

COVID-19: The Effects to and the Impact of Civil Society in the Balkan Region

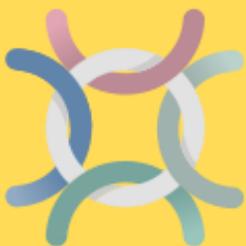
PART I: Restrictions on Civic Space and Citizens' Basic Freedoms

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The COVID-19 pandemic has brought about a calamity that will likely shake up institutions and societies permanently. Causing much more than a health crisis, the new coronavirus has led to grave economic and social disruptions, but also a heightened crisis of democracy, which is becoming more and more visible in the Balkan region. To fight the pandemic, which is testing the health and legal systems of all countries but also the democratic capacities of institutions, states are forced to take the strictest measures to limit the further spread of the disease, even restricting some of the guaranteed human rights, having discretionary powers under the state of emergency.

In these unprecedented times, states often take steps that human rights activists see as curtailing civil liberties, such as increased surveillance, curfews, restrictions on gatherings, or limiting freedom of expression. It is necessary that the measures undertaken in such a situation are proportionate to the threat they are addressing and are in accordance with national constitutions and international standards and conventions. Addressing the threat must be done in accordance with the principles of democracy, the rule of law and respect for human rights, and thus, it must include a specified time limit and parliamentary oversight. Yet, measures enacted by governments in the Balkans have not necessarily passed this test, as they prevent citizens to fully take part in civil society.

*As a regional network focused on empowering civil society, promoting an enabling environment and safeguarding civic space, the **Balkan Civil Society Development Network (BCSDN)** is closely following the impact of the COVID-19 pandemic on civil society in the Balkan region, in a joint effort with our 14 member organizations. This brief is part of a series dedicated to the CSOs' efforts in relation to the ongoing corona-crisis, as well as the influence this crisis has on their work, aiming to provide for an overview of responses and examples we could all learn from. In addition to this first issue, focusing on the state of emergency measures and restrictions on civic space and citizens' basic freedoms, the upcoming issues will discuss the state of CSOs - their activities, crisis needs and new ways of work - and the states' and donors' role and response, including the needed ways forward for civil society also to come out of this crisis healthy and more resilient.*



BANS ON ASSEMBLY AND MOVEMENT UNDER THE STATE OF EMERGENCY

Partial and full bans of movement, closure of border crossings, and an absolute ban on public assemblies have been introduced in all countries in the region. Gatherings with more than 5 people (and in some countries more than 2) have been banned, while all countries have also introduced the measure of 2-meter social distancing. The scope of restrictions on the freedom of movement of citizens has gradually increased as the number of infected patients with COVID-19 in each country rises. Worryingly, long curfews also preclude the field work of CSOs and their ability to reach their beneficiaries, which is even more urgent for those providing social services to vulnerable groups who are strongly affected by the crisis.

ALBANIA	<ul style="list-style-type: none"> - The government closed all public activities, including gatherings and rallies, in order to protect public health, with armored vehicles with machine guns being sent to patrol the streets of the capital, which prompted criticism from the opposition. - The country's wide-ranging normative act (with the power of a law) on special administrative measures during the infection period caused by COVID-19 - approved by the government with immediate effect without the need for the prior approval of parliament - imposes fines of up to 83.000 EUR for violating measures intended to contain the spread of the virus, including holding social, cultural or political gatherings in enclosed or open-air spaces. - Roma and Egyptians protested on social media by using video messages, demanding financial state support for those affected by the lockdown.
BOSNIA & HERZEGOVINA	<ul style="list-style-type: none"> - The FBiH Government introduced a complete ban on the movement of persons under the age of 18 and over 65 with an Order of the Federal Headquarters for Civil Protection, without clearly stating the end-date of such measure. - Another Order prohibits two or more individuals to move and stand together in outdoor spaces.
BULGARIA	<ul style="list-style-type: none"> - Ban on public mass gatherings is in place, with only the Easter celebrations in churches being an exception. A ban on gatherings of more than two people was also introduced, but was lifted after just two days. - Parliament voted to allow the military to help curb the movement of people, with a mandate to use force if necessary. - Most of the restrictions are enforced by Orders of the Minister of Health and breach of such orders is sanctioned by an administrative fine which was initially set to be 5000 BGN (approx. 2500 EUR), but later was downsized to 300 BGN (approx. 150 EUR). - Restriction on entering and exiting district cities was also introduced, whereby a declaration stating the reason of traveling should be presented upon exiting and entering, and additional restrictions were enacted for the two major Roma neighborhoods.

