreme measures unfortunately started to impact negatively on the economy, so the government started to gradually open public transportation and ease restrictions on the movement of people. However, from time to time steps back had to be taken, since the opening of the economy meant that the number of people infected with the virus increased.

When it came to opening schools, the Ministry of Education decided to open all schools as of 14 September with very few preventive preparations. Experts in Kosovo feared that after a significant drop of infections during the summer, the reopening of schools to more than 300,000 students would increase interaction and subsequently the rate of spread of the virus⁴⁴.

In the Podujeva/Podujevo municipality, the mayor resigned to become a minister in the national government and an election was planned to be held in March. However, due to COVID-19 and the risk for spreading the virus, the president of Kosovo decided to postpone this election, and as of today the municipality is run by the deputy mayor. A date for the election had not been set at the time of writing.

Right after the motion of no-confidence, the LDK signed a coalition with the Alliance for the Future of Kosovo (AAK), the Social Democratic Initiative (NISMA) and Srpska Lista. The new government managed to get an assembly majority of 61 votes out of 120; however, such a fragile majority does not guarantee a stable government. The new ruling coalition managed to prevent new elections in Kosovo, and at the same time resumed the dialogue process with Serbia by lifting the reciprocity and tariffs on Serbian and Bosnia and Hercegovina's goods. The new government also promised to deal with the economic crisis resulting from the preventive measures imposed due to COVID; but it failed at least six times to secure a vote from the assembly for a law on economic recovery⁴⁵.

However, leaving aside political divisions, the assembly was very active during this period. From April to September, 15 plenary sessions were held. In April, the assembly held one plenary session, five in June, five in July, two in August and two in September. All these sessions were held with the physical presence of members and staff since an amendment to the Rules of Procedure had not been adopted to allow online plenary sessions.

Most of the topics tackled by the assembly during the pandemic were related either to the dialogue between Kosovo and Serbia or the situation with COVID-19. The assembly, among other things, approved a Law on Prevention and Combating Pandemic COVID-19 which replaced the Law on Prevention of Infectious Disease. The Law on Prevention of Infectious Disease was proven to be inadequate for the COVID-19 pandemic since it did not foresee the severity of the impact COVID has had and the need for rigorous preventive measures.

⁴⁴ Interview with Lulzim Raka, the head of the advisory board on the fight against the COVID-19 pandemic and infectious disease. More information is available at: <https://kanal10.live/tema/raka-flet-per-fillimin-e-mesimit-rreziku-i-infektimit-neper-shkolla-ekziston>.

⁴⁵ Detailed information is available – from Plenary Session News available at: <http://www.kuvendikosoves.org/shq/lajmi/nga-vazhdimi-i-mbledhjes-plenare-25898/>.



After unconstitutional attempts by the government to restrict the freedom of movement, the parliament approved the Law on Preventing and Combating the COVID-19 Pandemic. Based on that law, the government was mandated to impose all the necessary restrictions in order to prevent the spread of the virus. Among other things the government could decide on the following measures to be invoked: restrictions on freedom of movement for certain municipalities or all the Kosovo territory, isolation and quarantine for certain individuals, health surveillance of infected persons, restriction of certain industries, and other measures recommended by the Kosovo National Institute for Public Health and COVID managing bodies. The decision that restricts freedom of movement in 13 municipalities from 22:30 to 05:00 continues to be in force since 28 July.

Although the country has been seriously hit by the virus, the assembly was able to hold three parliamentary debates, and three inquiry commissions were established⁴⁶, which is a relatively high level of activity in the circumstances. Of the three debates, only one had to do with COVID-19 while others were related to other common political issues. The inquiry commissions that were set up dealt with the pandemic management process, privatisation issues and hydropower construction issues⁴⁷. In addition, numerous agreements with international financial institutions were ratified that granted Kosovo access to investment loans for strategic projects.

The Rules of Procedure of the Kosovo parliament are silent on the use of technology to organise plenary sessions or committee meetings online. Although, the Rules of Procedure do not prohibit such practices, they do not allow them either. Civil society in Kosovo has been very vocal in demanding the assembly to amend its rules to expressly allow online meetings. Taking into account that amending the Rules of Procedure of the assembly requires a two-thirds vote, such an initiative was never really initiated by any political actor.

Nonetheless, some of the committees at the parliament of Kosovo decided to organise online meetings. More than 10 online meetings were organised during this period by assembly committees, taking advantage of technology and lowering the risk of spreading the virus. One of the concerns of the media and civil society regarding online meetings was about transparency because the committees did not open their meetings to journalists or observers. In total, 145 meetings were held by the committees during the spring session of the parliament, of which 10 were online.

The Committee on Human Rights, Gender Equality and Missing Persons held 15 meetings in total from April to September. During this period, the most important piece of legislation reviewed by this committee was the Law on Preventing and Combating the Covid-19 Pandemic, and it also considered the election of the new Ombudsperson of Kosovo, discussed various petitions initiated by citizens and reviewed various draft laws related to human rights⁴⁸.

Although the assembly has been fairly active during this period, the same cannot be said about its effectiveness, since the fragile majority did not approve most of the draft laws sponsored by the government. According to the Kosova Democratic Institute, these sessions were also characterized by frequent use of unparliamentary language and behaviour by MPs during the discussions, thus hindering the progress of the work both in plenary sessions and in the committees, where in some cases meetings were stopped due to tensions arising from unparliamentary language and behaviour sometimes close to physical confrontation⁴⁹.

Although the assembly has not approved a work plan for 2020, based on the government's legislative plan and draft laws initiated by MPs themselves, the assembly's legislative agenda includes a total of 138 draft laws. During the spring, the assembly managed to approve only 10 draft laws or seven per cent of the total number of planned draft laws. In the parliamentary committees, there are eight draft laws (six per cent) in the review procedure. A total of 120 draft laws (87 per cent) have not been processed in the assembly by the government to date. Of the 10 laws passed,

⁴⁶ The three inquiry committees are: the inquiry committee regarding the privatisation process in Kosovo; the inquiry committee on the process of licensing, operation, supervision and application for hydropower plant permits; and the inquiry committee regarding the management of the COVID-19 virus pandemic by the government of the Republic of Kosovo.

