



STUDY

Kalevi Sorsa -säätö 

Has Covid-19 Moved Western Balkan Countries Closer to or Further from the EU?

The Effects of Covid-19 on
Democracy in the Western Balkans

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Editor: Jelena Simić

Authors: Aleksandra Jovevska Gjorgjevikj, Zoran Nechev,
Nikoleta Pavićević, Neira Kujović, Ledjon Shahini,
Miloš Pavković, Arber Fetahu

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EXECUTIVE SUMMARY

The Covid-19 pandemic hit Western Balkan countries hard and accentuated flaws in the countries' already fragile democratic systems. This publication analyses how the Covid-19 pandemic was handled in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia. The six country-specific chapters deal with national, parliamentary, and social challenges the pandemic has posed to Western Balkan societies and democratic processes. As all of the countries aspire to join the EU and are in different stages in the enlargement process, the publication also examines the EU's response to the pandemic in the region, as well as the perceptions of the citizens regarding it. Country-specific policy recommendations to increase democracy after two years of the pandemic period are aimed at national governments, EU institutions, as well as individual member states such as Finland. Since the effects of the pandemic will remain in Western Balkan societies for a long time, support from the above-mentioned stakeholders will be relevant while going forward.

Democratic backsliding has been evident

Even though each of the six Western Balkan countries have had slightly different approaches to the pandemic, some common issues and trends have been observed. Democratic backsliding during the pandemic period has been evident. The crisis strengthened the executive functions of the Western Balkan governments as they seized the opportunity to extend their state powers. This was especially visible when introducing restrictive measures (which in some cases were later declared unconstitutional), which often lacked transparency and limited and restricted basic rights and freedoms, further declining the already weak state of the Rule of Law in the region.

National parliamentary oversight of the executive was severely diminished during the pandemic as the governments, through various decrees, formed a tendency to by-

pass the national parliaments. This was highlighted by the fact that parliaments were not able to hold sessions during the restrictions, making it also harder for the opposition to discuss and stay vocal about the actions of the governments. However, oppositions in North Macedonia, Bosnia and Herzegovina, as well as Kosovo managed to stay relatively active during the pandemic.

The pandemic highlighted the important role of Civil Society Organizations (CSOs) in the region. With some funding sources being completely shut down and others being redirected to crisis management, CSOs had to quickly adapt to new ways of functioning. This was easier for larger, internationally supported organizations while the smaller, local ones struggled more in maintaining their activities and paying salaries. Despite this and some further suppression attempts, the CSOs in the region were able to keep their watchdog roles when it came to government actions. They requested wide transparency on the measures taken and had a crucial role in providing information about the pandemic's unequal effects on different groups of people. In addition to providing information, CSOs in the region distribute and provide a variety of services to the most vulnerable groups of people and marginalized communities. Women, the elderly, people with disabilities, and Roma people were disproportionately affected by the pandemic. The media also had a crucial role in spreading timely and objective information regarding the pandemic and the measures introduced. Media freedoms, which have been declining in the Western Balkans for a decade, experienced an even further decline during the pandemic, especially in Serbia and Albania. This was mainly due to government-introduced emergency measures that were often simultaneously used to silence critical voices and further suppress freedom of expression as well as freedom of information.

Technical steps forward, practical steps back

By providing vaccines, medical equipment, and later a substantial €3.3 billion in funding for the economic recovery of the region, the EU has without a doubt been the main supporter of the Western Balkans throughout the pandemic. However, the help—especially the vaccines—arrived relatively late, lacked visibility, and was often ignored by local officials for their own political interests. This was further exploited by the anti-EU forces in the region to portray a picture of the EU neglecting the Western Balkans. It also enabled Russia and China to spread disinformation and exaggerate their own role in helping the region. As the pandemic progressed and the

EU's assistance reached the Western Balkans, the citizens' dissatisfaction with the EU decreased slightly. Still, it is important not to lose sight of the fact that the overall support for the EU has been declining for many years in the Western Balkans due to the slow EU accession process and uncertainty surrounding the requirements. Even if the pandemic period did not reduce the support for the EU, it neither increased it. The solidarity and help shown by the EU during the pandemic could have served as a means to restore the credibility of the EU among the citizens of Western Balkans.

On the other hand, due to the EU's first hesitant reaction to help the region, the Western Balkan countries turned to each other. Serbia donated vaccines to Bosnia and Herzegovina, North Macedonia, and Montenegro and enabled not only citizens but also foreigners, non-residents, and tourists too to get vaccinated in the country. Also, as a response to the stagnated enlargement process, North Macedonia, Albania, and Serbia focused on the regional Open Balkans initiative which aims to strengthen regional cooperation. The solidarity Western Balkans showed each other during the pandemic should not be belittled as it shows the region's capability to come together and cooperate on common issues, a narrative that is often neglected. It remains, however, the responsibility of the EU to ensure that the Open Balkans initiative does not become an alternative to EU membership.¹

From a technical perspective, some progress has been made regarding the EU integration process. In December 2021, Serbia opened Cluster 4 (Green Agenda and Sustainable Connectivity) and amended its Constitution in January 2022. Kosovo implemented the National Implementation of Stabilization Association Agreement (NPISAA) 2021–2025 as well as European Reform Agenda II, both being mandatory documents in moving forward towards the alignment of EU standards. By the end of 2020, Albania regained the necessary quorum of six judges, making the Constitutional Court fully operational. An important milestone was achieved on 19 July 2022 when the European Council decided to open membership negotiations with North Macedonia and Albania. This was a result of the North Macedonian parliament approving the largely controversial French Proposal which ended the years-long dispute and blockade of Bulgaria.²

1 Unlike the Berlin Process, which is in line with the Stabilisation and Association Agreement (SAA) of aspiring member states and which also focuses on increasing regional cooperation and economic development, the Open Balkan initiative is not overseen by the EU. Therefore, it does not require the same reforms and conditionality. Due to being seen as a means for Albania and Serbia to establish regional dominance, as well as other unresolved political disputes, Montenegro, Bosnia and Herzegovina, and Kosovo have been hesitant to join the initiative.

2 The proposal was never officially presented to the public, but it sparked large controversy among the

However, looking at the overall picture, it is safe to say that the pandemic brought the EU integration process to a standstill. The overall Covid-19 period has been characterized by setbacks rather than progress. The EU-related reforms, activities, and clusters fell behind as the countries and governments focused on mitigating the effects caused by the virus. Various other issues emerged during the pandemic, and although not all of them were related to the pandemic, they further increased instability and insecurity. For example, since 2020, due to EU member states being divided on the methodology as well as the whole enlargement in general, North Macedonia has been forced to focus on lifting the Bulgarian veto, reducing the resources to focus on domestic EU-related reforms that would directly benefit the citizens as well as speed up the country's EU accession process. During the summer of 2021, with the withdrawal of Serb representatives from the decision-making process at the state level, Bosnia and Herzegovina faced its biggest political crisis in decades, completely paralyzing state-level decision-making. And just when the pandemic started in March 2020, Kosovo experienced an institutional crisis with the government being overthrown due to a no-confidence vote, which further caused political instability and insecurity. Amid the pandemic in 2020, due to years of abuse of power and increasing state capture employed by the ruling governments, Serbia and Montenegro lost their statuses as democracies in Freedom House's Nations in Transit, for the first time since 2003.³

In the following chapters, authors will take a look at the impact of Covid-19 on democracy, civil societies' ability to function, the EU membership process, and other national features in the six Western Balkan countries. They will also make recommendations for future development for each country and for the EU towards these countries.

citizens of North Macedonia. According to the proposal, North Macedonia must change its constitution to acknowledge a Bulgarian minority in the country, protect minority rights, and introduce hate speech laws into the criminal code. The critics view that the French proposal allows nationalism to become part of North Macedonia's EU accession framework.


3 Freedom House Report 2020

NORTH MACEDONIA

Aleksandra Jovevska Gjorgjevikj

Zoran Nechev

Institute for Democracy Societas Civilis Skopje

 On 26 February 2020, the first official Covid-19 case was registered in North Macedonia, and shortly after, in March, the first anti-Covid measures were introduced: the educational facilities were closed, public events limited, borders closed, etc. On 18 March, President Pendarovski declared a State of Emergency, granting the Government legislative power to deal with the pandemic. The last State of Emergency was declared on 15 June, for a period of eight days. Curfew was introduced on 21 March and was practiced until mid-June, significantly reducing social mobility. The first Covid 19-related death was reported on 22 March, and three months later, on 26 June, the Government began to ease the anti-Covid measures. By the end of 2020, the country registered 83,816 infected and 2,510 deceased. In February 2021, the first batch of 8,190 vaccines arrived, followed by 24,000 in March, initiating the mass immunization of the population. By summer 2022, 40,2% of the adult population was fully vaccinated.