CROATIA	<ul style="list-style-type: none"> - The Government introduced measures to limit moving and staying in public spaces, such as streets, squares, waterfronts, parks and other all other public areas where a large number of persons can gather. - Movement outside places of temporary or permanent residence was prohibited, except for people issued an e-Pass, but was later lifted in some counties. - A citizen from Poreč was criminally charged for moderating a social media group set up to encourage citizens to disobey the government's preventative measures and for inviting other citizens to a public gathering - Citizens protested by banging pots and pans on balconies to show a general public dissatisfaction, demand changes and hold the government accountable.
KOSOVO	<ul style="list-style-type: none"> - The measures introduced are mainly related to the restriction on free movement of citizens. Upon the request of the President of Kosovo, the Constitutional Court assessed if the preventive measures to restrict citizens' freedoms during the coronavirus pandemic do infringe on basic human rights, and ruled that although restrictions are necessary and just during times of a pandemic, the administrative procedure to set such measures is not in accordance with the Constitution. The Court provided a reasonable deadline for the Government to draft another decision based on its recommendations (an unprecedented case so far), during which the restrictions remained in place. - Citizens around the country protested for days from the balconies and windows of their homes by banging pots and pans to condemn Kosovo politicians for "causing drama and uncertainty" over the future of the country's leadership during the pandemic, also condemning the initiation of procedures to vote a motion of no confidence against the Government. Still, the Parliament ousted the government in a no-confidence vote on 25 March, after which the protests continued, calling for new parliamentary elections after the end of the COVID-19 pandemic.
MONTENEGRO	<ul style="list-style-type: none"> - Apart from prohibiting all public sports, political, religious, cultural and other ceremonies and events, it is also prohibited to gather in indoor spaces (houses and apartments), except for household members. - While curfew hours have been shortened, the mandatory isolation for people who have returned from COVID-19 affected countries has increased from 14 days in a facility and 14 days of home isolation, to 28 days in a facility (until 28 April). - More than 900 people have been arrested and charged criminally for not respecting the Government's measures, while some were issued fines of 800-5.000 EUR.
NORTH MACEDONIA	<ul style="list-style-type: none"> - Under the validity period of 30 days of the state of emergency, already being twice enacted, the government has adopted many regulations with legal force, including a ban on movement during a 13-hour curfew in workdays, 60 hours long curfew over weekends, and a maximum of 85-hour curfew for the Orthodox Easter holiday - Special permits for movement during curfew have been given to people who cannot work from home, part of the media workers, or people with a diagnosed disability and their assistants.

ROMANIA	<ul style="list-style-type: none">- Restriction on mass gatherings (above 1000 people) was initially introduced.- A one-month state of national emergency was declared twice (up until May 15) by the President with a decree, grounded in the Romanian Constitution and relevant legislation. Under the decree it is stated that the exercise of fundamental rights and freedoms (freedom of movement and assembly, and the right to strike) may be restricted only to the extent that the situation requires.- The ban of freedom of movement was reinforced with the second Military Ordinance, introducing movement restrictions during the night and allowing only essential movement during the day (specifically for work, medical assistance, shopping for basic needs, taking care of pets, humanitarian or voluntary activities), in groups not bigger than 3 persons. Citizens of age above 65 are allowed to go out only during a 2-hour interval. There are also limitations on religious services, which can be carried out by priests in churches, without public, only broadcasted- Any person going out must have a written statement where the reason is declared. Fines by police are imposed for those not having a statement or not respecting the restrictions. Fines were increased gradually and can go above 4.000 EUR.
SERBIA	<ul style="list-style-type: none">- The measures in the fight to preserve population health, although considered rather restrictive, seem to fulfill the conditions laid down in the European Convention on Human Rights, as relevant to the attainment of a legitimate aim. However, concerns were raised that the enacted acts lack adequate justification, as well as a clearer time limit of their duration. The measures include borders being shut, police-enforced curfew and a ban for people over 65 to leave their homes.- The Crisis Staff of the city of Bor issued an unconstitutional order requiring all citizens' associations and voluntary groups to make all their human resources available to assist the oldest citizens by supplying them with food and medicines. After strong CSOs and activists' reaction in the media and social networks, the order was withdrawn.- The President has been accused of controversially declaring a state of emergency without a constitutional basis, assuming full power and control of the state, as the work of the Parliament has been suspended due to the pandemic. An online petition was launched by a group of civic activists against what they call the President's abuse of power and curtailing of basic human rights.
SLOVENIA	<ul style="list-style-type: none">- A ban on movement of persons outside of the municipality of residency (with exempted cases) is in place.- The Constitutional Court was called to decide on the legality and constitutionality of the ban. Temporarily (until a final decision is reached), the Court stopped the implementation of the article that provides for the Government to decide when the measure can be lifted. Now, on a weekly basis, the Government has to reexamine the reasons for the ban and provide justification based on experts' opinions whether and why the ban should continue for another seven days.- Due to the restrictions on assembly, spontaneous online live protests such as #UPORZOKNA and #VLADOZLOM took place.

