



REPRESSION AND RESILIENCE: DIAGNOSING CLOSING SPACE MID-PANDEMIC



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Executive summary

The past decade has been challenging for democracy worldwide, with experts pointing to a trend of ‘democratic backsliding’ or ‘autocratisation’ characterised by continued attacks on democratic space. The COVID-19 pandemic has further complicated the picture. The contagiousness and deadliness of the virus forced authorities to implement drastic measures in order to avert more deaths. Temporary limitations to the exercise of fundamental freedoms and democratic practices have thus been justified by overriding public health concerns. Yet, the crisis has also forced governments to tread a thin line between admissible health measures and the blatant abuse of emergency powers, to the detriment of democratic space.

This study illustrates how democratic space was affected by the global pandemic, drawing on case studies from Burundi, Colombia, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Uganda and Venezuela, as well as the wider research community. The research points to the important role of country-specific political developments and other concurring crises in defining the impact of the global pandemic on each country’s democratic space. Across case studies and other literature, we find that the pandemic has aggravated and accelerated existing trends of democratic backsliding. Authorities have been hiding behind pandemic management to further clamp down on civic space, create an uneven level playing field, and undermine the system of democratic checks and balances.

Trends in democratic space amid a global pandemic

The study also identifies several new trends in democratic space during the past year. 2020 saw a major increase in violent attacks on human rights defenders, political activists, civil society staff and media workers, at a time when freedom of assembly and speech were curtailed to curb the spread of the virus. The increased role of the military in leading the pandemic response and ensuring compliance with lockdown measures translated into an increase of excessive and arbitrary use of force by military and police officials.

Alongside that, states of emergency empowered executives to operate with limited or no oversight from parliaments, judicial bodies, and other watchdog institutions, further aggravated by the latter’s slow adaptation to remote settings. The lack of oversight came with a surge in corruption in the procurement of medical supplies, a widespread mishandling of pandemic funds, and the quick passing of legislation unrelated to the pandemic without oversight. Some judiciaries strongly protected fundamental freedoms and countered disproportionate lockdown measures, while some opposition parties saw themselves disadvantaged by online parliamentary proceedings.

The pandemic has also exacerbated intersecting inequalities and systemic discrimination faced by women and marginalised communities, who saw a deterioration in their livelihoods and opportunities for political inclusion, as well as an increase in violence. Whilst the deepening of inequalities is in many cases not the result of a proactive attack on democratic space, it will have long-lasting effects on women and vulnerable groups’ representation and opportunities for participation. Further undermining participation, many elections were postponed or took place in an unfair campaigning environment, where COVID measures were used to repress opposition campaigning without affecting the ruling party. Simultaneously, the rapid digitalisation during the pandemic has been accompanied by new tactics and tools for restricting online democratic space.



Throughout the pandemic, civil society, media and some judiciaries have been critical guardians of democratic space - despite the health and socio-economic challenges experienced by many. Civil society organisations adapted quickly, and shifted their focus to providing essential services and information for at-risk populations when authorities were not able to deliver on basic needs. While this limited civil society's ability to also hold the executive to account, media actors played a critical accountability and public information role despite facing heightened health risks and targeted attacks. In some countries the judiciary managed to uphold constitutionalism in the face of pandemic challenges, yet in other states with a politicised or partial judiciary, judicial institutions have struggled or failed to provide such oversight. The COVID crisis also weakened the oversight of opposition parties, whose scrutiny of increased executive powers and lockdown conditions was often ineffective and fragmented.

Recommendations for building back better

The multiple impacts of the pandemic on trends and actors within the global democratic space could result in a variety of scenarios in the medium term. One possible scenario is a return to the way things were before, reinstating and reinforcing a problematic status quo which has proven disadvantageous to the most vulnerable. Another possibility is that the pandemic could trigger a new era of autocratisation, in which restrictions on fundamental freedoms become a staple for authorities to preserve their power, deter democratic oversight and reduce participation amid a sharp increase in inequality. Another scenario is to build back better, using the lessons learned from the pandemic to drastically reform decision-making, making it more inclusive, equitable, transparent and accountable. Each country will be different and it will require active global, national and local efforts to ensure that democratic space expands in the future.

If the EU and EU Member States truly want to strengthen democratic space in the future, pandemic recovery plans need to go beyond aiming for a return of the status quo to thinking about building back better- a concept specific to each country and context. To this end, we make 8 main recommendations:

1. **Adopt a clear framework for identifying and analysing democratic space**, which brings together existing indices as an objective metric and alert system to measure closing space.
2. **Strengthen global and European cooperation and coordination on democratic space** with like-minded partners, to ensure coherence and effectiveness of action.
3. **Adapt funding modalities and practices to ensure funding empowers change-makers**, from core funding for civil society to existing tools such as budget support contracts and bilateral agreements.
4. **Support structural reform through local civil society** to ensure an inclusive post-pandemic recovery that also defends and expands democratic space.
5. **Embed accountability and transparency in support to democratic institutions and watchdogs**, so as to empower them in effectively countering attacks on democratic space and providing oversight.
6. **Support targeted action on inclusiveness in post-pandemic recovery** to protect democratic space and make it representative of all voices in society.



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7. **Support a democratic digital transition of infrastructure, institutions and oversight actors** that allows democratic space and actors to thrive in the digital environment.
 8. **Lead by example, build back better at home** through innovative and participatory decision-making as well as decisive action against democratic backsliding within the Union.



Introduction

In the spring of 2020, many thousands of people around the world faced the same dilemma: do I go out to join a protest? Or do I stay at home, out of fear for the potential health risks, criticism from fellow citizens and government officials, and protest itself becoming an 'irresponsible' act? This delicate balancing act, between exercising fundamental freedoms and preventing the spread of COVID-19, characterised both individual and government decision-making during the pandemic.

This resulted in broadly two kinds of government responses. In some countries, the pandemic presented the perfect opportunity for autocratising governments to legitimise the closure of democratic space, presenting the choice between freedoms and health as binary. Yet in many other countries, the restrictions on fundamental freedoms were mostly justified to limit the pandemic. In such cases, unjustified restrictions resulted from government uncertainty over the virus' nature, rather than an active attempt to close democratic space.

As the distinction blurred between attempts to limit democratic space and strategies to prevent infection, it became particularly difficult to assess to what extent the pandemic measures affected democratic space globally. As donors and policy-makers around the world are looking to support post-pandemic recovery in partner countries, it is essential to understand how democratic space was affected by the pandemic and how pandemic recovery plans can contribute to strengthening and

expanding space.

This study highlights the features and trends that marked democratic space developments during the COVID-19 pandemic. It builds on nine case studies conducted over the course of July 2020 to December 2020, focusing on Burundi, Colombia, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Uganda and Venezuela.¹ This study also further develops a conceptual framework for understanding democratic space, initially developed in a previous study by the European Partnership for Democracy (EPD) and Netherlands Institute for Multiparty Democracy (NIMD).² The new case studies provide an opportunity to refine the analytical framework and deepen our understanding of 'democratic space' - vis-à-vis the conceptual confusion and tensions with the term 'civic space'.

This paper first details the conceptual understanding of democratic space that underpins the research. The next chapter dives into structural trends in democratic space during the pandemic. The paper then moves on to take a closer look at the actors that defended democratic space during the pandemic. In conclusion, the paper offers some overall reflections and recommendations on what the pandemic means for practitioners, the EU and EU Member States' policies and programming.

1 5 of the case studies were updates to previously conducted case studies in 2017-2019, namely El Salvador, Guatemala, Honduras, Indonesia and Kenya. These countries were chosen for an updated case study due to their diversity in the kinds of attacks on democratic space and their geographic spread. 4 other countries - Burundi, Uganda, Venezuela and Colombia - were added because they have very different political constellations and thus provide insights from different contexts.

2 European Partnership for Democracy & Netherlands Institute for Multiparty Democracy (2020): Thinking democratically: A comprehensive approach to countering and preventing 'shrinking' space. Available [here](#). The research was based on the following country case studies: El Salvador, Georgia, Guatemala, Honduras, Indonesia, Kenya, and Zimbabwe.



A theoretical framework of democratic space

Democratic space as competition and cooperation

A global and systematic trend of restrictions on civil society has been observed since 2012.³ At the same time, research shows a growing trend of challenges and threats to democracy, oftentimes described as ‘democratic backsliding’ or ‘authoritarian resurgence’. These simultaneous challenges have led some policy-makers and practitioners to consider both together as a closing of the broader democratic space.⁴ Yet conceptual confusion remains an obstacle to effective action to counter attacks on democratic space.⁵

We define democratic space as a “produced social space in which there is political contestation and inclusiveness reflected in the extent to which citizens have the opportunity to (a) formulate their preferences, (b) articulate their preferences and (c) have their preferences weighed equally in the conduct of government”.⁶ It is the broader marketplace of ideas and the institutions that uphold a balance between competition and cooperation within the decision-making process over public affairs.

This definition of democratic space was used to conduct in-depth analysis of the different tactics to close democratic space in 7 country case studies, conducted

by the European Partnership for Democracy (EPD) and the Netherlands Institute for Multiparty Democracy (NIMD) from 2017 to 2019.⁷ The research attempted to deepen the understanding of ‘democratic space’ in view of the conceptual confusion and tensions with the term ‘civic space’, and the limited results from the international community’s efforts to counter closing ‘civic space’. This research led to us adopting the following conceptual framework based on 3 pillars:

- **Civic space** is the space within which citizens inform themselves, debate public affairs with others, form opinions, express their views, organise themselves around shared interests, and organise for collective action. Civic space is guaranteed through human rights legislation and requires political will, security and peace, and a rights-respecting administration to uphold it.
- A **level political playing field** is the pluralist public space where different political actors and organised political groups – particularly political parties – compete for public support, in view of winning future elections. A level political playing field requires electoral and political party legislation that is equally beneficial to the incumbent and opposition parties, so that the opposition or new political actors

3 Following the example of the Russian ‘foreign agents’ law in 2012, a global and systematic trend of restrictions on civil society has been identified and labelled as ‘shrinking space’ by many actors in the field. For a chronological overview, see European Parliament (2017): Shrinking space for civil society: the EU response. Available [here](#).

4 Brechenmacher, S. & Carothers, T. (2019): Defending Civic Space: Is the International Community Stuck? Available [here](#). See also: European Parliament (2017): Shrinking space for civil society: The EU response. Available [here](#).

5 Ibid.

6 Netherlands Institute for Multiparty Democracy (2017): Research methodology on closing democratic space.

7 European Partnership for Democracy & Netherlands Institute for Multiparty Democracy (2020): Thinking democratically: A comprehensive approach to countering and preventing ‘shrinking’ space. Available [here](#). The research was based on the following country case studies: El Salvador, Georgia, Guatemala, Honduras, Indonesia, Kenya, and Zimbabwe.



stand a real chance of winning future elections. It also requires a pluralistic media and information environment with equal opportunities for competing over public opinion.

- **Checks and balances** safeguard the separation of powers and accountability mechanisms between the different democratic institutions and particularly between the executive, legislative and judiciary branches of government. An institutional structure of checks and balances requires an independent judiciary, a well-functioning legislature and the rule of law.

This conceptual framework was further tested and refined through the 9 country case studies conducted in 2020, leading to new insights based on the pandemic and to a reinforced understanding of the tactics employed in closing space.⁸

Three pillars of democratic space - before and during the pandemic

Attacks on democratic space can similarly be categorised into 3 tactics based on the 3 pillars: closing civic space; creating an uneven playing field; and undermining checks and balances. This section summarises the variety of tactics for closing democratic space under each pillar and details examples of what these traditional tactics of closing space looked like during the pandemic.

1. Civic space

Closing space is most often understood as attacks on

civic space more narrowly, encompassing the various legal, administrative, extra-legal and political measures to limit freedom of expression, press, assembly and association. Such attacks thereby inhibit free democratic debate and the proper functioning of media outlets, emerging political (opposition) forces, and civil society organisations (CSOs).⁹ According to the Varieties of Democracy Institute, threats to freedom of expression and the media have intensified in the greatest number of countries over the last decade, while repression of civil society has worsened substantially in 50 countries over the past ten years.¹⁰

Legislative restrictions: In recent years, at least 50 countries have implemented legislative measures that interfere with the right to freedom of association, restricting the work of CSOs and the individuals involved in civil society actions.¹¹ These laws often target CSOs by restricting their operational environment through administrative, registration, and funding requirements. Other measures effectively silence specific voices deemed to be unacceptable such as the LGBTQI community and women, for example by criminalising content shared by those same voices on the basis of vague norms. The EU's Fundamental Rights Agency and Amnesty International have both documented similar obstacles to a conducive regulatory environment for civil society in Europe.^{12 13}

During the pandemic, many limitations were placed on freedom of movement and assembly, thereby adopting measures that effectively limit civic space. While many of the restrictions were justified by the pandemic, others were not. Many journalists, for instance, found themselves unable to accurately report the news due to curfews, and were subjected to police brutality when

8 The case studies were chosen to represent a diversity of regime types and experiences of closing space. Building on the expertise gathered through the previous case studies in 2017-2019, 5 case studies were updated to enable a strong comparison between the pre- and mid-pandemic situation. This was complemented with 4 specific cases that added a new dimension to the analysis: a post-conflict country (Colombia), a country with an institutional crisis (Venezuela), and 2 countries where elections were held during the pandemic (Uganda, Burundi).

9 CIVICUS (2018): What is civic space? Available [here](#).

10 V-Dem (2021): Autocratization Turns Viral - Democracy Report 2021. Available [here](#).

11 European Parliament (2017): "Shrinking space for civil society: The EU response." Available [here](#).

12 EU Agency for Fundamental Rights (2018): Challenges facing civil society working on human rights in the EU. Available [here](#).

