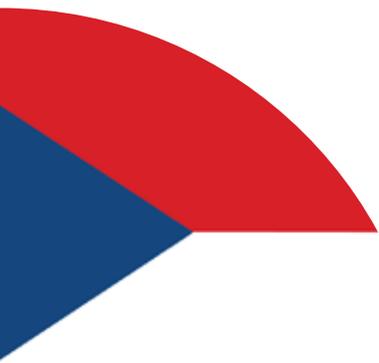


# DEMOCRATIC BACKSLIDING IN THE VISEGRAD GROUP



*A base line study*

# INTRODUCTION

01

The research is an introductory study within an educational project „Democracy and Innovative Methods in Education (DIME)”<sup>1</sup>. The project focuses on democracy and media literacy education and the partnership considers important to provide a straightforward and objective base line report on the topic.

The objective of the study is to examine how the democratic structures of the Visegrad Countries have changed in the last 30 years with a special focus on the current situation, draw a base line for the further steps of our project and provide a snapshot about the current state of democracy in the partner countries.

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<sup>1</sup> Project ID 21910330, Democracy and Innovative Methods in Education (DIME) Visegrad Fund 2019.

**THE METHOD  
AND THE  
INDICATORS  
WE FOLLOWED**

**02**

There is no consensus on how to measure democracy. Definitions of democracy are contested, and there is a lively debate on the subject.<sup>2</sup>

Although the terms “freedom” and “democracy” are often used interchangeably, the two are not synonymous. Democracy can be seen as a set of practices and principles that institutionalise, and thereby, ultimately, protect freedom. Even if a consensus on precise definitions has proved elusive, most observers today would agree that, at a minimum, the fundamental features of a democracy include: government based on majority rule and the consent of the governed; the existence of free and fair elections; the protection of minority rights; and respect for basic human rights. (Basic human rights include: freedom of speech, expression and of the press; freedom of religion; freedom of assembly and association; and the right to due judicial process.) Democracy presupposes equality before the law, due process and political pluralism. At present, the best-known measure is produced by the US-based Freedom House organisation. The average of its indexes, on a 1 to 7 scale, of *political freedom* (based on 10 indicators) and of *civil liberties* (based on 15 indicators) is often taken to be a measure of democracy.<sup>3</sup>

***Our aim was to focus on political freedom pluralism and civil liberties focusing on – due to the subject of our project – freedom of expression, and media.***

The study uses two methods of democracy analyses: expert analyses on the one hand, and analyses based on „cases studies” on the other hand. The expert analyses mentioned first consider the degree of corruption, the prevalence of human rights, the mutual constraints and political participation among other things. This method is efficient in the case of large international comparative studies which tries to capture the institutionalization of democracy.

Several expert indexes exist that measure the quality of democracy in different dimensions. The Freedom House Index<sup>4</sup> and the Economist Intelligence Unit’s Democracy

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<sup>2</sup> The Economist Intelligence Unit’s index of democracy By Laza Kekic, director, country forecasting services, Economist Intelligence Unit 2007.

<sup>3</sup> Democracy Index 2018: Me too? Political participation, protest and democracy, A report by The Economist Intelligence Unit 2018.

Index<sup>5</sup> will be used in this analysis. The Hungarian government is “untouchable” for Brussels partly because – for instance – the EU procedures aimed at monitoring the institutional and legal system cannot deal with informal power politics. Authoritarian populist tendencies are also present in Slovakia and the Czech Republic but to a lesser extent. This Study aimed to draw a base line and show snapshot on the situation of the democracy and media freedom in the V4 countries.

## **THE FREEDOM HOUSE INDEX**

The objective of the Freedom House Index is to provide a comparative instrument for the examination of the differences across time and space. It has published a report about the democratization process and its changes since 1972. Data have been provided about the Visegrád Countries since 1998.

Political rights and civil liberties are rated during the ranking process. Political rights include three large categories: electoral process, political pluralism and participation and functions of government.

The civil liberties include four sub-cate-

gories: freedom of expression and belief, rule of law, associational and organisational rights and personal autonomy and individual rights.

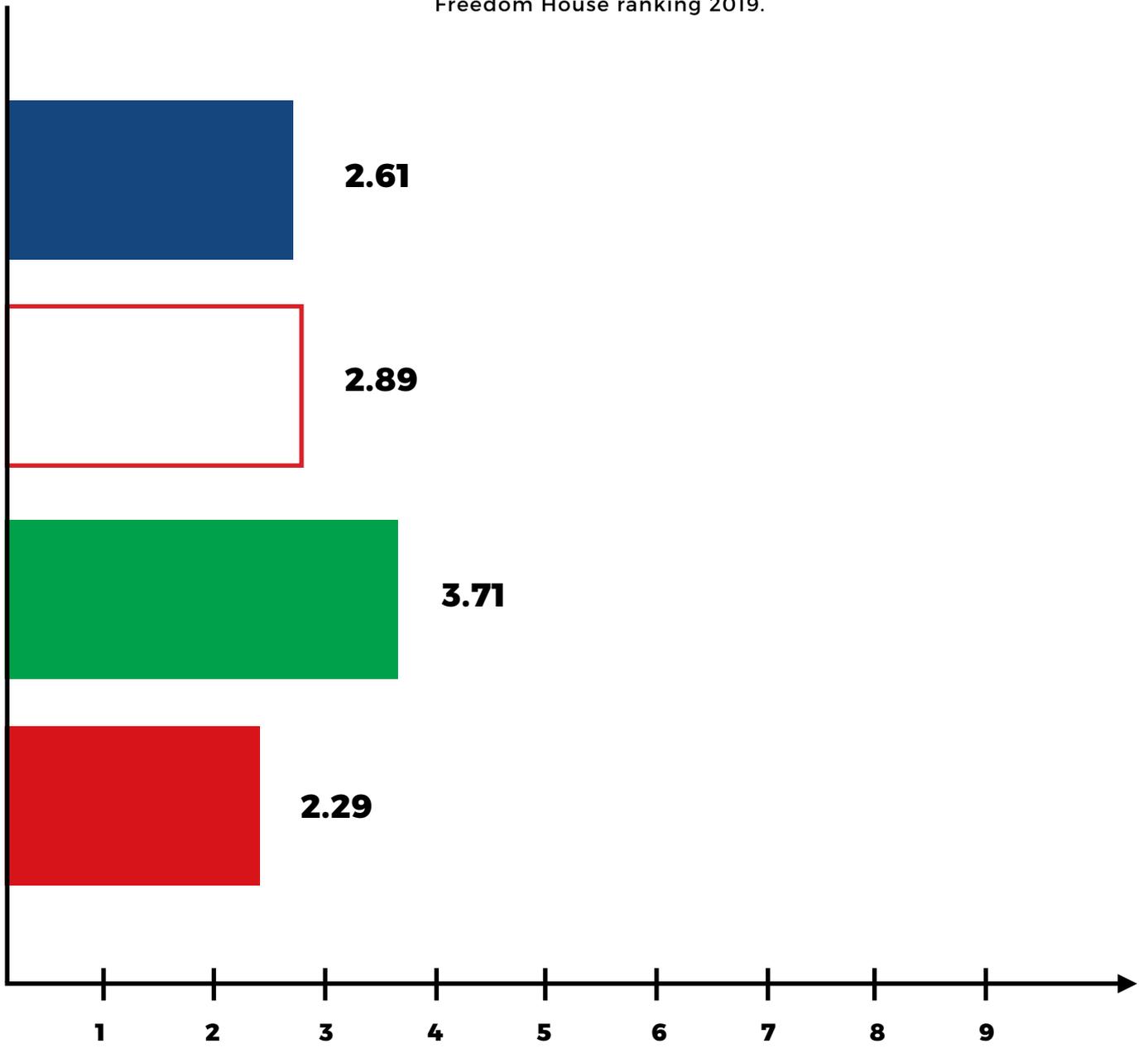
The individual countries are rated on a scale of 1 to 7 and the lower the value the country receives, the more democratic it is considered. Between 1.0 and 2.99, we have a consolidated democracy, between 3 and 3.99 a semi-consolidated democracy, between 4 and 4.99 a hybrid regime, between 5 and 5.99 a semi-consolidated authoritarian regime and finally between 6 and 7 an authoritarian regime. The results are calculated through a multi-phase process, in which local experts and scientists also participate in addition to the internal staff of Freedom House.

