

“Democracy in Europe
can no longer be taken
for granted...”

BACKSLIDERS
EXECUTIVE SUMMARY

Jonathan Birdwell
Sebastien Feve
Chris Tryhorn
Natalia Vibla

Demos is Britain's leading cross-party think tank. We produce original research, publish innovative thinkers and host thought-provoking events. We have spent 20 years at the centre of the policy debate, with an overarching mission to bring politics closer to people.

Demos is now exploring some of the most persistent frictions within modern politics, especially in those areas where there is a significant gap between the intuitions of the ordinary voter and political leaders. Can a liberal politics also be a popular politics? How can policy address widespread anxieties over social issues such as welfare, diversity and family life? How can a dynamic and open economy also produce good jobs, empower consumers and connect companies to the communities in which they operate?

Our worldview is reflected in the methods we employ: we recognise that the public often have insights that the experts do not. We pride ourselves in working together with the people who are the focus of our research. Alongside quantitative research, Demos pioneers new forms of deliberative work, from citizens' juries and ethnography to social media analysis.

Demos is an independent, educational charity. In keeping with our mission, all our work is available to download for free under an open access licence and all our funders are listed in our yearly accounts. Find out more at www.demos.co.uk

First published in 2013
© Demos. Some rights reserved
*Magdalen House, 136 Tooley Street,
London, SE1 2TU, UK*

ISBN 978 1 909037 38 0
Series design by modernactivity
Typeset by Chat Noir Design, Charente
Printed by Lecturis, Eindhoven

Set in Gotham Rounded
and Baskerville 10
Cover paper: Flora Gardenia
Text paper: Munken Premium White



BACKSLIDERS: MEASURING DEMOCRACY IN THE EU

Jonathan Birdwell

Sebastien Feve

Chris Tryhorn

Natalia Vibla

Open access. Some rights reserved.

As the publisher of this work, Demos wants to encourage the circulation of our work as widely as possible while retaining the copyright. We therefore have an open access policy which enables anyone to access our content online without charge.

Anyone can download, save, perform or distribute this work in any format, including translation, without written permission. This is subject to the terms of the Demos licence found at the back of this publication. Its main conditions are:

- Demos and the author(s) are credited
- This summary and the address *www.demos.co.uk* are displayed
- The text is not altered and is used in full
- The work is not resold
- A copy of the work or link to its use online is sent to Demos

You are welcome to ask for permission to use this work for purposes other than those covered by the licence. Demos gratefully acknowledges the work of Creative Commons in inspiring our approach to copyright. To find out more go to *www.creativecommons.org*



Contents

Acknowledgements	7
Foreword	9
Executive summary	13
Introduction	27
1 The EU and democracy	33
2 Where is Europe backsliding?	39
3 Measuring democracy: a review of democracy indices	73
4 The Demos EU Democracy Index: rationale and outline	83
5 The Demos EU Democracy Index: results	93
6 How can the EU prevent backsliding?	157
Conclusion and recommendations	171
Annex: Technical appendix	177
Notes	197
References	229

Acknowledgements

First and foremost, we are very grateful to the Progressive Alliance of Socialists and Democrats in the European Parliament for supporting this research. In particular, we are grateful to the President of the S&D Group, Hannes Swoboda MEP, and Members of the European Parliament Sylvie Guillaume MEP and Kinga Göncz MEP for their generous support and helpful feedback throughout the project. Special thanks are due to Linda Moldovan for her constructive feedback and expert management of the project. We are also grateful to Frazer Clarke and Fabrizia Panzetti who kindly provided helpful advice on early drafts of the report.

The authors of this report are not experts in the measurement of democracy, and thus we relied heavily on the advice and support of numerous experts in the field. We'd like to give special thanks to Paul Skidmore, author of Demos' *The Everyday Democracy Index*. We would also like to thank Dr Joachim Wehner, Dr. Sally Stares and Alexander Kleibrink from the LSE, as well as colleagues from Canada including Heather Bastedo, Elisabeth Gidengil, and Stuart Soroka, who took the time to speak with us.

Special thanks are due to long-time Demos collaborators Bryanna Hahn and Marley Morris in helping with the strategy and design of our own EU Democracy Index.

The report also benefited from comments and feedback from numerous academics and experts from our case study countries. Particular thanks are due to Tamás Boros, Risinajumu Darbnica, Zinta Miezaïne and Iveta Reinholde.