13 Amnesty International (2019): Laws designed to silence: The global crackdown on civil society organisations. Available [here](#).



breaking curfew. In Hungary a pandemic bill was passed that imposed sentences for up to five years in prison for spreading COVID misinformation that hinders the pandemic response from the government, resulting in widespread self-censorship by the media and citizens.¹⁴ Other legislative restrictions also served to silence and ostracise certain communities, such as the LGBTQI community through a gendered lockdown in Colombia. The case studies did not point to an increase in the adoption of legislation that restricts CSOs' ability to operate.

Administrative measures: Several administrative measures can be used to restrict civic space. Among them we find the politicised implementation of existing laws, the refusal to operationalise laws, the imposition of burdensome bureaucratic procedures, and the usage of vague or old legislation to harass CSOs. Administrative measures are also used to limit freedom of the press through government intermediaries such as media regulators.

The use of administrative measures to limit civic space was most visible during the pandemic in the excessive deployment of the military for policing lockdown measures and extending public services. In Indonesia, for instance, four military institutions were placed at the forefront of the government's pandemic response, thereby legalising the military's re-entry in non-military activities in the name of a global emergency, in a country with a history of military rule. While resorting to support from the military is justified in a public health crisis, excessive military deployment sets a dangerous precedent and is hard to reverse after the pandemic.

Extra-legal and political measures: Extra-legal measures to restrict civic space include smear campaigns; verbal and physical acts of violence and intimidation;

false accusations against activists and journalists; and rhetorical attacks to undermine the legitimacy of civil society.^{15 16} The resulting hostile environment undermines public trust in CSOs, while intimidating and demotivating staff and reducing their ability to function effectively.¹⁷ Although the majority of these measures are state-sponsored, private companies and anti-pluralist civil society and opposition groups can also decide to resort to them to cement their interests.

The pandemic came with a major increase in the number of violent attacks against civil society, human rights defenders and journalists, including extrajudicial killings as well as an upsurge in online harassment. In addition, many marginalised communities such as migrants and Roma people were accused of spreading the pandemic. While it is hard to prove who is behind these repressive actions, it is clear that no pandemic can ever justify such repression and environment of intimidation.

2. Level political playing field

A second tactic to attack democratic space is the creation of an uneven level playing field for political contestation. The tactic limits the inclusiveness of electoral and policy-making processes, thus greatly reducing the representativeness of the government.

Abuse of state resources: One established strategy is the abuse of state resources and institutions by the ruling party to obtain an unfair economic and political advantage. Targeted investment in key districts and specific development projects, together with excessive campaigning spending, are oftentimes used to consolidate the ruling party's gains before an election. Likewise, public broadcasting and media are often coopted to limit the space for political competition.

¹⁴ The Guardian (2020): "Hungary passes law that will let Orban rule by decree". Available [here](#).

¹⁵ European Partnership for Democracy & Netherlands Institute for Multiparty Democracy (2020): Thinking democratically: A comprehensive approach to countering and preventing 'shrinking' space. Available [here](#).

¹⁶ Oram, J. & Doane, D. (2017): Why shrinking civil society space matters in international development and humanitarian action. Available [here](#).

¹⁷ EU Agency for Fundamental Rights (2018): Challenges facing civil society working on human rights in the EU. Available [here](#).



Moreover, ruling parties can indirectly skew the playing field in their favour by exerting power and legal influence over other state institutions and governmental bodies, such as those organs responsible for electoral management.

The abuse of state resources during electoral campaigns amid the pandemic was most visible in the selective enforcement of COVID measures by police forces on campaigning activities of the opposition. In Uganda, pandemic measures were used to justify a ban on party meetings, assemblies and campaigning events of all opposition parties, with excessive use of force by the police. At the same time, the ruling party continued to campaign and meet with its electorate in person without any restrictions or safety precautions.

Electoral reforms: Reforms of electoral law may place high barriers to entry, either through registration requirements or electoral thresholds, with the result of restricting voters' options and creating an advantage to large political parties such as the ruling party. At the same time, ruling parties can purposefully obstruct positive democratic reform because the status quo already favours their hold on power. As a consequence, voting becomes the least effective way to effect change and becomes discredited in the eyes of citizens.

While some governments, like in Venezuela, used the pandemic's lack of oversight to reform their electoral legislation, this was the exception rather than the rule.

Illicit campaign finance: Campaign finance collected through opaque practices greatly undermines fair competition of political groups.¹⁸ Political parties at times engage in rent-seeking behaviour by succumbing to powerful economic interests - including those of criminal groups - to obtain sufficient resources for their operations.

In many countries, public procurement processes regarding pandemic equipment served to enrich elites rather than alleviate societal needs, with much public funding lost to corruption. While this was generally not directly related to campaign funding, it did fuel the corruption networks that are at the basis of illicit campaign finance.

3. Checks and balances

A third tactic to close democratic space is the undermining of the rule of law, the separation of powers, and the system of checks and balances that are all key to healthy democracies.

Independence of the judiciary: The role of the judiciary to defend fundamental freedoms and uphold the constitution makes it a primary target of such attacks. The appointment of partisan figures and the dismissal of independent judges are two common ways to compromise judicial independence.

The adaptation to the online working environment and state of emergency greatly limited the ability of judiciaries to oversee the executive, and it was not necessarily the result of deliberate attacks on democratic space. The passing of an excessive number of bills under the emergency state, however, did greatly compromise the judiciary's ability to uphold constitutionalism. In cases like Columbia, where many of these bills were not related to the pandemic at all, this can be considered as an intentional attack on the judiciary's ability to operate and oversee the executive.

Impunity: The politicisation of legal processes allows impunity and violence to thrive: this endangers the action and lives of human rights defenders¹⁹, journalists²⁰, and civil society representatives.²¹ The ensuing erosion of the rule of law has an unmeasurable negative impact on

18 OECD (2016): Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture. Available [here](#).

19 OHCHR (2019): Report on impunity for human rights violations and abuses committed against human rights defenders. Available [here](#).

20 UNESCO (2020): Director-General's report on the safety of journalists and the danger of impunity. Available [here](#).

21 Open Government Partnership (2019): Defending Activists and Journalists: Open Government Partnership Global Report. Available [here](#).



civic space and citizens' trust in democratic institutions and political processes.

In countries where impunity was already rife, the pandemic allowed impunity to spread even more amid the rise in violent attacks on human rights defenders and media workers during the pandemic.

Legislative oversight and transparency: The new case studies emphasised the importance of this newly added tactic against the rule of law and checks and balances. During the pandemic, legislative oversight was limited by using the digital meeting tools (such as disabling the chat and muting legislators), but also by using the state of emergency for limiting legislative oversight and transparency. These new tactics of the pandemic environment may well have repercussions on the post-pandemic environment.

Restricting civic space, closing the space for political contestation and stifling the rule of law are different 'tactics' towards the same end: gradually silencing dissent and concentrating power in the hands of the few. Both the case studies and a wider review of the civic space and democratic backsliding literature affirm that this phenomenon is deeply embedded in the wider trend of regressing democratic space and authoritarian resurgence. Various tactics may be used in combination and at different points in time by a wide range of autocratic state and non-state actors alike, exemplifying the multifaceted and non-linear nature of the phenomenon.



Key features of democratic space during COVID-19

In many ways, trends in democratic space during the pandemic were very similar to those we know from the past, and often reflected existing political dynamics. In many countries, political dynamics that preceded the pandemic - such as anti-democratic leadership in El Salvador, a fragmentation of political opposition in Kenya, or delays in the Colombian peace process - defined the political conditions for the management of the pandemic. In countries with elections such as Burundi and Uganda, the year 2020 was characterised by the electoral process in the conditions set by the pandemic. In other countries, the pandemic was just one of multiple crises - such as the ongoing institutional crises in Venezuela and Guatemala, and the hurricanes affecting over 4 million people in Honduras.

The pandemic measures generally aggravated and accelerated ongoing trends in democratic space. The kinds of attacks on civic space identified by EPD and NIMD in the previous round of case studies in Indonesia and Kenya were mirrored in the new case studies in these countries. The corruption problems identified in Honduras before the pandemic in the 2017 case study were similarly mirrored in the purchase of pandemic equipment in 2020.

At the same time, the role played by the executive branch of government in the response to COVID-19 opened up new possibilities for concentrating power and restricting democratic space, often even with approval or lack of opposition from the public. As governments had to strike a balance between fundamental freedoms and public health, many governments restricted space with the purpose of halting the spread of the pandemic and saving lives. Many such restrictive measures were

applauded by the population, calling for clear and strong leadership to manage the pandemic. In cases like Brazil where the government decided not to put up restrictions for protecting people's health, people protested the lack of adequate protections.²² Yet in other cases, the restrictions on democratic space were clearly politically motivated, rather than measures for the protection of people's health. Executives then simply used the pandemic as an excuse to legitimise their centralised leadership. Regardless of the executive's motivations, people's support for restrictive measures was never universal, with large discrepancies in support between those with the luxury of home office and those who were economically dependent on free movement and assembly.

Building on these nine case studies conducted over the course of July 2020 to December 2020, this section highlights 7 new or amplified trends in democratic space directly related to pandemic measures.

Increase in violent attacks on democracy defenders

Across nearly all case studies, the period of the pandemic saw a major increase in violent attacks on human rights defenders, political activists, civil society staff and media workers. In Guatemala, as many reported cases of harassment of human rights defenders and activists occurred in the first half of 2020 as in all of 2019. In Colombia, 100 human rights defenders were murdered between January and May, as death squads exploited the lockdown to silence critical voices. El Salvador also saw a major increase in harassment of

²² See for instance the protests in Brazil. Al Jazeera (2020): "Deny and Defy: Bolsonaro's approach to the corona virus in Brazil". Available [here](#).



journalists during the pandemic, with 65 violations of journalists' rights reported from mid-March to the end of July, particularly online aggression against female journalists. A similar situation unfolded in Honduras, with 41 aggressions against journalists during the lockdown. While assassinations of journalists are extremely rare in Venezuela, two such killings happened in August.

The consistent increase in human rights violations of civil society, media workers, and activists is mirrored in other research. According to a report recently released by Human Rights Watch²³, in more than 90 countries around the world governments have used COVID-19 as justification to silence criticism of the measures taken to contain the spread of the virus, but several have also suppressed dissent unrelated to the pandemic. Violations against human rights defenders, journalists and activists include physical abuse, killings, arbitrary detentions and trials, shutdown of the media, and the enactment of vague laws criminalizing assembly, speech and the spread of alleged misinformation.

Various countries, including Honduras and Kenya, saw freedom of expression and the press hampered as a result of restrictions on the work of the press, arbitrary detentions of journalists, and limitations in their work due to curfews. According to the 2020 Report of the Varieties of Democracy Institute, repression of civil society, freedom of expression, and media intensified in 2020 and has been further exacerbated by the COVID-19 pandemic due to the derogation of non-derogable rights in some countries.²⁴ In these cases either the government failed to protect their citizens, or it was the main perpetrator of the infringements on fundamental freedoms.

Freedom of assembly and the right to protest became particularly contested during the various lockdowns. A global analysis by Amnesty International concludes that

most governments, including European ones, imposed blanket bans on protests and demonstrations, with excessive force used in cracking down on them.^{25 26} Many governments enforced curfews too, which limited both journalistic activities and civil society activities. Where the opposition had successfully mobilised numerous large-scale protests in Venezuela ahead of the pandemic, the lockdown saw such violent police repression of protests - with the use of firearms, tear gas, and illegal searches and seizures of both protestors' and onlookers' homes - that citizens were deterred from participating. Political protests made way to protests calling for food security and basic public services. When political protests did take place, protestors and organisers were often discredited for being disloyal at a time of crisis and for flaunting social distancing rules.

Militarisation

Along with the state of emergency, many countries placed the military at the forefront of the pandemic response. This was done through increased budgets, an increased role in non-military activities and public life, and soft power campaigns seeking to boost the public image of the military, as observed in El Salvador, Guatemala, Indonesia and Venezuela. Patrolling the streets to ensure compliance with pandemic measures, the military was in some cases responsible for arbitrary and illegal detentions, brutality towards citizens, unwarranted house seizures, extrajudicial killings, and the disproportionate use of specific state of emergency powers (El Salvador, Venezuela, Guatemala, Indonesia, Uganda).

The pandemic provided an excuse to place the military at the heart of public life and increase the powers of the military, in some cases empowering them to dissolve demonstrations and arrest people without a warrant

23 Human Rights Watch (2021): Future Choices - Charting an Equitable Exit from the COVID-19 Pandemic. Available [here](#).

24 V-Dem (2021): Autocratization Turns Viral - Democracy Report 2021. Available [here](#).

25 Amnesty International (2021): Amnesty International Report 2020/21: The state of the world's human rights. Available [here](#).

26 Not all countries restricted the right to protest. Countries like Brazil and Nicaragua allowed for demonstrations to continue well after the first cases of covid were discovered. In these cases, however, this was linked to an unwillingness to limit economic activity and acknowledge the severity of the crisis.



(Guatemala). In El Salvador, the armed forces and the national police arbitrarily and illegally detained many thousands of people, who were locked up in large overcrowded internment camps called “containment centres”, where the virus spread rapidly. The practice was maintained for months before it was forcibly stopped by a decision of the Constitutional Court. Such a strong military presence went alongside a propaganda campaign about the importance of the military in public life. As the researcher in El Salvador stated, “even though these measures are not anti-democratic per se, their military implementation and the subsequent decrees stretched constitutionality to the limit.”

The unchallenged role of the military poses many other risks, most importantly to fundamental freedoms and civil liberties. In Guatemala, for instance, the state of siege allowed the security forces to dissolve demonstrations and public meetings without a warrant, making community organising and political opposition particularly challenging. In countries with a history of military rule, like Indonesia, the military’s re-emergence in public and political life is a threat to democracy itself. The pandemic was seen as an excellent opportunity to legalise such re-emergence.