Effects on democracy within the country

The first Covid-19 case in North Macedonia was officially registered on 26 February 2020. Shortly after, the Government answered with the first measures, closing all educational institutions⁴ and quarantining two municipalities with the highest number of

4 On 11 March 2020

infected.⁵ Thenceforth, a series of measures followed, which the Government justified through the epidemiological state and expected social dynamics in the country. The measures taken largely mirrored WHO's⁶ recommendations: restricting movement, closing restaurants/cafeterias, limiting public gatherings, mandatory facemasks, and curfews.⁷ Additional socio-economic measures were also adopted in order to mitigate the adverse consequences of the restrictions, such as compensation for citizens who lost their jobs, assistance to companies affected by the crisis, and assistance to artists and athletes.⁸ These measures had a negative impact on the socio-economic lives of citizens, which on several occasions resulted in public protests highlighting the negative economic state and objecting to restrictions of movement and vaccination.

As an additional aggravation, North Macedonia entered the pandemic with a largely unfavourable political situation—the Parliament was dissolved on 16 February, and the executive was managed by a technical government⁹ that cannot function to its full capacity. The early parliamentary elections were scheduled for 12 April and postponed to 15 July due to the epidemiological situation. Referring to the need for urgent reaction, President Pendarovski declared a State of Emergency on 18 March 2020, thus giving the government legislative power to respond to the pandemic. Till 15 June 2020, the State of Emergency was declared four more times.¹⁰ Although constituted on 4 August, the new Parliamentary composition was often unable to sit,¹¹ and the debate on online work as an alternative was blocked by the opposition, thus significantly reducing the efficiency of the work of the Parliament. Overall, the Parliament failed at its oversight function regarding the Government's management of the pandemic and the opposition regularly used this situation to accuse it of mismanagement and corruption.

During the State of Emergency, the Court undertook the oversight and disputed some of the Government's measures.¹² The Ombudsman and CSOs dealing with human

5 On 13 March 2020

6 World Health Organization

7 The longest curfew occurred during Orthodox Easter, 84 hours

8 The Government's economic measures to deal with the Covid-19 crisis

9 Technical government was envisioned with the so called Przhino agreement, signed in 2015. This format is established 100 days prior to elections, where the opposition joins the government and places either ministers or deputy ministers in all crucial ministries, in order to provide legitimacy and legality to the elections.

10 18 March (lasting for 30 days), 16 April (30 days), 15 May (14 days), 30 May (14 days) and June 15 (8 days)

11 Mostly due to the large number of MPs in isolation because of Covid-19

12 Deutsche Welle 2020

rights were not involved in the policy formulation, signalling a lack of transparency in the formulation of the restrictions. Access to justice was challenged during the State of Emergency,¹³ and the judiciary faced a lack of clear and precise normative act regulating its work. However, during this setting, as a leap forward, the first online trial was held in April 2020, as a response to the immobilization in the society.¹⁴

The dominant source of information on health issues was the Minister of Health, which largely prevented the spread of fake news and numbers. The government also put to use a special website and application regarding Covid-19 related news.¹⁵ Regarding media engagement, some experts assessed it as “lazy”, reduced to the transmission of information, and lacking a serious number of analyses by journalists. The media was also covered with the Government’s financial measures, which were intended to provide financial support as an answer to the negative consequences associated with Covid-19.¹⁶

The crisis had an impact on CSOs as well. With the measure to divert finances towards crisis management, the government cut the CSOs’ funding, only to reactivate it later, but only targeting organizations dealing with Covid-19.¹⁷ Despite these challenges, CSOs remained active, repeatedly reacting to certain measures or offering recommendations for improving the situation.¹⁸

The negative consequences of the epidemic did not affect everyone equally. The Ombudsman identified several vulnerable categories at exceptional risk due to Covid-19 and the introduced restrictions, such as children, elderly and infirm, people with disabilities, socially disadvantaged people, and people with weaker immunity.¹⁹ Part of the Roma population was identified as the most vulnerable, both in terms of health and socio-economic consequences from the restrictions.²⁰ As a negative consequence of

13 Kotevska et al 2020

14 Stojkova Zafirovska 2020

15 Kotevska et al 2020; Government website for Covid-19 related news <https://koronavirus.gov.mk/>

16 Trpkovski 2020

17 European Policy Institute 2020

18 Examples: Institute of Democracy Societas Civilis (2020) Reaction: The Assembly of the Republic of North Macedonia must meet; Reaction of the CSOs (2020): (Not) responsible institutions for the most vulnerable citizens in crisis conditions

19 Ombudsman 2020

20 Pavlovski et al 2021

the restrictions, the MOI²¹ registered a significant increase in domestic violence, especially during the months with active curfew.²²

The role of the EU during the pandemic

In order to unblock the NATO membership path and start the EU accession negotiations, in mid-2018, North Macedonia signed the Prespa Agreement, thus changing its constitutional name and closing the decades-long dispute with Greece. In March 2020, North Macedonia entered NATO and the EU Council decided to open the EU accession negotiation, creating a positive distraction from Covid-19. However, on the eve of the first intergovernmental conference in November 2020, Bulgaria blocked the adoption of the negotiation framework over issues of identity and history. As a response to the stalemate in the accession negotiations, North Macedonia invested in regional cooperation with Albania and Serbia, through initiatives such as Open Balkans.²³ On 19 July 2022, EU finally opened the accession negotiations with North Macedonia and Albania.

Even with this development, the biggest support during the pandemic came from the EU. In the first half of 2020, EU mobilized €66 million to support North Macedonia in the fight against the pandemic. For future assistance to mitigate the negative effects related to Covid-19, EU has activated several additional mechanisms such as loans for amortization of the financial shocks; linking to the European Public Procurement Agreement for medical equipment and the EU Rapid Alert System for communicable diseases; and assistance through the EU Civil Protection Mechanism.²⁴ In addition, more than a third of all vaccines arrived in the country (purchased and donated), are donations from the EU or EU member states.²⁵

However, despite the support received from EU, due to its relatively later arrival and the lack of communication strategy, the support did not obtain much visibility among the public. 2021 survey results showed that the majority of the citizens (52%) perceive Serbia's assistance as the biggest, whereas, although second, still a significantly lower

21 Ministry of Interior

22 Bashevska 2020

23 Velinovska et al 2022

24 Belovska et al 2020

25 NGO info centre 2022

percentage of the people (16%) perceive EU's assistance as the biggest, just above China's (15%) and Russia's (11%). This perception is primarily shaped by the timing rather than the actual quantity of the help. Serbia opened its vaccination points for Macedonian citizens and was the first country to donate vaccines a few weeks before the first batch of vaccines through the COVAX mechanism arrived. Asked about expectations for further support, the majority of respondents still expected Serbia to provide most of the help (32%), followed again by the EU (26%) but with a lower difference between the two.²⁶

The general public support for EU membership in North Macedonia has been gradually declining in the last decade, in line with the continuously discouraging accession perspective. Nevertheless, a 2021 public opinion survey shows that the new deadlock caused by the Bulgarian veto did not significantly alter the public support for EU membership, compared to the previous three years. In 2021, 68% of the population supported the idea of EU membership.²⁷ The number of citizens who also consider the EU as North Macedonia's greatest ally has also decreased in the last three years, that is, from 43.2% in 2019 to 13.1% in 2021. In line with this, the number of Macedonian citizens who see the EU as a foreign factor with the greatest influence in North Macedonia is also declining, from 44.8% in 2019 to only 9.47% in 2021.²⁸

The deadlock in the EU accession process caused by the Bulgarian veto mirrored the internal reform dynamics. The government focused more on negotiations with the Bulgarian government for lifting the veto and less on domestic (EU-related) reforms, which were put almost on hold. There have even been some setbacks, such as the highest Covid-19 mortality rate in Europe in certain periods, corruption scandals involving high-ranking government officials, the fire in the modular Covid-19 hospital in Tetovo which passed without incurring significant political responsibility, and financial doubts placed on the procurement of vaccines etc.²⁹ These events, alongside with the fragile perspective of the country for starting the EU negotiations process after the Bulgarian veto, led to the declining trend of citizen support for the country's EU integration process, thus creating a threat of submerging the country's EU perspectives. These preconditions could encourage support for political options that advocate more radical and populist views and values that differ from the EU's.

26 Bieber and Nechev 2021

27 69% in 2020 and 65% in 2019; Damjanovski 2022

28 Velinovska et al 2022

29 Velinovska et al 2022

Steps forward and policy recommendations to increase democracy

- The enlargement policy is designed to democratize societies that want to enter the EU. Continuous obstacles from certain EU member states and constant unpredictability of the EU accession process should be perceived by the government of North Macedonia as standard. The tools that the EU accession process and EU funds provide should be exploited by Skopje to the maximum in order to further modernize and democratize the society at large.
- The credibility of the EU accession process has reached the bottom. The government and civil society organizations can no longer use the EU card to push for difficult reforms. Returning the credibility of the EU and the accession process is essential and the responsibility of the Union and its members.
- The Western Balkans are a fertile ground for fake news and disinformation, especially coming from external actors such as Russia and China. The Russian invasion of Ukraine will further increase the volume of hybrid threats aiming at exploiting the unresolved issues in the Balkans. EU member states like Finland should support the efforts to increase the resilience of North Macedonia and invest in countering hybrid threats.