⁴⁷ Votaimë. Available at: <http://www.votaimë.org/Public/PlenarySessions>.

⁴⁸ See the Assembly of Kosovo webpage available at: <http://www.kuvendikosoves.org/shq/komisionet/komisioni/?committee=30>.

⁴⁹ Kosova Democratic Institute media conference. Available at: <http://kdi-kosova.org/aktivitetet/kdi-puna-e-kuvendit-peng-i-brishtesise-se-shumices-parlamentare/?fbclid=IwAR0dT-Ennoxz9hvfTYNXT4jnz-gSbwV8oDjtoR2uE51DA5ttJGUWKQB7jI>.



nine dealt with pandemic management and economic recovery. Due to the urgency, the assembly has reviewed in an expedited procedure five of the 10 adopted laws⁵⁰.

Initially, when the first cases of people infected with COVID-19 were diagnosed, the government put cities where these people came from under quarantine through a governmental decision. The Constitutional Court of Kosovo twice found such measures to be unconstitutional as there were no legal grounds for the government to restrict human rights through an executive decision. However, the Constitutional Court did not rule on the proportionality or rationality of these measures; it simply concluded that the government did not have a sufficient legal basis to impose such measures on the people⁵¹. These decisions by the Constitutional Court were widely criticised by the ruling political party as politically motivated decisions. Nevertheless, the new government and assembly drafted the Law on Preventing and Combating the Covid-19 Pandemic, which equipped the Ministry of Health with the right to take all necessary steps to prevent the spread of the virus. This law has not been challenged by any party at the Constitutional Court of Kosovo.

⁵⁰ Kosova Democratic Institute media conference.

⁵¹ KO54/20, Applicant: The President of the Republic of Kosovo, Constitutional Review of Decision No. 01/15 of the Government of the Republic of Kosovo, of 23 March 2020. Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-vendimit-nr-01-15-te-qeverise-se-republikes-se-kosoves-te-23-marsit-2020/>.



Parliament of Montenegro

On 17 March, Montenegro became the last country in Europe to register its first case of COVID-19. The National Coordination Body of the government of Montenegro declared the epidemic of the novel corona virus on 26 March. A state of emergency has not been formally declared in Montenegro, although several of the adopted measures are quite severe. The management of this crisis situation is centralised and mostly done through the National Coordination Body for Infectious Diseases of the government of Montenegro. Montenegro successfully achieved zero cases by 24 May following the first period of infections. However, by 14 June, in common with other countries in the Western Balkans, Montenegro began experiencing a second wave of infections. Over the summer, the situation continued to be aggravated. At the end of September, the total number of cases reached 10,441 and 163 people had died since the outbreak. The number of active cases was 594.4 per 100,000 people, ranking Montenegro eleventh among the economies with the most active cases. In September, therefore, Montenegro introduced new and tightened existing anti-COVID measures. In this regard, the competent inspection authorities at both state and local levels were asked to mobilise all available human and technical capacities to control compliance with the measures and to sanction violators.

After the elections held in August, specific measures were applied in some regions depending on the number of detected active cases per 100,000 inhabitants over the previous 14 days, the list of which is updated every week on Saturday.⁵² Accordingly, for regions with less than 400 active cases per 100,000 inhabitants, strict compliance and tight control over the implementation of applicable epidemiological measures was continued ("green zone"). Between 400 and 799 cases, the work of catering facilities was limited until 10 pm and the number of guests should not exceed two persons inside the facility ("yellow zone"). Between 800 and 1,199 cases, the work of catering facilities was prohibited, and gatherings in residential premises were not permitted for persons who were not members of a shared family household ("orange zone"). In addition to the measures mentioned above, for regions with more than 1,200 cases, the pandemic National Coordination Body imposed overnight curfews⁵³ in the northern towns of Niksic, Berane and Andrijevisa where higher numbers of new corona virus cases had been reported ("red zone").⁵⁴ In this regard, the competent inspection authorities at both state and local levels were asked to mobilise all available human and technical capacities to ensure compliance with the epidemiological measures and to sanction violators. Public gatherings throughout the entire territory were limited to a maximum of 40 persons in outdoor public places, and 20 persons in closed public places. The gathering of citizens for political rallies was limited to a maximum of 100 people in open public places and 50 people in closed public places. The presence of spectators at sports events was prohibited.

In reaction to the outbreak of COVID-19, the government introduced special measures, apart from the central health aspect, so this situation has different implications on democratic practices and respect for human rights and freedoms. Most of the respective measures have been in line with the existing legal and constitutional framework, with the exception of the publication of the list of persons in self-isolation and certain measures related to restrictions on movement.

Regarding the major and important human rights violations during the COVID-19 pandemic, Montenegro's Ombudsperson, Sinisa Bjekovic, accused the police of seriously violating the human rights of detained citizens. He said that police had held Serbian Orthodox Church priests in degrading conditions after detaining them in May in the

⁵²The Public Health Institute of Montenegro, see:<https://www.ijzcg.me>.

⁵³It is forbidden to leave residential buildings from 20:00 to 05:00.

⁵⁴More information is available at:<http://www.rtcg.me/koronavirus/crnagora/293892/od-ponedjeljka-nove-mjere-po-opstinama.html>.



police station in Niksic⁵⁵. On 12 May, police arrested a Serbian Orthodox bishop, Bishop Joanikije of Budimlja Niksic, and six Serbian Orthodox priests for leading a religious procession in defiance of the government ban on public gatherings imposed because of the corona virus. Police put them in custody for 72 hours for violating the ban after they and Metropolitan Amfilohije, the most senior Serbian Orthodox cleric in Montenegro, led a procession of thousands of believers in Niksic to celebrate St Vasilije's Day.

On 14 September, Deputy Ombudsperson Nerma Dobradzic accused police of violating the privacy rights of Democratic Front MP Nebojsa Medojevic and his wife Marina when the police posted a video on Twitter of them being placed in quarantine. The deputy ombudsperson said the police had failed to provide an objective reason that justified the publication of the video. Publishing a video or delivering it to the media without consent violated their right to privacy. The police directorate posted the video on 17 March, which Montenegro's public service broadcaster (RTCG) then aired.