Excessive police force

The deployment of security forces in several countries across the globe to enforce emergency law and support the measures imposed to control the spread of the virus has been accompanied by the increasing militarisation of law enforcement and excessive police brutality. The UN High Commissioner for Human Rights, Michelle Bachelet,

reported shortly after the outbreak of the pandemic on an excessive use of force by police and other security forces to implement emergency measures.²⁷ The emergency nature of deployment implies in some cases a weak control over security forces’ behaviour, and, as a consequence, more room for abuse and corruption.²⁸

Amnesty International documented cases in 60 countries in all regions of the world where authorities - in particular police forces or other agencies carrying out law enforcement functions - committed human rights violations in the name of tackling the virus.²⁹ Human Rights Watch reported that military or police forces have used excessive, and at times lethal, force - with apparent impunity - in at least 18 countries while enforcing COVID-related measures. Other violations included firing live ammunition at peaceful protesters, beating them, and assaulting them while in detention.³⁰

The case studies provided similar evidence for an increase in police brutality. At its most extreme, Uganda allowed for capital punishment for the disregard of certain COVID measures. Over 50 people died - and many more were injured - between March and November due to police enforcement of COVID-19 measures, and many journalists were arrested and attacked. In these cases, the oppressive actions of security services likely reinforced long-standing resentment against the state, distrust towards security forces and inter-communal tensions.³¹

27 United Nations (2020): COVID-19: Exceptional measures should not be cover for human rights abuses and violations (speech Bachelet). Available [here](#).

28 According to Transparency International, in many countries police officers and soldiers are demanding bribes from people who pass roadblocks, stay out past curfew, and want to leave quarantine centers. More information available [here](#).

29 Amnesty International (2021): COVID-19 Crackdowns: Police Abuse and the Global Pandemic. Available [here](#).

30 Human Rights Watch (2021): COVID-19 Triggers Wave of Free Speech Abuse. Available [here](#)

31 International Alert (2020): COVID-19: Security forces must stop using violence and be part of the solution. Available [here](#). See also: Al Jazeera (2021): “The problem with army enforced lockdowns in the time of COVID-19”. Available [here](#); E-International Relations (2020): Human Rights and Democracy Amidst Militarized COVID-19 Responses in Southeast Asia. Available [here](#); and Mani, K. (2020): “The Soldier Is Here to Defend You: Latin America’s Militarized Response to COVID-19”. Available [here](#).



Keeping the executive in check – oversight and rule by decree

While states of emergency can be necessary for quick and effective action to curb emergencies such as a global pandemic, in a democracy a state of emergency needs to be temporary and guided by the principle of proportionality.³² Restrictions taken to respond to an emergency must be publicly justified by legitimate public goals.³³ A state of emergency allows governments to limit certain civil liberties and pass legislation more quickly and less transparently, due to limited oversight from parliamentary institutions and other watchdogs.³⁴ This creates opportunities for abuse, which was observed in half of the case studies, namely Indonesia, Guatemala, Colombia and Venezuela. The cases of Colombia and Venezuela are most telling of what the abuse of limited oversight could practically result in.

The case studies showed how states of emergency have been used to quickly pass laws at a time of limited oversight, in such high numbers that it was impossible for either the legislative or the judiciary branch to properly oversee the legislation. A telling example is the case of Colombia, where 72 decrees and laws and dozens of resolutions and administrative acts were passed in the first month of the pandemic. These covered economic, tax, civil, labour and criminal matters, some directly related to the pandemic response, but others completely unrelated. For instance, a constitutional reform to allow for life imprisonment for child rapists was adopted under the state of emergency in Colombia. This had no relation to the pandemic and would not have been possible to adopt if following regular legislative procedures, as the wider public is generally opposed to life imprisonment. As the researcher put it, *“through the state of emergency declared due to the epidemic, the government has found*

a way to accumulate power to override Congress and the courts, and its ultimate goal seems to be the use of this newfound power to weaken the peace accords and their implementation.”

While Venezuela had been in a state of emergency since 2016, the pandemic gave the excuse to further enhance the emergency powers of the executive. Within this time of reduced oversight, an NGO law limiting NGO and humanitarian organisations’ ability to register and receive foreign funding was adopted. Even more troubling is the Supreme Court intervention which rendered the existing electoral law void, creating a new paralegal framework for the 2021 legislative elections. The national elite thereby completely skewed the playing field in favour of the ruling party with an increased number of deputies, a redistribution of seats per state, and by dismantling the system of indigenous peoples’ representation.³⁵ While it is not inconceivable that the ruling elite would have made this move regardless of the pandemic, the pandemic allowed for an accelerated passage of decisions which prevented the public or opposition groups from opposing such decisions.

That being said, not all governments used the state of emergency and limited oversight to push through repressive legislation. In Guatemala, for instance, a package of repressive laws that would have undermined civil liberties was tabled in parliament prior to the pandemic, but was not pushed through during the pandemic itself. In Honduras, a number of rights restrictions considered to be disproportionate – such as restrictions on freedom of expression, association, 24-hour detention and bail – were initially passed under the state of emergency. These measures, however, were overturned upon pressure from the judiciary and civil society. The way the state of emergency was used thus

32 European Partnership for Democracy (2020): Joint statement: Democratic principles in a time of crisis. Available [here](#).

33 OHCHR (2020): Press release: COVID-19: States should not abuse emergency measures to suppress human rights. Available [here](#).

34 Open Government Partnership (2020): Statement on the COVID-19 response from civil society members of OGP Steering Committee. Available [here](#).

35 Abdul, R. et al. (2020): Misión de estudio IDEA Internacional-UCAB sobre las condiciones del proceso electoral parlamentario 2020 en Venezuela - Resumen. Available [here](#).

varies across countries depending on the willingness of the executive to abide by the constitution and democratic principles.

Accountability while working online

A more broadly recurring limitation to oversight was caused by the adaptation to the online working environment, which was also a major factor inhibiting oversight by the judiciary and legislative branch.³⁶ At the start of the pandemic, many institutions forming part of the judiciary branch were temporarily closed. When these institutions reopened, several had to strategically pick which of the laws they would address, as it was not possible to scrutinise all newly passed legislation. In Colombia, researchers found that a lot of the government's activities at the height of the crisis were in fact unconstitutional – even under a state of emergency – but as the courts were still adapting to the pandemic working environment, they were not functionally capable of holding the government in check.

Similarly, Parliaments also had to adapt to the new remote working environment with their own specific challenges. For instance, accessing essential data and other types of information required for legislative discussion became more challenging. The struggle in making the parliamentary process digital often resulted in limited engagement with experts, advisers, civil society, and other affected stakeholders – with negative consequences for legislative inclusiveness and participation.³⁷

In addition, delegates in legislatures across countries stressed how virtual proceedings were favourable to the ruling party. In addition to the hosts' ability to mute people

and disable the chat, and the decreased transparency of record-keeping, the opposition could not apply many of the strategies that they usually used to influence power in the legislature. In Colombia for instance, the lack of negotiation outside the Congress plenary made it far more difficult for opposition actors to form coalitions, and the opposition could not derail the quorum as they otherwise would have had the capacity to do.

Limited transparency and increased corruption

With the state of emergency and the external funds and loans for pandemic-management and recovery, many countries saw an increase in corruption and decrease in the transparency of government spending. Governments and authorities everywhere were under pressure to purchase public goods with extreme urgency, in a highly uncertain and constantly changing environment.³⁸ As a result, public actors were more likely to fail to abide by the rulebook in order to quickly 'seal the deal' and avoid delays related to the completion of paperwork and other procedures.³⁹

Under these conditions, deep-rooted vulnerabilities in public procurement have been exposed and exacerbated, leading to increased corruption and intransparent practices. Looser requirements and under-the-table procurement processes contribute to cronyism and the infiltration of criminal actors into public service delivery. The scarcity of medical supplies further strained the procurement process by creating unequal competition. Since governments were willing to pay any price to secure essential goods, suppliers succeeded in demanding and obtaining higher prices.⁴⁰ As a result, a non-negligible section of global investments in healthcare did not benefit the public.

36 For an overview of the impact of COVID-19 on the judiciary, see UNODC (2020): Ensuring Access to Justice in the Context of COVID-19. Available [here](#). For an EU-level overview of the pandemic's impact on member state judiciaries, see Civil Liberties Union for Europe (2021): EU 2020 - Demanding on Democracy. Available [here](#).

37 Westminster Foundation for Democracy (2021): Legislative leadership in the time of COVID-19. Available [here](#).

38 OECD (2020): Public procurement and infrastructure governance: Initial policy responses to the coronavirus (COVID-19) crisis. Available [here](#).

39 The Economist Intelligence Unit (2020): The future of public spending: Responses to COVID-19. Available [here](#).

40 Transparency International (2020): Corruption and the Coronavirus. Available [here](#).



Price gouging has been particularly damaging for public bodies acquiring personal protective equipment against COVID-19: several governments purchased masks at 25 times the original price⁴¹, while the World Bank estimated that prices have gone up 2,000% for some items.⁴² The WHO reported that the price of N95 respirators have trebled and that of medical gowns have doubled,⁴³ at the expense of the health of frontline personnel and vulnerable citizens.

The case studies similarly saw an abuse and mismanagement of state and external pandemic resources, for the benefit of elites and at the expense of public health. In Kenya and El Salvador in particular, major irregularities were seen in public procurement to counter the health and food crisis. In both cases, investigative journalists were the strongest oversight actors, scrutinising public information and uncovering major irregularities and corruption cases.

An investigative report in Kenya dubbed “COVID-19 millionaires” revealed how connected companies and individuals made billions of Kenyan Shillings from COVID-19 funds through dubious tendering processes for medical products.⁴⁴ The discovery of the corruption left Kenyans outraged and led citizens to pressure the government on social media on an unprecedented scale. The media investigations and social media protests were met with some success, leading to proper investigations by an anti-corruption commission and suspensions in the health ministry. The mismanagement of pandemic funds awakened a sense of injustice and led to more vigorous calls for greater democracy from Kenyan citizens.

In addition to the mismanagement of funds, most governments studied in the country cases became less transparent. This ranges from the failure to proactively publicise relevant information, to a lack of public consultation for the adoption of new laws. In Indonesia, a Mineral and Coal Mining Law was passed without any stakeholder consultation, completely bypassing civil society. In contrast, Honduras saw a government effort to increase transparency at the time of the pandemic, with a new regulation to establish transparency institutions and digital administration. Yet this same country was also marred by irregularities in the purchasing of health equipment, with audits showing criminal elites were involved in the purchasing and contracts for hospital mobiles and beds.

Rights of women and disadvantaged people

As the pandemic reinforced existing trends, women and disadvantaged communities were most affected by the pandemic itself and by the measures that came with it. A major increase in domestic and gender-based violence was observed around the world,⁴⁵ as exemplified by the worrying increase in the number of calls recorded by national women’s helplines worldwide after the introduction of lockdown measures.⁴⁶ This global trend was reflected in the case studies.⁴⁷ In Colombia, the number of phone calls to report domestic violence episodes across the country increased 142% during the first three weeks of confinement. A similar increase in domestic violence occurred in Guatemala, where the Presidential Secretariat for Women was closed

41 Transparency International (2020): First Response: Procure Medical Supplies at Any Cost (and Risk). Available [here](#).

42 The Economist Intelligence Unit (2020): The future of public spending: Responses to COVID-19. Available [here](#).

43 WHO (2020): “News release: Shortage of personal protective equipment endangering health workers worldwide”. Available [here](#).

44 BBC News (24 September 2020): “Coronavirus corruption in Kenya: Officials and businesspeople targeted”. Accessed on 26/03/2021, available [here](#).

45 Amnesty International (2021): Amnesty International Report 2020/21: The state of the world’s human rights. Available [here](#).

46 UNODC (2020): Research brief: What crime and helpline data say about the impact of the COVID-19 pandemic on reported violence against women and girls. Available [here](#).

47 Particularly in Honduras, El Salvador and Colombia.



permanently at the time it was most needed.

On top of that, the pandemic measures disproportionately affected the labour market segments occupied by women, who make up the majority of workers in the informal economy and have been left without social benefits or other forms of employment protection. Among informal economy workers significantly impacted by the crisis, 42% of women workers are working in high-risk sectors, compared to 32% of men.⁴⁸ In Honduras, for instance, many women faced indefinite suspensions of contracts and the flexibilisation of working conditions. Such job loss and insecurity also greatly affects other rights of women, particularly within their relationship or marriage, as it reduces women's independence.

If women already bear the burden of intersecting inequalities when accessing health services, the COVID-19 pandemic has made it even harder to obtain treatment

and crucial information. The diversion of resources from women's sexual and reproductive services to pandemic provisions - particularly in rural and isolated communities - risks precipitating a crisis for women and girls' rights that includes increased STDs, maternal mortality and morbidity, teenage pregnancies, child marriage, and female genital mutilation.⁴⁹

Furthermore, women were generally expected to take over childcare and schooling when schools closed. It is estimated that women's time spent on this unpaid work has increased by 34% on average, compared to a 29% increase for men, who were performing far fewer of such tasks to begin with.⁵⁰ In some cases, due to economic uncertainty, women are forced to leave their children without adult supervision while they go to work. Overall, women's caregiving responsibilities restrict their working hours and earnings while limiting the quality and quantity of jobs available to them.⁵¹ Similarly, unpaid

48 International Labour Organization (2020): COVID-19 and the world of work (3rd edition). Available [here](#).

49 UN Women (2020): The impact of COVID-19 on women. UN Women Policy Brief. Available [here](#). Plan International (2020): Halting Lives: The impact of COVID-19 on girls and young women. Available [here](#).