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<sup>4</sup> [www.freedomhouse.org](http://www.freedomhouse.org)

<sup>5</sup> [www.eiu.com/topic/democracy-index](http://www.eiu.com/topic/democracy-index)

Freedom House ranking 2019.



 **CZECH  
REPUBLIC**

 **POLAND**

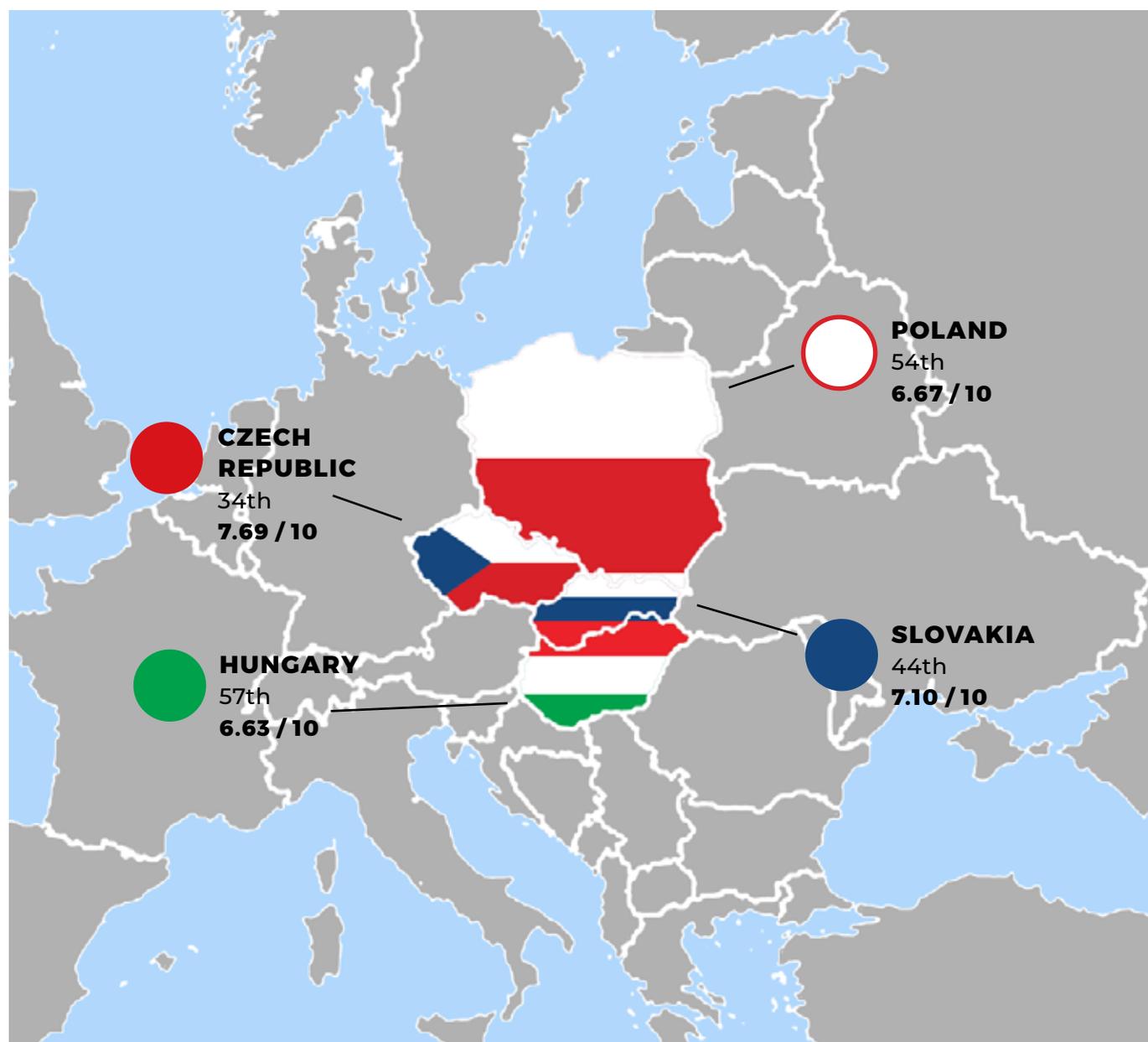
 **HUNGARY**

 **SLOVAKIA**

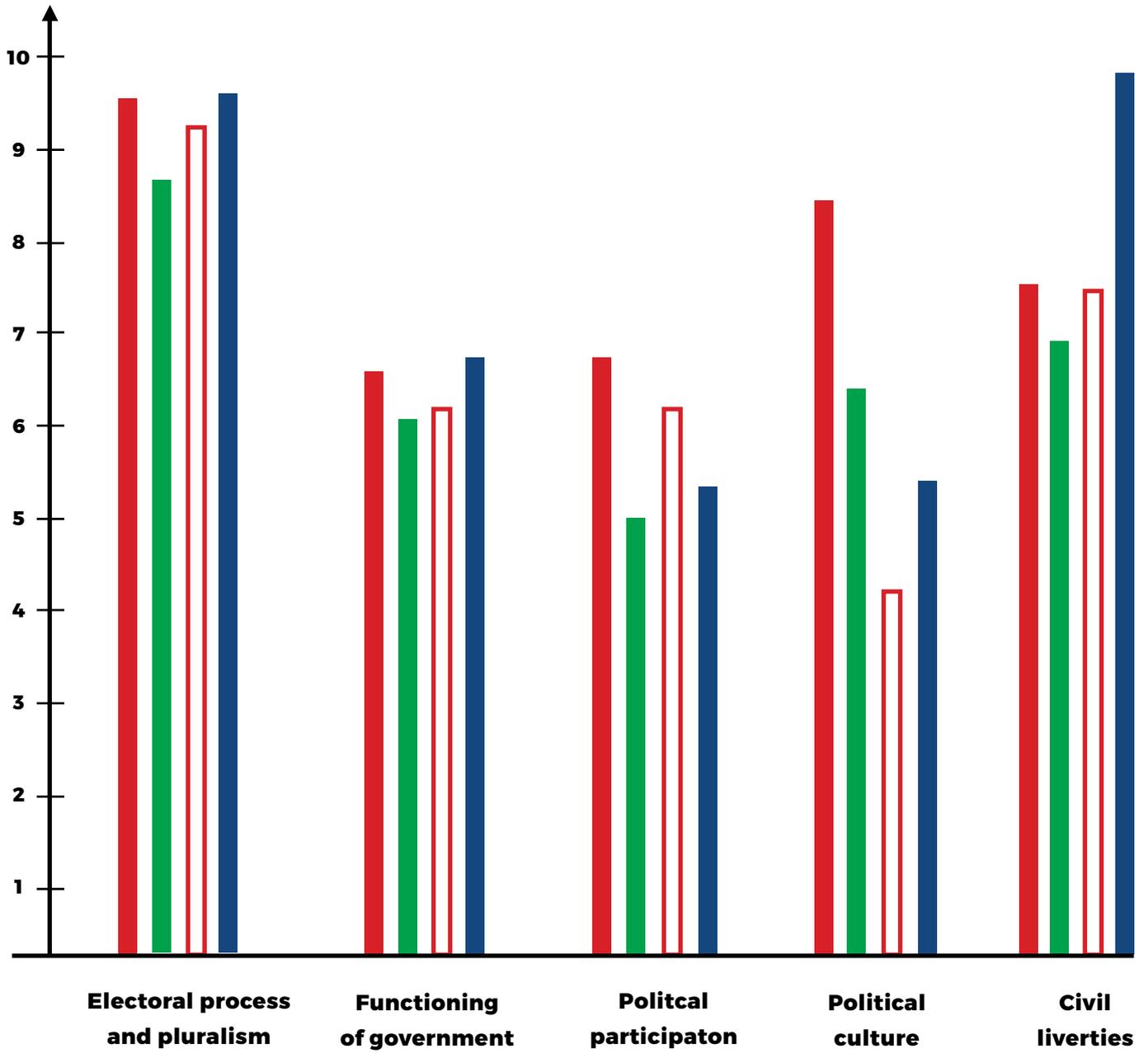
## THE EIU DEMOCRACY INDEX

The EIU Democracy Index provides a snapshot of the state of world democracy for 165 independent states and two territories. The Democracy Index is based on five categories: electoral process and

pluralism; civil liberties; the functioning of government; political participation; and political culture. Based on their scores on 60 indicators within these categories, each country is then itself classified as one of four types of regime: full democracy; flawed democracy; hybrid regime; and authoritarian regime.



Democracy EIU democracy Index, 2019.



 **CZECH REPUBLIC**

 **POLAND**

 **HUNGARY**

 **SLOVAKIA**

**A GLOBAL  
OVERVIEW  
ON THE STATE  
OF DEMOCRACY  
AND FREEDOM**

**03**

## **THE FREEDOM HOUSE REPORT – THE DEMOCRACY IS IN „RETREAT”**

In 2019 the overall democracy in the world had the lowest point in more than a decade. This is mainly about the political rights and civil liberties it has been decreasing for the last couple of years, including guarantees of free and fair elections, the rights of minorities, freedom of the press, and the rule of law—came under attack around the world and the tendency is still going down.