Most of the restrictive measures adopted by the government of Montenegro were justified by law and international instruments related to health protection. However, in this period the Constitutional Court reacted negatively to at least two government decisions. In July, the court declared the National Coordination Body decision regarding publishing a list of all persons subject to self-isolation to be in violation of the constitutional right to privacy and annulled it. The government said it had to publish the list because some citizens were not respecting self-isolation obligations. It stressed that security forces could not control every citizen who should be in self-isolation, and anyone who failed to self-isolate posed a threat to the entire community.

The Constitutional Court also acted on the initiative submitted by the Centre for Democratic Transition (CDT) when it repealed the provisions of the Rules on Voting by Letter, which restricted voting⁵⁶. The Rules on Voting by Letter introduced the condition of residence for voting by letter, so a sublegal act set a restriction for exercising the right to vote which was foreseen neither in the constitution nor in the Law on Election of Councillors and Deputies. In an initiative submitted to the court, the CDT indicated that, if this rule remained in force, voting by letter would be denied to all persons undergoing home or hospital treatment or self-isolation outside their place of residence. The court upheld the CDT's arguments and nullified the disputed part of the provisions. So, in the end the authorities decided to allow COVID-19 patients in quarantine to vote in person, while hospitalized patients could vote through the post.

Montenegro postponed the start of the school year by one month due to the "uncertain" status of the COVID-19 pandemic, so the first day of school was moved from 1 September to 1 October. The Montenegrin Ministry of Education announced that students from the first to sixth grades of primary school and the first grade of secondary school (ages six to 13 and 15 to 16) would attend in-person classes, while all other pupils would continue online learning, including in-person consultations at schools every 15 days. In elementary and high schools, individual teaching classes were shortened from the usual 45 minutes to 30 minutes, the groups of children were limited to a maximum of 15 and face masks were made mandatory for children as well as for the teachers.

In the first instance, parliament was not officially prorogued until the beginning of May; but all activities were suspended. Regular parliamentary elections, which were to take place in May were postponed. On 20 June, the president called the parliamentary elections for 30 August. Concurrently, local elections were called in five municipalities to be held on the same day. Several political parties and civil society organisations publicly stated that a decision on calling the elections for 30 August was unconstitutional and warned that the mandate of the parliament should have been shortened before the elections were called.

⁵⁵One of the priests, during the entire period of detention, did not have his own bed but was only able to lie down when one of the other detainees gave up his place for a while and, due to lack of sleep and the impossibility of rest, he suffered physical exhaustion and humiliation.

⁵⁶ See: <http://www.ustavisud.me/ustavisud/objava/blog/7/objava/76-saopstenje-sa-ix-sjednice-ustavnog-suda-crne-gore-odrzane-24-avgusta-2020-godine>.



Montenegro held parliamentary and local elections in five municipalities in the challenging context of the COVID-19 pandemic. The voter turnout was at a record high level of 76.6 percent of the electorate. According to international observers from the Organisation for Security and Co-operation in Europe (OSCE), the Office for Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly, the elections were peaceful and competitive. They were mostly run transparently.

Based on the State Election Commission's results, the three opposition-led coalitions ("For the Future of Montenegro", "Peace is Our Nation" and "In Black and White") together won 41 seats in a parliament of 81 members so they formed a new majority. The Democratic Party of Socialists (DPS) and its junior coalition partners (the Social Democrats, the Bosniak Party and the Albanian List) which held a majority in the previous legislature got 38 seats together, while the Croatian minority party for the first time failed to win a seat in the parliament. The Social Democratic Party passed the threshold, winning two seats.

Following the August 2020 parliamentary elections, the new parliament was constituted on 23 September. On the first day of the 27th Parliament, Aleksa Becic was elected president of the parliament of Montenegro.

Due to the COVID-19 pandemic, the parliament of Montenegro was less active than usual in the early months of 2020 and was subsequently dissolved for the 30 August parliamentary elections. From May to September, six plenary sessions were held (five sittings of the first ordinary spring session of 2020 and the first constituent sitting of the new parliament). During the same period, committees considered 28 legislative proposals and four proposals for a decision and performed other activities within their oversight roles.

Two major pieces of legislation were adopted in this period. In June, the parliament passed a Law on Amnesty to reduce prison sentences of some inmates by between five and 15 per cent. In July, a law on of same-sex life partnerships was enacted, making Montenegro the first country in the Western Balkan region to regulate the status of same-sex couples.

Regarding the oversight activities by the assembly during the reporting period, one control hearing and four consultative hearings were held. Three consultative hearings were on COVID-19⁵⁷. The Gender Equality Committee held a consultative hearing with the minister of labour and social welfare, the state secretary at the Ministry of the Interior and with the director general for investment, development of small and medium enterprises and EU funds management. The meeting was held at the Ministry of Economy and dealt with gender aspects of measures undertaken during the COVID-19 pandemic. During the discussion, they talked about the impact on women and men of measures undertaken during the pandemic, as well as about clearly expressed gender roles and expectations during the first wave of the pandemic.

The Committee on Human Rights and Freedoms was very active in the reporting period with six committee sessions held. Besides its 2020 Activity Plan, the committee considered and adopted several very important reports. At its 58th meeting, the committee considered the 2019 Status Report on Personal Data Protection and Access to Information. On the eve of World Refugee Day (at the 59th meeting), the committee considered the Final Report on the Implementation of the Strategy for Permanent Resolution of the Issue of Displaced Persons and Refugees in Montenegro, with Special Emphasis on the Konik Area, 2017-2019. At the 60th meeting of the committee, the following was considered: the 2019 Report on Development and Protection of Rights of Minorities and Other Minority Communities together with the 2019 performance and financial operations reports and reports by independent

⁵⁷ The only control hearing was held by the Committee on Economy, Finance and Budget with the Tax Administration Director and was on "Tax Administration's work in the field of tax debt supervision and collection". A consultative hearing related to COVID-19 was by the Committee on Health, Labour and Social Welfare, and a consultative hearing with the minister of health was held on the situation in Montenegro regarding the global pandemic declared by the World Health Organisation as caused by the emergence of the new coronavirus strain. The Committee on Economy, Finance and Budget held a consultative hearing on issues in implementing the moratorium on the repayment of credit obligations of Montenegrin citizens and the role of the Central Bank of Montenegro (CBCG) in this process.



auditors of minority nations' councils and councils of other minority national communities; the 2019 Performance Report of the Fund for Protection and Exercising of Minority Rights and the Interim Action Plan for implementing the 2020 Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016 - 2020 for together with the report on the implementation of the annual 2019 Action Plan. The committee supported by majority votes all of these reports and it submitted to the parliament its report with a proposal for conclusions. At its 61st meeting, the Committee on Human Rights and Freedoms considered the Proposal for the Law on Same-sex Life Partnerships and the Strategy for Improving the Quality of Life of Lesbian, Gay, Bisexual and Transsexual (LGBT) Persons, along with the 2019 - 2023 Action Plan for implementing that strategy for 2020 and the Report for implementing the 2019 Action Plan. Following a comprehensive discussion, the committee unanimously supported the 2019 Performance Report of the Protector of Human Rights and Freedoms of Montenegro at the 62nd Meeting.

