# ILLDEMOCRACY

Resist

In Europe!

FACTSHEET

What is an ill democracy?

The ill democracy playbook

Ill democracy in Europe

Resisting ill democracies

Authors of the case study
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
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.
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.
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.

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.
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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