MONTENEGRO

Nikoleta Pavićević

Institute Alternative

After resisting for two and half months since the outbreak of Covid-19, Montenegro—a Western Balkan country of some 630,000 citizens, confirmed the first two cases on 17 March 2020.³⁰ Montenegro went through a roller-coaster when it comes to the number of cases—from being the first European country to declare a ‘Covid-19 free’ status in May 2020³¹ to the highest infection rate in the world during the second wave of the pandemic.³² Although the country struggled at first to provide vaccines, it completely immunized 45,8% of its citizens.³³

Effects on democracy within the country

Even before the first cases of Covid-19 were confirmed in Montenegro, the Government took swift and effective, but also strict measures to prevent importing and spreading of the virus. Despite the fact that a state of emergency was not officially introduced, the Government restricted freedom of movement and assembly, banned intercity traffic, closed its borders, and introduced nocturnal curfews.³⁴ Measures imposed by the National Coordination Body for Communicable Diseases were highly supported by the citizens in the first wave of the pandemic—as many as 97% of the

30 Government of Montenegro 2020

31 Reuters 2020

32 Radio Free Europe 2021

33 Radio and Television of Montenegro 2022

34 Government of Montenegro 2020

citizens expressed support for the prohibition of all private and public gatherings, self-isolation, and quarantine.³⁵

Although the Government initially did a fair job to flatten the curve after the first confirmed cases—by tightening measures—it was not long before the weaknesses of institutions and effects of unconsolidated democracy started to manifest. The Covid-19 pandemic hit Montenegro under the thirty-year-long rule of the Democratic Party of Socialists (DPS), which already had a reputation for violating human rights and freedoms.³⁶ Additionally, Montenegrin institutions which should perform oversight and control functions of the executive power were extremely passive at the very beginning of the pandemic, thus leaving the Government at complete liberty to decide on measures to prevent the novel virus.

Under the pretext of combating Covid-19, the Government started suppressing freedom of expression and assembly and severely violating data privacy. Just by the end of May 2020, there were five cases of criminal proceedings against the citizens for “spreading panic and disorder”.³⁷ In one of these cases in which the state fought fake news by arresting those who spread inaccurate information, one of the former opposition activists was arrested for sharing a link from a Serbian tabloid that claimed that the Montenegrin president is Covid-19 positive.³⁸

While Constitutional courts in the Western Balkans ruled on whether there was a breach of civic rights, the Montenegrin Constitutional Court remained silent. This Court ignored the provision from the Constitution which obliged it to monitor the enforcement of constitutionality and legibility, stipulating that it shall inform the Parliament on the registered cases of breaching. Despite the fact that Montenegrin Constitution only allows temporary restriction of public assemblies, an absolute ban on public assemblies was in power in Montenegro for several months. Even though Institute Alternative and Human Rights Action filed an initiative to review the constitutionality and legality of this order, it took ten months for the court to decide upon it.³⁹

35 UNICEF Montenegro 2020

36 Freedom House 2019

37 Human Rights Action 2020

38 Balkan Insight 2020

39 Institute Alternative and Human Rights Action 2021

The pandemic suspended the rule of law in Montenegro. Although many civic organizations and activists protested, the most severe violation of human rights occurred in May 2020 when the Government decided to publish the names and other personal data of 2,720 citizens who were ordered mandatory self-isolation due to recently being abroad. Together with the list of citizens, the Government published a message to the citizens on Twitter: “Let every citizen know which of his neighbours and fellow citizens put them at risk”, thus stigmatizing and targeting certain citizens.⁴⁰

And while Bosnia and Herzegovina’s Data Protection Agency prohibited the publishing of personal data of those subjected to self-isolation, the Montenegrin Agency decided to give permission to the Government. Additionally, the European Court previously ruled that “the right to privacy specifically applies to protecting the confidentiality of data relating to viruses, since disclosure of such information can have detrimental effects on the private and family life of the individual and his or her social and professional position, including exposure to stigma and possible exclusion from the community”.⁴¹ All of the mentioned events which happened during the first wave of the Covid-19 crisis contributed to Montenegro losing its status as a “democracy” in Freedom House’s Nations in Transit for the first time since 2003.⁴²

While these imprudent measures were imposed by the Government, the Parliament took a back seat. Covid-19 suspended the work of the Parliament, which did not hold a session for almost two months amid the crisis.⁴³ Members of the European Parliament urged the Government of Montenegro to ensure the constitutional role of the Parliament in overseeing the undertaken measures.⁴⁴ Also, the role of the opposition was marginalized during this period because they were unable to discuss the introduced measures by the MPs, and the Government governed without consulting the Parliament. Thus, both the opposition and ruling majority MPs were unable to discuss Government decisions through which they restricted freedoms or provided economic support to certain categories of society.

40 Government of Montenegro on Twitter 2020

41 European Court of Human Rights 1997 and 2018

42 Freedom House Report 2020

43 The last session before the first confirmed case was held on 4 May, and the next session was held on 22 April 2020

44 Radio Free Europe 2020

The outbreak also intensified the shrinking of space for civil society. During the very beginning of the pandemic, 13,4% of CSOs completely stopped working, while other organizations reported major shifts in the way they worked.⁴⁵ Research shows that NGOs were struggling to pay bills and were forced to decrease their salaries. This is especially worrisome while keeping in mind that NGOs in Montenegro distribute a variety of different services and assistance to users, which they were unable to provide at that time due to the measures of the Government—especially when it comes to persons with disability or victims of domestic violence.

The role of media in Montenegro during the first wave of the pandemic was crucial in spreading timely and objective information on introduced measures, availability of vaccines, confirmed cases, implications on economy and tourism, etc. In the beginning, they were recognized by the Government as a key partner. Their freedom of movement was not restricted during the introduced curfews, and the Government recommended Agency for Electronic Media to exempt electronic media from paying fees for a 90-day period and provide funds for printed media.⁴⁶

However, Reporters Without Borders⁴⁷ and Media Association of South-East Europe (MASE)⁴⁸ stated that the provided one-off assistance was insufficient to ensure media sustainability and that there is a need for a long-term support programme that will help the media recover from the Covid-19 crisis and survive on the market. Additionally, some limitations regarding media reporting on Covid-19 were registered. Journalists were unable to participate in person in daily press conferences in which all of the information, including the measures for curbing Covid-19, were presented. Instead, they were able to submit questions to authorities online, but some of them complained that those questions were not posed during the conferences.⁴⁹ Some of the most visible media in the country, such as Vijesti, stood against Government's decision to publish the data on citizens in self-isolation and refused to further spread it.

45 Centre for Development of NGO 2020

46 Government of Montenegro 2020

47 Reporters Without Borders 2020

48 Nenezic and Vukovic 2020

49 Trade Union of Media 2020

The role of the EU during the pandemic

Currently, Montenegro holds the status of a candidate country for European Union membership, with accession negotiations launched on 29 June 2012.⁵⁰ By opening Chapter 8 (Competition Policy) in 2020, Montenegro has opened all of the 33 negotiation chapters. Although being perceived as a “frontrunner in the negotiation process” in the Western Balkans, Montenegro provisionally closed only three out of 33 chapters during the decade-long negotiation process. Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) remain as the main challenges in the negotiation process. The European Commission keeps emphasizing in its reports that progress towards meeting the interim benchmarks set in these chapters will be key for further progress of Montenegro in the negotiations.⁵¹

After years of negotiations, enlargement is nowhere in sight. Montenegro has been standing in place, and judging by the latest report, managed to make only “limited progress” in most of the chapters.⁵² This state of impasse, not only in Montenegro but also in other Western Balkan countries, pushed the European Commission to adopt a new, revised methodology with a merit-based approach with a “stronger focus on fundamental reforms, such as rule of law, fundamental freedoms, economy and functioning of democratic institutions”.⁵³

At the same time, support for the enlargement from the individual EU member countries has faded. Latest Euro Barometer findings show that EU member countries are rather sceptical when it comes to the enlargement. Finland has one of the highest rates of population disapproval of enlargement (71%), followed by the Netherlands (67%), Belgium (66%), Sweden (63%), France (56%), etc.⁵⁴

On the contrary, support of the Montenegrin citizens towards Montenegro’s EU accession seems to continuously grow and was not affected negatively by the pandemic. Latest public opinion surveys have shown that as many as 80% of the citizens would vote in favour of Montenegro’s membership in the EU in a referendum.⁵⁵ On the other

50 European Commission 2021

51 European Commission 2020

52 Institute Alternative 2021

53 European Commission 2021

54 Eurobarometer 2020–2021

55 Vijesti 2022

hand, citizens believe that the country is moving very slowly towards accession (29%) or not fast enough (23%).

The first wave of Covid-19 showed the extent of Montenegro's unconsolidated democratic system and weak institutions whose job is to oversee respect for the rule of law and fundamental rights. The initial lack of reaction from the European Union in the Western Balkans during the first wave provided an ideal environment for Russia and China to step up their influence to strengthen their role and position in the geopolitical race in the Western Balkan countries. Through providing support for combating Covid-19 in Montenegro, mainly in vaccines, they have been praised in media as the proof of solidarity.