The parliament of Montenegro adapted to the circumstances that occurred as a consequence of COVID-19. The sittings of the parliament and meetings of working bodies were held with the observation of all measures to stop the spread of COVID-19 and with the support of the video-conferencing system in order to meet the requirements to hold regular parliamentary meetings. The legislative work of the parliament and its oversight activities continued despite the pandemic. Thus in the period from the first confirmed cases in Montenegro in March, the parliament held seven sittings in ordinary session, including four special sittings dedicated to the prime minister's hour and parliamentary questions. In September as well, following the parliamentary elections, the first constitutive sitting of the new 27th parliament was held.

When it comes to using modern technologies for organising plenary sessions online, no such practice was recorded. All plenary sessions were organised in the parliamentary building and preventive measures were respected (measuring temperature when entering the parliament building, maintaining adequate social distancing and the compulsory wearing of protective face masks), while representatives of the media were able to follow sessions in other locations within the parliament in some cases. In order to meet adequate social distancing, all members of parliament were not sitting in the same room for some sessions. All plenary sessions could be followed via live streaming.

Some of the committee sessions were online (especially during April and May) while the usual *modus operandi* of committee meetings and sessions was continued in most cases during June and July when the number of COVID-19 cases was still low. When the new parliamentary convocation was established, parliament opened its official Twitter and Instagram accounts. Also, meetings and sessions of the committees could be followed via social media channels from October.

Assembly of the Republic of North Macedonia

North Macedonia was in a difficult political position when the first COVID-19 case was registered on its soil. The Assembly of the Republic of North Macedonia had been dissolved, a caretaker (technical) government had been formed and the president of the Republic of North Macedonia had to declare an SoE five times (the last SoE was declared on 15 June for eight days in order to meet deadlines for holding elections).

When it comes to COVID-19 in North Macedonia, the number of daily infected cases from the beginning of June to the beginning of September varied from 11 cases on 30 August to 241 cases on 17 July⁵⁸. On 1 September there were 2,249 active cases of COVID-19, 606 reported deaths and 11,741 recovered cases⁵⁹.

The government issued 48 protocols aimed at preventing the further spread of COVID-19. When it came to international travel, the government first decided to open the borders with neighbouring countries and other foreign countries on 26 June. However, two weeks later the government decided that citizens from Serbia, Kosovo, Bosnia and Herzegovina, and Montenegro should have negative PCR tests in order to enter North Macedonia. During August, the caretaker government decided to introduce a crisis situation for 30 days due to the difficult situation with migrants and asylum seekers and having in mind the number of infected COVID-19 cases. Starting the new school year was postponed from 1 September to 1 October, and the new parliamentary majority decided to amend the relevant education legislation in order to adapt to the new COVID-19 reality. Even though the number of new COVID-19 cases was not decreasing rapidly, the new government decided in mid-September to call employees with chronic medical conditions to go back to their work places and continue with their work regularly (excluding some who had certificates from relevant medical specialists).

Some of the measures which were introduced and later abolished in the spring (restricting public gatherings, suspending educational activities in schools and faculties, restricting working hours of catering facilities, etc) were once again reinstated. Therefore, from 4 June to 8 June, restrictions on freedom of movement were in place for some municipalities which were strongly affected by COVID-19 (among them was the capital city of Skopje with an estimation that during that weekend almost 20,000 vehicles left the city). Having in mind that the SoE officially ended on 23 June, the government started to liberalise the control measures. No major restrictions regarding freedom of speech and media freedoms were recorded and no prohibitive or repressive measures were introduced. The government held almost daily news conferences and journalists were able to ask questions primarily online until mid-June, due to the difficulties presented by the COVID-19 situation, and the electoral process was continued.

The new election day was determined by the main political parties as 15 July, however voting took place over three days. On 13 July voters who were in quarantine, self-isolation or who tested positive for COVID-19 were able to vote. According to information from the State Electoral Commission (SEC), 759 voters applied to vote on that day and 723 voters actually voted⁶⁰. On the next day, voters who were chronically ill, elderly or sick were able to vote. In total 8,855 voters were able to vote on the second day of the elections. Finally, on 15 July general voters were able to vote. As voting day was during the working week, 15 July was declared as a non-working day. For this day, members of the voting commission wore protective masks and gloves and special protocols issued by Ministry of Health had to be

⁵⁸ Detail information is available at: <https://treker.mk/mk/stats>.

⁵⁹ North Macedonia has 2,083,554 inhabitants.

⁶⁰ Official information is available at: https://drive.google.com/file/d/1cOX5twSW4aPo0EBg0BF_5SAPrJ6q756H/view. Voters were able to vote at their home or place of residence and members of the voting commission, consisting of medical workers, conducted the voting process. However, voters who tested positive between 8 and 15 July were not able to register to vote during this election.



followed both by members of the voting commission as well as voters (maintaining physical distance, windows on the polling station should be opened, etc⁶¹).

The election campaign officially started on 24 June and lasted for 20 days. During the campaign, numerous statements were issued by public officials as well as by international health organisations (such as the World Health Organisation (WHO)) not to interfere with the ongoing fight against COVID-19 and the election campaign⁶². The campaign itself was predominantly held online via social networks and via the news media. Also, the caretaker government decided to reduce the amount of funds distributed to political parties for election campaigning from 0.15 per cent to 0.04 per cent of state budget income.