Seventy-one countries suffered net declines in political rights and civil liberties, with only 35 registering gains.

Formerly free countries such as Hungary and Turkey are making steps towards an authoritarian regime, but the events in Myanmar are more than frightening. The country had a democratic opening but the military intervention not just stopped this but

made the most horrible slaughter in the time of modern democracies.

The United States retreated from its traditional role as both a champion and an exemplar of democracy amid an accelerating decline in American political rights and civil liberties.<sup>6</sup>

The Democracy Index of Economist also shows and visually illustrate the fact that in the last twelve years the amount of fully democratic countries are decreasing even though the Nordic Countries for example are still a stable point in the changing political world. We can see that the countries which didn't have this kind of stable institutional democratic system are suffering more from the new trend. Mexico for instance dropped almost a whole point in the last decade but Hungary also dropped almost a point in the Economist's ranking.

If we are focusing more on our area and the four countries of the V4 Group we have to say that every single country suffered a decrease in the topic of democracy.

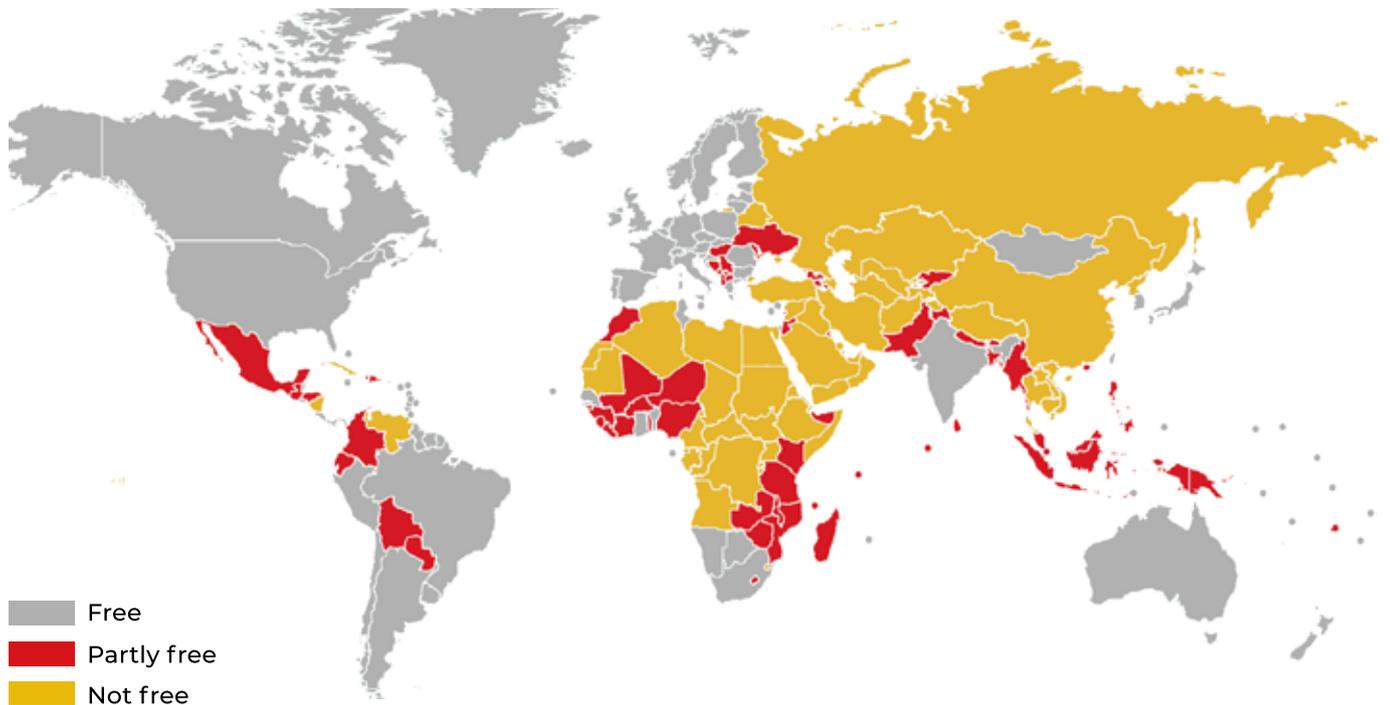
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<sup>6</sup> [www.freedomhouse.org/report/freedom-world/freedom-world-2018](http://www.freedomhouse.org/report/freedom-world/freedom-world-2018)

