DEMOCRACY REPORTING INTERNATIONAL

DEMOCRACY IN INTENSIVE CARE

THOUGHTS ON POLITICAL PARTICIPATION AND DEMOCRACY SUPPORT IN THE CONTEXT OF COVID-19[1]

KEY POINTS

• The Covid-19 pandemic has sharpened the global struggle between two visions of government: the democratic vision is centred on the power of informed citizens to shape their destiny, the authoritarian vision focuses on top-down decision-making with limited or no say for citizens. Support to democracy must engage at this fundamental level.

• During the pandemic it is harder for citizens to hold their governments and politicians accountable. However, in times of 'social distancing' citizens can turn to other means of requesting accountability and transparency, especially on the facts and considerations that motivate government decisions. Democracy support must take effect at these new and innovative levels.

• Covid-19 can only be defeated with global expertise. The backlash against expertise and the flood of disinformation hamper effective responses. However, experts should not substitute politicians. Experts can only advise, while politicians must decide. The difference between advice based on specialist knowledge and political responsibility and accountability must remain clear. Democracy support should continue to strengthen democratic institutions to play their role effectively, in particular during a crisis.

• Many countries are in declared or de facto states of emergency, where important rights – such as the freedoms of movement or assembly – are severely restricted. Contrary to negative public perception, the idea of a state of emergency is foreseen in international human rights law as a guarantee that during exceptional times human rights, democracy and the rule of law remain intact, even if reduced. Not every state of emergency is the same. Some countries exceed the limits set in international law. In that case states of emergency become accelerators of authoritarian tendencies. Democracy support needs to push back against the abuse of states of emergencies.

• The Covid-19 crisis has created a massive push towards IT and online solutions to reduce physical contact between people. Technology can be put to the service of democracy and authoritarianism alike. It can foster public consultation, government transparency and civic-tech solutions to society's challenges. But it can also bolster the surveillance state. Democracy support should engage more on civic tech, transparent public discourse and the overall empowerment of society through technology.

• The crisis is likely to increase inequality. Vulnerable populations could become even more vulnerable. They may lack requisite healthcare, working from home is not always an option and work can expose them to higher risks. They may even lack access to important information (for example the illiterate or those who speak only minority languages). Poor countries say 'lockdown is a luxury we cannot afford'. Women tend to be more vulnerable than men, often providing for children, exposed to domestic violence, as well as making up the bulk of healthcare workers in most countries. Democracy support should not forget that for many people tech is not a solution and help the empowerment of vulnerable communities.

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1   A GLOBAL BATTLE FOR HEARTS AND MINDS

The idea of democracy has been under pressure for some years. Authoritarian governments portray their systems as more effective and able to address the challenges and opportunities of our time. The Covid-19 outbreak has become a defining moment between those who believe that top-down government is the only way to rule in a complex world and those who believe in the strength of society to determine its fate.

China in particular praises itself for its responses to the pandemic, even though its opacity and suppression of warning voices in the crucial first weeks of the outbreak has allowed it to spiral out of control. The world is paying a steep price for the lack of free expression in China. The stark difference of a top-down versus a whole-of-society approach can be seen in how lockdowns have unfolded.

In Wuhan, a city of 11 million, the local newspaper did not publish a single front-page article on the widening epidemic for two weeks. Then suddenly, on 22 January, the government imposed a lockdown on an unsuspecting population.

In Taiwan, South Korea, and Japan, media freely reported on the growing threat. When governments decided to restrict some aspects of public life, it did not come as a surprise. Citizens knew why and many of them wholeheartedly supported the measure. They achieved the same result as the Chinese state with much less supervision and without a repressive police force.

The stark choice has been the same for centuries: either people can shape their own future or they are reduced to objects of government decisions.

Authoritarian and democratic regimes are serious in fighting the pandemic. Success or failure in both cases depends on many other factors. But the success (and failure) in authoritarian regimes comes at the high price of freedoms, rights and political participation.

2   TRANSPARENCY:
AN INFORMED, MOTIVATED POPULATION VERSUS AN IGNORANT ONE

Transparency is inextricably connected to the idea of democracy. Citizens need to have information to understand and discuss choices to be made. Governments benefit from free expression and discussion to understand what is going on in their countries.

After the SARS outbreak in 2002-2003 the Chinese government had established an efficient rapid reporting system for epidemic outbreaks. The system was to be led by experts and free of political influence to ensure that the party leadership was instantly informed. In late 2019 the system failed. Politics came in the way of quick, objective reporting. The local leadership in Wuhan did not want bad news to come from their city. Reports were suppressed and people who spoke about the new virus were harassed, such as the medical doctor Li Wenliang who later died from Covid-19.

The Chinese political system lost the precious first weeks in which the virus could have been suppressed. The poor communication was not a bug, it was a feature of the system. Where free expression is suppressed, crucial information travels slowly or not at all. In any system with freedom of expression, the government and the population would have known in the early weeks that something dangerous was happening in Wuhan that needed a response.