As always, this report would not have been possible without the hard work and excellent contribution of numerous Demos interns throughout the course of the project. Thanks are due to Callum Anderson, Toby Bakare, Hedda Bjorge Soremshaugen, Kat Hanna, Kit Hildyard, Edward Horley, Kyriakos Klosidis, Yiannis Korkovelos, Janani Krishnaswamy, Yvette Jacob, Leah Brumer, Rishab Mehan, and Alex Wessely. We would also like to thank David Goodhart and Duncan O'Leary for offering helpful advice on early drafts, and Ralph Scott and Rob Macpherson for seeing the report through publication.

Finally, we would like to stress that the views in this report solely represent those of the authors, and not the Progressive Alliance of Socialists and Democrats or anyone mentioned above who contributed to this research. The subject of democratic backsliding remains an extremely controversial and emotional one and we endeavoured as far as possible to reflect the research and the feedback we received accurately and objectively. All errors or omissions remain ours alone.

Jonathan Birdwell
Sebastian Feve
Chris Tryhorn
Natalia Vibla

Foreword

“Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.”

The preamble to the Charter of Fundamental Rights of the European Union places democracy, the rule of law, and universal values at the core of European construction. More importantly, it places the individual, its rights and duties, at the centre of its activities and of its actions.

The Treaty of Lisbon has marked a major step in the European integration process, going beyond the objectives linked to the creation of a Single Market towards a Union of shared values and rights. The Charter of Fundamental Rights has acquired a *quasi*-constitutional status, becoming the identity card of the European Union both in internal, and external, policies. The European Parliament has become in many policy fields, a fully-fledged legislator and new tools - like the European Citizens’ Initiative - are now available to all individuals for the exercise of democracy in a truly European public space.

Yet, Europe is in the middle of an unprecedented crisis. A crisis, that is not just financial and economic, but one which touches the very democratic foundations of the European project and which cuts deep into its social and political dimensions.

The conservative recipe based on austerity measures and short-term, short-sighted actions has, at its best, barely alleviated the problem, and at its worst, deepened it, plunging societies into the vicious circle of unemployment, poverty and recession.

Poverty is growing again in Europe. A whole generation risks being entirely lost to active life and many individuals are forced to live on low and ever-decreasing incomes and working on part-time or precarious short-term contracts. In these conditions it is more and more difficult to ensure that citizens, young and old, can live and work in dignity.

The failure of Europe to give clear, effective and socially acceptable answers to the economic, social and democratic crisis is having a deep political impact, feeding rising nationalism, Euro-scepticism and political extremism and boosting their distorted narrative, one where Europe is the scapegoat for all problems and nation states are the solution.

This can be the end of the European dream as we know it.

We know contemporary European history and we know how dangerous these trends can be for the future of democracy in Europe. Indeed the very reason for the existence of the European Union has been to overcome divisions that had led to wars and atrocities for centuries and share a common future of peace and prosperity.

Therefore we believe that democracy is the core of the European project and the democratic challenge that Europe is currently facing must be at the centre of our actions.

For this reason the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament has asked Demos to conduct an in-depth, independent analysis of European democracy, to assess parameters and indices that can define its current shape, to outline those actions that can stop and prevent democratic backsliding in Europe and to indicate ways forward for European institutions and policy makers to reinforce and promote democracy, fundamental rights, citizenship and the rule of law.

This study analyses what makes the substance of European democracy today, dealing, not only with formal aspects of democratic dynamics, but also with the material exercise of democratic practices.

It defines a Democracy Index based not only on traditional electoral and procedural indicators, like respect of the rule of law and the level of political stability, but focusing also on essential

dimensions of the democratic process, such as the respect of fundamental rights and freedoms, the tolerance of minorities, the possibility and willingness of individuals to exercise active citizenship and - most importantly - the level of political and social capital in European societies, i.e. the level of trust and satisfaction with politics and democracy and the feeling of autonomy for citizens in Europe.

In presenting this study, we wish to open a wide and thorough debate on European democracy and on democratic participation in Europe ahead of European elections that will take place in 2014.

We feel that, for the first time in its history, the European Union is at an existential crossroads, one that will test the ability of the European integration project to live up to the expectations of European citizens. These expectations concern above all material needs and material rights: employment, salaries, welfare, decent working conditions and education.

However, they also question the idea of European democracy in its essence: that of a European public space where people are part of the decision-making process and where they do not lose but maintain and uphold the right to be active, the feeling to belong to a *polis* of equals, where their voice is heard and their opinion counts.

We believe that a new dimension of parliamentary democracy is needed in the European Union where the European Parliament and National Parliaments are not opposed but cooperate constructively throughout the legislative and political process.

Reinforcing the European dimension of parliamentary democracy must go together with the construction of real European public space, where there is full participation in the political debate, where a political alternative is clear and where citizenship is not a theoretical exercise but a material right.