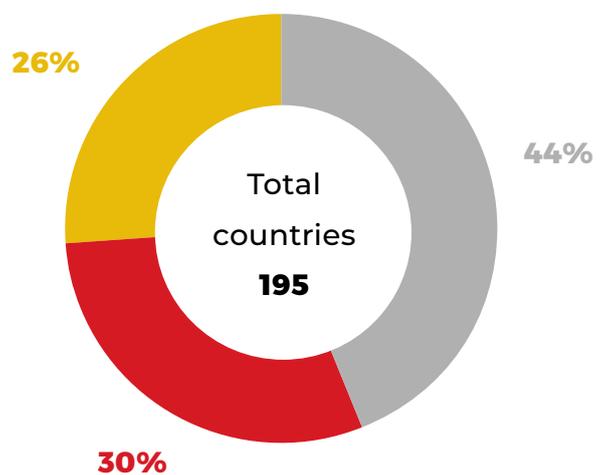
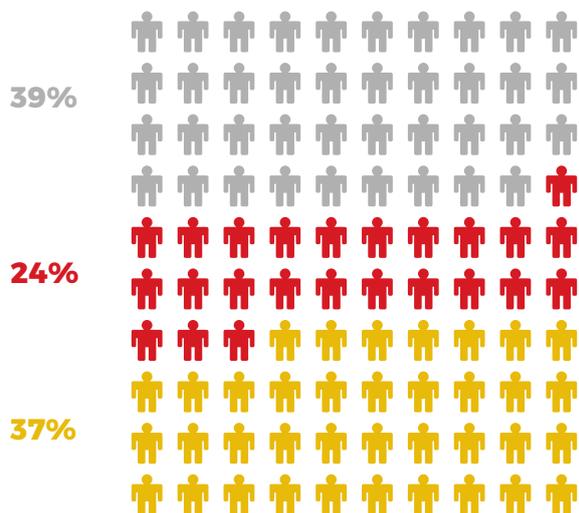
As I mentioned Hungary had a drop with 0,9 points according to The Economist. Poland also had a huge decrease with 0,63 point.

The Czech Republic only suffered a decrease with 0,48 point but from an 8,17 the country went down to 7,69

which means that it became from a quite stable democracy a not so stable one. Slovakia makes it a little bit better in the topic of decreasing because it only had a 0,3 drop during the last 12 years, but it is a fact that it still has a worst position than the Czech Republic.



Total population  
**7,6 billion**



## **THE EIU DEMOCRACY INDEX – DEMOCRACY REMAINED STABLE**

According to the EIU Index the global score for democracy remained stable. This result disguises some movement across regions and across categories. One country, Costa Rica, moved from a flawed democracy to a full democracy; at the other end of the spectrum, one country, Nicaragua, moved from flawed regime to authoritarian

regime. A total of 42 countries experienced a decline in their total score compared with 2017; 48 registered an increase in total score. But as a percentage of the world's population, fewer people lived in some form of democracy (47.7%, compared with 49.3% in 2017). Very few of these (4.5%) were classified as living in a full democracy. Just over one-third of the population lived under authoritarian rule, with a large share represented by China.

The Economist Democracy Index seeks to provide a “thicker” definition of democracy that highlights factors such as quality of governance and tends to score some countries in the post-Soviet region (such as Russia) higher than Freedom House does.

Choosing whether and which democracy rating to use requires a judgment about the underlying concept in question. *To what extent does democracy depend on the quality of elections vs. factors such as political trust?*

**DEMOCRATIC  
BLACKSLIDING  
AFTER 30 YEARS  
OF DEMOCRACY  
IN THE V4  
COUNTRIES**

**04**

The 9<sup>th</sup> of November 2019 will mark 30 years since the fall of the Berlin Wall and the start of Europe's largest wave of democratisation since the end of World War II. In the 30 years that followed, countries in Central and Eastern Europe have gone through rapid democratization, and profound economic reforms, while the rest of Europe has also seen its democracies deepen further and European unity strengthened. Since 1975, Europe has seen increases on almost all aspects of democracy, including key attributes, such as Checks on Government and Fundamental Rights, which are measured by International Institute for Democracy and Electoral Assistance's Global State of Democracy (GSoD)<sup>7</sup> Indices. These successes have been achieved, inter alia, by promoting effective multi-level governance, based on greater involvement of citizens and ensuring that decision making powers lie at the level closest to the people.

The past decade has, however, also seen several European Union Member States show declines on attributes such as Representative Government, Fundamental Rights, Checks on Government and Impartial Administration. East-Central Europe has been most affected by these declines, particularly in the sub-attributes of Civil Liberties, Freedom of Expression, and Media Integrity. Such declines have been registered primarily in Hungary, Poland, Romania and Serbia. In other countries, including a number of Western European Member States and beyond Europe, pressing challenges to democracy relate to the falsification of true democratic debate by the spread of fake news or populist speech. These challenges do not belong to Europe only, but the almost simultaneous trends find common causes in the immigration, financial, economic and other crises that the EU has faced in the past 10 years. In the face of these threats, these democracies need to be strengthened by reinvigorating public participation into decision making processes, including at the sub-national level, protecting and promoting the rule of law, increasing the accountability of elected officials across all levels of government and ultimately safeguarding the equality of citizens to shape and influence the quality of their governments.

Almost three decades after the fall of the Iron Curtain, constitutional democracy is increasingly coming under pressure in the former socialist states of Central-East Europe.

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<sup>7</sup> [www.idea.int/gsod/files/IDEA-GSOD-2017-REPORT-EN.pdf](http://www.idea.int/gsod/files/IDEA-GSOD-2017-REPORT-EN.pdf)

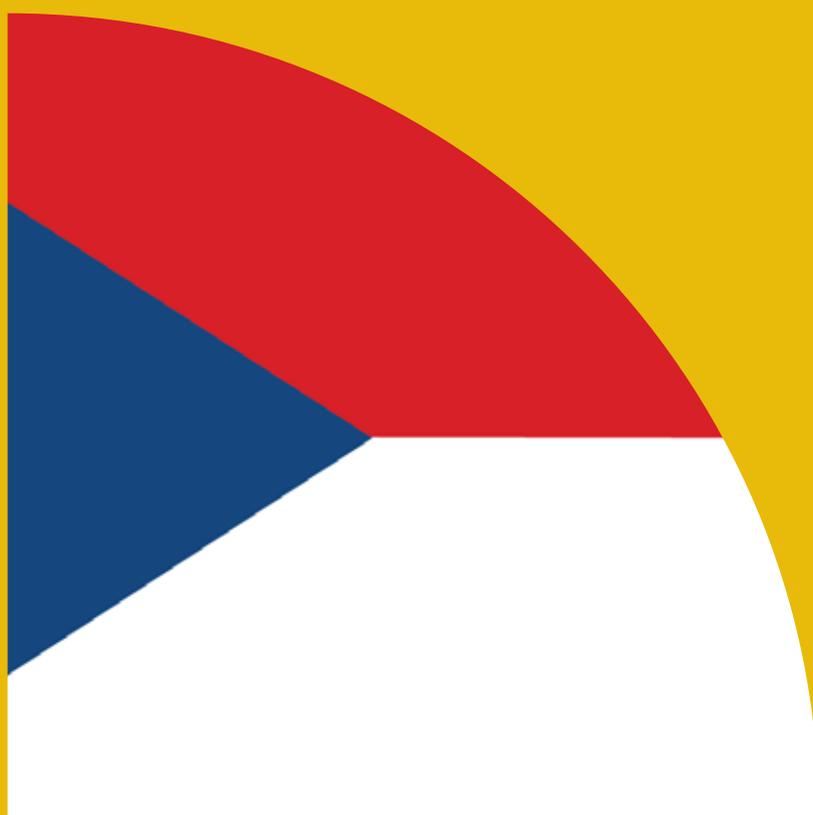
In recent years, these four countries have become an area of increasing political concern and analysis, as their leaders have moved towards a more Eurosceptic stance, widening the so-called east-west divide in the EU. The V4 countries, particularly Poland and Hungary, have largely shifted to self-described “illiberal democracies” that mark a turn away from political liberalism, with some countries consolidating extraordinary government prerogatives and limiting constitutional provisions that once nurtured an environment promoting the rule of law and a free and open society. These countries’ disillusionment over the handling of recent crises, most notably the refugee crisis, has created a backlash in which the V4 is challenging the decisions made in Brussels while at the same time still benefiting greatly from EU membership.