50 UN Women (2020): The impact of COVID-19 on women. UN Women Policy Brief. Available [here](#).

51 Grantham, K. et al. (2021): Evidence Review of the Global Childcare Crisis and the Road for Post-COVID-19 Recovery and Resilience. Available [here](#).



labour and caregiving tasks curtail the time that women can dedicate to participation in political life, including as political leaders.

The lockdown itself was in some countries also gendered, by only allowing a particular gender to leave the house on specific days, like in Bogotá in Colombia for instance. This further strengthened gender roles and stimulated police brutality and discrimination against trans, non-binary, and non-hegemonic gender identities. Similar measures in Peru led to arbitrary arrests of transgender people. LGBTQI people were also subjected to police violence and increased discrimination related to the lockdown measures across case studies. In Kenya, LGBTQI people were evicted from their offices, as tensions related to stigma arose in the communities where they are based. At the global level, the pandemic has been employed by conservative forces and autocratising states as another opportunity to attack and marginalise the LGBTQI community, by identifying them as carriers of both disease and societal problems. As a case in point, LGBTQI people were subject to clearly targeted hate speech by political and religious leaders in 12 countries across Europe and Central Asia.⁵²

Disadvantaged and marginalised communities

The pandemic measures disproportionately affected all marginalised and disadvantaged communities across cases, by exposing structural inequalities and a hostile institutional and socio-economic environment for these communities. For instance, ethnic, racial and religious minorities contract and die from the virus as a result of systemic inequities that impact their health. A recent study found that Black Americans are 3.5 times more likely to die of COVID-19 than White Americans, while

Latinx people are almost twice as likely to die of the virus compared with White people.⁵³ However, they do not seek help due to their insecure livelihoods as well as long-standing racism, xenophobia and scapegoating.⁵⁴

Decades of exclusion and pre-existing barriers in access to healthcare, social security and education result in disastrous hardship for indigenous peoples - from food insecurity and destitution to higher mortality rates.⁵⁵ In Colombia, the lack of state interventions aimed at protecting indigenous communities from the fast spread of COVID-19 in the Amazon has resulted in so many deaths that some small communities are now at risk of extinction. In addition, the compensation programme for Amazon communities was delayed and their access to education was strongly restricted due to low internet connectivity, a lack of access to computers and limited digital literacy.

Prison populations were also hard-hit by the virus globally, and have as a result suffered inhumane treatment. The often overcrowded facilities and limited sanitary measures have led to many virus outbreaks in prisons around the world. In Colombia, a riot against the lack of anti-virus protections in one prison led to the death of 32 prisoners and injuries to 83 inmates. An Amnesty International report has shown that other prisons resorted to solitary confinement as an extremely radical social distancing measure and have significantly limited family visits or suspended them altogether.⁵⁶

Migrants, refugees and displaced people face challenges in terms of inadequate housing, lack of access to essential services and information in their language, and discrimination. The risk of infection, exploitation and human rights abuses is particularly high for migrants in

52 ILGA-Europe (2020): COVID-19 impacts on LGBTI communities in Europe and Central Asia: A rapid assessment report. Available [here](#).

53 Gross, C. et al. (2020): "Racial and Ethnic Disparities in Population-Level COVID-19 Mortality". J Gen Intern Med, 35(10): 3097–9. DOI:10.1007/s11606-020-06081-w.

54 Minority Rights Group International (2020): Inequality and the impact of COVID-19: How discrimination is shaping the experiences of minorities and indigenous peoples during the pandemic. Available [here](#).

55 For more information on these trends, see UN DESA (2020): The Impact of COVID-19 on Indigenous Peoples. Available [here](#); and IWGIA (2020): The impact of COVID-19 on indigenous communities: Insights from the Indigenous Navigator. Available [here](#).

56 Amnesty International (2021): Forgotten Behind Bars: COVID-19 and prisons. Available [here](#).



an irregular situation, as well as refugees and asylum seekers awaiting deportation or held in immigration detention facilities, who are being confined for longer periods or stranded in another country due to COVID-19.⁵⁷ Unstable financial situations and the struggle to access government assistance are exacerbating these groups' precarious existence. A recent multi-country survey found that nearly one third of respondents had to borrow more money than before the pandemic, and nearly 73% of respondents have cut the number of meals for their household since the beginning of the pandemic.⁵⁸ The Roma community struggled with similar problems regarding subpar living standards.⁵⁹ Anti-Gypsyism and hate speech blaming them for the increase in COVID-19 cases translated into a number of violent incidents.⁶⁰

Persons with disabilities have experienced a worsening of existing social isolation and exposure to violence, harassment, and other human rights violations.⁶¹ Their overrepresentation in the informal sector puts them at increased risk of poverty.⁶² Persons with disabilities are more likely to get COVID-19, be unable to follow prevention measures, and see their access to essential assistance and information curtailed. The pandemic's pressure on healthcare systems worldwide means that persons with disabilities also face discrimination in accessing life-saving procedures - with rationing decisions being based on assumptions about the quality or value of life of disabled patients.⁶³

Exclusion and democratic space

Research has shown that the silencing and disregard

of certain communities - particularly activists, women, refugees, LGBTI people and certain minorities - is an often used tactic for closing civic space, as part of a broader attack on democratic space.⁶⁴ By stigmatising certain communities and silencing them with violence and harassment, ruling elites limit space for participation and contestation for these people, breaching the principle of equality and minority protection that is so fundamental to democracy. As the pandemic disproportionately affected women, minorities and vulnerable populations around the world, it highlighted the failure of democratic states to sufficiently protect these populations. The lack of gender-sensitive and minority-supporting pandemic measures across the globe testifies to the lack of political will to uphold democratic space for all citizens.

While the adverse impact of the pandemic on these populations may not be the result of a proactive attack, the passive complacency of most governments with the systemic inequalities and discrimination highlighted by the pandemic is just as harmful to democratic space. The setback in women's socio-economic progress and the acute needs and insecurities of minorities and vulnerable populations will limit their opportunities for participating in public life and decision-making at all levels. This will greatly affect these populations' ability to shape post-pandemic recovery policies, which will further perpetuate a cycle of exclusionary and discriminatory policies in the long run.

The ability of governments to "build back better" - the catchphrase for pandemic recovery plans in Europe - will depend on the proactive efforts made to involve women

57 UN ESCWA (2020): Impact of COVID-19 on Migrants and Refugees in the Arab Region. Available [here](#).

58 Norwegian Refugee Council (2020): Downward Spiral: The economic impact of COVID-19 on refugees and displaced people. Available [here](#).

59 European Centre for Minority Issues (2020): ECMI Minorities Blog: The Impact of COVID-19 on Roma Communities in Non-EU Countries in Eastern Europe. Available [here](#).

60 European Union Agency for Fundamental Rights (2020): Coronavirus pandemic in the EU - Impact on Roma and Travellers. Available [here](#).

61 OHCHR (2020): COVID-19 and the Rights of Persons with Disabilities: Guidance. Available [here](#).

62 International Labour Organization (2020): COVID-19 and the World of Work: Ensuring the inclusion of persons with disabilities at all stages of the response. Available [here](#).

63 United Nations (2020): Policy Brief: A Disability-Inclusive Response to COVID-19. Available [here](#).

64 Amnesty International (2019): Laws designed to silence: the global crackdown on civil society organizations. Available [here](#).



as well as vulnerable and underrepresented groups in the recovery process. Policies will only effectively meet the needs of all citizens, if women and minorities are not simply given ‘a seat at the table’, but the majority voice in governmental decision-making processes and consultations, with real consequences for their proposals. If pandemic recovery will be geared at rebuilding the problematic status quo of exclusion and inequality, the deepened societal inequalities and socio-economic setbacks of women will be further reinforced. If restrictions in democratic space continue intermittently, women, minorities and underrepresented groups will similarly continue to be disproportionately affected.

Increased socio-economic inequalities

In line with the previous section on the pandemic’s discriminatory impact on women and disadvantaged populations, the socio-economic implications of the COVID-19 pandemic have been felt most by those already suffering from inequalities, including economic inequalities and inequalities in access to healthcare, education and internet. While social distancing measures like teleworking and online distance schooling became the norm, both working from home and access to internet and digital tools were a privilege accessible only to the few. In Latin America, a massive job loss of 68% of low income jobs was reported, which was not the case

for high income jobs.⁶⁵ In Colombia, the unemployment rate in September was the highest rate since 2001 and the unemployment rate for women stood at a record of 26.2%.

This trend is global and is confirmed by a number of studies. International organisations - such as the UN, the World Bank⁶⁶, the International Monetary Fund⁶⁷ -, internationally renowned economists⁶⁸, and NGOs such as World Vision International⁶⁹, Transparency International⁷⁰ and Human Rights Watch⁷¹ have all reported on the negative impact of the pandemic on social and economic inequalities, especially in developing countries. According to a report recently released by Oxfam⁷², and supported by a survey of 295 economists from 79 countries, the pandemic threatens to raise inequality in an unprecedented way in almost every country.

As expected, recent studies confirmed that the pandemic disproportionately affects the poor and more vulnerable groups by showing that social determinants of health—that is, income, physical environment, gender, age and ethnicity - have a considerable impact on COVID-19 outcomes.^{73 74} In addition, the lack of or poor access to drinking water and sanitation, or lack of adequate housing made it far more difficult for the most vulnerable populations to take the basic precautions against contracting the disease, as exemplified by the situation of refugee camps and Roma settlements described

65 See Colombia case study.

66 International Monetary Fund & World Bank (2020): “Enhancing access to opportunities”. Available [here](#).

67 Ibid.

68 Stiglitz, J. (2020): “Conquering the Great Divide : The pandemic has laid bare deep divisions, but it’s not too late to change course”. Available [here](#).

69 World Vision (2020): “Policy brief: COVID-19 & Poverty and Hunger”. Available [here](#).

70 Transparency International (2020): “For a more equal world post-COVID-19: Focus on the financial gatekeepers”. Available [here](#).

71 Human Rights Watch (2020): “The Other Pandemic: Fighting Inequality as We Beat Back COVID”. Available [here](#).

72 Oxfam International (2021): “The inequality virus: Bringing together a world torn apart by coronavirus through a fair, just and sustainable economy”. Available [here](#).

73 Abrams, E. & Szefer, S. (2020): “COVID-19 and the impact of social determinants of health”. *The Lancet Respiratory Medicine*, 8(7): 659-661. DOI:10.1016/S2213-2600(20)30234-4.

74 Burström, B. & Tao, J. (2020): “Social determinants of health and inequalities in COVID-19”. *European Journal of Public Health*, 1;30(4): 617-618. DOI:10.1093/eurpub/ckaa095.



earlier. Forced evictions landed thousands of poor in a situation of homelessness, further aggravating the risk of contracting the virus. Amnesty International recorded allegations of forced evictions in 42 countries (out of the 149 countries it monitored). In Kenya, mass evictions by the government from informal settlements caused over 8,000 people to sleep on the streets and risk penalties for breaking the curfew that way.

The pandemic will leave behind long-term effects on inequalities. In particular, the crisis could entrench inequality in income distribution by cementing persistent income gaps, especially in economies characterised by higher pre-existing inequalities.⁷⁵ If an increase in inequality seems inevitable, the extent and speed of this increase can be mitigated by governments across the world.⁷⁶ In fact, without strong policy action and effective protection of the most vulnerable groups, the lasting consequences on inequality could be catastrophic. In substance, not only has the pandemic triggered discriminatory responses that are affecting the most marginalized communities around the world, but it has also shed light on entrenched structures of privilege and oppression.⁷⁷

While the increase in social and economic inequalities is not in and of itself a direct attack on democratic space, it does have major repercussions on democratic attitudes and people's capacity to exercise popular control. In that sense, the lack of measures to mitigate the unequal fallout of the lockdown could be argued as contributing to the closing of democratic space. Governments that are able to provide the basic infrastructure and services for security, health and food, but do not do so, disregard their duty of care and by extension the obligations that come with their election to government.

As the case study on Venezuela states, "the pandemic refocused discontent towards living conditions, and while personal outlook for most Venezuelans remains negative, political change has become an afterthought. The demand for democratisation might persist, but the hopes of it taking place are now remote." Similarly, the Colombian researcher stresses the long-term impact of downward mobility and increasing economic inequality of the pandemic on support for autocratic values.⁷⁸ The impact of economic instability and rising inequality on the political realm is undeniable.

Political competition and elections

Space for political competition is one of the three main pillars of democratic space, and often attacked through skewed electoral and party reform, the abuse of state resources by the incumbent, and private and illicit campaign finance. The pandemic saw particularly electoral reform and the abuse of state resources used as methods to limit democratic space, with the pandemic as the excuse.

While elections are essential moments for participation and accountability in democracies, these mass gatherings were also considered major contamination risks during the pandemic, which legitimated various ways of closing space for political competition. International IDEA's data on electoral campaigning shows that 22 out of 51 countries introduced COVID-19 restrictions that limited freedom of association and assembly during election periods.⁷⁹ In addition, many electoral observation missions were unable to conduct systematic and comprehensive observation because of travel bans, other restrictions on movement and increased costs.⁸⁰

75 International Monetary Fund & World Bank (2020): "Enhancing access to opportunities". Available [here](#).

76 Oxfam International (2021): "The inequality virus: Bringing together a world torn apart by coronavirus through a fair, just and sustainable economy". Available [here](#).

77 Ibid.

78 Houle, C. & Miller, M. (2019): "Social Mobility and Democratic Attitudes: Evidence from Latin America and Sub-Saharan Africa". *Comparative Political Studies*, 52(11): 1610-47.