In order to determine the final results of the election, the SEC had to decide on 2,142 complaints which were submitted by different stakeholders. Eventually, the SEC decided to reject all the complaints and the final results were released by the SEC 10 days after the election. During election night, the official website of the SEC was subjected to hacker attacks which prevented anybody from accessing the official website where the results were revealed. However, the SEC assured the public that there was no breach in their online system and that there has been no tampering with election results⁶³.

ELECTORAL LIST	NUMBER OF VOTES	NUMBER OF SEATS
Coalition We can	327,408	46
VMRO-DPMNE- Renewal coalition	315,344	44
Democratic Union for Integration (DUI)	104,699	15
Alliance for Albanians- Alternative	81,620	12
The Left	37,426	2
Democratic party of Albanians	13,930	1

Official results from the State Electoral Commission⁶⁴

After the final results were announced, the constitutive session of the assembly was organised for 4 August. The mandates of all 120 MPs were verified during this session, which was chaired by the then former speaker of the assembly Talat Xhaferi. Prior to the constitutive session, the Committee for the Verification of the Mandates of the MPs held a session at which the report of the State Election Commission on the elections held on 15 July was unanimously adopted. This report was once again adopted by all MPs at the constitutive session, marking the beginning of the tenth assembly convocation⁶⁵. Due to COVID-19, the constitutive session was held in accordance with special protocols and in the Great Dome rather than the Macedonia hall where plenary sessions are normally held. Other preventive measures were also implemented such as measuring people's temperatures before entering the building,

⁶¹The compulsory recommendation made by the SEC is available at:<https://drive.google.com/file/d/1hkAPdGSXPnXc7QZCdKhCev22o2P3vQk1/view>.

⁶²The acting minister of health and representatives of the WHO have argued that the heat of the political battle must not overpower common sense. More information is available at:<https://bit.ly/3mPaAcN> and <https://bit.ly/3czhYEC>.

⁶³On election night, one of the biggest news portals *mum.mk* was also subject of DDOS attack. In the following week official websites of Ministry of Health and Ministry of Education and Science were also subject of attack, and they were temporarily unavailable.

⁶⁴Detailed results can be accessed on the following link:
https://drive.google.com/file/d/1d_ByEudB7wgYvRnJRyOD67_TXGRJud7V/view.

⁶⁵In this convocation, 43 MPs are women and 77 are men. In the previous convocation there were 45 female MPs. Moreover, around 30 MPs have previous experience in parliament while the majority are serving their first term as members of parliament.



obtaining adequate physical distance between MP sand allowing only 50 journalists to follow the constitutive session in the Macedonia hall.

After 17 days, the constitutive session of the assembly was continued. On the agenda for this plenary session were items related to selecting the parliamentary leadership, primarily the speaker of the assembly and selecting members of the Committee on Election and Appointment Issues. Xhaferi was once again elected as the speaker with the votes of 62 MPs⁶⁶. This long pause (17 days) before the continuation of the first constitutive session was needed to complete negotiations on forming a new government which were still ongoing between different political parties.

When it comes to parliamentary activity, until the new government was officially elected, the assembly eight plenary sessions during one single day, 25 August. Items on the parliamentary agenda were related to adopting reports from different public institutions as well as adopting decisions from the Committee for Verification of the Mandates of Members of Parliament. Finally, the new government was elected by MPs during the parliamentary session held on 31 August. In total, 62 MPs voted for the new government and 51 MPs voted against it⁶⁷. Zoran Zaev from the Social Democratic Union of Macedonia (SDSM) was re-elected as the prime minister heading a government of 16 ministries⁶⁸.

Members and leaders of parliamentary working bodies were elected at the plenary session on 14 September. Working bodies were formed 40 days after the first constitutive session was held. The main reasons for the late formation of the working bodies could be found in the fact that negotiations to form the new government were still under way when the tenth parliamentary convocation started its work, as well as in the fact that the new ruling coalition has a tight majority in the assembly (62 MPs out of 120). According to the decision made by the assembly (98 MPs were in favour of this decision), the two biggest political parties, the ruling SDSM and the opposition Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO-DPMNE) each have eight chairperson positions.

When it comes to using modern technologies for organising plenary or committee sessions online, the speaker of the assembly had consultations about changing the Rules of Procedure of the assembly which would allow online voting (voting outside of the place where the plenary session is being held). However, opposition parties argued that this kind of parliamentary work was not in line with the constitution⁶⁹. No decision about changing the Rules of Procedures to pave the way for online sessions and voting has yet been made.

No major human right violations have been observed even though numerous complaints were filed with the Constitutional Court of the Republic of North Macedonia related to: alleged violations of freedom of movement and freedom of assembly, the declaration of the SoE by the president, placing people in quarantine, economic measures for tackling the COVID-19 crisis and others. However, none of them were adopted by the court as it argued that existing public institutions and authorities were introducing and adopting decisions which were in line with the constitution.

⁶⁶ Immediately after the vote for the speaker of the assembly, the main opposition parties left the session. More information is available at: <https://bit.ly/3i0tYQy>.

⁶⁷ After the voting process ended, the main opposition parties left the hall and did not witness the signing of ceremonial statements by members of new government.

⁶⁸ The new government has five fewer ministries than the previous government.

⁶⁹ More information is available at: <https://bit.ly/33W67ws>.



The National Assembly of the Republic of Serbia

In the Republic of Serbia, the first case of COVID-19 was registered on 6 March, and the state of emergency for the whole country was declared on 15 March. The state of emergency was declared by the government in a decision co-signed by the president of the republic and the speaker of the parliament⁷⁰. The state of emergency itself lasted until the parliamentary session held on 6 May when 155 members of parliament voted to abolish it so the state of emergency lasted for 54 days⁷¹.

Regarding the situation with the COVID-19 pandemic in the Republic of Serbia, as of 1 October a total of 33,551 cases of infection were registered, with 749 deaths as confirmed on the website of the Ministry of Health, and the number of recovered persons was 31,536. As for the daily statistics, the highest number of newly infected persons was registered on 26 July when 467 newly infected cases were reported, while the lowest number of newly infected was registered on 1 June when there were 18 new cases of COVID-19.

