POLICY BRIFF



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An Update on Pandemic Backsliding: Democracy Four Months After the Beginning of the Covid-19 Pandemic

- The V-Dem Institute has released a new dashboard tracking the effects of Covid-19 related measures on democratic standards in 146 countries.
- Most democracies have addressed the pandemic with no or only minor violations of democratic standards.
- There are concerning developments in 89 countries. Most of them were already autocratic before the pandemic.
- The Pandemic Backsliding Index identifies the risk that a government is using the pandemic to erode already weak democratic institutions.
- The areas of most concern are media freedom, limitations on the legislature, and the discriminatory and abusive enforcement of emergency measures.

Reports about excessive use of emergency powers and limitations on media freedoms have created widespread concern that the response to Covid-19 will shut down democracy itself.² The Pandemic Backsliding Project assesses the extent to which 146 governments are violating democratic standards for emergency provisions in response to the Covid-19 pandemic.³ The data can be accessed from an online dashboard.⁴

Our new data suggests that the most pessimistic predictions about the effects of the pandemic on the health of democracy have not been realized. Two thirds of all democracies implemented emergency responses to Covid-19 without undermining liberal-democratic standards. Most countries that have severely violated democratic standards were already fully autocratic before the pandemic. There are, however, some countries, where governments may be using the pandemic to substantially erode already weak democratic institutions. This risk of pandemic backsliding is highest in El Salvador, Hungary, India, Philippines, Serbia, Sri Lanka, and Uganda.

What does it mean to respect democratic standards during an emergency? As highlighted by UN experts at the beginning of the crisis, government responses must be "proportionate, necessary and non-discriminatory".⁵ Thus, emergency measures may alter democratic

institutions, rights, and proceedings only within certain boundaries. For example, while responses to Covid-19 may ensure physical distancing by restricting freedom of movement and assembly, they may not infringe on certain fundamental or non-derogable rights like the right to life or freedom from torture.

Building on these standards, we are tracking six types of violations of democratic standards for emergency measures during the Covid-19 pandemic:

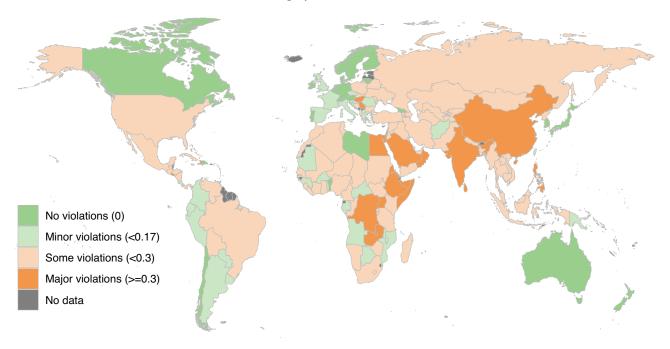
- 1. No time limit on emergency measures
- 2. Discriminatory measures
- 3. De-jure violation of non-derogable rights from the International Covenant on Civil and Political Rights (ICCPR)
- 4. Restrictions on media freedom
- 5. Disproportionate limitations on the role of the legislature
- 6. Abusive enforcement.

Using indicators for these types, we created the **Pandemic Demo- cratic Violations Index (Pandem)** to assess the extent to which state responses to Covid-19 contravene democratic standards.⁶ Figure 1 shows how countries scored on this index between March and June 2020.

- 1 We would like to thank Ana Flavia Good God, Martin Lundstedt, Natalia Natsika, Palina Kolvani, Shreeya Pillai, Abdalhadi Alijla, Tiago Fernandes, Staffan I. Lindberg, Hans Tung, Matthew Wilson and Nina Ilchenko as well as V-Dem country managers for their invaluable support and input. This text draws partially on Lührmann et al. (2020).
- 2 https://www.nytimes.com/2020/03/30/world/europe/coronavirus-governments-power.html; https://ipi.media/european-media-freedom-suffers-covid-19-response/
- 3 The Pandemic Backsliding Project bases its coding primarily on data collection by a team of trained research assistants. The sources are documented at http://www.github.com/vdeminstitute/pandem and mainly include official government sources, academic databases, trusted inter-governmental, state or independent organizations, and trusted media outlets. In general, one coder was assigned to one country, but for some observations two coders provided input and the principal investigators reconciled the information in cases of disagreement. Country experts, regional experts, or the authors of this brief have reviewed the main data entries. Our data includes all independent countries with more than 2 million inhabitants.
- 4 https://www.v-dem.net/en/analysis/PanDem/
- 5 https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E
- 6 For each of the six types, countries scored between 0 (no violation) and 3 (severe violation) points. We then added the scores and rescaled the index on a 0 to 1 range. For more details see Edgell et al. (2020).