79 International IDEA (2021): Elections and COVID-19: How election campaigns took place in 2020. Available [here](#).

80 International IDEA (2021): Elections and COVID-19: International electoral observation in 2020. Available [here](#).



Between February 2020 and March 2021, countries first started postponing elections en masse, with at least 78 countries and territories postponing elections due to COVID-19. However, after an initial wave of postponements, at least 113 countries and territories did hold elections in that period, including 52 elections that had initially been postponed.⁸¹ While postponements are justified due to public health concerns, the way in which they were implemented in some countries often failed to meet democratic standards, either because the scheduling of new elections was delayed or because adequate preparations for safe and secure voting were never put in place.⁸²

Burundi and Uganda

The vastly different approaches to the pandemic in the face of elections in Uganda and Burundi sheds light on the way autocratic regimes have used COVID-19 as an excuse to consolidate their power through elections. In Uganda, the measures justified by the pandemic were taken as an opportunity for repression by the government, whereas the Burundian government considered the pandemic a potential threat to its re-election and therefore largely ignored it.

In Burundi, the pre-pandemic space for competition was already inaccessible, with high financial barriers for running in elections, the need for government permission to hold party meetings and a lack of real opposition parties. As elections were used to legitimise the continued rule of an authoritarian government, the ruling party and authorities decided to minimise the importance of the pandemic in their discourse and actions, to ensure they could hold elections and continue campaigning without obstacles. Eight days before the election took place, Burundian authorities expelled the top WHO

representative in the country and three other experts coordinating the national coronavirus response.⁸³

The only measures that were taken against the pandemic's spread similarly served to promote unfair elections: African Union election observers were told upon arrival that they had to quarantine until after the elections were over. The Burundian diaspora, who are generally closer to opposition parties, was also unable to enter the country to vote - therefore disenfranchising 12,933 voters registered abroad.⁸⁴ Only once a new President was elected did the country acknowledge the pandemic and start a new testing campaign as a way to gain legitimacy.

In contrast, in Uganda the pandemic was used as an excuse to hamper opposition parties' activities while closing an eye to the ruling party's campaigning activities. At a time when TV, radio and social media were the only channels of socially distant campaigning, the police threatened to shut down privately owned media stations if they provided access to any opposition candidates. Opposition actors were denied access to meeting venues whilst campaign rallies for opposition candidates were violently disrupted by the police, leading to thousands of injuries, multitudes of arrests and several deaths at the hands of the police.⁸⁵ In contrast, the ruling party had unrestricted access to the media and held undisrupted campaign rallies and meetings with dangerously large crowds. The selective application of campaigning rules amid the pandemic tremendously hampered space for political competition, which was already minimal before the pandemic.

81 International IDEA (2020-2021): Global overview of COVID-19 impact on elections. Consulted on 25 March 2021 and last updated on 21 March 2021. Available [here](#).

82 Freedom House (2020): Democracy Under Lockdown: The Impact of COVID-19 on the Global Struggle for Freedom. Available [here](#).

83 Al Jazeera (14 May 2020): "Burundi expels WHO officials coordinating coronavirus response". Available [here](#).

84 International Crisis Group (2020): "An Essential Primer on Burundi's Elections". Available [here](#).

85 Human Rights Watch (2021): Uganda: Elections Marred by Violence. Available [here](#).



Closing digital space

The COVID pandemic has undoubtedly accelerated digital transformation in many areas, but also altered virtual civic space.⁸⁶ In 2018, the UN Human Rights Council re-affirmed that “the same rights that people have offline must also be protected online.”⁸⁷ When offline space is being restricted, digital democratic space can often provide a refuge for activists.⁸⁸ In many countries, online demonstrations took place as a way of protesting in a socially distanced manner. This expansion of democratic space to the digital public sphere has, however, also come with new tactics and tools for closing space, such as online censorship and surveillance. UN human rights experts have warned of increased patterns of closing digital spaces amid the COVID-19 pandemic and Freedom House has reported a constant deterioration of digital rights, leading to a rise of “digital authoritarianism”⁸⁹.

The case studies similarly noted how the pandemic resulted in an increase of attacks on free speech online, particularly directed at students, academics, journalists and activists. In Indonesia, people were subjected to online harassment and intimidation for criticising the government and discussing politics online, and some activists even had their WhatsApp accounts hijacked and used to send provocative messages so that the police would use this as evidence against them. In the name of combating the pandemic, governments misused technology to restrict their citizens’ digital rights, including individuals’ right to privacy, freedom of expression

and association, and access to information.^{90 91} Some of the methods used to close virtual democratic space included surveillance measures, targeted disinformation, restrictions imposed on mobile or internet connections and attacks on activists for expressing their political opinion online⁹².

Surveillance measures are unlawful unless governments prove that the “measures implemented are provided for by law and are necessary, proportionate, time-bound, and that they are implemented with transparency and adequate oversight.”⁹³ And yet such measures have been applied in a particularly intrusive manner during the pandemic. Contact-tracing apps became a preferred measure by governments to track citizens’ interactions, with major privacy risks. In Colombia, the apps were installed automatically on people’s phones and presented as mandatory, which amounted to a “form of state surveillance that was unconstitutional and openly breached the citizens’ right to privacy.”

In addition to mass surveillance and free speech infringements enabled by new technologies, other tools to restrict democratic space online include the mass interception of online communication; the amplification of disinformation, hate speech and gender-based violence on online platforms; the manipulation of public opinion through targeted advertising; and internet shutdowns. By accelerating widespread digitalisation, the pandemic has ultimately opened up opportunities for states and non-state actors to shape, censor and close down new spaces for contestation online.

86 OECD (2020): “Digital transformation and the futures of civic space to 2030”. OECD Development Policy Papers, No. 29, Paris: OECD Publishing. Available [here](#).

87 United Nations Human Rights Council (2018): Resolution: The promotion, protection and enjoyment of human rights on the Internet (4 July 2018). Available [here](#).

88 Roberts, T. (ed.) (2021): Digital Rights in Closing Civic Space: Lessons from Ten African Countries. Brighton: Institute of Development Studies. DOI: 10.19088/IDS.2021.003.

89 Freedom House (2018): “The Rise of Digital Authoritarianism”. Available [here](#).

90 International IDEA (2020): “Global Democracy & COVID-19: Upgrading International Support”. Available [here](#).

91 Freedom House (2020): “The pandemic is fueling digital repression worldwide”. Available [here](#).

92 Roberts, T. (ed.) (2021): Digital Rights in Closing Civic Space: Lessons from Ten African Countries. Brighton: Institute of Development Studies. DOI: 10.19088/IDS.2021.003.

93 Amnesty International (2020): COVID-19, surveillance and the threat to your rights. Available [here](#).



Defenders of democratic space mid-pandemic

In the face of these many trends that restrict space for contestation, it is important to ask: who has actually been defending democratic space during the pandemic? And how are they keeping democratic space from closing in the face of a public health and economic crisis? While we know the state and non-state actors who've led the clampdown on democratic space very well, this section looks at the key actors who defended democratic space in 2020, and compares the impact of the pandemic on these actors' ability and tactics for defending democratic space.

Civil society and citizens

Just like all other sectors in society, civil society and media workers had to move their activities online and adapt to the new working environment. For CSOs in areas with limited internet access or infrastructure for social distancing, this brought significant challenges and disruptions in their work. Moreover, CSOs were wary of online surveillance by law enforcement, leading to significant self-censorship. Many CSOs further experienced delays in the disbursement of funding, but most donors were flexible in adapting projects to the new reality.

Despite all these obstacles, civil society proved to be adaptive and often played a crucial part in protecting vulnerable communities from the multiple impacts of COVID-19 restrictions. In countries where the pandemic brought about significant socio-economic hardships,

like Venezuela and El Salvador, civil society shifted their focus to service provision and the pandemic response at local level. This included efforts to increase access to safe water, sanitation and food security. Civil society stepped in for authorities in supplying key services and information, particularly for those groups subjected to intersecting vulnerabilities and curtailed rights.^{94 95} The collective response to the Beirut Port explosion in August 2020 is an example of how the solidarity of Lebanese civil society effectively replaced government help to address a multifaceted crisis that severely affected the poor.⁹⁶

While this provided much-needed relief, it also shifted focus away from advocacy and demands for political participation and reforms. Most protests in these countries similarly demonstrated against hunger, lack of access to water and healthcare, and injustices against workers. In some countries this came at the expense of democratic reform movements. In Venezuela, for instance, the new consciousness of the need for reform and momentum for democracy that was seen in January 2020, gave way to a re-prioritisation of socio-economic concerns among the broader population with the onset of the pandemic. While protests on poor public service provision - particularly health, education, water, gas and electricity - continued in 2020, there were far less protests demanding political reform and the opposition movement lost significant momentum. As the researcher described, *"the demand for democratisation might persist, but the hopes of it taking place are now remote."*

In other countries, however, the pandemic also led to

94 Young, R. & Panchulidze, E. (2020): Global Democracy & COVID-19: Upgrading International Support. Available [here](#).

95 For a comprehensive list of civil society efforts during the pandemic, see: CIVICUS (2020): Solidarity in the Times of COVID-19: Civil society responses to the pandemic. Available [here](#).

96 The New Humanitarian (18 August 2020): "Local groups step up to lead Beirut blast response". Available [here](#).



the emergence of alternative voices and a renewed demand for fundamental rights, accountability and good governance from citizens. There the crisis has galvanised global activism and campaigning to push for radical change to social, economic, and political models - as exemplified by Black Lives Matter and other movements.⁹⁷ This was also the case in Kenya, where the misuse of public funds intended for the pandemic response brought renewed citizen activism and unity in the call for social justice and anti-corruption that shook the political landscape. Citizens called for accountability on the use of COVID funds in large numbers with social media posts under the hashtag #MoneyHeist, putting the government under unprecedented levels of public scrutiny.

In line with this renewed democratic vitality on the side of citizens, Kenyan civil society performed a watchdog role over the government during the pandemic by petitioning for access to information on procurement processes, organising marches against police brutality and participating in local decision-making processes on the pandemic-response. Civil society also monitored and documented police brutality in the face of COVID measures and tracked the use of public funds for fighting the pandemic.

Civil society's ability to defend democratic space thus depended in part on the socio-economic impact of the pandemic and the degree to which the government managed to provide necessary public services. In cases where the government failed to provide citizens with the bare necessities, it was possible for civil society to fill the gap. In countries with a vibrant civil society, civil society was able to fulfil both a service delivery and a watchdog role over the executive. It is important to underline that such civil society oversight over public procurement and

decision-making was greatly needed at a time of limited legislative and judiciary oversight. However, in many cases civil society was forced to prioritise public service delivery to fulfill citizens' basic needs, and was therefore stretched too thin to also hold the executive to account.

Media

Despite operational restrictions and infection risks, the media played a critical accountability role in a number of cases, including El Salvador, Venezuela and Kenya. From fighting disinformation with reliable information to scrutinising governments' pandemic restrictions and opaque procurement processes, investigative journalism has provided essential oversight of powerful interests⁹⁸ despite shrinking media revenues threatening media sustainability.⁹⁹

In Kenya, an investigative report dubbed 'COVID-19 millionaires', revealed how connected companies and individuals made billions of shillings from COVID-19 funds through dubious tendering processes for medical products, leading to suspensions and investigations into the ministry of health. In El Salvador, media reporting on the government's performance in fighting the pandemic was so strong that it triggered a major pushback from the executive, with a reform of the Law for Public Procurement to evade the obligation to inform the public of such processes.

Journalists in Venezuela played a similar role, and paid a high price for it, with numerous journalists arrested and many journalists' homes searched. In fact, public health restrictions have been used in several countries as a pretext to silence journalists covering the pandemic.¹⁰⁰ The pandemic has also coincided with an increase in the

97 Youngs, R. (2020): Global Civil Society in the Shadow of Coronavirus. Available [here](#).

98 For examples of such scrutiny, see the overviews of investigations into COVID-19 responses prepared by the Bureau of Investigative Journalism ([here](#)), the Global Investigative Journalism Network ([here](#)), and the Media Development Investment Fund ([here](#)).

99 Reuters Institute (2020): Few winners, many losers: The COVID-19 pandemic's dramatic and unequal impact on independent news media. Available [here](#).

100 Open Society Foundations (2020): "How COVID-19 Threatens Independent Journalism". Available [here](#).



number of attacks and other forms of harassment against journalists.¹⁰¹ 620 press freedom violations linked to COVID-19 have been reported so far, ranging from arrests and unmotivated charges to violence, censorship, and surveillance.¹⁰³ Moreover, 20% of respondents in an ICFJ survey said their experience of online harassment was “much worse” during the pandemic.¹⁰⁴

Judiciary

Previous research has shown that judicial independence has been paramount to countering closing democratic space worldwide in recent years, making it a target of concerted efforts to weaken judicial integrity.¹⁰⁵ While temporarily paralysed by social distancing measures and overburdened by case load, in some countries the judiciary managed to uphold constitutionalism in the face of attacks on democratic space during the pandemic. In El Salvador for instance, the Constitutional Court of the Supreme Court of Justice intervened in the executive’s illegal detention of citizens in ‘containment centres’. While the executive protested this decision, they ended up complying unwillingly with the call to stop violating fundamental rights. Similarly, Germany’s constitutional court upheld the right to protest under the pandemic as long as distancing measures were respected,¹⁰⁶ while courts in the United States successfully adjudicated an unprecedented number of fraud claims during the 2020 Presidential election.¹⁰⁷

On the contrary, in several countries with a politicised

or partial judiciary branch, judicial institutions have struggled or failed to provide oversight and protect fundamental rights during the COVID-19 pandemic. In some cases, the pandemic was exploited to further compromise the judiciary, as was the case in Hungary¹⁰⁸ and Argentina.¹⁰⁹ In other instances judicial institutions were unable to oversee executive decisions due to the sheer volume of decrees, forcing Courts to strategically choose the most important decrees for constitutional oversight. This had a big impact on civil society’s ability to counter attacks on democratic space, as an independent judiciary is in normal times a strong ally of civil society in upholding fundamental freedoms. Yet at a time when all oversight institutions were scrambling to adapt to a new reality such alliances were rare.