We think that Socialists and Progressives in Europe must take up this challenge and show that Europe is the solution, not the problem. We must promote those immediate measures that are necessary to address the economic, social, democratic crisis and, at the same time, we must shape a long term, political vision

of Europe and of its future as the promoter of a wide and successful democratic project in the globalised world.

This is a project that places democracy, values and people at the core of its existence and at the centre of its actions.

Hannes Swoboda

President of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament.

Executive summary

The European Union (EU) was ‘founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law’.¹ Until recently, these principles were taken for granted as it was assumed that member states conformed to these democratic essentials. With EU expansion into central and Eastern Europe, these principles took on a renewed importance.

The accession process for new EU member states ensures that new countries adhere to these basic principles of democracy (the so-called ‘Copenhagen criteria’). But there are still few mechanisms at the EU’s disposal for ensuring that member states do not slide backwards and become less democratic once they have been inducted into the Union.

In 2007, the Charter of Fundamental Rights outlined the specific rights and freedoms that all citizens of EU member states should enjoy; in 2009, the Lisbon Treaty gave these rights the force of law.² All member states must now ensure that they do not violate these rights, and must maintain a healthy baseline of democracy.

Economic and fiscal concerns involving the eurozone countries dominate EU discussions and people’s perception of the EU. We argue in this report that in years to come the EU will have an increasingly important function as monitor and protector of democracy in EU member states. The EU should step confidently and vocally into the role of promoter and maintainer of democracy in the region.

This report

This report investigates whether democracy and ‘democratic backsliding’ among EU member states can be measured and

prevented. We conducted a review of democracy indices and constructed the Demos EU Democracy Index as an initial attempt to measure democracy's progression among EU member states. We also conducted an in-depth, qualitative review of seven case study countries.

Literature on democratic 'backsliding' has focused on post-accession compliance with formal institutional commitments,³ such as the focus on the enforcement of minority rights rules,⁴ the correct functioning of political parties and party systems,⁵ and the control of corruption.⁶

However, a weakening civil society, decline in civic participation, decreasing political and social capital, lower levels of voter turnout, a lack of trust in political elites, and the emergence of grassroots populist movements all point to a deeper malaise underpinning the democratic culture in both new and old democracies of the EU.

Where is Europe backsliding?

Reports on democratic backsliding tend to focus on central and Eastern European countries. Hungary has been the subject of criticism and concern following legislation and a number of proposals from the ruling Fidesz Government. Bulgaria and Romania, the most recent EU members, continue to be subject to cooperation and verification mechanisms (CVMs) to monitor their democratic development as a condition of their accession.

However, countries in Western Europe have also come under fire for undemocratic legislation. France has been criticised for controversial policies on religious freedom, and Italy continues to face problems with corruption, organised crime and media ownership.

In this report, we analyse seven countries in Europe that have been subject to criticism. France and Italy are founding members of the EU (from its origins as the European Coal and Steel Community in the 1950s), with long traditions of democratic rule unbroken in the postwar period. Greece, the birthplace of democracy, became the EU's 10th member state when it joined in 1981. It is now overwhelmed by extremely high

unemployment, social unrest, endemic corruption and a severe disillusionment with the political establishment.

The other countries are from the former Eastern bloc: Hungary and Latvia both joined in the sizeable expansion of 2004, while Bulgaria and Romania acceded three years later. Each of these countries has experienced controversies in recent years, sparking concern about undemocratic practices and a transition from Communism that remains incomplete.

We identify five core problems of democratic backsliding:

- *Democratic malaise and public distrust*: Across Europe voters are increasingly dissatisfied with traditional political parties. Parties of protest have been gaining ground with startling success. In Greece, the far right party Golden Dawn made a major breakthrough at the 2012 general elections. In Hungary the far right party Jobbik (Jobbik Magyarországért Mozgalom) has risen rapidly.
- *Corruption and organised crime*: Corruption exists in the most advanced democracies, but the extent to which it flourishes and goes unpunished within a country is a reflection of poor democratic institutions and procedures. The European Commission has estimated that €120 billion, or 1 per cent of the EU's GDP, is lost to corruption each year.⁷ In 2012, Greece was placed 94th out of 176 countries, making it the EU's most corrupt member state.⁸ Italy's problems with corruption are long standing and well known.
- *The justice system*: A healthy and functioning democracy requires an independent judiciary that is free of corruption and political influence. Judicial reform and the independence of the judiciary remain issues of concern, particularly among central and Eastern European former Soviet bloc countries. There have been persistent concerns about the functioning of the judicial systems in Bulgaria and Romania, and more recently in Hungary in response to proposed constitutional changes.
- *Media freedom*: The US watchdog Freedom House produces an annual report on the freedom of the press, which classifies the world's countries into three categories: 'free', 'partly free' and 'not free'. In 2012, four of the EU's then 27 member states failed

to make the grade as ‘free’. In order of concern these were Romania, Bulgaria, Hungary and Greece. Hungary was the only country to lose its ‘free’ status in 2012, dropping six points on the previous year.⁹

- *Human rights and the treatment of minorities:* The pressures of immigration are being felt across Europe, where a high standard of living and the opportunity of employment have attracted migrants from every corner of the world. The treatment of asylum seekers, and two minority groups in particular – Muslims and Roma – have been issues of concern in some EU member states.

