

# PANDEMIC AND DIGITAL RIGHTS SOUTHEAST EUROPE

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## INTRODUCTION

Since the beginning of 2020, the world has been facing the biggest crisis in the first two decades of the 21st century - the coronavirus pandemic, which has brought tremendous changes around the world. Human rights and freedoms were also affected, especially as a result of the significant influence of technology on social processes and the transfer of activities to the online sphere. The Balkans and Southeast Europe are not exempt from the corona-earthquake, which introduced an additional layer of problems in a region with numerous domestic and foreign tensions, especially since 2020 is an election year for some of these countries (Serbia, North Macedonia, Croatia, Montenegro).

At the very beginning of the pandemic in the region, problems with the violation of the privacy of persons in self-isolation, various inter-

net frauds and the spread of manipulations and false information about the Covid-19 infection were noticed.<sup>1</sup> It was clear that the social upheavals caused by the coronavirus would be something that the countries of the region would find difficult to cope with, taking into account chronic problems with media freedoms, propaganda, dissemination of misinformation and hate speech, as well as protection of citizens' personal data and security of information systems.

The monitoring of the state of digital rights and freedoms by SHARE Foundation and Balkan Investigative Reporting Network (BIRN) in six Southeast European countries - Bosnia and Herzegovina, Croatia, Hungary, Romania, North Macedonia and Serbia - highlights very similar problems in terms of challenges citizens are facing in the digital environment.<sup>2</sup> In this paper, we will analyse key issues and challenges and make recommendations for improving the respect of digital rights and freedoms in the region.

#### Problems and challenges

Problems and challenges for digital rights in Southeast Europe have long created an unfavorable climate for the full development of a free, open and inclusive digital environment, and due to the pandemic, they only came to the fore.

According to the findings of monitoring conducted by BIRN and SHARE Foundation, more than 150 cases of violations of citizens' digital rights in the context of Covid-19 were observed from the end of January to the end of May 2020 in the six countries covered.<sup>3</sup>

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1 (In Serbian) B. Perkov, "Digitalna prava, pandemija i Balkan", SHARE Foundation, 26 March 2020, [\[link\]](#)

2 The database with cases of digital rights violations is available in English at [monitoring.bird.tools](https://monitoring.bird.tools)

3 M. Ristić, S. Todorović, "From Cures to Curses, Manipulation Flourishes in the Digital Environment", BIRN, jun 2020, [\[link\]](#)

The following phenomena and trends can be singled out as particularly problematic:

- **Non-compliance with privacy and personal data protection standards**, especially when it comes to Covid-19 patients and people in quarantine/self-isolation;
- lack of application of **regulations on information security**, primarily in the management of information systems run by the state;
- **dissemination of misinformation**, conspiracy theories, propaganda, xenophobia and hate speech, both in traditional media and through obscure portals, pages and groups on social media;
- **pressures on journalists**, activists and other citizens who investigate and point out issues of public interest;
- **state techno-solutionism**, i.e. non-critical introduction of intrusive technologies as a universal solution to social problems.

In cases of protection of vital social interests, such as an infectious disease pandemic, certain human rights may be restricted, but in no case can they be completely put out of force.

The Covid-19 crisis has shown that at critical moments, free flow of information, protection of privacy and adequate management of citizens' health data should be the highest priorities, instead of giving the impression that they interfere with disease control. Despite this, in most countries there have been cases of publishing and leaking of data regarding citizens infected with the virus or in self-isolation. The National Coordination Body for Infectious Diseases of Montenegro published online the names of citizens who were ordered to be in self-isolation, while the list of citizens infected with the coronavirus

was leaked on social media.<sup>4</sup> In Bosnia and Herzegovina, state authorities published the names of people in isolation or self-isolation, and even those who tested positive for the virus, which is why the Agency for Personal Data Protection had to react and forbid such actions at the end of March.<sup>5</sup>

The management of state information systems in the region turned out to be far from well-organised in a situation caused by the virus pandemic. An example was the incident which occurred in Serbia, where the username and password for access to the Information System Covid-19, a centralised software for entering, analysing and storing data on all persons monitored to control and combat the pandemic in Serbia, were publicly available for eight days on the website of a health institution, and they could be found through Google search.<sup>6</sup> The most sensitive personal data were therefore exposed and the integrity of the system of key importance for the fight against the pandemic was shaken. After the incident, the Commissioner for Information of Public Importance and Personal Data Protection issued a warning to the Institute for Public Health Batut due to a series of omissions.<sup>7</sup> As the controller of particularly sensitive citizens' health, Batut did not fulfill the obligations provided by the Law on Personal Data Protection before the establishment of the system, while some of these obligations were not fully fulfilled even after the Commissioner's warning.