Political parties

While smaller political parties and democratic coalitions in parliaments were strong allies of civil society in defending democratic space before the pandemic, many of them were weakened by the crisis in their oversight and opposition roles. As decision-making was centralised in ruling parties through states of emergency, opposition parties found themselves ineffective and fragmented in their response. In countries where opposition parties were already fragmented before the pandemic, this defined their inability to counterbalance the government during the pandemic. In some cases where the opposition was relatively strong, as in Venezuela, they also lost significant following and momentum due to the

101 UNESCO (2020): Journalism, press freedom and COVID-19. Available [here](#).

102 UNESCO (2020): Reporting facts: Free from fear or favour. Available [here](#).

103 International Press Institute: “IPI COVID-19 Press Freedom Tracker”. Dataset consulted on 9 April 2021. Available [here](#).

104 Posetti, J. et al. (2020): Journalism and the Pandemic: A Global Snapshot of Impacts. Available [here](#).

105 European Partnership for Democracy & Netherlands Institute for Multiparty Democracy (2020): Thinking democratically: a comprehensive approach to countering and preventing ‘shrinking’ space. Available [here](#).

106 CIVICUS (2020): Solidarity in the Times of COVID-19: Civil society responses to the pandemic. Available [here](#).

107 International IDEA (2020): Taking Stock of Global Democratic Trends Before and During the COVID-19 Pandemic. Available [here](#).

108 Guasti, P. (2020): “The Impact of the COVID-19 Pandemic in Central and Eastern Europe: The Rise of Autocracy and Democratic Resilience”. *Democratic Theory*, 7(2): 47–60. DOI:10.3167/dt.2020.070207.

109 Alonso, L. (2020): “Argentina Under Covid-19: Extreme Lockdown, Rule by Decree and Judicial Politicization”. Available [here](#).



state of emergency and lockdown measures. In other countries such as Nepal, governments invoked outdated legislation to address COVID-19, which allowed them to evade effective scrutiny by opposition forces.¹¹⁰

The limitations of political parties to hold the executive to account and defend democratic space stem in part from the way the pandemic boosted the role of the executive. The pandemic provided many unpopular regimes with the daily media coverage and legitimacy that was needed to temporarily boost their popularity while at the same time tightening their grip on power with restrictive measures and pandemic funding for

co-opting competing elites. The pandemic was the perfect excuse for centralised, executive leadership and legitimised measures like excessive police brutality and restrictions of citizens' rights in a way that would have otherwise not been acceptable. While all the attention of the international community and the public was focused on socio-economic and health concerns, autocratising regimes enjoyed an unprecedented lack of oversight that allowed them to advance their political agendas. This made it all the more challenging for political parties to scrutinise and counterbalance the executive with alternative ideas.

110 Westminster Foundation for Democracy (2021): Legislative leadership in the time of COVID-19. Available [here](#).



Conclusion: A vaccine against democratic backsliding?

Rooted in pre-existing political dynamics, the attacks on democratic space during the pandemic closely resembled the tactics of repression of democratic space seen before the pandemic. In some countries, the impacts of the pandemic were compounded by other events such as upcoming elections, institutional crises or particular political leaders' governance styles. The research showed the close link between attacks on democratic space ahead of the pandemic and those undertaken during the pandemic.

At the same time, the pandemic has expanded the authoritarian toolbox by legitimising certain tools of repression, such as the militarisation of public life, rule by decree and states of emergency, and all limitations on oversight resulting from this. The pandemic also saw a major uptick in the use of old tactics for closing space, particularly in violent attacks on human rights defenders, journalists and civil society, as well as discrimination against minorities and vulnerable populations.¹¹¹ Worryingly, the socio-economic progress made by women in the past decades has in part been reversed by the pandemic measures and their disproportionate impact on women. Globally, the increase in inequalities and new digital forms of repression are particularly worrying trends that will define democratic space in the years to come.

Temporary vs. long-term impact of the pandemic on democratic space

As vaccinations are being rolled out globally and people start imagining their post-pandemic life, the key question is whether the impact of pandemic measures on democratic space will last. Some measures and their impact can be expected to be only temporary. The state of emergency and the resulting lack of legislative and judiciary oversight are likely to be restored to pre-pandemic levels in most cases. Similarly, excessive restrictions on fundamental freedoms - like bans on demonstrations, curfews and limitations on freedom of movement - will become hard to justify.

Yet at a deeper level, the pandemic has shifted the boundaries of what is acceptable government behaviour, and not just within states experiencing democratic backsliding. Whereas curfews and restrictions on free movement had seemed inconceivable in many countries before the pandemic, these measures are now part of the 'new normal' and the playbook of appropriate government behaviour - from increased securitisation to expanded state surveillance and election postponement.^{112 113}

Even if the surge in violence against human rights defenders and media workers halts as the pandemic becomes manageable, the chilling effect of the large-scale violations of human rights is to be felt for years and the large-scale loss of life will damage civil society

111 International Centre for Not-for-Profit Law (2020): Top Trends: COVID-19 and Civic Space. Available [here](#).

112 Applebaum, A. (2020): The People in Charge See an Opportunity. The Atlantic. Available [here](#).

113 Braun, F., Brechenmacher, S. & Carothers, T. (2020): How Will the Coronavirus Reshape Democracy and Governance Globally? Available [here](#).



and civic space more broadly in the long term.¹¹⁴ A survey of European CSOs indicated that respondents were very worried (41%) or somehow worried (52%) that COVID-19 measures will continue to impact negatively on their operations and activities in the future.¹¹⁵ The overstretching of civil society's capacity accompanied by reduced donor support may endanger the protection of fundamental rights, particularly in countries where other forms of oversight were already compromised before COVID-19.^{116 117}

Similarly, the deterioration of socio-economic inequalities and the adverse impact on women and disadvantaged populations will not be resolved by simply controlling the virus and risk further increasing the already unprecedented levels of inequality around the world.¹¹⁸ Inevitably, such socio-economic inequality will have repercussions on democratic representation and by extension democratic space, limiting opportunities for poorer segments of society, women and other underrepresented groups to participate in political processes.¹¹⁹

At a geopolitical level, the battle over which regimes deal with the pandemic best, is likely to further intensify tensions between Western democracies and autocracies like China and Russia. The pandemic could be a catalyst for democratic breakthroughs, state breakdown, an increase in hybrid regimes, or a starker division between democracies and autocracies globally. Regardless of the outcome, this will significantly shape international governance and cooperation.¹²⁰

Lastly, the economic crisis will have a profound, long-

term impact on politics, but this could go two ways: government mismanagement of the pandemic and economic crisis could inspire citizens to demand more accountability and structural change, like in Kenya; or it could shift attention away from political change to basic needs and survival, like in Venezuela. This will ultimately depend in great part on the ability of political parties and civic movements to seize the opportunities of post-pandemic recovery and translate citizens' acute needs to concrete proposals for reform.

Building back better for a democratic post pandemic future?

While many of the implications of the health crisis are yet to be felt, countries are developing their recovery strategies and plans today, and are left at a crossroads with different possible scenarios for democratic space in the future. Between the geopolitical fight between autocracies and democracies, and the domestic economic downturn, democratic voices have both flourished and withered. The extent to which the acceleration of closing space during the pandemic will be consolidated, will depend on the pandemic recovery. What kind of society do we rebuild and invest in?

Some countries will build back to the way it was before. This will entail a return to the usual rate of attacks against defenders of democratic space, and a restoration of legislative and judicial oversight and reinstatement of fundamental freedoms. The threat of violence will have left its scars in activists' collective memory, however, and the boundaries of acceptable government behaviour

114 International IDEA (2020): Taking Stock of Global Democratic Trends Before and During the COVID-19 Pandemic. Available [here](#).

115 European Union Agency for Fundamental Rights (2021): "COVID-impact on civil society work: Results of consultation with FRA's Fundamental Rights Platform". Available [here](#).

116 Freedom House (2020): Democracy Under Lockdown: The Impact of COVID-19 on the Global Struggle for Freedom. Available [here](#).

117 Young, R. & Panchulidze, E. (2020): Global Democracy & COVID-19: Upgrading International Support. Available [here](#).

118 Goldin, I. & Muggah, R. (2020): "COVID-19 is increasing multiple kinds of inequality. Here's what we can do about it". Available [here](#).

119 Kurlantzick, J. (2021): COVID-19 and Its Effect on Inequality and Democracy: A Study of Five Large Democracies. Discussion paper for the Council on Foreign Relations. Available [here](#).

120 European Partnership for Democracy (2020): Imagined continuities: Political scenarios after the COVID-19 pandemic. Available [here](#).



will have been expanded, providing autocrats with an expanded toolbox for repression. By rebuilding a problematic status quo for women, minorities and disadvantaged populations, the post-pandemic order will continue to systematically exclude certain populations from decision-making, reinforcing an unequal socio-economic system.

For other countries, the pandemic may be the stepping stone for a whole new era of autocratisation. As global outbursts will continue to trigger periods of restrictions, states of emergency and restrictions will eventually become the norm in some countries. The increased police violence and militarisation legitimated by the pandemic, will remain in place to enforce the lockdowns and other restrictive measures, and ultimately police democratic space. Restrictions to fundamental freedoms that were unimaginable before will become the go-to solution for ruling parties facing a challenge to their authority.

But some countries will build back better, driven by a new widespread appreciation of fundamental freedoms and rights following extended lockdowns. Heeding calls from civil society to make decision-making more inclusive and accountable, local and national governments may seize the opportunities of their own digitalisation, to adopt more transparent procedures and methods for citizen participation. By placing those most affected by the pandemic at the decision-making table, national socio-economic recovery plans will go beyond band-aids, to redress the systemic inequalities in public policies, ranging from health care insurance to economic stimuli. As governments demonstrate their ability to tackle tremendous challenges quickly, their increased legitimacy and trust from citizens will boost their confidence and willingness to take on other complex issues such as inequality and climate change. 'Building back better' would then mean building an inclusive space for political competition and cooperation, ultimately expanding democratic space.

Recommendations

While it is popular for governments to speak of their plans to ‘build back better’, current events don’t necessarily point in that direction.¹²¹ Over a year into the pandemic, there are few signs of the kind of radical reform that ‘building back better’ for democratic space requires. It is likely that most countries will reinforce a problematic status quo, or even further erode the foundations of democratic space. This means that those defending democratic space - civil society, media, independent judiciaries, and political opposition - will face more resistance and repression than before, while trying to stay afloat amid a global economic crisis.

Building back better will also mean different things in different countries. Not all countries were equally affected by the COVID-19 pandemic, and in many countries pre-existing political constellations and dynamics in democratic space defined the impact of the pandemic measures on democratic space. In some countries, the question will not even be about building back better, but fighting the government’s refusal to build back and open up. With such tough times ahead, international support will be of the essence to support the continued activism and security of these change-makers.

It is not too late to truly build back better and emerge from the pandemic with more space for democratic contestation and cooperation. EU Member States, the EU institutions and Delegations can play a pivotal role in this process, by supporting local actors and using their own political and financial tools to defend and expand democratic space in the pandemic’s aftermath. With a country- and context-specific approach, donors should build on their previous cooperation plans and strategies and adapt them to meet the challenges that were heightened by the pandemic. This will only be credible if they also build back better at home.

If the international community was stuck in its efforts to counter closing space before the pandemic,¹²² policy-makers and donors are facing even more dire circumstances today. The benefits of the additional funding made available for the pandemic recovery will only be reaped if a holistic approach is taken that places democratic space front and center of the pandemic response. To this end, we make 8 main recommendations to defend democratic space in the pandemic recovery response.



1. Adopt a clear framework for identifying and analysing democratic space

EU institutions and Member States need a shared assessment of the problem that takes into account the non-linear and gradual nature of closing democratic space and looks beyond civic actors towards space for contestation more broadly. Such a framework could bring together existing indices, such as those of the Varieties of Democracy Institute, as an objective metric and alert system to measure closing space.

IDEAS FOR ACTION

- **Develop a Commission working paper** that establishes a framework for identifying and analysing democratic space.
- **Set up an external facility** that trains and supports EU Delegations and Member State Embassies in conducting Political Economy Analyses, to identify effective entry points for supporting and defending democratic space.
- **Hold joint workshops** between EU Delegations and Member State embassies on detecting and responding to closing space together with civil and political stakeholders, putting into practice the framework.
- **Support research** on the conceptual framework for democratic space as well as the long-term implications of the pandemic on democratic space.

2. Strengthen global and European cooperation and coordination on democratic space

With the deepening of tensions between autocratic and democratic states, the EU should strengthen strategic partnerships on democratic space with like-minded partners, by building on the momentum of the US-led Summit for Democracy. Enhanced cooperation will increase the coherence and effectiveness of action, while creating a space for experience-sharing and learning on strategies for countering closing space. Strong alliances will be essential for enhancing the leverage of democratic powers over autocratising elites.

IDEAS FOR ACTION

- **Launch an international forum for exchanging strategies** to counter closing space and facilitate mutual learning that could be hosted by existing international structures (e.g. the OECD). This forum could also host a mechanism that can be triggered by like-minded partners to convene emergency meetings upon sudden deterioration in democratic space in a particular country, as well as regular exchanges on gradual closing.
- **Launch a Team Europe initiative for democratic space** to facilitate joint programmes between the EU and Member States in support of those defending democratic space, particularly with non-state actors such as civil society, media and political parties.



