

Resist

#ILLDEMOCRACY

In Europe!

FACTSHEET

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Authors of the case study



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for HUMAN RIGHTS



What is an ill democracy?

An “ill democracy” is a country in which the government, through abusing its majority, manipulates legislative norms and impedes the functioning of democratic institutions, and threatens the independence of democratic pillars.

These governments also limit the right to exercise core freedoms with the aim of suppressing those who raise critics. All of this is to protect their own interests and their majorities.

Illiberal governments threaten the very structural elements of functioning democracies, transforming what were successful democratic countries into democracies that are sick.

Background

“Ill democracies” is a revision of the concept of “illiberal democracies” that emerged in the 1990s. This was in reference to democratically elected governments that were “routinely ignoring constitutional limits on their power and depriving

their citizens of basic rights and freedoms,” as Fareed Zakaria put it at the time.

Today’s ill democracies in Europe were examples of successful democratic transition, differentiating these European countries from the 1990s illiberal democracies. Also, authorities have in recent years – particularly in Hungary and Poland – successfully framed “illiberal” as relating to conservatism, indicating that liberal democratic values are leftist policies.

With this background, the human rights organisations authoring the case study decided to refer to “ill democracies” and “illiberal governments” or “illiberal authorities.”

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Because populist power grabs are ‘democratically’ justified, it is not immediately clear for the public just how central the assaults on civil society are for the illiberal outcome.

Miklós Haraszti in the foreword of the case study
“Resisting Ill Democracies in Europe.”

Photo: Central European University



Miklós Haraszti

The ill democracy playbook



Popular mobilisation in April 2017 against an amendment to the higher education law in Hungary targeting the Central European University. Despite resistance, appeals, and condemnation, this amendment was adopted into law in June 2017.
Photo: I stand with CEU.

Ill democracies follow a path of eroding human rights and undermining the rule of law and the balance of powers. Such countries show some or all of the following symptoms:

- Using a majority in parliament to introduce constitutional changes and legislation, and governing based on a “tyranny of the majority.”
- Targeting the independence of the judiciary and institutions of independent oversight through functional and structural changes.
- Capturing of institutions through massive dismissals and the placement of “loyals” in key strategic positions to ensure their submission to the ruling government.
- Use of financial tools against democratic institutions and independent organisations, such as through budget cuts, cutting off from financial sources, and taxation.
- Shrinking of the democratic space, in particular through laws and policies curtailing freedom of expression, association, and assembly, and aimed at quelling opportunities for dissent.
- Publicly discrediting and slandering dissenting voices and using libel laws against them.
- Appropriating and manipulating historical narratives shaping the public discourse.
- Promoting “traditional values” and “national interests” in the name of majorities, and to the detriment of women, minorities, and vulnerable groups, with a discourse that plays on fear.

III democracy in Europe

When illiberal governments are in power, there is a constant of deterioration, as documented in the case study.

Hungary – The current Fidesz government came to power in 2010. Since then, it has used its two-thirds majority to modify the constitution, and placed ordinary policies into cardinal legislation needing a two-thirds majority to be changed in the future. It has removed important checks on the executive branch and weakened the independence of the Constitutional Court and independent oversight.

Poland – The Law and Justice Party (PiS) came to power in 2015, and has used its majority to eviscerate the institutions that ensure constitutional safeguards and checks and balances. PiS managed to cripple the Constitutional Court and its function of guarantor of the Constitution and the rule of law. This allows the parliament to push through new sensitive legislation, such as a new media law and laws on the prosecutor and the judiciary, without scrutiny of their compliance with the Constitution.

Croatia – After an election campaign in Autumn 2015 strongly focused on the refugee crisis, the Croatian Democratic Union (HDZ) and third-placed MOST party won enough seats to form a fragile coalition government. The government faced a reactive civil society, media, and the wider population, with protests beginning on the first day of the new government, 22 January 2016. The coalition was dissolved in July 2016, sparking new elections.

Serbia – Successive elections have seen the steady rise to power of Aleksandar Vučić, who is now both head of the ruling Serbian Progressive Party (SNS) and President. He used to be communications minister under Slobodan Milošević. He has used his party's majority to consolidate SNS control over the entire legislative and governing process. The country's main challenges arise from inherited structural shortcomings, fragile institutions, and the slow pace of reforms transposing the body of EU law as part of the EU ascension process.

Resisting ill democracies

The authors of the case study offer practices and strategies for civil society to resist. The priority is to stop further deterioration, and then to restore what illiberal governments have broken, before ill democracies are not democracies at all anymore. Their aim is to contribute to weakening illiberal trends in Europe, and strengthening civil society standing up for fundamental freedoms and the rule of law.

To help human rights organisations and others, the case study identifies trends and warning signals. The authors then aim to inspire civil society organisations with a toolbox to resist. This includes 17 recommendations, within four wider categories: NGO sustainability, work methods, mobilisation, and interaction with decision-makers.

One of 17 recommendations - see the full toolbox in the case study.

Participating, mobilising

Illiberal governments provoke reactions within people beyond the human rights community, as they attack key pillars of the rule of law, question national history and culture, and assault minorities.

Make sure your organisation is reaching out to constituencies beyond its own members and is inclusive in the way it promotes answers to illiberal policies, especially by participating in mobilisations and movements, and delegating staff to unity committees, even if the organisation does not endorse the entirety of the joint message.

Be present, participative, and inclusive, beyond simply monitoring from a distance.

In Poland, the Helsinki Foundation for Human Rights has shown the strength of the #CandleLightRevolution, taking place in July 2017 as a reaction to the laws attacking the Supreme Court and the National Judiciary Council. Without taking credit, it shows on social media platforms that it is participating, and links the work of its partner international NGOs with ongoing protests.

These practices and strategies are based on the successes of human rights organisations in Croatia, Hungary, Poland, and Serbia. A standout example is Croatia's "six months of resistance" to a new illiberal government. Human rights organisations in the country mobilised with the public, formed coalitions, and raised awareness of the threats posed by the government. They directed demands to those responsible and responded to governmental actions through mobilisation, with appeals, criminal complaints, and petitions. This led to the dissolution of the government within half a year.

Authors of the case study

The case study is based on first-hand information and research provided by participating NGOs from Croatia, Hungary, Poland, and Serbia, benefitting from their diverse national perspectives and different realities.

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LAUNCH!

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**Civil society is essential
for keeping democracies healthy.**

Read about how to resist ill democracy at humanrightshouse.org.