Regarding the activities of the government of the Republic of Serbia, it restored its usual *modus operandi* after the state of emergency, holding one government session a week. Thus, by early October, there had been over 280 sessions since the government came in office in June 2017. Within the period under review, the government passed and several times amended the regulations targeting the prevention of the spread of the COVID-19 virus. For instance, by the beginning of October, the Decree on the Measures to Prevent and Suppress COVID-19 had been amended six times⁷². Concerning the package of economic measures, the government adopted the second package of assistance for the economy in late July, A Conclusion Regarding Direct Allowances and Fiscal Incentives for Economic Operators in Private Sector⁷³.

The government's Crisis Response Team for Protection of the Population's Health from the COVID-19 Infectious Disease held its sessions in accordance with the needs and current epidemiological situation. Thus, during the increase in the COVID-19 infection cases, in particular during July and August, there were more frequent sessions and press conferences held by the Crisis Response Team. The team issued recommendations to the government on various measures implemented through decrees and decisions (such as ensuring social distancing, the work of the catering industry, monitoring of passengers returning from abroad, and wearing protective masks indoors and outdoors). It also recommended cancelling some measures and restoring others, depending on the current situation (such as the ban on assembly outdoors and shorter working hours for catering facilities). The Crisis Response Team even endorsed measures in specific towns depending on the situation (for example, the Decision on Special Measures to Protect the Population from the COVID-19 Infectious Disease in the Territory of the City of Belgrade). Regarding travel and restrictions on the freedom of movement, the government adopted the decision requiring citizens of Croatia, North Macedonia, Bulgaria and Romania to produce negative PCR test results in order to be allowed to enter Serbia. On the other hand, Serbian citizens returning from Montenegro, Croatia and Bosnia and Herzegovina as of 17 September were placed under special epidemiological oversight, due to the adverse epidemiological situation.

⁷⁰ The state of emergency was declared without convening a parliamentary session because on 11 March the government recommended the prohibition of all indoor public gatherings of more than 100 persons.

⁷¹ A total of 155 members of parliament voted for the decision to lift the state of emergency, one member abstained and one member did not vote.

⁷² The latest amendments referred to restrictions on the work of cafes, which were required to close two hours earlier at 23:00 due to the volatile situation. The decree is available at: <https://www.srbija.gov.rs/prikaz/489384>.

⁷³ Within the first package of economic assistance, all adult citizens were able to register for €100 assistance as one of the state aid measures. See: <https://beta.rs/ekonomija/ekonomija-srbija/127264-mali-od-danas-prijava-za-drzavnu-pomoc-od-100-evra>.

Teaching in primary and secondary schools started as normal on 1 September. The first case of COVID-19 virus transmission in schools was registered on 15 September, and by early October there had been 98 COVID-19 cases among students.

This period was marked by doubts over the number of persons who were infected with and who died from COVID-19 in Serbia. The Balkan Investigative Reporting Network (BIRN) portal published on 22 June that the number of deceased and infected persons was many times higher than what was communicated through the official national information system on COVID-19. According to the data published by BIRN, between 19 March and 1 June 632 persons died from COVID-19 in Serbia, 388 more deaths than the 244 officially communicated for the period. BIRN also reported that in late June there were between 300 and 340 new COVID-19 cases a day, which far exceeded the official data of 97 newly infected persons⁷⁴. In the more than two months between this report and the time of writing this survey, the debate over the actual number of persons deceased from and infected with COVID-19 had not been resolved.

Doubts that the data published in the official page of COVID-19.rs was not accurate enough were voiced by one of the chief epidemiologists and members of the Crisis Response Team, Dr Predrag Kon, who conducted his own survey in the course of September. In the second half of September, Dr Kon published that in his own survey, conducted between March and June, he had found 210 death cases with COVID-19 registered as direct or basic causes of death in the death certificates, while officially there were 118 such cases registered⁷⁵. Another media outlet, the NIN weekly, conducted its own survey in July on the number of persons tested and infected with COVID-19. The incomplete data indicated that at least 100,000 fewer persons were tested for the COVID-19 virus while the number of the infected cases was 6,000 higher than indicated by the official data⁷⁶. After these cases, the president of Serbia announced a complete review of every death case to be conducted by clinical experts.

At the same time, the election campaign continued. The campaign itself was resumed on 11 May through the decision of the Republic Electoral Commission. The new election date was set for 21 June, whereby the general election of MPs, delegates to the provincial parliament of AP Vojvodina and local councillors became among the first in the world to be held after the imposition of strict measures and restrictions. Thus, political entities were left with 41 days to resume submitting electoral lists and campaigning.

Despite the continuation of the electoral process on 11 May, the Crisis Response Team did not introduce any special measures pertinent to election day until six days before the election day when it announced the adoption of the Conclusion of the Crisis Response Team on Safeguards for the General, Provincial and Local Elections⁷⁷. The conclusion itself encompassed recommendations to prohibit casting ballots in polling stations by persons who had been cured of COVID-19, physical distancing, wearing protective equipment by both the members of electoral committees and voters, and other measures. The Republic Electoral Commission did not introduce any special rules applicable to voters who had tested positive for COVID-19 at the time of voting, nor did it organise voting for elderly, sick and dependent persons over a few election days.

⁷⁴ The complete text is available at: <https://javno.rs/analiza/korona-broj-umrljih-i-zarazenih-visestruko-veci-od-zvanicno-saopstenog>.

⁷⁵ For this survey, Dr Kon used the mortality statistics and DN2 forms, as well as data from the City Institute for Public Health in Belgrade. The complete text is available at: <http://rs.n1info.com/Vesti/a655239/Kon-o-podacima-Gradskog-zavoda-Do-juna-tri-puta-vise-umrljih-od-zvanicnog-broja.html>. Healthcare institutions, the Institute for Public Health, laboratories doing the testing and other competent authorities enter data on cured, deceased and tested persons and persons with imposed self-confinement measures, following the government's decisions.

⁷⁶ More information is available at: <https://www.ozonpress.net/zdravlje/krizni-stab-krio-broj-zarazenih-i-testiranih-tokom-jula/>.

⁷⁷ The complete text of the conclusion is available at: <https://crt.rs/wp-content/uploads/2020/06/Zakljucak-Kriznog-staba-suzbijanje-zarazne-bolesti-COVID-19-u-okviru-odrzavanja-predstojecih-izbora.pdf>.