Freedom of expression and access to information are essential, even more so in crises where major decisions are made which determine a country's long-term trajectory. The coronavirus crisis shows significant weaknesses in government transparency in democracies too. Governments shared little or unclear information on the danger of the virus, the number of tested people, and infection and mortality rates.

Without good information, a facts-based public debate suffers. Without information, citizens may not have a strong, intrinsic motivation to do their best to help. In the words of Yuval Noah Harari: "A self-motivated and well-informed population is usually far more powerful and effective than a policed, ignorant population."[2]

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[2] Yuval Noah Harari, *The World After Corona-Virus*, Financial Times, 20 March 2020.

Deficiencies in the public debate, such as extreme polarisation, the existence of separate low-quality media universes and widespread disinformation, can negate the benefits of free expression. The slow response of the US government to the Covid-19 outbreak was compounded by weeks of misleading coverage in media networks such as Fox News where many commentators denied the problem. This reduced public buy-in to lockdown measures when they were eventually imposed. Informed debate can be crowded out by uninformed or hyper-partisan news, resulting in ignorance.

3 THE ROLE OF EXPERTS:

DEMOCRACY BETWEEN IGNORANCE AND TECHNOCRACY

In recent years there has been a backlash against expert opinion. In the context of Brexit, the British politician Michael Gove famously said "the people have had enough of experts" indicating that he had faith in the British people to make the right decision. The Covid-19 crisis has exposed the absurdity of claims that politics or people do not need expertise. We would know nothing about the problem without the expertise from virology, epidemiology, pneumology and many other fields. Only experts can identify the range of this threat and its remedies. Indeed, to a large extent we have to trust these experts to do the right thing and to tell us all they know.

Science is pluralistic as well. Scientists argue and disagree. They mostly agree on some fundamental issues, for example that Covid-19 is a virus and needs to be treated that way, but research and debate many aspects that follow from that. Academic freedom is important for democracies to allow this search for truth and solutions to play out. When scientists freely debate, the interested public can understand what they disagree on and form its own opinions. The role of experts, however, becomes questionable when they start assuming political power or when politicians start hiding behind scientific expertise, implying that they are merely doing what experts advise. Technocracy is a threat to democracy. It can lead to a situation where politicians claim that "there is no alternative". Such a statement is anathema to democracy which is premised on competing visions and policy options. Expertise and political power should not merge into an indistinguishable technocracy, which blurs the lines of responsibility.

It is essential in politics in general, but especially in a crisis, that politicians accept their responsibility and that there is clear accountability for any decision. Often, a political decision is a choice between a variety of scientific advice. For example, the British Prime Minister Johnson initially took a rather relaxed position and followed scientific advice that "herd immunity" should be built up in the population through widespread infection. It was his decision to follow this rather than other scientific opinions.

Obviously, in the case of Covid-19, decisions related to the spread of the virus need to be balanced against other considerations like economic development, which also need expert input. Politicians must balance these various perspectives, make decisions and explain them to the public. They must take the responsibility for decisions and be accountable in public debate, in courts and in elections.

4 THE STATE OF EMERGENCY –

A DANGEROUS MOMENT FOR DEMOCRACY

Governments around the world are introducing emergency measures to counter the Covid-19 pandemic. These measures significantly restrict human rights, in particular the rights to move freely or to assemble. Of course, they are put in place to protect other rights, reflecting states' obligations to care for people's health. Countries with weak health systems sometimes put more stringent measures in place, because their margin of error is lower.

The restrictions obviously carry serious risks for human rights protections. For example, the last few years have seen an increasing number of public demonstrations around the world. The year 2020 will see a sharp suppression of that number due to Covid-19. Demonstrations are an essential feature of democratic debate or of pushing back against attacks on democratic institutions. Fewer demonstrations can signal less debate and more suppression; neither is conducive to democracy.

Due to Covid-19, the democratic process is also limited, because important decisions are made in a hurry or by a smaller group of politicians and, sometimes, the work of courts is suspended.

Such measures amount to a state of emergency, whether it is officially declared or not. However, not every state of emergency is the same. Many measures are justified by the situation but some countries adopted measures that do not contribute to fighting the pandemic. Rather, they serve to weaken checks and balances and the political opposition.

The idea of a "state of emergency" has a bad name, because often dictators and repressive regimes enacted long-lasting

states of emergencies to crush dissent. The frequent abuses of states of emergency have obscured the fact that in international law, the state of emergency is foreseen to protect human rights in times of emergency. It follows a rule of law logic. Announcing a state of emergency clearly signals that the normal functioning of the state cannot be maintained and that a special regime is in place for a limited timespan.

International law makes clear that a state of emergency does not amount to lawlessness, in which governments can do whatever they consider necessary. Instead, international law (such as the International Covenant on Civil and Political Rights) clearly defines that some rights cannot be touched (for example the right to life, right to religion), while others should only be restricted as much as necessary to deal with the emergency. In the case of Covid-19 they must be proportional to the aim of suppressing the spread of the virus.