FIGURE 1. PANDEMIC DEMOCRATIC VIOLATIONS INDEX (MARCH TO JUNE 2020).

Note: Lower scores indicate fewer recorded violations of democratic standards of emergency measures.



Some good news first: Roughly two-thirds of all democracies and 39% of the countries coded have committed no or only minor violations of democratic standards in their response to Covid-19. For 24 countries, we did not record any violations (dark green). This includes countries with a positive record of containing the pandemic under a healthy democratic system like Germany and South Korea. These cases show that successfully addressing the pandemic is possible without violating democratic standards. In another 33 countries (roughly one-fifth), we noted only minor violations such as limitations on access to information (light green).

However, in 89 other countries (61%) we noted at least some concerning developments, which reflect either a pandemic-induced or a typically occurring violation of democratic standards. The 72 countries marked in light orange exhibit some violations. Most of them (50) were already autocratic in 2019, but 22 were democracies.

Particularly concerning are the developments in 17 countries (dark orange), which scored more than one third of all theoretically possible points on the Pandem Index. Most of these countries were already severely autocratic before the pandemic such as China, Egypt and Eritrea. However, we also found severe violations in several democracies, including El Salvador, India, and Sri Lanka.

To better assess the risks posed by democratic violations of emergency measures, we created the **Pandemic Backsliding Index (Panback)**, which captures the risk of democratic erosion during the pandemic in a country. The Panback Index gives greater weight to violations occurring in countries classified as electoral autocracies or electoral democracies,

a "grey zone" known to have the highest probability of adverse regime change.⁷ The Panback Index ranges from 0 (lowest risk of backsliding) to 1 (highest risk of backsliding).

TABLE 1. COUNTRIES WITH A HIGH RISK OF PANDEMIC BACKSLIDING.

Country	Panback	LDI (2019)8	Pandem	Regime (2019) ⁹
El Salvador	0.463	0.437	0.471	Electoral Democracy
Hungary	0.339	0.402	0.353	Electoral Autocracy
India	0.436	0.364	0.471	Electoral Democracy
Philippines	0.384	0.286	0.471	Electoral Autocracy
Serbia	0.312	0.254	0.412	Electoral Autocracy
Sri Lanka	0.469	0.469	0.471	Electoral Democracy
Uganda	0.325	0.222	0.471	Electoral Autocracy

Note: Lower scores indicate fewer recorded violations of democratic standards by emergency measures for the Pandem and Panback Indices. The Liberal Democracy Index ranges from 0 (least democratic) to 1 (most democratic).

Table 1 shows cases to watch during the coming months. They score particularly highly (>0.3) on the Panback Index. In El Salvador, the president has ordered mass arrests of those violating social distancing measures, in open defiance of several Supreme Court rulings.¹⁰ In Hungary, the government's powers have been expanded and the media restricted.¹¹ In India, the legislature has been adjourned and journalists constrained since the beginning of the crisis.¹² The media faces harsh limitations in Uganda and in the Philippines, and emergency

⁷ For example, see Schedler (2006). The Panback Index captures the greater vulnerability of these grey zone countries by multiplying the Pandem Index by a non-monotonic function of V-Dem's Liberal Democracy Index (LDI) in 2019. We use an alternative version of the Pandem Index (pandem_alt) without V-Dem data capturing the structural limitations on media freedoms (v2mecenefm ord), because this V-Dem index already contributes to the LDI. See Edgell et al. (2020).