The main findings of Political Capital’s new research regarding the recent trends of illiberal-governance<sup>8</sup> in which the countries were studied in various analytical arenas such as: authoritarian populism, eroding checks and balances, limiting independence of judiciary, attacks on civil society, restricting media, clientelism, systematic corruption, and anti-West rhetoric- is that democratic backsliding occurred in all four countries but illiberal shifts resulted in deeper changes to the institutional system only in Hungary and Poland. The Kaczyński and Orbán-regimes are both somewhat authoritarian and exclusionary because they reject pluralism and consider all independent agencies critical of their regimes to be enemies of the state. The main difference between the Hungarian and the Polish model is that while the power political methods and the institutional makeup of the Orbán-regime showcases authoritarian traits, the Kaczyński regime, still in the infancy of illiberal state building, can still be described as a watered-down democracy where some institutional checks and balances are still functioning. There are two main characteristics of the Orbán regime. It does not want to dissolve democratic institutions completely but strives to empty them of content. Consequently, they have become unable to restrict the government. Additionally, the informal exercise of power plays a central role in illiberal system-building in Hungary. The essence of the system is dissolving social autonomy through the establishment of feudal relationships of dependence.

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<sup>8</sup> ILLIBERALISM IN THE V4: PRESSURE POINTS AND BRIGHT SPOTS, Authors: Vit Dostal et al. Political Capital and Friedrich Naumann Stiftung 2018.

The Hungarian government is “untouchable” for Brussels partly because – for instance – the EU procedures aimed at monitoring the institutional and legal system cannot deal with informal power politics. Authoritarian populist tendencies are also present in Slovakia and the Czech Republic but to a lesser extent. Robert Fico has often depicted journalists as prostitutes, while the sustainability of populism in the Czech Republic is being ensured the by pro-Russian, Eurosceptic Milos Zeman and Prime Minister Andrej Babis. In Slovakia, there is a possibility for moving towards a less democratic system of governance based on the “tyranny of the majority”, but the relatively non-ideological nature of the government and the strong institutional checks and balances on the executive branch can rein in such political efforts. The Czech Republic is an even more stable democracy given the steady post-transition constitutional framework.



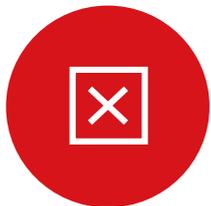
**CZECH  
REPUBLIC**



## DEMOCRACY AND FREEDOM

The Economist Intelligence Unit ranked the Czech Republic 34<sup>th</sup> out of 165 countries and two territories in its Democracy Index 2018. It classified the country as a “flawed democracy”. The Economist Intelligence Unit defines “flawed democracies” as countries that “have free and fair elections and, even if there are problems (such as infringements on media freedom),

basic civil liberties are respected. However, there are significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture and low levels of political participation.” Human rights group Freedom House classified the Czech Republic as “free” in its Freedom in the World 2019 report.



## ELECTORAL PROCESS AND PLURALISM

The Czech Republic is a parliamentary democracy. In recent years, the country has experienced a number of corruption scandals and political disputes that hampered normal legislative activity. The president is the head of state but holds limited powers, and is directly elected to up to two five-year terms (the first direct presidential election was held in 2013). The January 2018 presidential election was considered credible and president

Milos Zeman was reelected. The prime minister is the head of government and holds most executive power. In December 2017, controversial billionaire Andrej Babis was sworn in as prime minister, following elections that were held in accordance with international standards. But the mainstream parties refused to cooperate with him, and he struggled to assemble a coalition. Facing corruption allegations, Babis lost a vote of no confidence in January 2018, raising doubts about his ability

to form a government. In July, after nearly nine months of negotiations, was successfully formed a coalition government. The 200 members of the Chamber of Deputies, the lower house of Parliament, are elected to four-year terms by proportional representation. The Senate, the upper chamber, which holds limited legislative

power, has 81 members elected for six-year terms, with one-third up for election every two years.

Populist parties have attracted a sizeable and relatively stable share of the vote since 1992, but it has never been over 25% according to the Timbro Authoritarian Populism Index.



## **MEDIA FREEDOM AND POPULISM**

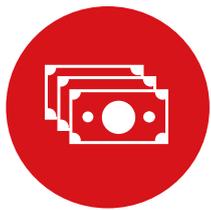
The 2019 World Press Freedom Index by Reporters Without Borders ranked the Czech Republic 40<sup>th</sup> out of 180 countries and territories in the media watchdog's world rankings, down six places from a year earlier.

"The video of Czech President Milos Zeman brandishing a dummy Kalashnikov with the inscription 'for journalists' at a press conference in October 2017 will be remembered as a classic example of hatred towards journalists," the report said. "Outrageous words and gestures of this kind at the highest level of the state open the way to excesses of every sort. For example, a cameraman was physically attacked

by a member of Zeman's campaign staff on the evening of his reelection. In the speech Zeman gave when sworn in for a second term, he attacked the media, especially Czech public TV, accusing it of 'manipulating public opinion'. "These unprecedented comments by a president prompted demonstrations in support of the public media. There is also concern about the level of media ownership concentration, which is reaching critical levels. Since 2008, new oligarchs have been using their fortunes to buy newspapers in order to reinforce their influence. One of these oligarchs, Prime Minister Andrej Babis, owns the Czech Republic's two most influential daily newspapers."

The Council for Radio and Television Broadcasting of the Czech Republic is responsible for the regulation of television and radio broadcasting in the Czech Republic. The function and responsibilities of the Council are set out in the Broadcasting Act 2001. The Czech prime minister, Andrej Babis, acquired an important part of Czech media, including Czech media house MAFRA, the daily newspapers Lidove noviny and DNES, Ocko TV, and radio station Radio Impuls in 2013. This

raised some conflict of interest for Babis who was accused of spreading biased coverage of his party on his radio stations and newspapers. This fact also brings a statement by Czech artists who began to refuse giving interviews for these media and stopped performing at events sponsored by Babis's company. And there are many personal attacks (oral) against investigative journalists by the prime minister, president Milos Zeman, and other politicians.



## **CORRUPTION**

Transparency International's 2018 Corruption Perceptions Index ranks the Czech Republic 38th out of 180 countries and territories. The index measures perceived levels of public-sector corruption using expert assessments and opinion surveys.

In December 2017, controversial billionaire Andrej Babis was sworn in as prime minister, following elec-

tions that were held in accordance with international standards. But the mainstream parties refused to cooperate with him, and he struggled to assemble a coalition. Facing corruption allegations, Babis lost a vote of no confidence in January 2018, raising doubts about his ability to form a government. In July, after nearly nine months of negotiations, was successfully formed a coalition government.