TURKEY

- A Decree imposed a weekend curfew, public holidays curfew and a total curfew for those who are over the age of 65, which was also extended for those who are below the age of 20, with some exceptions. A 450 USD administrative fine is imposed for breaking curfew rules. The decree also imposes a [ban on entering and leaving 31 cities](#) starting from 3 April, extended until 3 May.
- The Government has enacted severe restrictions on assembly that especially relate to the work of CSOs, including a Decree that bans all in-person workshops and trainings, and another that bans online general assemblies of all legal entities, while allowing only regular working meetings to take place online.
- Journalists recorded videos from their homes calling for freedom for their jailed colleagues, as part of the online protest [Haberin Var Mı](#) ("Have you heard?")

FREEDOM OF EXPRESSION: FIGHT AGAINST FAKE NEWS

The extraordinary circumstances created by COVID-19 have led many states to use it as an excuse for introduction of censorship or other disproportionate restrictions on the freedom of expression and information. Under the pretense of fighting the spread of fake news that causes panic, throughout the region, measures have been introduced that have negative implications on the work of the media and journalists, as well as citizens' rights to freedom of opinion and criticism through social media networks. Worryingly, governments have also used this period to deal with political opponents or media outlets who criticize them publicly.

ALBANIA

- The Tirana prosecutor's office launched an [investigation](#) into the dissemination of false news as a criminal offense of "spreading false information that causes panic"
- The media accused the government of having [monopolized information](#) regarding COVID-19.

BOSNIA &
HERZEGOVINA

- The government of Republika Srpska [enacted](#) a decree that introduces penalties for everyone who "spreads panic and publishes or transmits false news on COVID-19", regardless if it is through media or social networks.
- A similar Order in Sarajevo's Stari Grad Municipality prohibited "the presentation or transmission of panic-causing news, interfering with the enforcement of decisions and measures by municipal authorities and other institutions" through the media, social networks and other communication means, with sanctions for potential offenders from 1.000 BAM (approx. 500 EUR) to 9.000 BAM (approx. 4.500 EUR).
- [BH Journalists Association](#) issued a statement that these orders provide for media censorship and restricts citizens' right to freely express.

BULGARIA	<ul style="list-style-type: none">- The originally proposed measures to the Law on Emergency included criminal sanctions for spreading false information about contagious diseases; however, this provision was removed before the law's adoption.- Some individuals were accused of spreading panic relying on already existing provisions of the Penal code. A notable case involved the President of the Bulgarian Pharmaceutical Union, Asena Stoimenova, after a TV appearance where she voiced concerns over possible upcoming shortages of medical goods, if the panic of the people continues.
MONTENEGRO	<ul style="list-style-type: none">- There were several arrests on grounds of "spreading false news which leads to panic in the general population" for publishing news about the number of infected people, new medications, etc., including a political activist who was detained over sharing a fake news article on Facebook.
NORTH MACEDONIA	<ul style="list-style-type: none">- The Ministry of Internal Affairs announced sanctions for spreading fake news,- In one reported case, a Tetovo citizen was issued a criminal complaint on the basis of "failure to comply with health regulations during an epidemic" for spreading COVID-19 fake news on Facebook.
ROMANIA	<ul style="list-style-type: none">- Article 54 of the state of emergency decree provides for some limitations on freedom of expression, which, according to experts, are concerning because the legislation does not include a definition of fake-news. Furthermore, the Minister of Interior is given the power to suspend the access to online media, or the license of traditional media, if the outlets are found to be spreading disinformation on the outbreak, without providing appeal or redress mechanisms.- Media reported that in mid-March there were 41 ongoing penal investigations for spreading false information about the pandemic. Experts have stated that these provisions might cause self-censorship among the media and will make the exercise of independent journalism more difficult. By April 29, 13 decisions were issued, restricting access to different websites.- The OSCE Representative on Freedom of the Media, Harlem Désir, expressed his concerns about these provisions, assessing the decree as granting the government special powers to curb freedom of information in the country.