⁸ See Coppedge et al. (2020) and Lührmann et al. (2020).

⁹ See Regimes of the World (Lührmann et al. 2018).

¹⁰ https://github.com/vdeminstitute/pandem/blob/master/by_country/El%20Salvador.md

 $^{11\} https://www.bbc.com/news/world-europe-53062177; https://github.com/vdeminstitute/pandem/blob/master/by_country/Hungary.md$

¹² https://github.com/vdeminstitute/pandem/blob/master/by_country/India.md

measures are enforced violently.¹³ In Serbia, the media has also faced restrictions, the legislature's ability to legislate has been constrained, and measures were implemented in a discriminatory way. Although Sri Lanka has been on a democratization path in recent years, the Covid-19 crisis raises concerns of potential setbacks, including increased presidential powers due to delays in legislature elections and reports of discrimination against Muslim burial practices.14

Although it is too early to tell whether these developments will lead to sustained democratic erosion, these trends are worrying, because they are taking place in countries where institutional protections are already weak.

Which democratic standards have been violated the most?

Figure 2 shows the share of countries for each type of violation of democratic standards between March and June 2020. Most violations concern media freedom, with almost half of the countries limiting media freedom (Type 4). The least number of violations have occurred in the realm of de-jure restrictions on non-derogable rights as set out in the ICCPR (Type 2). Below, we discuss each type in detail.

Type 1 violations: No time limit on emergency measures

Twenty-two countries (15%) currently have emergency measures in place without a specific end date or time limit. This calls into question how long the measures will remain in place and whether they will be removed once the crisis abates. The same number of democracies and autocracies have implemented emergency measures without a specific end date. An unlimited extension of the powers of the executive is prone to autocratic abuse. While Poland set a time limit for some of the most drastic measures such as the central government's authority to issue orders to local governments, it did not commit to a general end date for the overall "state of epidemic threat". In two countries, Hungary and Panama, 16 the main emergency measures have since ended despite initially not having an announced time limit. In Hungary, concerns remain due to a new law which grants the government the right to declare future states of emergency without parliamentary approval.¹⁷

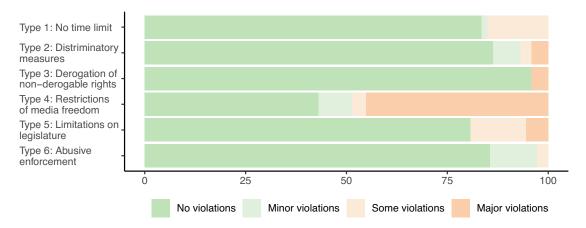
Type 2 violations: Discriminatory measures

At least 20 countries have enacted emergency measures that disproportionately affect the democratic rights and freedoms of specific groups based on their race, colour, sex, language, religion, or social origin in ways that cannot be justified by concerns for public health. In Slovakia,18 for example, the military quarantined five Roma settlements that had not yet hit the requisite infection threshold established by the government. The government of Sri Lanka has used emergency measures to treat parts of the Muslim community unfairly, e.g. by associating the Muslim community with higher Covid-19 infection rates by cremating Muslim victims of Covid-19 against Islamic traditions, although the traditional rites do not contravene the WHO guidelines for safety.¹⁹ Security forces in Uganda²⁰ have used emergency powers to target the rights of LGBT+ people.

Type 3 violations: Derogations from non-derogable rights

If governments use a crisis to de-jure limit rights that are listed as nonderogable in the ICCPR.²¹ This is a clear violation of democratic standards for emergency measures. We have counted six cases of such violations. In Egypt,²² the parliament approved a legislative amendment that