ELECTORAL LIST	NUMBER OF VOTES	NUMBER OF SEATS
Aleksandar Vucic – For our Children	1,953,998	188
Ivica Dacic – Socialist Party of Serbia (SPS), United Serbia (JS) - Dragan Marković Palma	334,333	32
Aleksandar Šapić – A Victory for Serbia	123,393	11
Alliance of Vojvodina's Hungarians – Istvan Pastor	71,893	9
Academician Muamer Zukorlić – Keep Right – the Party of Justice and Reconciliation (SPP) – Democratic Party of Macedonians (DPM) /	32,170	4
Albanian Democratic Alternative – United Valley	26,437	3
SDA of Sandzak – Dr Sulejman Ugljanin	24,676	3

Total results published by the Republic Electoral Commission

The period after election day was marked by repeated voting in as many as 234 polling stations compared to the previous elections in 2016 when the vote was repeated in 15 polling stations⁷⁸.

July brought a sudden increase in the number of new COVID-19 cases, following the relaxation of measures, so many towns and municipalities declared emergencies with Belgrade declaring an emergency situation on 3 July to be followed by 10 other towns declaring emergency situations two days later. The president of the republic announced on 7 July that the Crisis Response Team might impose a curfew and a ban on assembly of more than five persons again. The announcement of the reintroduction of emergency measures caused massive rallies in the streets and people gathering in front of the parliament to protest. The protest escalated into several hours of conflict between the protestors and the police after a group of protestors got in the parliamentary building. The next day, protests were in other major cities (Novi Sad and Nis). Unfortunately, the first days of rallies were marked by a high number of arrests and injured citizens, police officers and reporters (the Independent Association of Serbian Journalists registered 21 cases of attacks against journalists during the four days of protests). On his own initiative, the Ombudsman undertook a direct on-site investigation and established that there had been no excessive use of force except for individual cases, after which the ombudsman initiated procedures to control the lawfulness and regularity of work of the Ministry of the Interior of the Republic of Serbia⁷⁹.

Regarding the activities of the national assembly of the Republic of Serbia, on 7 May the last session of the parliament was held before the election⁸⁰. The topics on the agenda for this session, which lasted from 8 May to 10 May, were the amendments to the electoral legislation and to the Law on the Protection of the Population from Infectious Diseases. The electoral laws were amended in order to allow the verification of signatures in municipal/local administrations (to ensure a safe signature collection process in light of COVID-19), whereas the Law on the Protection of the Population from Infectious Diseases changed the amounts of fines for violating the regulations, measures and decisions taken by the national authorities. During this session little was heard about the amendments to the laws on the agenda as

⁷⁸ Due to the deterioration of the COVID-19 situation, the elections were not monitored by domestic monitors.

⁷⁹ The complete communication is available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05?start=42>.

⁸⁰ However, the session itself was marked by a hunger strike of five MPs at the staircase of the parliament itself, as well as rallies of some opposition MPs who were preventing other MPs from attending the session.



discussion was focused more on the events that had marked the state of emergency period⁸¹. The eleventh convocation of the parliament had a total of 370 days of plenary sessions, 60 regular and 42 extraordinary sessions, as well as 617 promulgated laws (out of which 96.9 per cent were proposed by the government). Before the day of elections, there had been no significant activity of the parliamentary committees in this period, and in particular no session of the Committee for Human and Minority Rights and Gender Equality was held.

Following the establishment of the final electoral results by the Republic Electoral Commission on 5 July, the formation of the new twelfth convocation of the parliament was launched. The first session of the twelfth convocation of the parliament was scheduled on 3 August, almost a month and a half after the election⁸². The session itself took place in a ceremonial atmosphere, lasting a little longer than two hours (with an hour break in order to verify the mandates). The agenda of the first session had five items; however, after the first one (the verification of the MPs' mandates), the session was interrupted. So, at the first session, mandates were verified for the 250 members of the new parliament, whereby the national assembly was officially constituted. During the first session, members of parliament normally select the parliamentary speaker and the working bodies, as well as the remaining parliamentary leadership. However, as of the time of writing this report it has been more than 75 days since the mandates of the MPs were verified but the parliament has not convened once nor has it appointed its management.

Regarding the new parliamentary convocation, 55 per cent of MPs are going to take their seats for the first time (139 new MPs) and the new convocation has 97 female MPs.

During the state of emergency, more than 50 petitions to review issues of constitutionality were submitted to the Constitutional Court, most of them seeking the review of the lawfulness of the Decision on Declaration of the State of Emergency and allegations of violations of different rights during the state of emergency. At the session held on 21 May, the Constitutional Court dismissed these initiatives as it ruled that the COVID-19 infectious disease could be considered a public threat jeopardising the survival of the state and its people so the state of emergency had been declared in accordance with the relevant articles of the constitution. Additionally, the court pointed out that changes in authority, most often shifted towards the executive, as well as the potential derogation of human rights and liberties were common during a state of emergency and, as such, did not constitute evidence that the division of power was breached or that the scrutiny mechanisms for the rule of law had ceased to function⁸³. On the other hand, the Constitutional Court decided on 18 September that an aspect of the government's decrees on the state of emergency contravened the constitution because the Decree on the Measures During the State of emergency and the Decree on Misdemeanours for Violating the Order of the Minister of the Interior on Restrictions and Bans on Movement of Persons in the Territory of the Republic of Serbia in part enabled the punishment of citizens twice for the same act through criminal and misdemeanours proceedings. At the time of drafting this report, there had been no official information that a person had indeed been punished twice. Certain civil society organisations argued, however, that during the state of emergency and the first wave of the pandemic no special measures had been initiated to assist the most vulnerable categories of the population during the state of emergency, which was an obligation for countries which were signatories to the International Covenant on Social and Cultural Rights and the European Convention on Human Rights⁸⁴.

⁸¹ May and June were marked by many press conferences held during the electoral campaign: as many as 32 press conferences were in June. More information is available at: <https://otvoreniiparlament.rs/uploads/istrazivanje/Bilten%2013%20SR.pdf>.

⁸² From this date, the 90-day deadline for the establishment of the new government came into effect.