The European Union took swift measures to protect its members, such as closing external borders and limiting the exportation of protective equipment, which firstly excluded Western Balkans, thus leaving the region isolated. The first vaccines administered in Montenegro were Russian Sputnik V vaccines,⁵⁶ donated to Montenegro by Serbia, followed by the donation of Sinopharm vaccines from China,⁵⁷ while the first EU vaccines arrived two months later.⁵⁸ This was assessed by the European External Action Service (EEAS) as an opportunity of the propagandists to try to create different narratives and spread disinformation on Covid-19 and the EU's reaction.⁵⁹

Despite the initial hesitant reaction, the European Union shortly began to effectively support the Western Balkan countries' curbing of the crisis and be "more present". The EU made clear that Western Balkan countries are privileged partners and allocated a €3.3 billion package to mitigate the effects of Covid-19 and help post-pandemic socio-economic recovery.⁶⁰ Out of this amount, €3 million of immediate support to the health sector, €40.5 million of support for the social and economic recovery, and €60 million of macro-financial assistance was allocated to Montenegro.⁶¹ For the Western Balkan countries which were struggling to provide vaccines, the European Commission and Austria provided 651,000 BioNTech/Pfizer doses.⁶² In

56 Aljazeera 2021

57 Radio Free Europe 2021

58 Radio Free Europe 2021

59 EUvsDiSiNFO 2020

60 European Commission 2021

61 European Council 2021

62 WeBalkans 2021

2021, the EU continued to support Montenegro both through financial assistance and by providing health supplies and vaccines—262,000 doses were provided by early September.⁶³

Public opinion research has shown that Montenegrin citizens perceive the European Union as the greatest donator and key Montenegrin partner. Additionally, Montenegrin citizens (37%) think that EU has shown the most solidarity towards Montenegro during the Covid-19 pandemic, followed by Serbia (19,1%), China (8.6%), and Russia (5.4%).⁶⁴

Specific national features

Besides individual cases where some of the country's epidemiologists were vocal and urged for all of the bans to be lifted, there was no consensus on trying unconventional approaches as in some of the European countries.

On the other hand, it can be considered that in Montenegro during the pandemic, two different governments used two different approaches. Although Montenegro's economy is highly dependent on tourism⁶⁵, in 2020 the former Government decided to keep a firm grip on tackling Covid and closed borders for most of the countries with high rates of virus.⁶⁶ This resulted in 90% less income from tourism compared to the previous season. After the elections,⁶⁷ the newly established Government took an entirely different approach, lifting all bans and opening borders for tourists, although this resulted in a rising number of cases in the country. In the beginning of June 2020, Montenegro had more than 300 active cases in total, while in early June 2021, the number had risen to 785.⁶⁸ This resulted in 90% less income from tourism compared to the previous season.

63 European Commission 2020

64 De Facto 2021

65 Tourism makes 25% of Montenegro's GDP in total

66 Radio Free Europe 2020

67 Parliamentary elections in Montenegro were held on 30 January 2020

68 Institute for Public Health of Montenegro 2021

Steps forward and policy recommendations to increase democracy

- When imposing measures for prevention of the Covid-19, or any other possible future crisis, the Government must tailor those measures to achieve their purpose without violation of the constitutional rights of the citizens;
- The European Union should comprehensively monitor governments and their actions in the Western Balkans and provide timely reaction; the European Commission should not wait for the annual country report to note the breach of human rights in countries negotiating accession;
- Finland, as one of the EU member countries highly opposing the enlargement,⁶⁹ should invest further efforts in investigating whether this public opinion is based on stereotypes or lack of information, work to change this public narrative, inform citizens, and break the bias on Western Balkan countries; additionally, Finland should involve more of the key stakeholders in bilateral negotiations with Montenegro.

69 71% of citizens said that they are against further enlargement of the EU and inclusion of other countries in the future

BOSNIA AND HERZEGOVINA

Neira Kujović

Forum for Left Initiative

After the declaration of the pandemic on 11 March 2020 by the World Health Organization (WHO), due to the complex government structure in BiH, the state of emergency was declared three times: on 16 March at the Federation BiH level, on 17 March at the State level, and on 28 March at the Republika Srpska level. One has to note that the state of emergency declaration was not always confirmed by the respective Parliaments. States of emergency were abolished two months after their declaration.⁷⁰ Only 25,8%⁷¹ of the population has been totally vaccinated. It needs to be noted that, compared to the availability of the vaccines, the vaccination process started rather late. BiH relied in the first place on the COVAX system, later receiving also donations of vaccines. The authorities did not manage to convince the population⁷² of the need to get vaccinated, as the vaccination rate shows.

Effects on democracy within the country

The declaration of emergency at all administrative levels triggered a flurry of normative activity, with the executive authorities issuing a slew of decrees, instructions, decisions, orders, and other documents. Some of the decrees substantially limited

70 The entities abolished it by the end of May 2020. There is no available information on the abolishment of the emergency state at the state level.

71 Our World in Data 2022

72 According to an online survey conducted in August 2021, citizens listed as reason for non-vaccinating the vaccine's side effects in general, while some stated that they do not belong to the risk population. For more information, see the Valicon survey in the list of sources.

freedom of assembly and mobility of citizens while others aimed at punishing the circulation of (mis)information that can cause panic, limiting thereby the work of journalists and freedom of expression, which caused a harsh reaction from journalists.⁷³ Other, more general measures, such as curfew introduction, obligatory mask wearing, etc., aimed at the general population sparked quite heated public discussions about human rights violations. However, in the beginning of the restrictions, general citizens' perception of the governments' measures to prevent transmission and further spread of the disease was rather positive. As the pandemic progressed, so did the dissatisfaction with the executive orders among the population, especially after the BiH Constitutional Court found restrictions violating human rights, particularly those restricting movement of people. The Court however refused to repeal the orders due to the undoubted public health interest.

Parliamentary oversight of the executive branch, which was rather limited even before the pandemic, was additionally diminished, as there were no possibilities of convening the parliamentary sessions. However, the parliaments at almost all levels managed to overcome this hurdle by amending their Rules of Procedure, enabling the organization of online sessions. After enabling it from the legislative point of view, parliament faced another issue: lack of technical capacities for both of the parliaments and their members, for which reason the quality of the legislation process significantly dropped. When the epidemiological situation allowed, parliaments gathered in person and otherwise remained in online format. Recently, with the vaccinations progressing and the severe hospitalization cases decreasing, parliaments are convening in person much more often, trying to convene in much larger venues to maintain physical distance. At the very beginning of the pandemic, the opposition parties also had some difficulties articulating their stance on the government's measures, mainly due to lack of access to the media, as it mainly covered official government statements. However, after the first public procurements of needed medical equipment and doubts of corruption,⁷⁴ the opposition became quite loud, even managing to use this to their benefit while campaigning on those affairs in the local elections held in October 2020.

Despite the fact that BiH has a rather strong civil society, very often pointing out the main challenges in society, just a small number of bigger internationally supported organizations managed to quickly shift their focus from the ongoing projects to

73 International Institute for Democracy and Electoral Assistance 2021

74 One of the biggest accusations was related to the Federation BiH Prime minister in connection with the import of ventilators. See more in the Reuters article.

the newly occurring challenges caused by the pandemic. As a response to certain non-transparent governmental processes, CSO representatives requested very loud transparency and announcement of decisions. Investigative journalists revealed at least one major corruption affair in the procurement of medical equipment, and a court proceeding was initiated, with even the FBiH Prime Minister and Minister of Finance under suspicion.

As the pandemic kept progressing, the civil society managed to adapt their working arrangements to the new circumstances and kept their watchdog role. As part of the civil society, media representatives also had their difficulties, especially in the beginning, being exposed to the dangers of the pandemic and having challenges in accessing information. However, over time they managed to retain their role of informing the public with timely and relevant content, especially relating to the pandemic and democratic processes.

To sum up, in the very beginning, the pandemic had a severe effect on the democratic processes in BiH, especially the legislation processes, but also in the deterioration of government transparency, which already needed improvement. However, these deficiencies were removed in a reasonable time and the processes continued in the same way as before the pandemic—with parliamentary sessions being held relatively rarely and with the same level of non-transparent government actions. Also worth praising in this context is that despite the pandemic, BiH managed to hold the local elections in autumn 2020, even as some countries cancelled or prolonged their elections.

The role of the EU during the pandemic

Together with Kosovo, Bosnia and Herzegovina is the only country in the Western Balkan region that has no EU candidate status. The country submitted its application for EU membership in 2016 and received in May 2019 a set of 14 priorities the BiH authorities have to meet in order to be eligible for EU candidate status. This means that the country's only contractual relation with the EU remains the Stabilisation and Association Agreement, signed in 2008 and entered into effect in 2015. After the announcement of the 14 priorities, the political elites have continued to accuse each other of the stalemate in the EU integration process. The pandemic brought the EU integration process to a standstill, a process in which the political elites do not seem

to be interested anyway. On the other hand, citizen interest in joining the EU is still a prevailing majority,⁷⁵ although support has been stagnating since 2018.

Support for EU deteriorated in BiH at the very beginning of the pandemic. Soon after the pandemic began, EU decided to ban the export of personal protective equipment and even some medical equipment as so many EU citizens needed ventilators at the time.⁷⁶ Lacking support from the EU, other countries supported BiH strongly, among them Turkey, United States, and especially Serbia, which showed solidarity with the neighbouring countries, donating a significant amount of protective equipment and allowing BiH citizens to get vaccinated without any announcement or insurance much before the vaccines were available in BiH.