A qualitative approach is required to provide the substance and context of democratic backsliding. But a systematic approach to the measurement of democracy is essential to understand how democracy progresses over time, both within countries and across the EU as a whole, and how EU member states compare to each other.

Measuring democracy in the EU

Organisations such as the World Bank, the Economist Intelligence Unit (EIU) and Freedom House have developed indices of democracy to measure the strength and development of democracy across the world. There have been very few attempts to develop a democracy index that is uniquely tailored to the European context.

One attempt was undertaken by Demos in 2008. Demos’ Everyday Democracy Index was a composite index that aimed to measure how democratic principles permeated everyday life in European countries, not just in the formal sphere of politics – institutions and electoral democracy – but equally in workplaces and families.¹⁰

In this report we draw on Demos’ Everyday Democracy Index to construct a new index that is specifically designed to measure the evolution of democracy across EU member states.

The Demos EU Democracy Index

Our EU Democracy Index was compiled through indicators from the World Bank's Worldwide Governance Indicators, the Cingranelli-Richards (CIRI) Human Rights Database, and data from the European Values Study (EVS). We also draw on European level and country-specific research and surveys.

Our selection of indicators was based on the rights and commitments outlined in key EU documents and treaties, the availability of data, the necessary conditions of democracy, and fine-grained measures applicable to advanced democracies, as well as population survey data.

Dimension 1: electoral and procedural democracy

Our first dimension aims to capture the 'essentials' of democracy: the independence of institutions, respect for the rule of law and the absence of violence and corruption. It includes three indicators from the World Bank and one indicator based on electoral turnout:

- indicator 1: political stability and absence of violence (World Bank)
- indicator 2: rule of law (World Bank)
- indicator 3: control of corruption (World Bank)
- indicator 4: electoral turnout (Institute for Democracy and Electoral Assistance)

Dimension 2: fundamental rights and freedoms

Our second dimension aims to capture the rights and freedoms outlined in the EU Charter of Fundamental Rights, including political rights, rights of association, freedom of expression, freedom of the press, freedom of religion and gender equality. The data are based on one World Bank indicator and two indicators from the CIRI Human Rights Project:

- indicator 5: voice and accountability (World Bank)
- indicator 6: freedom of religion (CIRI Human Rights Database)
- indicator 7: economic rights of women (CIRI Human Rights Database)

Dimension 3: tolerance of minorities

Our third dimension focuses on attitudes towards minority groups. The rights of minority groups are outlined specifically under articles 20, 21 and 22 in the EU Charter of Fundamental Rights.

The data are based on examining the attitudes of European citizens themselves using the EVS. Many of the challenges, such as the rise of grassroots xenophobic populism, are best measured through the attitudes of citizens. But it is also important to note that our review of pre-existing indices was not able to identify a standalone, 'objective' measure of discrimination towards minority groups.

The EVS asks respondents to choose which types of people they 'would not like to have as a neighbour'. Our indicators related to intolerance towards six minority groups that were likely to face discrimination:

- indicator 8: intolerance of people of a different race
- indicator 9: intolerance of Muslims
- indicator 10: intolerance of Jews
- indicator 11: intolerance of Roma
- indicator 12: intolerance of immigrants
- indicator 13: intolerance of homosexuals

Dimension 4: active citizenship

This dimension measures the health of EU member states' civic culture and the extent to which citizens are political and civically active. The data are based on three 'indicators' compiled from questions asked in the EVS:

- indicator 14: belonging or civic engagement, including involvement in:
 - political parties
 - trade unions
 - women's rights
 - local community action
 - human rights
 - youth work

- indicator 15: volunteering or active citizenship, which measures levels of active citizenship with respect to volunteering based on the percentages of citizens who say they *work unpaid* for the types of organisation listed above
- indicator 16: protest or political activism, which measures how active populations are in different forms of protest – ‘signed a petition’, ‘joined a boycott’, or had taken part in a ‘lawful demonstration’

Dimension 5: political and social capital

The fifth and final dimension measures how attitudes towards democracy and society are changing in the EU, and whether we can observe increasing or decreasing satisfaction.