- $13\ https://github.com/vdeminstitute/pandem/blob/master/by_country/Philippines.md; https://github.com/vdeminstitute/pandem/blob/master/by_country/Uganda.md$
- 14 Lührmann et al. (2020). https://www.dw.com/en/coronavirus-keeps-sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-without-a-functioning-parliament/a-53615108; https://www.amnesty.org/en/latest/news/2020/04/sri-latest/news/2020/04 religious-minorities-must-have-their-final-rites-respected/
- 15 http://dziennikustaw.gov.pl/D2020000037401.pdf; https://fra.europa.eu/sites/default/files/fra_uploads/poland-report-covid-19-april-2020_en.pdf
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strengthens the state of emergency in place since 2017 and that already enabled large-scale human rights abuse.²³ In El Salvador,²⁴ security forces have arbitrarily detained hundreds of people without legal grounds for violating quarantine restrictions, in direct contravention of repeated Supreme Court rulings that such detentions are unconstitutional. Security forces in the Philippines²⁵ have publicly humiliated those who break social distancing protocols by locking them in dog cages, forcibly cutting their hair, and removing their clothes. Other violations of non-derogable rights due to lockdowns include inhuman treatment of prisoners in Eritrea²⁶ and violations of freedom of religion in Pakistan²⁷ and Sri Lanka.²⁸

Type 4 violations: Restrictions on media freedoms

Restrictions on media freedoms are by far the most common type of violation of democratic standards during the pandemic. Among 146 countries, 83 have some or major violations of media freedoms under Covid-19 emergency measures. While some of these cases, such as North Korea, China, and Iran, were already stifling media freedoms, in other cases, such as Mongolia and South Africa, the media is usually able to operate freely with little censorship by the government.²⁹ In Indonesia, a police directive targeting "hoax spreaders" and any act of insult to the President could censor reporting that is critical of the government's response to the pandemic.³⁰ At least a dozen journalists in Bangladesh are facing life sentences for publishing criticism of the government's response to the pandemic.³¹ And in Rwanda, where the media is not exempt from limits on freedom of movement, journalists have been arrested for violating curfews and lockdown measures.³²

Type 5 violations: Disproportionate limitations on the role of the legislature

Emergency measures that disproportionately limit the lawmaking role of the legislature pose another threat to democracy. We have identified five exceptionally severe cases where the legislature has been dissolved or suspended under Covid-19. This includes, for example, the suspension of the plenary and substantially more powers allocated to the executive³³ as part of the emergency measures in the Democratic Republic of Congo,³⁴ the dissolution of the legislature in Eritrea³⁵ and Ethiopia,³⁶ and Zambia,³⁷ and India's³⁸ adjournments of the parliament *sine die* with reference to Covid-19. Especially for the latter – severe limitations on the legislature without a specific end date – we see an increased danger of

power abuse by the executive. In addition, three countries (Haiti, Saudi Arabia, and Sudan) did not have functioning legislative bodies prior to the start of the pandemic.³⁹

Type 6 violations: Abusive enforcement

In some cases, the police or the military have been engaging in physical violence to implement emergency measures, something that we classify as abusive enforcement. In four cases, we found widespread reports about the use of violence in this context. Kenya,⁴⁰ where security forces have violently enforced curfews with beatings and tear gas, attracted international attention after police shot and killed a teenager who was on his balcony. In South Africa,⁴¹ where lockdown enforcement comes with rubber bullets, tear gas, water bombs and whips, the High Court suspended several soldiers and police officers over allegations that they beat a man to death. Security forces in Uganda⁴² and Nigeria⁴³ have also reportedly killed individuals while enforcing Covid-19 emergency measures.

Official Disinformation Campaigns on Covid-19

Some governments have been violating democratic standards for emergency measures by spreading disinformation campaigns on Covid-19. To capture such violations, we provide the Pandemic Democratic Violations and Disinformation Index (Pandemdis). This index builds on the Pandem Index, but also includes data on how often governments disseminate information on key issues concerning Covid-19 that deviates from the official information provided by the WHO. Overall, we find 22 cases where official reporting on key Covid-19 issues, e.g. how it is transmitted or how it can be cured, at least occasionally deviates from the WHO standards. While some misreporting may be unintentional, our Pandemdis Index also captures more severe cases of governments intentionally spreading misleading and incorrect information on Covid-19. This includes, for example, the unsubstantiated advice to use chloroquine as a remedy against Covid-19 repeatedly spread by U.S. President Trump and Brazilian President Bolsonaro, myths about a special tonic from Madagascar that are being spread by several African governments including Madagascar, Tanzania, and the Democratic Republic of Congo, as well as the overall trivialization of the risks of Covid-19 by the Belarusian President Lukashenko and Turkmenistan's Berdimuhamedow.