Some of the eurosceptic politicians in BiH—as in other Western Balkan countries—seized this opportunity to criticize the EU, while simultaneously receiving face masks and other equipment from China and Russia. The aim was thereby to display the EU as not being of help in times of crisis. However, the EU soon not only delivered protective equipment but also decided to provide €3 billion of macro-financial assistance for countries participating in the EU integration process, from which Bosnia and Herzegovina received 250 million euros. The EU and EU member states remained dedicated to BiH in donating vaccines and providing financial support throughout the pandemic, but this was not communicated effectively. A report published by the Balkans in Europe Policy Advisory Group (BiEPAG) shows that timely intervention is much more appreciated than the amount and that the “EU influence continues to shrink, and its soft power evaporates”.⁷⁷

Regarding BiH’s accession to the EU, unfortunately, no new milestones have been achieved since 2019, and the EU’s treatment of Albania and North Macedonia in not allowing them to open negotiations is being perceived by the BiH public as a negative stance towards the whole enlargement process.

First, the pandemic and afterward the biggest political crisis in BiH that occurred in mid-2021 by the withdrawal of Serb representatives from the decision-making process at the State level⁷⁸ did not allow any hope for the BiH to move on the EU integration

75 DEI 2020

76 Politico 2020

77 BiEPAG 2021

78 After the amendment to Bosnia and Herzegovina’s criminal code to outlaw the public denial, condoning,

path. It remains the obligation of BiH to meet certain political requirements set by the EU, and there is no doubt that in order to achieve this, BiH needs to conduct profound reforms. However, it is also in the EU's interest to demonstrate creativity in helping the region to overcome some challenges and become part of the EU family soon.⁷⁹

Specific national features

Bosnia and Herzegovina, despite being relatively complex, somehow managed to overcome the first pandemic wave quite well. The wave lasted from the outbreak in March until the summer of 2020. It was surprising that the usually slow and sluggish state apparatus was somehow able to organize and execute orders without much resistance from the citizens. However, soon after the case numbers dropped, the political elites turned to fast-track public procurement, misusing the pandemic crisis and available public funds to promote their narrow and private interests.⁸⁰

Steps forward and policy recommendations to increase democracy

The pandemic showed that countries which have prepared themselves to maintain a functional state under all circumstances were better off in handling the pandemic both in health and political/democratic terms. Following the example of Estonia,⁸¹ which has a rather developed IT infrastructure, especially in the democratic and health care system:

- BiH needs to involve more IT solutions in making the executive, legislative, and judicial powers function even in times of crisis.
- As BiH needs to improve its ways of functioning, and the EU needs to show strong, internally coordinated, and dedicated support towards the EU membership of all the Western Balkan countries, especially BiH, which is lagging behind.

trivialization, or justification of genocide imposed by the High Representative of the International Community in BiH, the Serb representatives decided to withdraw from any decision-making process until these amendments are being annulled. This caused a total blockade in the decision-making process at the State level, displaying especially the state level as dysfunctional, which is being claimed by the ruling Serb party (SNSD) over the last few years.

79 The recent developments in Ukraine and the EU's focus on the Western Balkan region could be the first signs of a renewed approach of the EU towards the region.

80 Friedrich Ebert Stiftung 2020

81 Makarychev and Wishnick 2022

- All of the EU member states, such as Finland, need to step up their support to the democratic forces in the country in order for BiH to have functioning democracy and institutions.

ALBANIA

Ledjon Shahini

Qemal Stafa Foundation

The COVID-19 outbreak in 2020 made the entire world confront it, including Albania. Following the first case of COVID-19 on 9 March 2020, the Minister of Health and Social Protection declared a state of epidemic two days later and on 24 March the Council of Ministers declared a state of natural disaster. Therefore, the whole territory of Albania was a red area, and the restrictions were to be applied throughout. Later in May, the country was divided into red and green areas. Most of the restrictions and preventive measures were approved based on Law No. 15/2016 “On the prevention and fight of infections and infectious disease”.

The Albanian government made efforts at the beginning of the pandemic to provide enough doses for its citizens. Initially the provision of doses was realized through self-financing and then through donations. The first donation of 10,000 doses was received on 21 March 2021 from the United Arab Emirates. As the availability of COVID-19 vaccines was initially limited, different population groups were prioritized.⁸² As of now, 44,4% of the population is fully vaccinated.⁸³ The low percentage of vaccination, compared with EU countries, is mostly related to misinformation and the scepticism of citizens even though many awareness campaigns were undertaken by the government.

82 Instituti i Shëndetit Publik 2021

83 Our World in Data 2022

Effects on democracy within the country

With the first cases of COVID-19 emerging in the Republic of Albania, the Albanian government implemented several restrictions to prevent the spread of the virus. The first measures included setting up an ad hoc committee and a task force to tackle the virus.

The organization of sportive or cultural activities was prohibited, while commercial activities such as the sale of food, pharmaceutical products, and financial institutions were allowed. The movement of all private and public means of transport and pedestrians not possessing authorization was prohibited and allowed only during the permitted hours. All private and public education institutions, nurseries, and kindergartens were closed, and the university teaching process continued online till October 2021. Restrictions were applied to entering/leaving the territory of the Republic of Albania. The total closure of the country was eased gradually and in stages, implementing the measures of physical distancing, the mandatory wearing of masks, and promoting related hygiene measures.

Measures taken by the government to address the pandemic have been highly supported by the citizens, such as measures related to vaccination, limiting the spread of COVID-19, managing the situation of patients in hospitals, and financial support (79%, 76%, 74%, and 61% respectively). However, during the second wave compared with the first wave, there was a considerably lower level of caution expressed for almost all measures, particularly with respect to social distancing.⁸⁴

The Council of Ministers adopted the Normative Act “On Special Measures in the Field of Judicial Activity during the Pandemic caused by COVID-19”. The hearings of administrative, civil, and criminal cases, scheduled before all courts, were adjourned until the end of the pandemic. Civil and criminal cases were suspended and the terms that fell during the suspension period were postponed and the High Court started reviewing court cases in public hearings in November 2020.⁸⁵

Albania reached an important milestone at the end of 2020, with the appointment of three new judges to the Constitutional Court, regaining its necessary quorum of a minimum of six members to hold plenary sessions, being fully operational, and

84 Metanj, Elezaj and Dh. Peci 2021

85 The Supreme Court of the Republic of Albania 2020

meeting the related condition for the first Inter-Governmental Conference (IGC). The Constitutional Court has started to fully exercise its functions and progress also continued on High Court appointments. Despite these positive developments, Albania's judicial system is still moderately prepared as stated in European Commission 2021 report on Albania.

Parliament continued to work under the restrictions brought in due to the pandemic through online sessions. With regard to EU-oriented reforms, the Parliament adopted a number of significant pieces of legislation, in areas such as asylum, the population census, and the efficiency of the judiciary. The Parliament adopted amendments to ten laws aiming to further strengthen the efficiency of the judicial system and its capacity to tackle corruption and organized crime.⁸⁶

General elections were held on 25 April 2021. In strict COVID-19 rules, electronic identification of voters was implemented in 97% of polling stations, while e-voting and e-counting were piloted successfully in 32 polling stations in Tirana. The OSCE/ODIHR final assessment found that elections were generally well organized.

The media has played a significant role in spreading information on the pandemic since the beginning. However, regarding the freedom of expression and media freedoms, Albania continues to be moderately prepared. Especially during the pandemic, political pressure increased with attempts to control information regarding the pandemic and the general elections held in 2021. In fact, the pandemic contributed to Albania reaching an all-time low in the Reports Without Borders World Press Freedom Index, ranking 103 out of 180 countries, and falling down 20 places in just one year.⁸⁷ One of the biggest issues during the pandemic occurred in 2020 when one of the country's TV broadcasters, RTV ORA, was forced to close due to charges of disrespecting social distancing rules.

Even though being largely affected by the pandemic, Albanian civil society has been able to provide support and services to the most vulnerable people affected by the pandemic through various policy measures including the implementation of financial plans, postponement of rent payments for some groups, and an employment promotion programme to cover a part of reemployment cost for businesses. CSOs in Albania objected loudly when the government proposed to amend the Penal Code

86 European Commission October 2021

87 Reporters without Borders World Press Freedom Index 2022

prescribing imprisonment for up to 15 years for breaking quarantine and up to 10 for general breaches of quarantine measures.⁸⁸ Due to resistance, milder sanctions were approved but remained still unproportional. CSOs have also criticized the government for using the pandemic-induced state of emergency as an excuse to introduce unnecessary restrictions while circumventing the parliament.⁸⁹ While the citizens of Albania are highly critical of the parliament's overall performance, they remain divided on its handling of the pandemic.⁹⁰

The role of the EU during the pandemic

Albania was identified as a potential candidate for EU membership in 2003, trying to progress in key areas such as the judiciary, fight against corruption and organized crime, intelligence services, and public administration, and received candidate status in 2014. In March 2020, the members of the European Council endorsed the General Affairs Council's decision to open accession negotiations with Albania, and in July 2020, the draft negotiating framework was presented to the Member States. In October 2020, the Commission proposed an Economic & Investment Plan to support and bring the Western Balkans closer to the EU. In May 2021, the Commission informed the Council that Albania has met the remaining conditions to be fulfilled prior to the holding of the first Inter-Governmental Conference of accession negotiations. On 19 July 2022, Albania, together with North Macedonia, was finally given the green light to start EU accession negotiations. Even though Albania has achieved "tangible" and "sustainable" results regarding EU-oriented reforms, much more needs to be done to improve political dialogue between the ruling parties and the opposition.