3. Adapt funding modalities and practices to ensure funding empowers change-makers

There are a number of opportunities to make EU funding more effective and increase the EU's leverage in defending democratic space, which are thus far underexploited. Core funding that enables civil society to make the most of online opportunities and improve their connectivity made a major difference in civil society's ability to defend citizens' rights and meet their needs in the face of the COVID crisis. At the same time, the EU can enhance its leverage for advancing democratic space using existing tools such as budget support contracts, blended finance investments and bilateral agreements more effectively.

IDEAS FOR ACTION

- **Provide core support to civil society** to boost their sustainability and resilience to adapt to changing needs and unforeseen opportunities and crises. The roll-out of Framework Partnership Agreements for human rights and democracy funding provides an important opportunity for empowering both framework partners and their local partners in the long term.
- **Increase flexible support to unregistered actors**, for instance through transparent sub-granting mechanisms that enable civil society coalitions to channel funding to grassroots change-makers or through the European Endowment for Democracy in the European neighbourhood.
- **Embed democratic principles into blended finance and budget support contracts.** This includes conditionality clauses based on independent metrics for monitoring democratic space. It also means including participatory decision-making mechanisms in all stages of the project - from the inception to implementation - with a special focus on engaging women, minorities and vulnerable populations.
- **Incentivise innovation** in EU Delegations and European embassies, in order to find new ways to counter attacks and expand democratic space, for instance through a special envelope for innovative pilot projects that encourages risk-taking.

4. Support structural reform through local civil society

Civil society and community organisers have been instrumental in responding to societal needs and mobilising solidarity networks in the face of the pandemic, and will be equally essential to identify the necessary structural reforms and short-term strategies for an inclusive post-pandemic recovery. Yet these same actors have also suffered from a major increase in violent attacks globally, and have seen advocacy-focused funding dwindle despite the acute needs for oversight during the pandemic. As a scenario of building back better becomes increasingly unlikely, civil society actors will need all the support they can get for defending and expanding democratic space.



IDEAS FOR ACTION

- **Increase support to civil society for advocacy** on democratic space issues, including by mainstreaming civil society participation across different geographic programmes of the NDICI and incorporating policy dialogue - led by civil society - into budget support or sectoral cooperation programmes, for instance in the health sector.
- **Protect and safeguard human rights defenders and journalists**, by strengthening monitoring and reporting mechanisms on human rights violations, as well as boosting rapid assistance and protection mechanisms, including the issuance of emergency visas, temporary relocation and emergency funding for defenders at risk.
- **Create a dedicated team to support the organisation of civil society consultations**, so as to root EU action in local expertise, but overcome the practical difficulties and time-consuming nature of organising consultations. Meaningful civil society consultations need to be the basis of any democratic recovery strategy, complemented by dialogues with political parties, media actors and other non-state actors like religious groups.
- **Enforce conditionality clauses** that are already in place, by periodically assessing bilateral agreements and budget support contracts to verify whether countries (still) live up to their obligations on international human rights conventions and identify cases where the EU can use its leverage to encourage an opening of democratic space.

5. Embed accountability and transparency in support to democratic institutions and watchdogs

Transparency and participation were immediately compromised in the crisis response, showing that much more needs to be done to embed open government principles and citizen engagement mechanisms into all aspects of public administration and decision-making, including public procurement processes. In countries where governments will try to cement the lack of participation and transparency beyond the pandemic, oversight actors will have to fight hard to bring it back. This calls for an increase in support to oversight actors - including judiciaries, legislatures, civil society and media - in order for them to more effectively counter attacks on democratic space and provide oversight.

IDEAS FOR ACTION

- **Embed open governance principles** and participatory mechanisms into sectoral cooperation agreements as well as targeted support programmes to public institutions.
- **Support public oversight over procurement processes and open governance**, particularly by supporting anti-corruption agencies, ombudsman institutions, parliamentary committees, judicial bodies, civil society, and the investigative media.
- **Boost support to parliaments and judiciaries**, with a focus on executive oversight and forming alliances for democratic space.
- **Support the development and roll-out of civic tech** for participation and public scrutiny, with long-term funding that extends well beyond the development of the tool to include maintenance and outreach.
- **Support investigative journalism and independent media** for in-depth investigations and monitoring of the use of pandemic recovery funding.

6. Support targeted action on inclusiveness in post-pandemic recovery

The failure of most countries' pandemic response to meet the needs of women and the most vulnerable populations is symptomatic of the general absence of these communities at the decision-making table. Structural reform to advance inclusiveness and equality should be at the heart of the EU's external support to COVID-19 recovery, to protect democratic space and make it representative of all voices in society.

IDEAS FOR ACTION

- **Support inclusive policy dialogue on national recovery plans**, with women and minorities at the table, as the basis for programming, so that the NextGenerationEU budget will contribute to both structural reform and meet the acute needs of women and vulnerable populations.
- **Contribute to political parties' advancement of women and underrepresented groups**, through internal reform, gender audits and policy-development support, as they are critical gatekeepers to inclusive participation in political decision-making processes.
- **Support targeted action, in addition to mainstreaming**, to women's groups and organisations that bring together vulnerable groups, through direct, long-term and context-specific support.
- **Country-Level Implementation Plans** of the Gender Action Plan should be based on intersectional data collection and analysis that is inclusive of, and disaggregated by, gender and other intersecting identities.



7. Support a democratic digital transition of infrastructure, institutions and oversight actors

The roll-out of privacy-breaching contact-tracing apps has highlighted the power of new digital tools for censorship and surveillance. The extent to which the digital transition will expand or restrict democratic space, will depend on the inclusiveness of the economic transition, and the ability of key democratic actors to adapt to a digital environment and oversee digital policy-making.

IDEAS FOR ACTION

- **Support the expansion of essential connectivity infrastructure to marginalised communities**, accompanied by the roll-out of digital technologies as part of human development programmes and support to increased information access and digital literacy across the population.
- **Support the digitalisation of democratic institutions**, including both the adaptation of legislatures, judiciaries and public administration to the digital workspace, but also the knowledge and skills-development regarding digital policy development.
- **Support data protection authorities and civil society watchdogs** to ensure privacy by design and fault will be embedded in all government administration and public services - particularly in the justice and law enforcement sectors - as a prerequisite to fundamental freedoms.

8. Lead by example, build back better at home

The EU and Member States will only be legitimate in their pushback against the closure of democratic space, if they truly build back better at home. This means innovating decision-making to make it more participatory and inclusive at all levels of governance. It also means taking difficult decisions when it comes to autocratic backsliding within the Union.

IDEAS FOR ACTION

- **Strengthen and innovate citizen participation in policy-making**, including by ensuring real policy consequences from citizens' input during the Conference on the Future of Europe.
- **Take firm action against attacks on democratic space within the Union**, guided by a strengthened rule of law mechanism and Article 7 procedures.
- **Make EU decision-making more inclusive** with electoral and political party reforms ahead of the European Parliament elections that make the Parliament more representative and inclusive.



Annex: Summaries of the country case studies

El Salvador

Democratic space has increasingly come under attack in El Salvador since the assumption of power by President Nayib Bukele in 2019. Lacking sufficient legislative leverage to promote his agenda, Bukele's presidency has so far been marked by attempts to overrule the Legislative Assembly, as well as a divisive and anti-democratic discursive strategy. Just before the pandemic outbreak, President Bukele ordered the military to surround the legislative palace with an ultimatum to approve a substantial increase in resources to implement his Plan for Territorial Control. While the Legislative Assembly did not accept this demand, the event both exemplified Bukele's disregard for the separation of powers and his willingness to involve the military in public decision-making. The tension between the executive, legislative and judiciary - fuelled by Bukele's desire to rule by decree - continued to mark the country's space for contestation during the pandemic.

Civic space was most gravely affected by the increased role of the armed forces in public security as well as the militarisation of water, health, food and agricultural policy implementation. The increase of the budget assigned to the military coincided with a propaganda campaign reinforcing the central role of the military in social life, thus promoting a militarist culture. Patriotic commemorations, swearing-ins and other public events have been employed to vigorously project this image. The pandemic further exacerbated this trend, with large-scale arbitrary and illegal detentions of citizens by the police and armed forces. Massive internment camps called "containment centres" were used to detain people who allegedly did not follow lockdown rules, exposing them to grave contagion risks in overcrowded facilities.

The judiciary institutions, particularly the Constitutional Court and the Ombudsman for Human Rights, provided an important counterweight to these excessive measures, putting a legal stop to the presidential rule by decree and disbanding the containment centres. This was a surprising development because the judiciary was known for its partiality before the pandemic - but at its onset the courts played an essential role in upholding constitutionalism and the rule of law. They also strongly counteracted the executive's attempts to bypass and overrule the judiciary and legislature. This contrasts with the continued impunity for pre-pandemic crimes and human rights offenses, particularly the crimes committed against human rights defenders and media actors.

The abuse of state resources and irregularities in procurement processes equally marked the government response to the pandemic, thereby affecting the space for political opposition and a level playing field. While the Legislative Assembly tried to oversee and audit procurement processes and crisis expenditures, it lacked the credibility for such oversight given some of its members' own track record. In contrast, media oversight and scrutiny of public procurement was strong, prompting the government to reform the rules for public procurement to evade their obligation to register and inform the public. Prior to the pandemic, violent attacks against journalists and human rights defenders were the primary tactic for repressing civic space in El Salvador, further exacerbated by an environment of impunity and intimidation. While such intimidation and violence against journalists continued during the pandemic, the case study did not note an increase in violence during this period.



Guatemala

Space for contestation in Guatemala was most intensely defined by the deepening institutional breakdown and widening rift between the executive on the one hand, and anti-corruption and human rights bodies on the other. Following the undermining and later expulsion of the International Commission against Impunity in Guatemala (CICIG), strong allegations of fraud in the election of judges for the Supreme Court of Justice and Courts of Appeals further aggravated the institutional crisis. Inertia prevailed in the Congress of the Republic during a crucial period, as orders of the highest judicial authority were not complied with, opening up a huge institutional void of accusations, legal actions and injunctions.

The COVID-19 pandemic has greatly aggravated these structural conditions through the imposition of presidential rule by means of exceptional measures, which limited constitutional guarantees and authorised the use of public force. While the 'state of calamity' measure limited the public's fundamental freedoms and enabled the executive to use certain state resources, the 'state of siege' measure made the President the commander of the army. The combination of these two exceptional measures empowered the security forces to intervene in any organisation, dissolve demonstrations or public meetings, and arrest any person without a warrant. This further inhibited the - already limited - ability and willingness of the judicial and legislative branch to oversee the executive.

Civic space was most acutely targeted with restrictive laws and violence ahead of and during the pandemic. Together with the President, Members of Congress were already leading the attacks on civic space before the pandemic, with proposals for an NGO law, a law allowing for the arbitrary criminalisation of organised groups of people, and a law criminalising the right to free expression amongst others. This set of repressive laws (called the anti-Maras laws) was proposed ahead of the pandemic, but interestingly legislators did not pass these laws at a time of limited oversight due to the pandemic.

The most acute attacks on civic space consisted of the major increase in aggressions against human rights defenders and civil society during the pandemic. During the first half of 2020, the country counted as many aggressions against human rights defenders as the whole year of 2019, including defamation campaigns, legal complaints and even murders. In parallel, a number of key human rights institutions were closed down, including the Presidential Commission on Human Rights and the Presidential Secretariat for Women.

Attacks on civic space were further expanded to the digital sphere, with targeted disinformation and smear campaigns discrediting institutions and spreading suspicions of fraud, for instance regarding the CICIG. This was facilitated by Morales' netcenters - companies set up or sponsored directly by the government to disseminate such disinformation - and by the monopoly on public broadcasting and radio.

Colombia

In Colombia, the pandemic gave a political rallying cry to the unpopular ruling party. With daily television appearances and a state of emergency, the government found a new way to accumulate power and override Congress and the courts, while keeping public opinion on its side. As the government was unwilling to support the implementation of the peace process, the pandemic also provided an excuse to shift the budget for the peace process to the pandemic response, further delaying the peace deal's implementation. The Minister of Defence also suggested that it is time



for the government to start unilaterally reviewing and rewriting the content of the agreements, using the limited international scrutiny resulting from the pandemic. In parallel, the pandemic provided an opening for illegal groups like FARC to increase their activities (including kidnappings, attacks and assassinations).

Civic space was severely restricted over the course of the pandemic, with a particularly worrying increase in human rights violations. By the end of May 2020, human rights organisations reported at least 100 killings of social activists since the beginning of the year, 27 of which took place during the mandatory lockdown. Death squads exploited the chaos of the crisis to kill activists, with the government doing little to protect them. Further human rights abuses greatly affected women, LGBTQI people, indigenous people and the prison population.

The Amazon community was particularly impacted, with disproportionately high infection rates and inadequate healthcare affecting indigenous communities at risk of physical and cultural extinction. On top of this, the indigenous compensation programme was delayed, and a lack of connectivity restricted children's access to education even further. Inmates meanwhile stayed in overcrowded facilities with inadequate sanitary measures. A gendered lockdown in some cities exposed women to overcrowded shops and led to violence against people with diverse sexual and gender identities.

Freedom of movement and association were also greatly restricted, and Colombia saw a surge in violence against women during the lockdown. The economic effects of the crisis were major, with the unemployment rate reaching a record high of 26.2%. Inequality and poor access to drinking water, sanitation, food security and adequate housing led to a particularly dire situation for vulnerable populations.

Democratic space was further attacked by a concentration of powers in the executive, who restricted space for judiciary and legislative oversight through the state of emergency. The limited oversight of the first month of the pandemic was used to issue 72 decrees, laws, and dozens of resolutions and administrative acts on economic, tax, civil, labor, and criminal matters, among others. While some of these measures related directly to the COVID response, others did not. Moreover, many decrees were found to be unconstitutional - even during a state of emergency. The sheer number of decrees prevented Congress and the Constitutional Court from exercising oversight, which was further complicated by their slow transition to online working methods.