SERBIA	<ul style="list-style-type: none">- The government announced that all information about the coronavirus epidemic can only come from the Republic's Crisis Headquarters, while local media or unauthorized persons publishing such information would be sanctioned.- Within this decision, a framework for the legal prosecution of ineligible journalists was also established, and in the wake of it, the arrest of journalist Ana Lalic took place. She was detained for 48 hours on suspicion that she might repeat the crime of "publishing texts that cause panic and trouble", after publishing a text on the working conditions in the Clinical Center of Vojvodina, and now faces a trial.- After domestic and international organizations reacted strongly to this case, the decision to centralize information was revoked, but the government announced a "stronger fight against fake news".
TURKEY	<ul style="list-style-type: none">- Social media has been under great scrutiny due to the pandemic, leading to a number of detentions over 'unfounded and provocative' posts that 'cause worry among the public, incite them to fear, panic and target persons and institutions'.- On 27 April, the Ministry of Interior announced that 6.362 social media accounts sharing alleged provocative information and news about coronavirus have been examined by the Anti- Cyber-crime team; 402 people out of 855 suspects were arrested and judicial processes have continued for the rest.

ATTACKS ON JOURNALISTS AND ACCESS TO INFORMATION

For a long time now, journalists throughout the region have been subjected to an increased wave of attacks, threats and smear campaigns, but it seems the COVID-19 outbreak has opened a new flank. During a pandemic, media have an essential role in improving public knowledge and awareness of health issues, and informing the public about news related to the crisis situation. Still, in many of the Balkan countries, journalists have been attacked or prevented from doing their work, which not only represents a direct violation of media freedom, but also violates the right of all citizens of access to information.

KOSOVO	<ul style="list-style-type: none">- The European Federation of Journalists urged the media in Kosovo to refrain from inappropriate reporting during the pandemic, which was prompted by the provocative questions asked by a RTK journalist while reporting over the quarantine of the city of North Mitrovica, which sparked a wave of reactions in the country.- There have been several cases of threats towards journalists, although not directly related to their reporting about the coronavirus situation.
NORTH MACEDONIA	<ul style="list-style-type: none">- While no serious infringements on the free and safe work of journalists have been recorded in the past month, there were several cases of officials impolitely and aggressively addressing journalists, a lawsuit threat to an investigative journalist because of a published COVID-19 related text, and common threats on social media, also by leaders of political parties.

ROMANIA	<ul style="list-style-type: none"> - Under the emergency decree, the time-period in which public institutions must answer to access to information requests is double, compared to the term prior to COVID-19. - Some watchdog organizations in the country have reacted that these provisions could be used by public institutions to suspend the access to information entirely, including for requests from journalists regarding data on the pandemic. - A petition endorsed by 97 media outlets and 165 journalists was issued, requesting the government to ease access to data and increase its transparency related to persons infected, distribution, consolidated data on actual needs for protection and in general in the health and social support system, etc. - Public discussions opened in the last weeks of April about the intention of the Government to set up a Fund for advertising in mass media, with a declared intention to distribute it evenly to media outlets for information campaigns related to COVID-19. The measure is debated and raises doubts related to its benefits, other types of support measures for mass media being advocated for.
SERBIA	<ul style="list-style-type: none"> - Under the pretext of protecting journalists from infection, the Government has adopted a measure that prevents them from attending Crisis Headquarters press conferences. Journalists are not allowed to participate in the conference via video link, but only allowed to submit written questions no later than 2 pm every day. - CSOs have reacted that this measure opens up the possibility of censorship, arbitrary choice of questions, as well as avoiding answers to questions, which most often leaves the questions of local outlets unanswered. - Independent journalists and media have been further affected by the state of emergency in Serbia, with tabloid campaigns and frequent attacks on media outlets and journalists coming from top state officials and pro-regime media continuing in the absence of any reaction from authorities.
SLOVENIA	<ul style="list-style-type: none"> - Government press conferences are held closed for the press, under the pretense of public health safety. Reporters have not been allowed to participate in the conferences and ask questions even via video link, but only allowed to submit written questions prior to them. Journalists, as well as the public, reacted strongly against this measure, assessing it as disproportionate and restrictive, the Government took a step back, and a compromise was agreed on. - While journalists have operated in an increasingly toxic atmosphere for months now, in the new government's first month in power, the Government Communication Office took a central role in targeting CSOs, media and journalists. - The Association of Journalists expressed concerns over the attacks against journalists, namely those against Television Slovenia staff on three different occasions, and the smear campaign against an investigative journalist, accused among other things of questioning the measures taken by the government to respond to the health emergency and inform the population about COVID-19 news. The government has officially rejected the case of alleged harassment and condemned the threats against journalists.