The EU, while being seriously affected by this crisis, has mobilized various packages, including immediate support to address health challenges and later to fund access to COVID-19 vaccines and substantial funding for the economic recovery of the region. Out of a €3.3 billion package to mitigate the effects of COVID-19 and help post-pandemic socio-economic recovery, €180 million was allocated to Albania. It targeted measures strengthening public finance, the resilience of the financial sector, governance and fighting corruption, and social protection. Albania was also one of the first countries to benefit from the EU vaccine-sharing mechanism, receiving altogether

88 WeBER Opening Governments in times of lockdown 2020

89 Freedom House Nations in Transit 2021

90 IDM Audit of Political Engagement in Albania 2020

more than 600,000 doses of vaccines from member states, the EU4Health Grant as well the COVAX initiative. This support from the EU goes far beyond and is far more comprehensive than provided to the region by any other partner. Just as the EU is the Western Balkans' biggest investor, donor, and trading partner, this is another clear reflection of the region's strategic anchoring to the EU.⁹¹

Among the Western Balkan countries, Albania has the highest percentage of the population supporting EU membership—with 96% of citizens supporting the accession.⁹² The support for EU membership has not deteriorated during the pandemic period, even though there have been some serious social media disinformation campaigns by non-Western state actors whose aim was to exacerbate the crisis and undermine the EU's and NATO's role in the country—usually through conspiracy theories and by fuelling narratives of Albanians being a danger to the EU, which included emphasizing Albanian's "desire" for a Greater Albania.⁹³ However, in the case of Albania, the threat of disinformation—especially the type that prevails elsewhere in the Western Balkans—is reduced by the fact that Russian influence remains weak and there are no political groups openly pro-Russian just as there are hardly any anti-EU political actors.

Specific national features

Since the first days of the pandemic, in all administrative units, groups to support elderly people and persons with disabilities were established. Also, the Armed Forces of Albania were engaged in the terrain, within the measures taken by the Albanian government to stop the spread of the virus. During the curfew, the Armed Forces, in cooperation with State Police, exercised controls on the road axes to stop the circulation of unauthorized vehicles. The passengers were verified in order to discover the persons who had travelled from affected countries and who had not respected the self-quarantine measures.⁹⁴

91 European Commission 2021

92 Euronews 2021

93 Exit news 2021

94 Republic of Albania, Ministry of Defence 2020

Steps forward and policy recommendations to increase democracy

Followed by the 2021 elections, in the new legislature, the majority and the opposition will need to improve political dialogue and work together with all parts of society to further advance the EU reform agenda and accession negotiations. Coordination within the administration needs to be improved. The territorial administrative reform should be further consolidated as part of the wider decentralization agenda. This is necessary to guarantee the empowerment of municipalities to provide good quality public services.⁹⁵

Increasing and strengthening democracy is an ongoing process not only in developing countries but in developed ones as well. It requires concrete measures at the national and international levels.

- Albania has to work towards engaging civil society in all fields of decision-making. Consulting all interest groups as well as deep impartial analysis need to take place before any interventions.
- EU has to place more focus on the funds given from different programmes to interventions that have concrete initiatives in strengthening democracy.
- Individual EU member states such as Finland should have more cohesive policies regarding democracy support.

95 European Commission October 2021

SERBIA

Miloš Pavković

European Policy Centre – CEP, Belgrade

The first case of COVID-19 infection in Serbia was registered on 6 March 2020. In the following days, more patients tested positive, reaching 46 confirmed infections by 15 March.⁹⁶ On the same day, the President of the National Assembly, Prime Minister, and the President of the Republic declared a state of emergency, which lasted until 6 May, for almost two months. During the state of emergency, multiple curfews were introduced, the longest one lasting for 84 hours between 17 and 21 April 2020.⁹⁷ After the state of emergency was lifted, the Parliament adopted the following measures: mandatory masks and gloves indoors, physical distance, and no gathering of big groups of people.

Serbia started a vaccination campaign in December 2020, among the first countries in Europe. It secured five different vaccines for its citizens: Pfizer-BioNTech, Moderna, Sputnik V, AstraZeneca, and Sinopharm, making it one of the few countries to purchase almost all types of vaccines and from all large geopolitical players⁹⁸. Although Serbia started vaccination early, and despite a great response initially, it could not exceed 50% of the vaccinated population. In October 2021, COVID certificates were introduced for cafes, restaurants, and nightclubs after 8 P.M. as an additional measure. Finally, all mandatory COVID measures were lifted or softened in March 2022, as they were scaled down to a level of recommendation.⁹⁹

96 Ministry of Health of the Republic of Serbia 2022

97 Radio Free Europe 2020

98 Institute for public health Vojvodina

99 The Government of the Republic of Serbia 2022

Effects on democracy within the country

The measures taken by the government were the strictest and most often used during the first wave in the Spring of 2020. Besides the state of emergency, other measures taken included curfews (from 8 p.m. until 5 a.m. every day), closing schools and universities and switching to online teaching, closing borders, closing public administration, formation of the COVID-19 Response Team, opening COVID-19 hospitals, and suspension of public transportation. During the first wave, public response to the government's measures was mostly positive,¹⁰⁰ as given measures were widely accepted and followed. Parliamentary elections took place in June. As soon as the polls were closed, the Government announced more restrictive measures which sparked large protests in Belgrade during the summer. Reasons for protests were the announced reintroduction of the curfew and accusations of the government of falsifying the number of registered COVID-19 infections. After several days, protests were quelled by the police by force.¹⁰¹ BIRN documented 26 cases of police brutality against civilians, men and women posing no apparent threat, as well as against journalists.¹⁰² These were one of the biggest and the most violent protests in the last two decades in Serbia, with the ruthless response by the police.¹⁰³ When these protests are considered jointly with opposition boycotting elections, which is analysed in the next paragraphs, indicators of democratic backsliding are evident.

Prior to the beginning of the pandemic, main opposition parties started boycotting the Parliament due to a poor state of democracy and abuse of the parliament by the ruling parties.¹⁰⁴ As part of the boycott strategy, those political parties also boycotted the parliamentary elections held in June 2020. This resulted in only three lists entering the Parliament, while all three of them formed the government in the end.¹⁰⁵ Additionally, the role of the Parliament has been minimised at the expense of the executive branch during the pandemic. Although Serbian Constitution envisages that the Parliament is in charge of declaring a state of emergency, it only confirmed the decision taken by the three leading political figures (President, PM, and the Speaker)

100 Danas 2022

101 Kingsley 2020

102 Jeremić, Stojanović and Dragojlo 2020

103 Deutsche Welle

104 Opposition parties that have started boycotting the Parliament in January 2019: Democratic Party (DS), Social Democratic Party (SDS), People's Party (NS), and Dveri—all gathered around the Alliance for Serbia.

105 Lists that entered the Parliament in 2020: Aleksandar Vučić – For Our Children, Socialist Party of Serbia (SPS), Serbian Patriotic Alliance (SPAS)

a month and a half after it was adopted.¹⁰⁶ No official explanation as to why Parliament had not been consulted in the act of declaration of the state of emergency was offered.¹⁰⁷ Therefore, the role of the Parliament during the pandemic was reduced to mere stamping of the executive decisions.

When it comes to the effects of the pandemic on the rule of law and the judicial system, the OSCE study shows that it had reflected negatively on the Serbian judiciary.¹⁰⁸ This study finds that the executive has influenced the judiciary's work by its recommendations and general acts.¹⁰⁹ The inactivity of the Constitutional Court has also been evident, as it never reviewed the decisions by the Government and the Ministry of Justice.¹¹⁰ These acts affected the work of the judiciary by decreasing its productivity; the acts were often contradictory as the judges and courts had not been consulted when these acts were adopted.¹¹¹ During the state of emergency, the work of the judiciary was reduced to a minimum, with only COVID-19 cases¹¹² processed. However, the number of cases processed after the state of emergency was abolished remained lower than before the pandemic.¹¹³

The work of media and civil society has also been affected by the pandemic, similarly to all other spheres of work. However, the work of the media was particularly challenging and remained marked by the decree on centralization during the pandemic by the Government.¹¹⁴ Although the controversial decree was withdrawn after only a few days, the pressure on journalists remained. The security of journalists was reduced during the pandemic. There have been cases of threatening journalists, arresting them for investigating medical equipment during the pandemic, pressure, inflammatory rhetoric, and even physical assaults on journalists.¹¹⁵ A distinctive case was the

106 National Assembly confirmed the Decision on proclaiming the state of emergency as well as more than 40 other decrees adopted by the Government and/or the President on 29 April 2020.