The first four indicators explore citizens’ attitudes towards democratic governance and evolving attitudes towards authoritarianism:

- indicator 17: satisfaction with democracy
- indicator 18: intolerance of authoritarianism (strong leader)
- indicator 19: intolerance of authoritarianism (army rule)
- indicator 20: support for a democratic political system

We also use two measures of ‘social capital’, which capture the extent to which citizens trust each other and the extent to which respondents feel they have freedom of choice:

- indicator 21: general trust in people
- indicator 22: control over one’s life and freedom of choice

Longitudinal focus

Measuring democratic backsliding requires a longitudinal approach. We wanted to ensure that our index covered a sufficiently long duration of time to ascertain how democracy across EU member states has fared over the past ten years.

The inclusion of population survey data from the EVS inevitably limits the time frames that can be used. The inclusion

of EVS data limits us to two ‘snapshots’ – in 1999/2000 and 2008 – which are applicable across all the indicators we have chosen and all five dimensions. For the first two dimensions, however, we are able to provide more up-to-date indications of trends through 2012. We also supplement our quantitative index with the most recent in-depth qualitative analysis through the summer of 2013.

Findings: who are Europe’s backsliders?

Our index confirms a common perception that Eastern European countries tend to be at the bottom of democracy measures, while Western and Northern European countries are at the top. This should come as no surprise given that many of these countries only emerged from the shadow of Communism in the early 1990s.

And yet on some measures we see this bifurcation of Europe disintegrating, with Eastern European countries showing notable improvements, while Western European countries appear to be suffering democratic malaise – particularly looking at the views of citizens themselves.

Overall, Greece and Hungary emerge as the most worrying backsliders on measures of healthy democracy.

Priority countries: Bulgaria, Romania and Hungary

Bulgaria and Romania are consistently the poorest performers relative to their EU peers across all five dimensions. Given the histories of these countries, this should not be surprising. But there have also been some modest improvements, for example relating to tolerance for minority groups. Bulgaria was the single biggest improver on the second dimension rights and fundamental freedoms.

Hungary was a significant ‘backslider’ on dimensions 1 and 2 and, worryingly, scored poorly with respect to citizens’ attitudes towards democracy. It was also the poorest performer on our measure of active citizenship. In the past few years, the wide-ranging suite of proposed legislative changes in Hungary has

undermined pluralism and democracy. The popularity of the far right Jobbik party adds to international concern about Hungary.

The faltering Mediterranean bloc

Although Spain, Greece, Italy (and Portugal) were rarely among the worst performers, at least one of them is a backslider for every dimension except dimension 3 (tolerance of minorities). Greece experienced the sharpest declines and it continues to suffer severe strain to its democracy: high unemployment, corruption, social unrest, the rise of extremism and a deep public malaise. Particularly worrying is the fact that it was one of the worst performers on dimension 2, fundamental freedoms and rights.

Italy also was a frequent decliner as it continues to battle endemic corruption and organised crime. The corruption and evasion of prosecution by Prime Minister Berlusconi has undermined the public's faith in social and political institutions. The extraordinary rise of populist Beppe Grillo and the Five Star Movement in the 2013 election reflected the public's frustration.

Democracy in the EU in the 21st century

Our index also provides snapshots of how Europe is doing as a whole since the turn of the century.

Procedural and electoral democracy (dimension 1)

On three out of the four indicators we used, the European average declined successively between 2000, 2008 and 2011. Control of corruption worsened, political stability decreased and the number of people voting has declined. There was significant decline in Greece, Italy and Hungary relative to their peers. Greece declined across rule of law, control of corruption and political stability; Italy declined on rule of law and control of corruption; Hungary showed three successive declines on rule of law and control of corruption. Those at the bottom of the table were Bulgaria, Romania, Greece, Latvia and Lithuania.

Bulgaria, Hungary and Romania showed the lowest levels of voter turnout.

Fundamental rights and freedoms (dimension 2)

The European average score for protection of freedoms and rights has been constant since 2000, though within this consistency some countries have fluctuated. The five worst performing countries are Romania, Latvia, Slovakia, Greece and Bulgaria. Hungary was one of the only countries to show three successive declines, and thus should be a priority. Latvia also declined substantially, driven by its score for freedom of religion and economic rights of women.