- $\textbf{23} \ \text{https://www.reuters.com/article/us-health-coronavirus-egypt-lawmaking/egypt-amends-emergency-laws-amid-coronavirus-outbreak-idUSKCN22437A} \\$
- 24 https://www.hrw.org/news/2020/04/17/el-salvador-president-defies-supreme-court
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- 28 https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/
- 29 Twelve cases score as "some or major violations" only because of structural conditions measured with the V-Dem Media Censorship Index Cuba, Eritrea, North Korea, Qatar, Saudi Arabia, Singapore, South Sudan, Turkmenistan, United Arab Emirates, Vietnam, Yemen, Zambia (2019; see Coppedge et al. 2020). Here we have not recorded any specific Covid-19 related violations, but consider the structural limitations on the media to be so grave that they prevent impartial reporting on Covid-19.
- 30 https://www.amnesty.org/download/Documents/ASA2122382020ENGLISH.PDF; https://www.thejakartapost.com/news/2020/05/11/govt-covid-19-response-poses-risks-to-human-rights-experts.html; https://www.thejakartapost.com/news/2020/04/08/national-police-detail-tightened-measures-to-combat-covid-19-support-government-policy.html
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- 39 cf. Coppedge et al. (2020).
- 40 https://www.hrw.org/news/2020/03/31/kenya-police-abuses-could-undermine-coronavirus-fight
- ${\bf 42\ https://www.independent.co.ug/ugandan-security-teams-have-killed-six-people-in-covid-19-operations/normalised and the security of the$
- $43\ https://www.reuters.com/article/us-health-coronavirus-nigeria-security/nigerian-security-forces-killed-18-people-during-lockdowns-rights-panel-idUSKCN21Y272\\$

FIGURE 3. PERFORMANCE OF LOW AND MIDDLE INCOME COUNTRIES ON THE PANDEMIC DEMOCRATIC VIOLATIONS INDEX (PANDEM)
BETWEEN MARCH AND JUNE 2020.

No violations (0)	Minor violations (<0.17)	Some violations (<0.3)		Major violations (≥0.3)	
Benin	Afghanistan	Albania	Kazakhstan	Sierra Leone	China
Dominican Republic	Angola	Algeria	Kenya	South Africa	Democratic Republic of the Congo
Georgia	Argentina	Armenia	Kyrgyzstan	South Sudan	Egypt
Libya	Botswana	Azerbaijan	Laos	Sudan	El Salvador
The Gambia	Burkina Faso	Bangladesh	Lesotho	Syria	Eritrea
	Central African Republic	Belarus	Liberia	Tajikistan	Ethiopia
	Colombia	Bolivia	Madagascar	Tanzania	Haiti
	Costa Rica	Bosnia and Herzegovina	Malaysia	Thailand	India
	Ecuador	Brazil	Mali	Tunisia	Philippines
	Gabon	Bulgaria	Mexico	Turkey	Serbia
	Guinea	Burma/Myanmar	Moldova	Turkmenistan	Somalia
	Jamaica	Burundi	Mongolia	Ukraine	Sri Lanka
	Lebanon	Cambodia	Morocco	Uzbekistan	Uganda
	Malawi	Cameroon	Namibia	Venezuela	Zambia
	Mauritania	Chad	Nepal	Vietnam	
	Mozambique	Cuba	Nicaragua	Yemen	
	North Macedonia	Ghana	Niger	Zimbabwe	
	Papua New Guinea	Guatemala	Nigeria		
	Paraguay	Honduras	North Korea		
	Peru	Indonesia	Pakistan		
	Romania	Iran	Republic of the Congo		
	Togo	Iraq	Russia		
		Ivory Coast	Rwanda		
		Jordan	Senegal		

Low and Middle Income Countries

The pandemic itself does not discriminate based on a country's income status, with high income countries like the United States and the United Kingdom being among worst affected thus far. However, violations of democratic standards occur more often among low and middle income countries. Sixty-five (61%) low-middle income countries exhibit some violations and 14 (about 13%) have severe violations on the Pandem Index (Figure 3). Notably, all but one of the cases with major violations (Hungary) are low or middle income countries.