107 See more at: D. Simonović, 'State of Emergency in Serbia: the constitutional framework and practices during the COVID-19 pandemic' 2020.

108 Vasić and Mandić 2021

109 Vasić and Mandić 2021

110 Vasić and Mandić 2021

111 Vasić and Mandić 2021

112 COVID-19 cases are referred to criminal offences of spreading infectious diseases, non-compliance with the pandemic control measures, and curfew violations.

113 Vasić and Mandić 2021

114 The Government Conclusion was never published and was withdrawn just a few days after it was adopted

115 The most notable case is the burning of the house of Milan Jovanović—journalist of the local newspaper "Žig Info"—which was ordered by the Grocka municipality president Dragoljub Simonović in 2018. Simonović was found guilty in the first instance verdict and convicted to a 4-year prison sentence.

arrest of the journalist Ana Lalić for her text on the lack of medical equipment in the Clinical Center of Vojvodina,¹¹⁶ where she was pointing out the poor conditions in the health sector during the pandemic. She was accused of disturbing the public but was later released, and criminal proceedings against her were suspended.¹¹⁷ Journalists in Serbia state that the pandemic affected negatively the already dire state of media freedoms,¹¹⁸ all the while Serbia records a decline in media freedoms for several years in a row, according to Reporters Without Borders.¹¹⁹ This showcases that the pandemic has made a bad media situation even worse. Pressure on CSOs was present as well, with the Ministry of Finance investigating transactions of dozens of individuals and NGOs known for their work on human rights, transparency, and exposing corruption.¹²⁰

Serbia is a country of many ethnic, religious, and sexual minorities. According to the last census, there are almost 150,000 Roma people in Serbia,¹²¹ and this group of people has been especially vulnerable during the pandemic. OSCE and the EU's Agency for Fundamental Rights have warned that the Roma population has been living on the margins of society and that the pandemic has affected them more than other population.¹²² For instance, many Roma families are poor and switching to online learning has found Roma children disadvantaged, as many of them did not have laptops or internet access at home. The risks included poor access to the labour market and increased risk of poverty, over adequate housing, social and health care protection, and education.¹²³ Negative impacts on the Roma population have thus manifested in multiple areas during the pandemic.

The role of the EU during the pandemic

The pandemic has certainly slowed down the accession process of Serbia—a candidate country which began the accession talks in 2014. In 2020 there were no Intergovernmental Conferences (IGCs) between EU officials and the Government of

116 Lalić 2020

117 Vučić 2020

118 Maksimović 2020

119 In 2021 Serbia has been ranked in the 93rd position, while in 2016 it was 59th out of 180 observed countries.

120 Stojanović 2020

121 Statistical Office of the Republic of Serbia

122 Danas 2021

123 Danas 2021

Serbia, and no new negotiation chapters were opened. The European Commission's (EC) annual progress report published in 2020 showed that Serbia achieved "limited progress" overall,¹²⁴ the same as in the previous report. In other words, Serbia has mainly stagnated in its path towards the EU.¹²⁵ Although some progress was made only in December 2021 when Serbia opened Cluster 4 (Green Agenda and Sustainable Connectivity)¹²⁶ and amended its Constitution in January 2022, the situation with fundamentals and political criteria remains largely unchanged.

A stable majority of Serbian citizens are in favour of joining the EU as the support for EU membership has been at the highest level in the last five years.¹²⁷ There was no major shift among citizens when it comes to EU membership. Rather the support slightly increased (from 54% to 57%) compared to pre-pandemic results.¹²⁸ This increase is not a surprise as the EU was among the biggest supporters of Serbia during the pandemic. The help coming from the EU was threefold. First, already in March 2020, the EU had secured €12 million from the Solidarity Fund for Serbia to fight against COVID-19.¹²⁹ Furthermore, the EU had secured support for the Western Balkans through its civil protection – RescEU programme.¹³⁰ Through this programme, the EU helped the Western Balkans by donating face masks, infrared thermometers, PCR tests, intensive care monitors, and respirators, which were the most wanted medical equipment on the market. Lastly, the EU supported Serbia by donating vaccines. In 2021 alone, the EU donated directly, or through the COVAX system, almost 4 million doses of vaccines to Western Balkan partners, including Serbia.¹³¹ However, support from the EU was often neglected by Serbian officials, causing the perception among the population that some other countries, such as China, have been the biggest donors to Serbia.¹³²

It is questionable whether the actions of the Parliament and the Government during the pandemic have brought Serbia closer to the EU. As Serbia has shown clear

124 European Commission 2020

125 More detailed of progress towards EU membership is available in Paunović, Pavković and Omeragić 2021

126 After the revised methodology was adopted in 2020, accession negotiations were divided into six Clusters. Cluster 4 consists of four Chapters: Transport Policy (Chapter 14), Energy (Chapter 15), Trans-European Networks (Chapter 21), and Environment (Chapter 27).

127 European Commission 2020

128 Ministry of European Integration of the Republic of Serbia 2021

129 EU in Serbia 2021

130 European Commission 2020

131 European Commission 2021

132 Institut for European Affairs 2020

authoritarian tendencies,¹³³ in this aspect, it is going further away from the EU. On the other hand, official progress, although small, has been registered in accession negotiations. Another weak point of the Serbian integration process is its (non)alignment with the EU foreign and security policy. Serbian alignment with foreign policy declarations and measures of the EU was at 56% in 2020.¹³⁴ Although the alignment rose in 2021 to 61%,¹³⁵ since the start of the Russian aggression on Ukraine, Serbia has not aligned with any of the sanction packages the EU adopted against Russia. Not aligning is causing mistrust among the EU member states towards Serbia, a candidate who aspires to join the club. Alignment with the EU becomes increasingly important in times of Russian aggression on Ukraine and ongoing security crisis across the continent.

Specific national features

Serbia was one of the first countries in Europe to officially start a vaccination campaign as early as December 2020.¹³⁶ Moreover, the Serbian government offered a monetary incentive worth 3,000 RSD (approximately 25 EUR) for vaccination in May 2021. Despite the fact of the early start of vaccination and government incentive for inoculation, the vaccination rate remained low—only 47,3% of the population has been fully vaccinated in Serbia.¹³⁷ The reasons for this rather low percentage lie in the widespread fear of vaccines and their potential negative consequences which is fed by many of conspiracy theories. Vaccines in Serbia were not only available for all citizens but also for foreigners, non-residents, and tourists as well. Around 300,000 doses were administered to foreigners, while Serbia has also donated 230,000 doses of vaccines to its neighbouring countries: Montenegro, North Macedonia, and Bosnia and Herzegovina.¹³⁸ By doing this, Serbia wanted to help the region in fighting against the pandemic, but at the same time to assert the role of a regional leader.

133 Freedom House classifies Serbia as a hybrid regime from 2020

134 Novaković, Albahari, Bogosavljević and Kitić 2020

135 European Commission 2021

136 Reuters 2020

137 Our World in Data

138 Danas 2021

Steps forward and policy recommendations to increase democracy

The pandemic has put the already fragile democracy in Serbia under severe constraints. As the pandemic is still somewhat ongoing, the question of how it impacts the government's behaviour, and thus democracy, needs to be kept in sight. As this is a work in progress, it requires the attention of the Serbian government, the European Union, and potentially even the Finnish government.

- As the crisis has revealed the vulnerability of institutions and public distrust of COVID restrictions, the government of Serbia needs to prepare and implement a long-term strategy to combat the consequences of the pandemic, in cooperation with the EU.
- The EU should rethink the current enlargement process to enable faster integration of Serbia (and the whole of the Western Balkans), by offering progression in stages—by providing concrete and gradual incentives for domestic reforms to take place.¹³⁹
- Finland has the potential to approach enlargement as an honest broker, which in practice gives it room to assist in bringing Serbia closer to the EU, while making sure the rule of law is never side-lined.

139 See more at: Emerson et al 2022

KOSOVO

Arber Fetahu

Group for Legal and Political Studies

Kosovo was not immune from the COVID-19 outburst and has been harshly challenged by the COVID-19 pandemic and its crisis management. The first two cases in Kosovo were registered on 13 March 2020, from which date the country went into lockdown.¹⁴⁰ Given the bad situation, the Parliament of Kosovo approved a law on preventing and fighting the COVID-19 on 12 August 2020¹⁴¹ and a law on economic recovery on 7 December 2020.¹⁴²

Kosovo received the first doses of vaccines only on 28 March 2021, making it the last country in the Western Balkans to secure vaccines.¹⁴³ Only 44.6% of the population has been fully vaccinated.¹⁴⁴

Effects on democracy within the country

The outbreak of COVID-19 has had a vast impact on political, economic, and social life in Kosovo. During this period Kosovo experienced one of the most serious political crises since independence, with political instability as never before. Two snap elections have been held, and the government has changed three times. Amidst the COVID-19

140 Deutsche Welle 2020

141 Official Gazette of the Republic of Kosova 2020

142 Official Gazette of the Republic of Kosova 2020

143 Ministry of Health Kosovo 2021

144 Live COVID-19 Vaccination Tracker Kosovo 2022

crisis, the Kurti I government was overthrown from power due to a no-confidence vote on 25 March 2020, only after 50 days in power.¹⁴⁵ The Kurti I government was overthrown due to political disputes between the coalition partner LDK and Prime Minister Kurti on the issue of the Dialogue with Serbia. Hence the reason was a political one and not related to the pandemic. The no-confidence vote created political, economic, and social instability and insecurity, just as the outburst of COVID-19 was at the initial phase. The limitations of the citizens to exercise their democratic rights such as protests and demonstrations due to the pandemic situation was evidential.