Tolerance of minorities (dimension 3)

There are clear limitations to the EVS 'neighbour' question (where respondents choose which types of people they 'would not like to have as a neighbour'), but nonetheless it provides some insight into how people's attitudes towards minorities change. Across Europe, we find that Roma were considered the least desirable neighbour, followed by homosexuals and then Muslims. Overall, Netherlands, Austria, Czech Republic and Slovenia experienced the most significant hardening of attitudes. Those countries below the average on this measure tended to be in Eastern Europe, with Austria and Italy being the exceptions. Of all the minority groups considered, negative attitudes towards Muslims hardened most significantly, rising 4 percentage points from 2000 to 2008.

Active citizenship (dimension 4)

Between 2000 and 2008, Europeans on average tended to become less politically active (signing fewer petitions, joining fewer boycotts and demonstrating less) and less likely to belong to a civic organisation. Volunteering, on the other hand, increased. During the years since 2008 there has been economic recession, unemployment has risen, and there have been banking

and fiscal crises; austerity programmes have been met with significant political protest, and may have impacted on volunteering rates as well. For these reasons this dimension is difficult to interpret – rates of political activism could be tied to corruption, inefficient institutions and social and economic unrest. However, the data suggest that this is not the case. Consistently strong democracies like Sweden, France and Denmark also show the highest levels of political activism, while Bulgaria, Romania and Hungary occupy the lowest positions.

Satisfaction with democracy (dimension 5)

Again, the data here are limited to 2000 and 2008, and it is certain that the years since 2008 will have had a significant impact on citizens' attitudes towards democracy. The banking and eurozone crises have contributed to a sense of an out-of-touch political elite. More recent data from the 2012 DEREK [Demand for Right-Wing Extremism] Index showed that anti-establishment views in Greece had increased drastically, with 62 per cent displaying lack of trust in the political system. Even between 2000 and 2008, however – what many describe as the boom years – satisfaction with democracy in Europe was decreasing. Our index showed the most significant declines in those years in Portugal, Czech Republic, Hungary and Bulgaria. Bulgaria, Romania and Latvia score the worst out of their peers.

Recommendations: what can the EU do to stop backsliding?

Few examples of backsliding are completely obvious or uncontested. In almost every instance, governments vigorously defend decisions that others label as backsliding. The identification of backsliding inevitably involves some level of ambiguity and debate. Care needs to be taken to ensure that identification of backsliding is rigorous and objective, and thus not susceptible to charges of politicisation. The Commission and the European Fundamental Rights Agency must hold the primary role for measuring and enforcing democratic commitments.

Tending to democracy is both a long and a short game. The Commission needs to have the tools to be able to react immediately to an undemocratic development. Infringement procedures are the most common form of redress, but alternative mechanisms include submissions to the Court of Justice of the European Union (CJEU), complaints to the European Parliament Committee of Petitions, traditional nation-state political interventions and citizens' initiatives. At the more extreme end, Article 7 of the Treaty of the European Union also provides the possibility for EU member states to suspend a member state's rights if there is concern that a serious breach of EU principles is at risk or has actually occurred.

Yet, at the same time, such transgressions need to be put into the context of wider democracy development. This should include changes in citizens' attitudes that may be undemocratic. While there is little the EU can do in response to this, or in response to rising levels of support for far right populist parties, citizens' attitudes are nonetheless important to consider in assessing the health and vitality (or lack thereof) of democracy in EU member states.

We make the following recommendations:

- *The Commission should distinguish between core backsliding transgressions and smaller order issues:* It should categorise democratic commitments and backsliding in order of priority and importance – with the possibility of advocating different routes and methods of redress for both. Smaller order issues may continue to be dealt with through infringement procedures, but those issues of a more severe order should necessitate more high profile interventions and public pronouncements.
- *The Commission should produce an annual report that focuses on the overall development of democracy in the EU:* This report should include specific issues of backsliding or infringement of fundamental rights and actions taken to redress these issues. Some issues may not necessitate formal measures or sanctions, but such a naming and shaming of countries periodically could have a positive impact. Building on our index, the Commission's

annual report should include a league table or index of country scores to make it easy to identify trends and put specific actions into a broader context.