Meanwhile, twenty-seven (25%) low and middle income countries have responded with minor or no violations of democratic standards for emergency measures.⁴⁴ For example, in Botswana, where the National Assembly has approved a six-month state of emergency, we see almost no violations of democratic standards by emergency responses.⁴⁵ By 30 June 2020, this country has only had 175 confirmed cases and 1 death, compared to neighboring South Africa, where cases have risen to over 140,000 and over 2,500 people have died despite repressive lockdown measures by the regime.⁴⁶

The way forward for democracy in challenging times

The Pandemic Backsliding project will continue to monitor these developments over the next year. In this brief we have highlighted some challenges for democracy during crises as well as countries at particular risk

of substantial democratic erosion due to their violations of democratic standards for emergency measures.

In some cases, governments have abandoned problematic policies in response to public pressure. In Poland, the controversial presidential elections in May were postponed amidst fears of a tilted playing field. In Lesotho, the Prime Minister faced backlash after proroguing parliament for three months and was eventually forced to resign after the Constitutional Court ruled against him.⁴⁷ Attempts to censor or restrict the media were also not always sustained. For instance, local and international criticism forced governments to reform their policies for instance in Honduras, where a presidential decree attempted to suspend press freedoms; and in El Salvador, where restrictions on movement did not initially exempt journalists. ⁴⁸ In Spain, the media successfully pressured the government to hold live press conferences allowing a range of media outlets to take part and ask questions freely.⁴⁹

These developments alongside the general tendency for democracies to respect democratic standards even in these extraordinary times, leave us feeling somewhat optimistic about how the world is addressing the challenges of Covid-19. Nevertheless, for the over 60% of cases where some or major violations were witnessed, everyday life during the pandemic is fraught with additional fear and uncertainty because democratic rights and freedoms are undermined by the state's response.

⁴⁴ Based on official World Bank classifications: https://datahelpdesk.worldbank.org/knowledgebase/articles/906519

 $^{45\} https://github.com/vdeminstitute/pandem/blob/master/by_country/Botswana.md$

⁴⁶ https://coronavirus.jhu.edu/map.html

 $[\]textbf{47} \ \text{https://www.dailymaverick.co.za/article/2020-04-20-lesotho-government-agrees-to-allow-prime-minister-tom-thabane-a-dignified-exit/\#gsc.tab=0$

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 $[\]textbf{49} \ \text{https://rsf.org/en/news/coronavirus-spanish-government-yields-pressure-journalists-and-agrees-live-press-conferences-0}$

POLICY IMPLICATIONS

- Policy makers have a variety of options at hand to ensure that democracy remains vital during the Covid-19 crisis including sunset clauses for emergency powers, a continued role for legislatures and the high court, and ensuring a safe space for civil society.
- The Pandemic Backsliding Risk Index identifies those countries, where international and national pressure is particularly needed to prevent lasting damage to democracy during the Covid-19 crisis.
- As the pandemic is likely to constrain public interactions for a while, civil society and state institutions need to develop innovative ways for political participation compatible with physical distancing rules.

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ABOUT V-DEM INSTITUTE

V-Dem is a new approach to conceptualization and measurement of democracy. The headquarters – the V-Dem Institute – is based at the University of Gothenburg with 19 staff, and a project team across the world with 6 Principal Investigators, 14 Project Managers, 30 Regional Managers, 170 Country Coordinators, Research Assistants, and 3,000 Country Experts, the V-Dem project is one of the largest ever social science research-oriented data collection programs.



Department of Political Science
University of Gothenburg
Sprängkullsgatan 19, PO 711
SE 405 30 Gothenburg Sweden
contact@v-dem.net
+46 (0) 31 786 30 43
www-dem.net
www.facebook.com/vdeminstitute
www.twitter.com/vdeminstitute
www.linkedin.com/company/vdeminstitute