The role of the opposition was crucial on voting the no-confidence motion alongside with the governing partner LDK, a decision that deepened the political crisis. After that, a new government with Avdullah Hoti as prime minister from the LDK was voted into power. However, the Constitutional Court declared the vote for the formation of the government led by Avdullah Hoti invalid.¹⁴⁶ That being said, Kosovo experienced institutional and constitutional crises during the pandemic. Consequently, due to the measures and the political situation, citizens' participation in decision-making was almost absent, which exacerbated the negative impact on democracy in Kosovo.

In addition to the political crisis, the outbreak of the pandemic forced the Government to take compulsory and drastic measures to fight and prevent the spread of the virus. The first measures taken consisted of physical distance and mask mandates. Second, public institutions and private businesses were forced to work with reduced staff or shut down altogether. Also, schools and universities were forced to be closed during most of the pandemic, working according to various distance learning schemes organized by the Ministry of Education, such as e-learning.

However, the most impactful and radical measure was limiting the free movement of citizens in public spaces during most of the pandemic. These restrictions included the curfew for several hours of the day, mostly during the night from 11 p.m. to 5 a.m., limiting the number of people in public spaces, and allowing traffic for only a few hours (according to ID numbers). A limited number of people were allowed in gastronomy, weddings, cinemas, public spaces, recreational activities, funerals, and so forth. Full quarantine was imposed in some municipalities, and the borders were closed at the beginning of the pandemic.

145 Krasniqi-Veseli and Konushevci 2020

146 Constitutional Court of the Republic of Kosovo 2020

On 30 March 2020, only a few weeks after the first cases were confirmed, the Constitutional Court declared the government’s decision, which restricted the freedom of movement, unconstitutional.¹⁴⁷ The Constitutional Court argued that the restriction of freedom of movement can be done only by law that is adopted by the Assembly. However, despite the Constitutional Court’s decision, the public response was rational and no major objection has been witnessed during the pandemic.

The opposition parties firmly criticized the government for violating the Constitution and, after the Constitutional Court’s decision, were more vocal against the measures taken by the government. Among the public, however, most of the decisions of the government have been accepted and respected and the trust towards government institutions was high especially in the beginning of the pandemic. The government authorities succeeded in informing the citizens, and the government led by Albin Kurti and the Minister of Health at the time, Arben Vitija, enjoyed high credibility and support. The gastronomy sector protested on some occasions against the government’s decisions to limit the number of people at public gatherings, however, a dialogue between the government and this sector occurred.

The impact of COVID-19 has been multifold in Kosovo. The pandemic has negatively affected the rule of law and the justice system, specifically the work of institutions of justice. The restrictive measures, limited freedom of movement, and other measures have slowed down the investigation and adjudication of cases. Almost all criminal cases have been affected due to the “three-month rule” of the Criminal Procedure Code stipulating that those criminal trials must recommence if no hearings take place for three consecutive months.¹⁴⁸ While courts prioritized urgent cases, a neglect of administrative cases occurred, which spiked the number of unresolved cases.

The pandemic has seriously affected the functioning of civil society and media and has overall impacted negatively the environment of the Civil Society Organizations (CSOs). The major impact has been witnessed on CSOs who carry out fieldwork, while a lesser impact has been detected on those who carry out research. Advocacy activities have been seriously hampered by the measures taken during the pandemic, such as the limited number to participate at public events, curfews, and other restrictions that included larger number of people. Also, disparity in the impact of the pandemic has been seen between large and small organizations in terms of functioning

147 Constitutional Court of the Republic of Kosovo 2020

148 European Union Rule of Law Mission (EULEX) in Kosovo 2021

and maintaining the funds. The adaptation of activities was another challenge to the CSOs, which in all has affected the quality of their work.¹⁴⁹

Similarly, the pandemic has seriously hampered the work and functioning of the media and the quality of their work. The financial constraints, such as less marketing, income, and funding, affected the media sector negatively. Furthermore, the restrictive freedom of movement and inadequate protection in the public space has hindered the work of journalists. The lack of cooperation by public institutions and restrictions to access public documents were evident as obstacles to the functioning of the media.¹⁵⁰

The role of the EU during the pandemic

Among the Western Balkan countries, Kosovo stands last in terms of future accession to the European Union (EU). It holds the status of a potential candidate, alongside Bosnia and Herzegovina (BiH), and is the country whose overall progress towards accession has been the poorest so far.¹⁵¹

The key to the path of Kosovo's accession remains the Stabilization and Association Agreement (SAA) signed in 2015 and entered into force in 2016.¹⁵² Kosovo's progress towards the membership of the EU has been hampered by the pandemic. For example, many reforms, activities, and clusters of SAA have fallen behind on implementation, thus impacting Kosovo's path towards the EU negatively. No progress on the status of Kosovo in light of EU membership has been made during the pandemic. On the contrary, this period has been characterized with setbacks rather than progress due to limitations posed by the pandemic and also political instability.

EU has been an active actor in supporting Kosovo's recovery from the pandemic. In April 2020, EU granted €5 million of immediate support to the country's health sector.¹⁵³ Furthermore, €100 million have been distributed to the Macro-Financial

149 Prishtina Institute for Political Studies 2022

150 Prishtina Institute for Political Studies 2022

151 Alejandro Esteso Perez 2020

152 European Commission 2020

153 European Commission 2021

Assistance programme of Kosovo.¹⁵⁴ These funds were delivered in two tranches in order to ease the fragile socio-economic situation.

Along with assistance to the economy, EU has provided vaccines to Kosovo through the COVAX mechanism. The first doses of vaccine arrived considerably late to Kosovo, which increased the discontent with EU during that period. Nevertheless, the overall discourse around EU during the pandemic was mainly positive. The government and citizens have shown that they trust and rely on EU as an important international actor. According to the public opinion survey conducted by National Democratic Institute (NDI) from April to May 2021, citizens of Kosovo had strongly favourable views on the EU, and 74% of respondents wanted EU, alongside with USA, to guarantee the country's territorial integrity.¹⁵⁵

Even as the sentiments of pro-EU integration are strong among the citizens of Kosovo, there is also a rising feeling of disappointment toward the EU in relation to the visa regime. The failure of the EU to reward progress and speak with one voice on the visa liberalization issue is diminishing its credibility in Kosovo.¹⁵⁶ Nevertheless, the citizens of Kosovo see no other alternative for their future than the EU.

In October 2021, the Parliament approved the National Program for Implementation of Stabilization Association Agreement (NPISAA) 2021–2025 and European Reform Agenda II (ERA).¹⁵⁷ Two opposition parties, Democratic League of Kosovo (LDK) and Alliance for Future of Kosovo (AAK), supported the two government-initiated programs, which shows the commitment toward EU integration on the wider political spectrum. These measures posed in NPISAA and ERA are in line with the requirements of the EU and are mandatory in moving forward with the alignment of the EU standards in the political, economic, rule of law, and public administration spheres.

Hence, in the technical aspect, the implementation of these strategic documents has brought Kosovo closer to the EU, and yet on a practical level, Kosovo still falls behind in the enlargement process and requires more political impetus from the EU.

154 European Commission 2021

155 National Democratic Institute 2021

156 Wouter Zweers et al 2022

157 KosovaPress 2021

Specific national features

Kosovo's approach during the pandemic was similar with other countries in the region and those of the EU. More specifically, Kosovo followed the examples of the EU countries and others in adopting the measures in accordance with the conditions posed by the pandemic. No novel approach has been applied to the pandemic. Therefore, Kosovo was more of a follower rather than an inventor of new approaches in combating the pandemic.

Steps forward and policy recommendations to increase democracy

The pandemic has caused limitations to exercising democracy worldwide and Kosovo makes no exemption in this realm. Increasing democracy should remain the highest priority, especially now when the pandemic has hindered civic rights and posed a danger of overuse of power during the health crisis.

- Kosovo's government should create and ensure the proper infrastructure for respecting and protecting the human rights of all its citizens by adhering the domestic legislation in line with international human rights laws. Thus, it should provide proper civic education for all citizens, fight corruption at the institutional level, and strengthen the framework for freedom of expression and association.
- The European Union should emphasize and strengthen the democracy programmes by providing foreign assistance to the countries outside the EU. More practical support and assistance should be given to the local rule of law initiatives, grassroots movements, and civil society organizations. Finally, EU should deliver on its promise on visa liberalization in order to create incentives within Kosovo for strengthening the democracy.
- Finland as a member state of EU should provide more funding and support to the democracy programmes of the EU. It is crucially important that Finland provides its best practices to the countries and the regions with deficits in democracy.

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