**HUNGARY**



## DEMOCRACY AND FREEDOM

The Economist Intelligence Unit ranked Hungary equal 57<sup>th</sup> out of 165 countries and two territories in its Democracy Index 2018. It classified the country as a “flawed democracy”. The EIU defines “flawed democracies” as countries that “have free and fair elections and, even if there are problems (such as infringements on media freedom), basic civil liberties are respected. However, there are significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture and low levels of political participation.” Human rights group Freedom House classified Hungary as “partly free” in its Freedom in the World 2019 report.

“After taking power in 2010 elections, Prime Minister Viktor Orbán’s Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through

constitutional and legal changes that have allowed it to consolidate control over the country’s independent institutions,” the report said. “More recently, the Fidesz-led government has moved to institute policies that hamper the operations of opposition groups, journalists, universities, and nongovernmental organisations whose perspectives it finds unfavourable.”<sup>9</sup>

Hungary after 2018 became partly free due to the Freedom House report. In the report, the equal<sup>10</sup> treatment of the population only got 2 out of 4 points, mainly because of the situations of the refugees and the Romany minorities. The Romany minorities face huge discrimination like the separation inside the education. The integration of the different minorities is not organized by the government, they also had and campaigns against refugees.

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<sup>9</sup> [www.freedomhouse.org/report/freedom-world/2019/hungary](http://www.freedomhouse.org/report/freedom-world/2019/hungary)

<sup>10</sup> [www.index.hu/belfold/2019/05/15/kover\\_laszlo\\_forum\\_normalis\\_homoszexualisok\\_pedofilia](http://www.index.hu/belfold/2019/05/15/kover_laszlo_forum_normalis_homoszexualisok_pedofilia)

The LGBTQ minorities also suffer from discrimination because the Hungarian Constitution says that a family can contain only women and men. This means homosexual people don't have the opportunity to adopt children. Publicly the Speaker of the National Assembly said that if a homosexual people want to adopt a child that's the same as someone is being a pedophile because in this case, the child is only an object to own. It was also said by him that a normal homosexual people are aware of that they are not necessarily equal. This humiliating speech is against equality and it does not help the integration of these minority groups.

The academic freedom according to the report of the Freedom House

also 2 out of 4 points, because in 2018 the government revoked the accreditation from the gender studies and questioned the fact that this is even a scientific question. The Central European University „forced out of Budapest”<sup>11</sup> at the end of the same year as a result of Hungary's Lex CEU and despite of a long negotiation process between the government and the George Soros founded University. In 2019 the government held back the money from the Hungarian Academy of Science and in July they decided to take the research institutions and the financial autonomy from the Academy. The new research system is going to be supervised by governmental offices which is great pressure on academic freedom.



## **ELECTORAL PROCESS AND PLURALISM**

Hungary is a unitary state, where the electoral system is a mixed member proportionality (MMP) system, in

which the Parliament, consisting of 199 members. It is elected through an FPTP branch (106 seats) and a party

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<sup>11</sup> [www.ceu.edu/article/2018-12-03/ceu-forced-out-budapest-launch-us-degree-programs-vienna-september-2019](http://www.ceu.edu/article/2018-12-03/ceu-forced-out-budapest-launch-us-degree-programs-vienna-september-2019)

list branch (93 seats). The voters therefore cast two ballots, one to the single constituency candidate, and one to the party list. In the FPTP branch the candidate garnering most votes wins the seat. There is a compensation mechanism: the votes cast for the candidates not winning the seat are transferred to the list branch. As a consequence of the reforms in 2010, the winner surplus vote has been introduced; the difference between the winner and the second candidate (minus one vote) qualifies as a surplus vote as well and these votes are therefore transferred to the party list. The votes cast to the party lists and the surplus votes then are divided by a proportional formula among those parties reaching the 5 percent threshold.

It is to be noted that the Hungarian electoral system has not been unchanged since the democratic transition of 1989–1990. After the winning coalition gained a majority of two thirds in 2010, the system was reformed. Although the new system described above preserved the MMP nature and

the immanent logic of the previous one, significant changes were applied: the number of members of parliament was reduced from 386 to 199; in the FPTP branch the two-round vote was changed to a one-round vote, the winner surplus vote was introduced, and the proportion of FPTP branch was increased in relative terms so the weight of party list branch therefore declined.

Ever since the democratic transition, the Hungarian party system has been a multi-party system. As a consequence of the highly disproportionate electoral system from the end of the 1990s to 2010 two main political blocks emerged. The situation changed with the landslide victory of the right wing and the collapse of left wing, and, as a consequence, new parties have emerged. A party system with three main powers thus emerged: the right wing Fidesz-KDNP coalition, which formed the government, the far right Jobbik, and the remains of the left side, accompanied by new parties. The party system may be labelled a dominant party system.<sup>12</sup>

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<sup>12</sup> [János Mécs: Reform of the Electoral System in Canada and in Hungary – Towards a More Proportional Electoral System?](http://www.eltelawjournal.hu/reform-of-the-electoral-system-in-canada-and-in-hungary-towards-a-more-proportional-electoral-system)  
[www.eltelawjournal.hu/reform-of-the-electoral-system-in-canada-and-in-hungary-towards-a-more-proportional-electoral-system](http://www.eltelawjournal.hu/reform-of-the-electoral-system-in-canada-and-in-hungary-towards-a-more-proportional-electoral-system)



## MEDIA FREEDOM AND POPULISM

In 2018, after the election, many independent media were shot down such as one of the oldest Hungarian newspaper Népszabadság. There was some independent media surface that did not close but it became pro-governmental because of a switch of the owner. Later in that year, the owners of most pro-government media operations announced that they would donate their holdings to a new foundation, effectively creating a massive pro-government media conglomerate composed of almost 500 titles and outlets. This became the earlier mentioned Central European Press and Media Foundation. This is something that can be mentioned as the opposite of the diversity but the transaction cannot be examined due to a governmental act, which stated that the importance is so high that examination cannot be held. After this event, the pro-government media with 476 platform was one of the biggest media empires in Europe which is in one hand. Adding the 19 national public televisions and radios this number is close to 500.

The operation of the Hungarian media can be seen easily by the number of suits lost by the pro-government media which was 109 in 2018, on the other side, the independent media only lost 14 suits during the whole year.

The centralization of pro-government media under the umbrella of the CEMPF has been going on for a year, but according to the news reports in the media market, much remains to be done, with more mergers and tighter content monitoring following the municipal elections in October 2019.

The government's media strategies are also in the process of eliminating the remaining independence of county newspapers. It is planned that KES-MA executives will minimize the space available to local editors and distribute a uniform daily newspaper throughout the country in terms of image and content.