- *The European Union Agency on Fundamental Rights must develop a more systematic approach to measuring democracy and backsliding among EU member states:* The production of a single ‘score’ for countries, whether overall or at a dimension level, is reductionist and requires methodological care. It should also be supplemented with in-depth qualitative analysis. Nonetheless, it can be valuable to understand whether a country’s democracy is becoming stronger or weaker, as well as the relative position of EU member states to each other and the overall progression of democracy throughout the EU as a whole. Efforts to measure and monitor backsliding to date have not been sufficient.
- *The Commission needs to ensure sufficient levels of investment for the Fundamental Rights Agency to be able to collect the necessary data and produce a quantitative index that is objective and rigorous:* One of the most important obstacles to a more effective measure and enforcement of fundamental rights is lack of data. This is particularly true with respect to citizens’ attitudes and behaviours captured in dimensions 3, 4 and 5 of our index. Moreover, as our attempt to construct an index shows, building a democracy index that applies to only 27 countries requires more frequent data inputs in order to ensure a stronger statistical underpinning. The Commission should invest in and encourage the gathering of more data on democracy at more frequent intervals.
- *The Commission and the EU should carefully consider the potential backlash of intervening too aggressively and without sufficient data:* Monitoring democracy and confronting backsliding will be messy, inconsistent and at times frustrating. A rigorous approach to measuring backsliding or fundamental right infringements could help to eliminate the possibility of politically charged accusations of double standards, politicisation and hypocrisy. But the EU must also consider the potential negative impact of acting too aggressively. Doing so could fan the flames of domestic populist and anti-EU sentiment in the offending

countries. Providing a rigorous and consistent measure of citizens' attitudes in each country can help the Commission and other relevant EU institutions understand where there is a risk of a backlash.

Demos - Licence to Publish

The work (as defined below) is provided under the terms of this licence ('licence'). The work is protected by copyright and/or other applicable law. Any use of the work other than as authorised under this licence is prohibited. By exercising any rights to the work provided here, you accept and agree to be bound by the terms of this licence. Demos grants you the rights contained here in consideration of your acceptance of such terms and conditions.

1 Definitions

- A **'Collective Work'** means a work, such as a periodical issue, anthology or encyclopedia, in which the Work in its entirety in unmodified form, along with a number of other contributions, constituting separate and independent works in themselves, are assembled into a collective whole. A work that constitutes a Collective Work will not be considered a Derivative Work (as defined below) for the purposes of this Licence.
- B **'Derivative Work'** means a work based upon the Work or upon the Work and other pre-existing works, such as a musical arrangement, dramatisation, fictionalisation, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which the Work may be recast, transformed, or adapted, except that a work that constitutes a Collective Work or a translation from English into another language will not be considered a Derivative Work for the purpose of this Licence.
- C **'Licensor'** means the individual or entity that offers the Work under the terms of this Licence.
- D **'Original Author'** means the individual or entity who created the Work.
- E **'Work'** means the copyrightable work of authorship offered under the terms of this Licence.
- F **'You'** means an individual or entity exercising rights under this Licence who has not previously violated the terms of this Licence with respect to the Work, or who has received express permission from Demos to exercise rights under this Licence despite a previous violation.

2 Fair Use Rights

Nothing in this licence is intended to reduce, limit, or restrict any rights arising from fair use, first sale or other limitations on the exclusive rights of the copyright owner under copyright law or other applicable laws.

3 Licence Grant

Subject to the terms and conditions of this Licence, Licensor hereby grants You a worldwide, royalty-free, non-exclusive, perpetual (for the duration of the applicable copyright) licence to exercise the rights in the Work as stated below:

- A to reproduce the Work, to incorporate the Work into one or more Collective Works, and to reproduce the Work as incorporated in the Collective Works;
- B to distribute copies or phonorecords of, display publicly, perform publicly, and perform publicly by means of a digital audio transmission the Work including as incorporated in Collective Works; The above rights may be exercised in all media and formats whether now known or hereafter devised. The above rights include the right to make such modifications as are technically necessary to exercise the rights in other media and formats. All rights not expressly granted by Licensor are hereby reserved.

4 Restrictions

The licence granted in Section 3 above is expressly made subject to and limited by the following restrictions:

- A You may distribute, publicly display, publicly perform, or publicly digitally perform the Work only under the terms of this Licence, and You must include a copy of, or the Uniform Resource Identifier for, this Licence with every copy or phonorecord of the Work You distribute, publicly display, publicly perform, or publicly digitally perform. You may not offer or impose any terms on the Work that alter or restrict the terms of this Licence or the recipients' exercise of the rights granted here under. You may not sublicense the Work. You must keep intact all notices that refer to this Licence and to the disclaimer of warranties. You may not distribute, publicly display, publicly perform, or publicly digitally perform the Work with any technological measures that control access or use of the Work in a manner inconsistent with the terms of this Licence Agreement. The above applies to the Work as incorporated in a Collective Work, but this does not require the Collective Work apart from the Work itself to be made subject to the terms of this Licence. If You create a Collective Work, upon notice from any Licensor You must, to the extent practicable, remove from the Collective Work any reference to such Licensor or the Original Author, as requested.
- B You may not exercise any of the rights granted to You in Section 3 above in any manner that is primarily intended for or directed towards commercial advantage or private monetary

compensation. The exchange of the Work for other copyrighted works by means of digital filesharing or otherwise shall not be considered to be intended for or directed towards commercial advantage or private monetary compensation, provided there is no payment of any monetary compensation in connection with the exchange of copyrighted works.