⁸³ In its decision, the Constitutional Court noted that the speaker of the national assembly had submitted to the court notifications of the impossibility for the national assembly to convene which had been sent to the president of the republic and to the prime minister on 15 March. The complete text of the Constitutional Court's decision is available at: <http://www.ustavni.sud.rs/Storage/Global/Documents/Misc/1%D0%A3%D0%BE-42-2020.pdf>.

⁸⁴ The complete analysis is available at: <https://www.a11initiative.org/srbija-jedina-u-regionu-nije-preduzela-posebne-mere-zastite-zanajsiromasnije/>.



Conclusion

Government response trackers have placed the Western Balkans as one of the regions with the most severe measures during the first lockdown up to the end of April⁸⁵. However, after this initial period which was marked by many uncertainties regarding the novel COVID-19 situation, the processes to relax the measures have started in the entire region. These processes were different from one country to another. The relaxation of measures have in some cases triggered: national parliamentary elections which were initially postponed due to COVID-19, massive outdoor gatherings such as a football match with more than 15,000 spectators, the opening of the hospitality industry and the opening of borders. Unfortunately, the relaxation of measures has led to the reinstatement of particular measures which were in force previously. The reinstatement of measures in some cases started in July and included some important human rights restrictions on the freedom of movement and freedom of assembly.

When it comes to the protection of human rights by constitutional courts in this period, they also reacted in two instances. The Constitutional Court of Montenegro declared that a decision to publish a list of all persons subject to self-isolation violated the constitutional right to privacy. The Constitutional Court of Serbia annulled a government decision which could have authorised double punishment in both criminal and misdemeanour proceedings for the same violation of the restriction on freedom of movement.

Compared to April and May, parliaments were able to continue as much as possible with their ordinary activities. Following the almost complete suspension of parliamentary work in March and April, all eight parliaments subsequently organised regular plenary and committee sessions. Some parliaments even organised special oversight activities related to the COVID-19 outbreak. Oversight hearings, ad hoc committees, field visits, official committee meetings with representatives from independent institutions and competent ministries, and requests for information related to the impact of COVID-19 on a variety of human rights suddenly started to be a big part of the parliamentary response to the outbreak of COVID-19⁸⁶. However, there were no additional major changes which could have allowed massive parliamentary work to be carried out online. This could lead to a very significant question: Will parliaments be in a position to continue their oversight activities during the potential second wave of COVID-19 and another possible lockdown?

However, it is important to point out that parliaments were also in a position to adopt or to amend important human rights legislation. For instance, the parliament of Montenegro adopted the Law on Same-sex Life Partnerships (a first in the Western Balkans), the parliament of Albania amended the criminal code to, among other things, increase prison sentences for domestic violence cases, while the assembly of the Republic of Kosovo adopted the Law on Preventing and Combating the COVID-19 Pandemic which included important mechanisms for successfully managing the COVID-19 pandemic.

While states of emergency have come to an end (for some parliaments) and the relaxation of measures has started, it seems that the balance between the executive and legislature has moved back toward its usual position. This paper records how parliaments continue to respond to COVID-19 while at the same time the phrase “continuing with normal activities as much as possible” can be heard more and more among top officials around the Western Balkans. Despite the sharp increase in parliamentary activities, in the majority of cases, the need for effective parliamentary oversight remains. In the region many questions and issues were raised by the public (in some cases leading to violent protests) about COVID-19 measures and restrictions. Therefore, the need for an adequate balance between necessary health regulations and relevant human rights restrictions is still important throughout the Western Balkans.

⁸⁵For instance, the Oxford COVID-19 Government Response Tracker. See: <https://www.bsg.ox.ac.uk/research/research-projects/coronavirus-government-response-tracker>.

⁸⁶Unfortunately, the practise of organising regular committee sessions was not recorded in - the National Assembly of the Republic of Serbia and the Assembly of the Republic of North Macedonia primarily due to elections which were scheduled in June and July.



 Parliament	Duration of state of emergency or extraordinary measures (number of days)	Adopting relevant COVID-19 legislation by the Parliament	Decision from constitutional court on potential human rights violation	Plenary sessions organised online	Number of plenary sessions	Number of committee sessions
Parliament of Albania	State of natural disaster was in force for 92 days				21	9
Parliamentary Assembly of Bosnia and Herzegovina	210 days (State of emergency was still in force at the time of writing)				20	7
Parliament of Federation of Bosnia and Herzegovina	State of natural disaster was in force for 77 days	✓	✓	✓	4	2
National Assembly of the Republic of Srpska	State of emergency was in force for 55 days				7	2
Assembly of the Republic of Kosovo	212 days (Public health emergency situation was still in force at the time of writing)	✓	✓		15	15
Parliament of Montenegro	153 days (State of epidemic was still in force at the time of writing)		✓		6	8
Assembly of the Republic of North Macedonia	State of emergency was in force for 96 days				11	0
National Assembly of the Republic of Serbia	State of emergency was in force for 53 days		✓		2	0

All information were updated on 12 October.



WESTMINSTER FOUNDATION FOR DEMOCRACY



Norwegian Ministry of Foreign Affairs



Human Rights and the Gender Equality Network of Committees in the Western Balkan (HUGEN)

The Westminster Foundation for Democracy (WFD) is the United Kingdom public body dedicated to supporting democracy around the world. Operating directly in over 40 countries, WFD works with parliaments, political parties and civil society groups as well as on elections to help make countries' political systems fairer and more inclusive, accountable and transparent. By being active in the Western Balkans since 1992, WFD is well placed to support efforts to improve governance in the region, political institutions, the rule of law, gender equality and post-conflict reconciliation.

WFD has recently launched a thirty-month programme (from April 2019 to November 2021) which aims to establish a human rights and gender equality network of parliamentary committees (HUGEN) in the Western Balkan region. The programme is supported and funded by the Norwegian Ministry of Foreign Affairs and it will include parliamentary committees from eight parliaments from the Western Balkan region. The programme is implemented by the WFD regional office in Belgrade in cooperation with country offices throughout the region.

Working across the Western Balkans region the programme will support members of parliament and parliamentary staff in strengthening parliamentary cooperation in the region, enhancing oversight capacities of the parliaments and improving the implementation of best human rights and gender equality standards

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