TURKEY

- The COVID-19 pandemic has further contributed to the deterioration of the working conditions of media workers due to inadequate protective measures, while the repression has intensified, and so has the [jailing of journalists](#).
- Journalists have been [discriminated](#) against with the widely criticized "Corona Amnesty Law", as it provides for the release of approximately 90,000 prisoners in order to relieve overcrowded prisons during the COVID-19 pandemic, but excludes journalists, human rights defenders and all [political prisoners](#).

MEASURES AFFECTING THE RIGHT TO PERSONAL PRIVACY

Although certain human rights and freedoms could be restricted or suspended in extreme emergency situations, measures enforced to introduce such limitations need to pass the test of public interest. Collecting and/or publishing personal information even in these circumstances is generally considered to cause citizens more damage than good. As several governments in the region opted for tracking patients infected with the new coronavirus and publishing personal information, CSOs have voiced serious concerns about the possibility for stigmatization, hate speech and even lynching of the people involved.

BULGARIA

- If individuals infected with the new coronavirus violate the obligatory quarantine, their mobile phone data (location data) may be [subject to surveillance](#). Moreover, immediate access of the Ministry of Internal Affairs to personal traffic data can be obtained only through a request from a police department, without preliminary court approval (while there is a requirement for post factum notification of the court). This amendment is not limited to the end of the state of emergency.

KOSOVO

- The Kosovo Ministry of Health has been very careful not to publish identities nor residence addresses of citizens that have been infected with COVID-19. However, a news portal created [controversy](#) by publishing the names, addresses and dates of birth of 210 citizens, mostly Serbs and Roma, who had been placed in quarantine in North Mitrovica and other cities. Following reactions from the public, the portal blurred the personal information of these citizens.

MONTENEGRO	<ul style="list-style-type: none"> - A decision of the Government to publish the names of all citizens in self-isolation, alongside their addresses and other personal information, was assessed by CSOs as unlawful and unconstitutional, while authorities stated that the “right to health and life is above the right to unconditional protection of personal data”. Soon after implementation started, an application was published that allowed the possibility to determine the location of the nearest person in self-isolation through geotagging. - CSOs have reacted that such a measure could allow for misuse of the data, and thus entails criminal liability of the app developers as well as of the authorities for putting this measure into force. - An official from Podgorica was arrested on the grounds of unauthorized use of personal information for leaking a list with people infected with COVID-19, after a document with their names, IDs and years of birth was shared on social media.
NORTH MACEDONIA	<ul style="list-style-type: none"> - The government developed a smartphone app for quick detection and mapping of the citizens infected with the coronavirus and the ones exposed to them, considering tools that are the least invasive to the privacy of citizens, while the collected data would only be used by the Ministry of Health. - An accident occurred when a document with personal information of people infected with COVID-19 from the city of Kumanovo was leaked and shared on Facebook by several media, after which the Agency for Protection of Personal Data filed a claim for possible abuse of personal information, as per the Criminal Code, also leading to threats and verbal violence against the people in question.
ROMANIA	<ul style="list-style-type: none"> - Article 2 of the decree introducing the state of national emergency states that the right to intimate, family and private life might be limited. - As stated by the Data Protection Authority there have not been any recorded incidents of infringement of privacy or data protection rights related to the outbreak. Nevertheless, personal data of the persons placed in self-isolation (name, address) was shared with the local public authorities, which ultimately has led to a significant breach as the mayor of a village in Vaslui county posted on his Facebook page the list with the names of the persons in isolation.
SLOVENIA	<ul style="list-style-type: none"> - The Government proposed a measure which would allow quarantined citizens to be tracked by the police through mobile device locations without court orders. - After the opinions issued by the Information Commissioner and the Ombudsman, as well as the strong reactions by many CSOs and experts, the measure for following of individuals, wiretapping their phones and entering into private premises, all without a court order was withdrawn.
TURKEY	<ul style="list-style-type: none"> - Authorities decided to monitor the mobile phones of people diagnosed with the new coronavirus in order to ensure they do not break the quarantine. Within the “Pandemic Isolation Tracking Project” of the Turkish Health Ministry, downloading the Hayat Eve Sığar mobile app is mandatory for all confirmed coronavirus patients, and those found to be leaving their homes will receive automated warning text messages and calls, thus facing penalization. Under Turkish laws, such processing of personal data is allowed without consent for “exceptional aims”.