- c If you distribute, publicly display, publicly perform, or publicly digitally perform the Work or any Collective Works, You must keep intact all copyright notices for the Work and give the Original Author credit reasonable to the medium or means You are utilising by conveying the name (or pseudonym if applicable) of the Original Author if supplied; the title of the Work if supplied. Such credit may be implemented in any reasonable manner; provided, however, that in the case of a Collective Work, at a minimum such credit will appear where any other comparable authorship credit appears and in a manner at least as prominent as such other comparable authorship credit.

5 Representations, Warranties and Disclaimer

- A By offering the Work for public release under this Licence, Licensor represents and warrants that, to the best of Licensor's knowledge after reasonable inquiry:
 - i Licensor has secured all rights in the Work necessary to grant the licence rights hereunder and to permit the lawful exercise of the rights granted hereunder without You having any obligation to pay any royalties, compulsory licence fees, residuals or any other payments;
 - ii The Work does not infringe the copyright, trademark, publicity rights, common law rights or any other right of any third party or constitute defamation, invasion of privacy or other tortious injury to any third party.
- B except as expressly stated in this licence or otherwise agreed in writing or required by applicable law, the work is licenced on an 'as is' basis, without warranties of any kind, either express or implied including, without limitation, any warranties regarding the contents or accuracy of the work.

6 Limitation on Liability

Except to the extent required by applicable law, and except for damages arising from liability to a third party resulting from breach of the warranties in section 5, in no event will Licensor be liable to you on any legal theory for any special, incidental, consequential, punitive or exemplary damages arising out of this licence or the use of the work; even if Licensor has been advised of the possibility of such damages.

7 Termination

- A This Licence and the rights granted hereunder will terminate automatically upon any breach by You of the terms of this Licence. Individuals or entities who have received Collective Works from You under this Licence, however, will not have their licences terminated provided such individuals or entities remain in full compliance with those licences. Sections 1, 2, 5, 6, 7, and 8 will survive any termination of this Licence.
- B Subject to the above terms and conditions, the licence granted here is perpetual (for the duration of the applicable copyright in the Work). Notwithstanding the above, Licensor reserves the right to release the Work under different licence terms or to stop distributing the Work at any time; provided, however that any such election will not serve to withdraw this Licence (or any other licence that has been, or is required to be, granted under the terms of this Licence), and this Licence will continue in full force and effect unless terminated as stated above.

8 Miscellaneous

- A Each time You distribute or publicly digitally perform the Work or a Collective Work, Demos offers to the recipient a licence to the Work on the same terms and conditions as the licence granted to You under this Licence.
- B If any provision of this Licence is invalid or unenforceable under applicable law, it shall not affect the validity or enforceability of the remainder of the terms of this Licence, and without further action by the parties to this agreement, such provision shall be reformed to the minimum extent necessary to make such provision valid and enforceable.
- C No term or provision of this Licence shall be deemed waived and no breach consented to unless such waiver or consent shall be in writing and signed by the party to be charged with such waiver or consent.
- D This Licence constitutes the entire agreement between the parties with respect to the Work licenced here. There are no understandings, agreements or representations with respect to the Work not specified here. Licensor shall not be bound by any additional provisions that may appear in any communication from You. This Licence may not be modified without the mutual written agreement of Demos and You.

This project was supported by



Group of the Progressive Alliance of
Socialists & Democrats
in the European Parliament

The European Union (EU) was founded on the principles of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms. The accession process for new EU member states ensures that new countries adhere to these basic principles of democracy. But there are few mechanisms at the EU's disposal for ensuring that member states do not slide backwards and become less democratic once they are part of the Union.

Reports on democratic backsliding tend to focus on Central and Eastern European countries, most notably Hungary, Bulgaria and Romania. However, countries in Western Europe have also come under fire for undemocratic legislation, controversial policies on religious freedom and problems over corruption and media ownership.

Backsliders assesses in detail the status of democracy in seven European countries – France, Italy, Greece, Bulgaria, Romania, Hungary and Latvia – and considers how the EU should confront the challenge of upholding strong democratic values in all its member states. It also builds on existing measures from around the world to create a unique index that provides a detailed picture of democracy across Europe. The report concludes arguing that the EU, and the European Commission in particular, needs to fully embrace its role as a democratic protector.

Jonathan Birdwell is Head of the Citizens Programme at Demos. Sebastien Feve is a Programme Associate at the Institute for Strategic Dialogue. Chris Tryhorn is an Associate at Demos. Natalia Vibla is a Doctoral Researcher.