The further centralization of the pro-government media universe is

also worth a note because while the Council of Europe, Reporters Without Borders or the US public service cite the Hungarian media system as a deterrent, authoritarian politicians in the surrounding countries see it as the opposite. EUObserver recently warned that similar efforts can be made to the media market

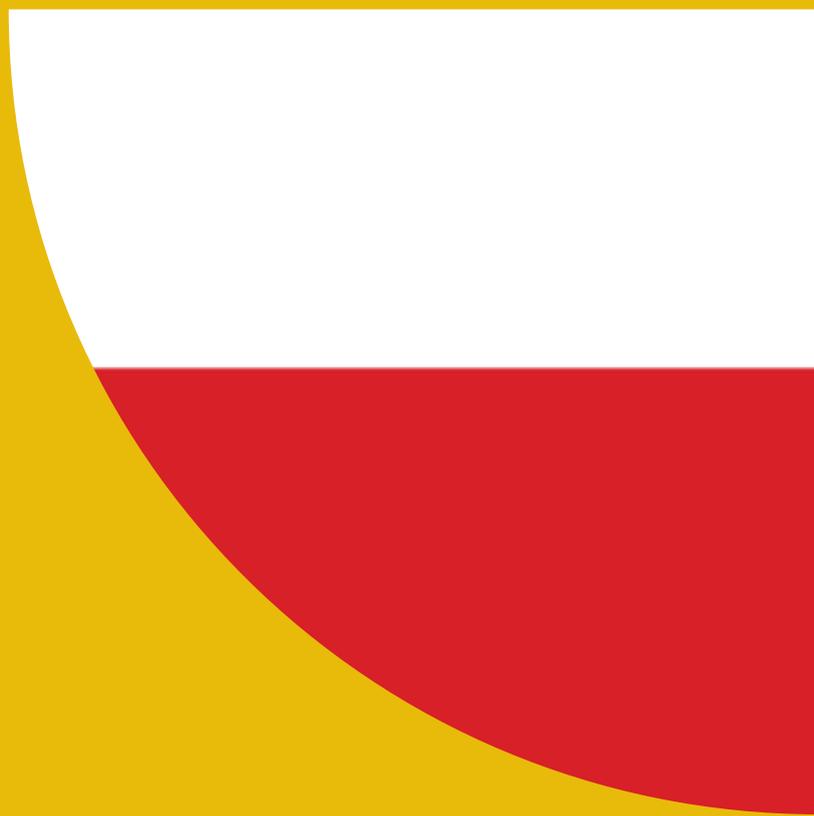
in the Czech Republic and Serbia. Former Austrian vice-chancellor Heinz-Christian Strache spoke to a possible Russian financier in a leaked Ibiza image in May that he was dreaming of a Orbán-quality media empire in Austria. But prominent Polish government are also taking a „positive” example of the Fidesz-run propaganda machine.



## **EU RELATIONS**

In September 2018, the European Parliament voted to sanction Hungary for violating EU rules on civil rights, corruption and democracy.

In March 2019, the the centre-right European People’s Party grouping in the European Parliament suspended the ruling Fidesz party over concerns that Fidesz and its leader, Prime Minister Viktor Orban, have undermined the rule of law in Hungary.



**POLAND**



## DEMOCRACY AND FREEDOM

According to the Freedom in the World 2019 report, Poland scored 84 out of 100 points in the Aggregate Index of Freedom and is considered a “free” country. While on the whole the above report shows a “free” country, after taking a closer look one may notice its biggest deficiencies in terms of the rule of law, in particular the independence of the judiciary.

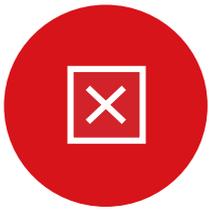
After 2015, when the Prawo i Sprawiedliwość party assumed power, Poland lost independence of the judiciary from political influence to some extent. The main changes that took place in 2018 were changes in the electoral system, which subordinated the State Electoral Commission to the ruling party that managed the elections and controlled the political parties’ finances. Similarly, an earlier reform transferred the right to approve or reject the results of the elections

to the new Supreme Court Chamber, which was created by the granting of the ruling party and is susceptible to politicisation. In October 2018, the European Court of Justice (ECJ) ruled that Poland had to repeal a law that obliged 27 out of 73 Supreme Court judges to retire by changing their retirement age. This contradicted the provisions of the Constitution for a 6-year term of office of judges. The authorities complied with ECJ’s judgment. However, a new law remained in force and extended the Supreme Court to 120 judges and two chambers with large powers, staffed by a politicised National Council of the Judiciary.<sup>13</sup> According to the Bertelsmann Foundation’s report, Poland has fallen in the ranking of democracy. The main reason is a significant deterioration of the rule of law, including a reduction in the independence of the judiciary.<sup>14</sup>

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<sup>13</sup> [www.freedomhouse.org/report/freedom-world/2019/poland](http://www.freedomhouse.org/report/freedom-world/2019/poland)

<sup>14</sup> [www.sgi-network.org/2018/Poland/Quality\\_of\\_Democracy](http://www.sgi-network.org/2018/Poland/Quality_of_Democracy)



## ELECTORAL PROCESS AND PLURALISM

After the elections in 2015, at the very first sitting of Parliament the new authorities of the conservative Prawo i Sprawiedliwość party (PiS) started a series of express regulations, which finally limited the independence of the Constitutional Tribunal that assesses the compliance of legal acts with the Constitution. This was justified by the “bias” of the previous composition of the court and the desire to carry out reforms planned by PiS. One of the introduced provisions, for instance, provided the possibility of disciplinary

punishment of a judge at the request of the Minister of Justice or the President. Despite the judgements of the Constitutional Tribunal, which at the initiative of the Ombudsman assessed the above changes as unconstitutional, the government simply ignored the judgements and refused to publish them. The Tribunal found violations of the principles of tripartite separation and balance of power, the independence of the judiciary, and independence of judges<sup>16</sup>.

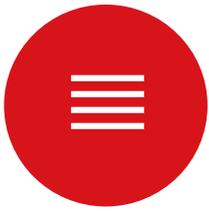
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<sup>15</sup> In the Face of Sick Democracies in Europe

[www.humanrightshouse.org/noop-media/documents/22910.pdf](http://www.humanrightshouse.org/noop-media/documents/22910.pdf)

<sup>16</sup> In the Face of Sick Democracies in Europe

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## MEDIA FREEDOM AND POPULISM

The process of taking over and limiting the independence of media in Poland started shortly after the elections in 2015. The first (so-called small) media act was adopted, in a hurry and without consultation, in December 2015. The act provided that the term of office of all members of the supervisory boards of public media would expire on the day of its entry into force. This way, the government gained control over the public media, which was criticised by independent editors and the opposition who expected the government to use public media as a tool for propaganda in the near future. Economic pressure has been exerted on private media and independent

editorial offices, for instance by government companies giving up advertising or restricting access to distribution channels controlled by them.<sup>17</sup>

The Polish Penal Code still contains the offence of defamation (Article 212 paragraph 2), which has already been the subject of several complaints to the European Court of Human Rights and criticism from, inter alia, the OSCE Representative on Freedom of the Media. At the same time, the UN Human Rights Committee expressed concern about the existence of criminal liability provisions for insulting state symbols, senior officials and religious sentiments.<sup>18</sup>

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<sup>17</sup> [www.humanrightshouse.org/noop-media/documents/22910.pdf](http://www.humanrightshouse.org/noop-media/documents/22910.pdf)

and [www.sgi-network.org/2018/Poland/Qualityof\\_Democracy](http://www.sgi-network.org/2018/Poland/Qualityof_Democracy) and [www.rsf.org/en/poland](http://www.rsf.org/en/poland)

<sup>18</sup> CCPR/C/CO/POL/CO/7, point 37

[www.tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/POL/CO/7&Lang=En](http://www.tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/POL/CO/7&Lang=En)



**SLOVAKIA**



## DEMOCRACY AND FREEDOM

Institutions protecting democracy in Slovakia are specialized courts - Constitutional courts with its judicial authorities. Their main powers are on interpretation of constitution and constitutional laws; control of constitutionality of laws and lower legal norms; control of compliance of laws and international treaties with the constitution; decision on constitutional complaints; decision on jurisdictional disputes; decision on disputes on the validity of elections and referendum activities of political parties; deciding on actions against the head of state. The Constitutional Court shall be composed of ten judges. Actually the court is complete since October 2019 when the last 6 judges were appointed by the President of the Slovak Republic for a seven-year term (from among the twenty nominees approved by the National Council of the Slovak Republic). Since February 2019