While the Courts found themselves unable to catch up to all the legislation, Congress was similarly hampered in its oversight over executive decisions. Furthermore, virtual congressional sessions proved to tip the balance in favour of the government, as online platforms created new opportunities for silencing opposition - literally by muting participants and disabling the chat. Moreover, the legislative process was far less transparent with online sessions, and it took months for Congress to return to in-person sessions.

Kenya

Before the pandemic hit Kenya, the ruling party was already progressively closing civic space with restrictive laws and operating requirements, and occasionally physical attacks on media and civil society. Such physical attacks increased, with excessive and unreasonable use of force by law enforcement officers, the intimidation of journalists and human rights defenders, and an increase in detentions of persons violating the curfew. Arbitrary arrests, assaults and harassment against journalists, bloggers, whistle-blowers and human rights defenders tripled in the beginning of



the lockdown.

The executive undermined the fair political playing field by unevenly enforcing COVID measures. Where political meetings of the ruling party could take place undisturbed, opposition parties and civil society were violently disrupted by the police - even if they were observing social distancing measures and wearing masks. During one annual march, the SabaSaba, over 65 protestors were arrested and others dispersed aggressively by the police.

As before the pandemic, the Courts and civil society organisations were the main defenders of democratic space during the pandemic, greatly aided by media investigations. In March 2020, civil society was quick to adapt and provide necessary services to the most vulnerable in society. Civil society's quick mobilisation efforts and frontline work to protect vulnerable populations activated informal community support networks, and reinforced democratic vitality at the local level in unprecedented ways. Civil society also monitored the impact of the pandemic and police brutality, challenged the constitutionality of a number of restrictions in court and received progressive rulings, compelling the government to abide by its human rights obligations and also providing meaningful precedents for this period.

As legislative and procurement processes became less transparent, civil society petitions for access to information and journalistic investigations into the use of COVID-19 funds provided essential avenues for accountability. Investigative journalists uncovered major cases of mismanagement of COVID-19 funds, showing that dubious tendering processes for medical products ended up filling the pockets of a corrupt elite, rather than alleviating the hardships of citizens. This caused major public outrage on an unprecedented scale. Kenyans' outrage on social media eventually led to investigations and significant suspensions in the Ministry of Health.

The judiciary remained a bastion of independence, but it was also subjected to significant attacks by the executive, with budget cuts, the failure by the executive to appoint 41 judges, and the failure of the executive to transfer tribunals previously under government ministries into the judiciary - thereby contravening the constitution. The pandemic also limited the population's access to justice, as the justice system was temporarily paralysed by the pandemic measures.

While the government imposed limitations on freedom of movement and assembly, no state of emergency was imposed. The Senate was quick to react and continued to play a strong oversight role, even as the National Assembly was limited in its activities. More broadly, the opposition was fragmented following a rapprochement between the main ruling and opposition party, thereby limiting the legislature's effectiveness.

Indonesia

In Indonesia, the attacks on democratic space were very similar before and during the pandemic, but intensified over the course of the crisis and saw the military take a central role in public affairs. As Indonesia declared a state of emergency, it placed its four military institutions at the forefront of the pandemic management. The military supervised the implementation of health protocols and patrolled the streets across the country, greatly increasing military presence in the public sphere. In a country with a history of military rule, the pandemic and the resulting health emergency provided the ruling party with an opportunity to legitimise the military's re-entry into non-military activities. The army was also involved in monitoring media and social media, and developing a drug against COVID-19. Such military presence everywhere had a great deterrent effect on civil society and activism.



While Indonesia stands out in the region for its vibrant civil society and diverse and critical press landscape, civic space has been under attack in recent years, and this trend further intensified during the pandemic. Excessive use was made of existing laws restricting speech - such as Article 207 of the Criminal Code, which penalises insulting the President - to silence those who were critical of the government's response to the pandemic. While the government had censored and criminalised "radical" - read critical - content online by journalists, the pandemic saw an upsurge in online harassment of activists, journalists and academics for criticising the government's pandemic response or discussing other politically sensitive issues.

Whilst media attention was focused on the pandemic, the executive acted quickly to pass new legislation bypassing institutional checks and balances. Several pieces of legislation that would have drawn public attention in non-COVID times were settled under the shade of the pandemic, with no public consultation or opportunities for feedback by civil society or citizens. Many of these laws had no relation to the pandemic, such as a coal mining law as well as an omnibus law affecting 74 other laws which would have major implications on labour unions and the ability to demonstrate. While this phenomenon was greatly criticised by the public, political actors continued to pass legislation at this speed without consultations. Political parties continue to be the main perpetrators of attacks on democratic space.

Venezuela

While the opposition movement in Venezuela had great momentum in January 2020 following a year of sustained protests by the main opposition party, the lockdown paralysed the protest movement and legitimated the authoritarian rule of President Maduro. The emergency powers decreed to face the pandemic have meant no significant change in the authoritarian workings of the country, but they have helped President Maduro to display relative power and control, projecting an image of apparent stabilisation to a very vulnerable population. While a shadow parliament had already been operating virtually on limited resources with legislators in exile, the pro-government parliament remained out of session for most of the year as its members campaigned for elections in late 2020. Together with the partiality of the Supreme Tribunal of Justice, these conditions further limited checks and balances.

Even before the pandemic, civic space had endured a decade of attacks, targeted particularly at protesters, journalists and media outlets. Media outlets and specific journalists have been subjected to police searches, persecution and violence, and a number of restrictive laws were adopted. The pandemic was used to justify the arrest of over 35 journalists, charged with circulating information on the virus contradictory to official reports, while many others were detained and accused of anti-government conspiracies, and two journalists were killed. Online civic space was also controlled through connectivity disruptions, the deployment of digital agents to manipulate public opinion, and state-led blocking of internet service providers used by NGOs and news outlets.

Several protests continued to take place during the lockdown, but they were mostly isolated and focused on public service provision, education and health issues, rather than political reform. Excessive police force was used against protesters during the pandemic, including the use of firearms and tear gas, with many citizens detained, injured and subjected to illegal searches and seizures of protestors' homes. Over 400 protesters were detained, and at least six extrajudicial killings occurred.

The state impeded the work of the World Food Programme and other international aid donors by accusing them of criminal activities and adopting repressive regulations that enforced compulsory registration and state surveillance



of their accounts. As a result, local NGOs have had to reroute significant efforts toward alleviating the effects of the COVID-19 pandemic, particularly the lack of access to safe water, limited hygiene, food insecurity and malnutrition. Simultaneously, a deepening split between civil society and opposition parties has propelled the emergence of alternative civil society coordination groups, which aim to reclaim their independence from all political affiliations.

The level political playing field had been undermined in the last five years through a series of actions such as barring and co-opting opposition parties, harassing breakaway groups, and the instrumentalisation of official media outlets. An additional blow was delivered in June 2020, when a Supreme Court intervention ruled the current electoral law void. The newly appointed National Electoral Council created a new paralegal framework with no constitutional or demographic basis for the elections of the 2021-2026 Legislature. The new system raised the total number of deputies; redistributed the proportion of seats in favour of lesser populated states; modified the seat apportionment system; eliminated direct uninominal candidacies; and dismantled the system of Indigenous peoples' representation. The new norms will only continue to skew the critically impacted political field in favour of the government.

Burundi

As COVID-19 began spreading across Burundi, the ruling party minimised the crisis and avoided implementing containment measures that would have compromised their re-election campaign. The few pandemic measures taken were instead used to evade electoral scrutiny: African Union observers were told upon arrival that they had to quarantine until after ballots closed, whilst voters registered abroad were unable to enter the country. Only once a new President was elected did the government acknowledge the pandemic and carry out large-scale testing as a way to gain legitimacy, even though doubts persist on the reliability of official COVID data.

Civic space has been under threat for a while, with a gradual decline taking place years before the pandemic, and intensifying since 2015 following protests against President Nkurunziza's third mandate. The ruling elite has harmed the legitimacy of a dynamic civil society by creating government-organised non-governmental organisations (GONGOs), whose leaders are often picked for high-level political appointments. Together with government-owned media platforms, GONGOs legitimise government positions vis-à-vis the opposition and give a fake semblance of pluralism and inclusiveness. Alongside that, authorities have launched campaigns framing civil society as a security threat. Several activists have thus been exiled or have had to move their mobilisation online, although with limited impact.

A number of legal measures have been put in place that subject civil society to authorities' control, regulate public meetings, and curtail media freedom through mandatory registrations. A major chilling effect has also derived from administrative attacks, such as the seizure of NGO assets and the suspension of some organisations for not respecting ethnic personnel quotas or for allegedly conspiring in an insurrection. Regarding extrajudicial measures, there has been an increase in state violence targeting civil society, activists, journalists, and opposition and religious figures. All these forms of civil space repression are sensitive to the electoral cycle and have worsened around election time.

The pre-pandemic space for electoral competition was already inaccessible due to efforts to hinder any opposition - for instance setting high financial barriers for running in elections and requiring government permission to hold party meetings. To further skew the level playing field, the ruling party has engaged in a "Nyakurisation" process, in which authorities legally approve only party wings whose leaders are subservient to the ruling party and that can therefore act as their satellites. On top of this, the government has abused state institutions like the National Police and



Intelligence Services: intimidation and murders of opponents and rebel party members were reported ahead of the 2020 election.

Checks and balances have been compromised by the instrumentalisation of the judiciary, used to harass dissenting voices by means of detention sentences and void charges. The selective appointment of government-supporting figures and the corruption of magistrates have had devastating consequences for democratic space. Similarly, the legislature has been left disempowered because of the dominance of the ruling elite over other parliamentary representatives and senators, as well as the requirement for a presidential approval of any candidates in the legislative branch. These problems, coupled with opposition parties' lack of professionalism and institutionalisation, have de facto nullified the separation of powers in Burundi which are key to a healthy democracy.

Uganda

Before the pandemic, democratic space in Uganda was already closing due to the approval of repressive legislation such as the removal of presidential term limits, an NGO Act, and the POMA Act granting the police powers to prohibit and violently suppress public meetings. The abuse of state resources and the presence of a partial judiciary and unresponsive electoral commission further undermined checks and balances, enforcing a climate of intimidation and coercion. Opposition parties remain too fragmented to effectively challenge the ruling party, but civil society has remained strong and vibrant despite their limited internal capacity and legal constraints. Yet the government still decides what are acceptable spheres of activity and themes for which inclusive dialogue is permitted.

The COVID pandemic was taken as an opportunity for extensive repression by the government. The militarization of the government response strategy, epitomised by a stringent lockdown, gave room for the regime to launch an increasing assault on citizens' rights and democratic space. At the most restrictive point from March to June 2020, the measures included bans on religious activities, meetings, public transport; the closure of educational establishments; and a dawn-to-dusk curfew. A very harsh response against people flouting COVID guidelines, permitting the use of lethal force by law enforcement agents against those suspected of breaking the rules, led to 50 deaths from police brutality being registered in November 2020. Moreover, several journalists were violently attacked for breaking the curfew while on reporting duty.

The enforcement of pandemic measures was used to infringe on political pluralism and political activity, particularly around the 2021 elections. COVID rules were selectively applied in order to have an uneven playing field. Restrictions on public gatherings made it extremely difficult for political aspirants to campaign or recruit new members. The incumbent party was allowed to hold huge rallies and processions whereas opposition rallies were quelled: thousands of people were injured, while hundreds were arrested or killed. In addition, opposition politicians were denied access to private local media stations even after full payment in advance of airtime, while incumbents enjoyed unlimited media exposure. Police even threatened to close media stations to obstruct access to fair information. The subsequent move to online campaigning, in a country with a large digital divide between rural and urban communities, infringed on citizens' inclusion, participation and democratic rights.



Honduras

Before COVID-19, Honduras' democratic space simultaneously experienced a closing and an opening on different fronts. Violence and censorship targeting civil society, protesters and journalists continued to be widespread in a country suffering from high criminal activity and corruption, which remains heavily reliant on the military for enforcement. At the same time, positive steps were taken to defend and strengthen democratic space. Pressure from civil society helped to repeal repressive legislation, while new proposals were introduced to increase political party transparency, improve impartiality and oversight of the Supreme Court of Justice, and work toward gender parity in view of the 2021 primary elections.

The COVID-19 crisis has been a determining factor in closing civic space, with a disproportionate restriction of rights such as freedom of expression, freedom of association, and the right for people who have committed certain felonies to avail themselves of bail. Following strong resistance from human rights organisations and the courts, the executive restored such constitutional rights. A series of limitations were also registered in regard to the right to information and access to public data on the use of public funds in the pandemic response. There were reports of restrictions and attacks on the press and rights defenders - including 41 aggressions against journalists and social justice advocates.

Unemployment and inequality have deepened as a result of the pandemic, leading to protests against hunger in several municipalities. There has also been a weakening of women's labour rights as well as an increase in femicides, with weekly complaints of domestic and intra-family violence increasing by 4.1% after the introduction of COVID measures. While the pandemic had a devastating impact on Honduras' democratic space and social well-being, it was not the only problem of 2020: the destruction brought by hurricanes Eta and Iota affected over 4 million people and plunged it into a humanitarian crisis.

Interestingly, the reopening phase brought about renewed efforts to improve checks and balances in Honduras. The executive approved a new regulation on electronic government and established a secretariat for transparency at a time of important budget readjustments. The National Congress quickly adapted to distancing rules by holding virtual legislative sessions - although limited to scheduled bills - and by employing a public online voting platform. The judicial branch also continued to work remotely on transparency and open government measures. Finally, the Single Transparency Portal managed by the Institute for Access to Public Information enabled the publication of ex officio information of all obligated subjects that manage public funds during the pandemic. However, civil society audits still revealed irregularities and criminal responsibility in the purchasing of medical equipment.



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