AMENDMENTS TO THE LEGAL FRAMEWORK

While many of these restrictive measures have a tentative or a definite “end in sight”, in some of the countries in the Balkan region changes to the legal framework have been introduced, with possible worrying long-term implications on citizens and civil society. Initiatives or actual amendments to the Penal or Criminal Codes, legal regulations on (electronic) communications and access to public Information, or even laws increasing the police and military powers have been introduced, often followed by vocal reactions by civil society and other experts.

ALBANIA	<ul style="list-style-type: none"> - The government proposed changes to the Penal Code that would include fines and prison sentences of up to 15 years for those violating quarantine and curfews imposed under the state of emergency and thus causing a criminal act of contamination and/or death of others. Moreover, it foresaw imprisonment also of people not diagnosed with COVID-19 (asymptomatic) who would infect others. - Due to the unconstitutionality of the double charges (penalties and imprisonment), the very high sentencing and the lack of analysis, a group of 32 CSOs demanded for Parliament not to approve the proposed amendments. After the President and the People’s Advocate also issued similar opinions, the Parliament’s Legal Affairs committee made changes to the proposal, mitigating the sentences to maximum 8 years of imprisonment, removing the double charges and only imposing a fine for asymptomatic patients, and the Parliament approved the amendments.
BULGARIA	<ul style="list-style-type: none"> - Number of amendments were made in the Penal Code introducing harsher punishments for disobeying orders in times of epidemic and propagating unfounded fear by mass media. - Proposals for amendments were announced to the Access to Public Information Act, where the changes aim to allow different entities to set on their own taxes for access to public information, which raises concerns about creating obstacles to the access to public information. - Proposals for amendments were announced to the Radio and Television Act that would introduce new powers to the Electronic Media Council to close websites over unclear criterions of dissemination of fake news, which is seen as an attempt of establishing a legal tool for censorship.
CROATIA	<ul style="list-style-type: none"> - The Government proposed amendments to the Law on Electronic Communications, which would provide for the possibility of monitoring the location of each cellphone in Croatia. Moreover, there are no provisions on the length of the monitoring measure, nor is there a prescribed way of handling the collected data and controlling the data collection. - A group of CSOs reacted to this proposal, saying it goes beyond the purpose of protecting public health, and opens up the possibility of misuses in the unauthorized collection, processing and sharing of citizens' private data. Adopting such a proposal would introduce excessive and unnecessary measures of citizens’ surveillance as regular measures, even when the state of emergency ceases.

ROMANIA

- The Government announced [amendments to the Criminal Code](#) by emergency ordinance, introducing tougher penalties for persons that do not observe the measures of quarantine or self-isolation, or lie about their recent travel history.
- Local experts have expressed concerns about the potential long-term impact of these measures, as they were adopted by the Government through an emergency decree instead of an emergency voting procedure in the Parliament, especially in the context that, during a consultative referendum in May 2019, the population was against the use of emergency ordinances to regulate crimes, punishments and the judicial organization.

SLOVENIA

- The adopted intervention law increases the power of the police and the [military](#) in the COVID-19 response. These powers are unrestricted in time (for the duration of the epidemic), not sufficiently clear (in which cases/circumstances the police can use certain powers and for the enforcement of which public health measures) and that more than half of the powers are unlimited as some legal safeguards have been removed (e.g. the police may apprehend of a person without a court order, which used to be limited to only a few exceptional circumstances).

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