(when majority of former judges have fulfilled their mandate) Slovak public was watching the „political games” among coalition parties regarding this vote. Even former prime minister Robert Fico was trying to become a member of Constitutional court but thanks to some irregularities in his 15 years experience in the legal profession he wasn't recommended. Not to mention his doubtful integrity which is another condition to comply.<sup>19</sup>

The condition of the democracy according to international observes Slovakia's parliamentary system features regular multiparty elections and peaceful transfers of power between rival parties. While civil liberties are generally protected, democratic institutions are hampered by political corruption, entrenched discrimination against the Romany minority, and growing political hostility toward po-

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<sup>19</sup> [www.ustavnysud.sk/sudcovia](http://www.ustavnysud.sk/sudcovia)

<sup>20</sup> [www.freedomhouse.org/report/freedom-world/2018/slovakia](http://www.freedomhouse.org/report/freedom-world/2018/slovakia)

tential migrants and refugees.<sup>20</sup> One current, relevant case demonstrates the fragility of the democracy in Slovakia.

In February 2018, investigative reporter Ján Kuciak and his fiancée were murdered at their home in southern Slovakia. It was the first time in Slovakia's modern history that a journalist was killed because of their work. Kuciak had been working on a report that uncovered alleged links between the Italian mafia and Prime Minister Robert Fico's office. The murder shocked the country and prompted the biggest demonstrations since the fall of communism. Tens of thousands of people took to the streets, demanding an independent investigation and the resignation of the prime minister, the interior minister, and the head of the police. The protesters also called for early elections. In March, an ultimatum from junior coalition partner Most-Híd led to Fico's resignation and a government reconstruction. President Andrej Kiska appointed Peter Pellegrini, a member of Fico's Direction-Social Democracy (Smer-SD)

party, to head the new government. Fico stayed on as leader of Smer-SD's parliamentary caucus.

While Slovakia is free from war, insurgencies, and high rates of violent crime, police abuse of suspects is a persistent problem. Separately, in 2018, Slovak authorities were accused of complicity in the 2017 abduction of a Vietnamese citizen by Vietnamese security services. According to media reports, a Slovak airplane was used in the forced transfer of Trinh Xuan Thanh, a Vietnamese businessman who had sought asylum in Germany, back to Vietnam, where he was convicted of corruption and sentenced to life imprisonment. Slovak authorities admitted to irregularities but strongly denied witting involvement in the kidnapping.<sup>21</sup>

The constitution and other laws prohibit parties that threaten the democratic order. In July 2018, the Special Prosecutor's Office pressed charges against Marián Kotleba, the leader of the extreme right People's Party-Our Slovakia (L'SNS), for demonstrating

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<sup>21</sup> [www.freedomhouse.org/report/freedom-world/2018/slovakia](http://www.freedomhouse.org/report/freedom-world/2018/slovakia)

support for racist and Nazi ideology. Several of his fellow party members were also being prosecuted for similar crimes. The party faces the prospects of dissolution on the grounds that its activities violate the Constitution and are aimed at eliminating Slovakia's democratic regime. L'SNS had entered the parliament in 2016, after taking an unexpected 8 percent of the vote. In April 2019 the Supreme Court dismissed Prosecutor General Jaromir Ciznar's proposal to dissolve the opposition far-right party because of the lack of evidence.

Nearly all relevant political parties have expressed bias against LGBT (lesbian, gay, bisexual, and transgender) people, who are poorly represented in politics. The Romany minority is poorly represented, and there have been reports of vote-buying in Romany settlements in local and regional elections.

Women hold one-fifth of seats in the parliament, and are underrepresented in politics generally. The government has worked to implement action plans aimed at achieving gender equality, but no major changes have been achieved.



## ELECTORAL PROCESS AND PLURALISM

The democracy in Slovakia is granted in Constitution of Slovak Republic. As in all European constitutions among the main principles there are: principle of popular sovereignty, principle of majority, principle of representative democracy, principle of limiting the power and protection of minori-

ties, time limitation of power functions ("government of the time"), principle of division of powers, principle of the inviolability of fundamental rights and freedoms, principle of substantive law.<sup>22</sup> Institutions protecting democracy in Slovakia are specialized courts - Constitutional courts with its

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<sup>22</sup> Klokočka, V., Ústavní systémy evropských států, Praha: Linde, 1996, s. 14

juridicial authorities. Their main powers are on interpretation of constitution and constitutional laws; control of constitutionality of laws and lower legal norms; control of compliance of laws and international treaties with the

constitution; decision on constitutional complaints; decision on jurisdictional disputes; decision on disputes on the validity of elections and referendum activities of political parties; deciding on actions against the head of state.



## **MEDIA FREEDOM AND POPULISM**

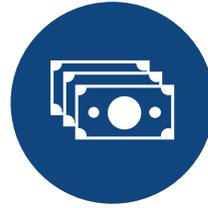
The February 2018 murder of Ján Kuciak, an investigative reporter who was working on corruption and tax fraud cases, represented the worst attack on media in recent Slovak history. Police confirmed that murder was linked to Kuciak's investigative work and charged three suspects in October; one of the suspects linked the murder to a controversial businessman with ties to politicians across the board. The businessman had been arrested in an unrelated case in mid-2018. Shortly after the murder, then prime minister Robert Fico promised a swift and independent investigation. However, Fico himself had been criticized for con-

tributing to the hateful atmosphere against journalists; he has verbally attacked the media throughout his career, and even after his resignation as prime minister in March. In November, after another round of verbal insults, over 500 Slovak journalists published a declaration condemning Fico's attacks. Media ownership is concentrated in the hands of a few business groups and individuals. In addition, concerns over the independence of public broadcaster Radio and Television of Slovakia (RTVS) increased as dozens of its reporters were laid off or left in 2018, citing political pressures by newly appointed editors.



## **EU RELATIONS**

Slovakia joined the European Union in May 2004. It adopted the euro in 2009.



## **CORRUPTION**

Transparency International's 2018 Corruption Perceptions Index ranks Slovakia 57th out of 180 countries and territories. The index measures perceived levels of public-sector corruption using expert assessments and opinion surveys.

# **TENDENCIES, RECOMMEN- DATIONS**

**05**

We found that one of the most threatening phenomenon to these young democracies is the forming of the media-empires and their interlancement with the influential political circles. Within this circumstances, the media literacy education – in the case of the current project targeting youth, but also in general – can be a key element to counter and balance the tendencies.

While talking about media literacy education we talk about the ability to identify different types of media and understand the *messages* they're sending. Kids take in a huge amount of information from a wide array of sources, far beyond the traditional media (TV, radio, newspapers, and magazines). There are text messages, memes, viral videos, social media, video games, advertising, and more. But all media shares one thing: Someone created it. And it was created for a reason. Understanding that reason is the basis of media literacy.

Being able to recognise the goal – the reason behind – the different messages should be in the focus of the educational program while teaching media literacy.

# DEMOCRATIC BACKSLIDING IN THE VISEGRAD GROUP

*A base line study*

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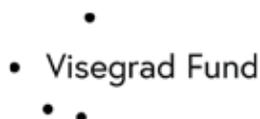
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