One of the frequent occurrences during the pandemic was the spreading of a large amount of false or incomplete information on various media portals, pages and groups on social media platforms. Such information created a feeling of insecurity and fear among

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4 (In Serbian) A. Kovačević, "Digitalna prava na Balkanu: privatnost pacijenata na udaru", SHARE Foundation, 9 April 2020, [\[link\]](#)

5 (In Serbian) B. Perkov, "Digitalna prava, pandemija i Balkan", SHARE Foundation, 26 March 2020, [\[link\]](#)

6 SHARE Foundation, "A Password Pandemic. How did a COVID-19 password end up online?", 23 April 2020, [\[link\]](#)

7 (In Serbian) SHARE Foundation, "Opomena Batutu zbog bezbednosnog incidenta sa ličnim podacima građana", 31 July 2020, [\[link\]](#)

the citizens. Fact-checking portals such as Raskrikavanje (Serbia),<sup>8</sup> Faktograf (Croatia)<sup>9</sup> and Raskrinkavanje (BiH)<sup>10</sup> have been following the emergence of various conspiracy theories and manipulations in the region since the beginning of the pandemic, many of which concerned the alleged harmfulness of the 5G network, Bill Gates' dark plans and vaccination.

In addition to fake news, individuals, groups and portals often spread propaganda messages, and there were also cases of threatening speech, such as when a Croatian citizen used Facebook to call for lynching of those who report violators of self-isolation.<sup>11</sup> One of the reasons for such a large number of manipulations is the low level of media literacy in countries of the region, as few people actually check the news and information served to them and the media themselves often publish unverified information.<sup>12</sup>

A great number of pressures, which are constantly present in the countries of the region, on journalists, citizens and activists was quite noticeable on social media in the state of emergency, as evidenced by the arrest of Nova.rs journalist Ana Lalic, who reported on poor conditions in the Clinical Center of Vojvodina.<sup>13</sup> The example of the arrested journalist certainly depicts the situation in society in which journalists are "rewarded" for disobedience to the state and for doing their job not only with constant verbal attacks on social media, but also with direct threats.

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8 (In Serbian) Raskrikavanje, "Live blog o dezinformacijama o koronavirusu", [\[link\]](#)

9 (In Croatian) Faktograf, "LIVE BLOG: Dezinformacije o koronavirusu", [\[link\]](#)

10 (In Bosnian) Raskrinkavanje, "Uživo: Praćenje dezinformacija tokom pandemije COVID-19", [\[link\]](#)

11 (In Croatian) S. Lepan Štefančić, "Možete prijavljivati nas u karanteni, ali bit će tučnjave. Ne bojimo se ni policije", *Večernji list*, 31 March 2020, [\[link\]](#)

12 M. Ristić, S. Todorović, "From Cures to Curses, Manipulation Flourishes in the Digital Environment", BIRN, June 2020, [\[link\]](#)

13 (In Serbian) A. Kovačević, "Digitalna prava na Balkanu: privatnost pacijenata na udaru", SHARE Foundation, 9 April 2020, [\[link\]](#)

It should also be noted that countries have recognised technological innovations as significant factors in curbing the spread of Covid-19 and caring for the health of the population, but without a clear systemic approach, which leaves serious consequences. For example, the contact tracing application caused a great deal of controversy in Slovenia because it was prescribed as mandatory by law that dealt more comprehensively with the state response to the pandemic and providing assistance. After public reaction, the Minister of Public Administration announced that the use of the mobile application is not obligatory, i.e. that the legal provisions concerning the application will not be applied in practice.<sup>14</sup>

SHARE Foundation and BIRN recently launched the “SEE Digital Rights Network”, a regional network of 19 organisations from Southeast Europe, with the aim of comprehensively promoting digital rights and freedoms and actively advocating for their respect.<sup>15</sup>

## RECOMMENDATIONS

- ✓ Urgent **alignment of national personal data protection laws** with the EU General Data Protection Regulation (GDPR) and Council of Europe Convention 108+ in countries that have not done so yet (eg Montenegro, Northern Macedonia, Bosnia and Herzegovina);
- ✓ **improvement of legal standards of information security** and their practical application, **together with regular supervision** by the competent state bodies;
- ✓ **technological solutions and innovations must be applied in ac-**

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14 D. Savič, “Covid-19 apps: Opening the new Pandora’s Box”, SHARE Foundation, 21 July 2020, [\[link\]](#)

15 BIRN, “SEE Digital Rights Network Established”, Balkan Insight, 14 August 2020, [\[link\]](#)

**cordance with the legal framework on personal data protection and information security.** The procurement of intrusive technologies cannot be justified by efficiency and can only be based on whether their social use is **legal, necessary and proportionate**;

- ✓ **education of employees in the state administration** on personal data protection and information security;
- ✓ **detection and efficient legal prosecution of suspects** for threats and pressures on journalists and civic activists in the digital environment;
- ✓ it is essential that the competent authorities provide **clear, truthful, complete and timely information on key issues of public interest, in particular about the pandemic**, and cooperate openly with journalists who report on these issues;
- ✓ more active work on **improving media and information literacy**, as well as digital security of the population, and especially children and youth, through **formal and non-formal education and information campaigns**.