In any democratic systems at any time, parliaments should deliberate on measures taken and approve or disapprove them. Courts must be allowed to review measures. In many democratic countries, citizens have appealed against restrictive measures related to the current pandemic, forcing governments to explain their decisions in more detail. Sometimes government decisions were annulled by courts (for example in Germany). Mostly they upheld them, giving government and parliament the benefit of the doubt in a context where still a lot is unknown about this new virus but reminding about the importance of reasonability and proportionality of any restriction and the need to review them in regular intervals and to re-install all freedoms at the earliest possibility.[3]

5   THE PUSH FOR TECH: DEMOCRACY MODERNISED OR BIG BROTHER GETTING BIGGER?

The need for physical distancing has given a massive push to replacing physical interaction with online solutions. Physical meetings are replaced almost completely by online meetings in many countries. Instead of going to shops, people order online. Instead of meeting family, they call. Instead of going to school, pupils are taught online.

Technology can further democracy. It can help to deal with the immediate challenges. In some countries parliaments now hold consultations online. This may turn into more lasting change allowing more people to take part in public deliberation. Society can mobilise tech solutions for the common good. Taiwan's civic tech sector, for example, played an important role in an overall successful response to the Covid-19 crisis. It helped with a transparent location of face-mask availability to avoid panic and hoarding and supported an app that allows users to be informed when they enter areas of higher infection risk. Beyond the emergency response Taiwan has developed new forms of political participation based on tech platforms. The German government conducted a hackathon with almost 30,000 participants to develop tech solutions.

However, tech solutions for democratic processes need careful consideration. A seemingly obvious solution for holding elections now is internet voting. But it is a problematic solution, not only because of risks of manipulation but also because it does not ensure the secrecy of the vote. Nobody can control who stands next to a person casting a vote, such as a husband telling his wife whom to vote for. Tech solutions also create issues of equality and accessibility as not everyone has or is able to use the necessary equipment or software.

New forms of electoral participation, for example postal voting, may raise questions of integrity of elections. On the other hand, the need for innovation also opens the door to disinformation, casting doubts on good-faith efforts to deal with the situation.

Political parties and candidates will be even more inclined to campaign online while physical interaction is hampered by the epidemic. However, as many analyses have shown, online discourse is not sufficiently immune to systematic disinformation. Actors of disinformation use foreseeable events like elections, but also unexpected crises, to spread false information. The wave of disinformation around Covid-19 highlights the problem. Tech companies have been more pro-active in addressing this problem than in earlier instances. More of this pro-active engagement will be necessary to address disinformation around elections and democracy in general in the future.

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[3] See more on this on our primer on the state of emergency in the Covid-19 context.

The greatest risk is a big push for more surveillance. Big brother could become even bigger by monitoring symptoms that are seen as related to the pandemic but could be used to establish a database of information about people's opinions, habits and feelings. As Harari points out: "If you can monitor what happens to my body temperature, blood pressure and heart-rate as I watch the video clip, you can learn what makes me laugh, what makes me cry, and what makes me really, really angry. (…) If corporations and governments start harvesting our biometric data *en masse*, they can get to know us far better than we know ourselves, and they can then not just predict our feelings but also manipulate our feelings and sell us anything they want — be it a product or a politician."

In an emergency many questionable measures may suddenly seem necessary and unavoidable. But there are choices. Responsible technology can track the spread of the epidemic and inform people without violating their privacy. Using technology in daily life for shopping, meetings, school and work can facilitate these tasks and a positive effect of this crisis will be more knowledge about technological approaches that make our lives easier.

The move to technology will be largely unavoidable, but it can be shaped to respect democratic values and reduce associated risks of undue surveillance. In short, the push for tech is an opportunity as much as it is a risk.

6   THE IMPORTANCE OF LOCAL GOVERNANCE

In most countries local governments bear the brunt of the fight against the epidemic. They have to implement decisions from the central level, they often organise health and social services and they have access to people who do not benefit from technology to connect to the wider world.[4] Local government is the level easily forgotten when the spotlight of public interest focuses on the national government. Sometimes central governments abuse their powers to undermine local authorities.

At the same time local government actors usually have the best insights on how to solve problems in their area and how to implement measures in the least restrictive ways. They will know how to communicate with people in their area, even if they are illiterate or speak minority languages. They can experiment with new forms of participation and consultations. Local governments can help citizens feel they too "own" the crisis response and it is not just imposed on them from an often distant national leadership.

Restrictions to human rights should be limited to what is necessary. That may also mean that different measures are adopted in different regions depending on variations within a country. Again, local government input in such decisions and in carrying them out is important. It is sometimes said that the emergency is the "hour of the executive", but it should also be the "hour of local governments".

7   INEQUALITY

The new situation makes many inequalities worse. People in manual jobs, typically lower paid, cannot work from home and lose income or risk infection. Women are vulnerable. They are more likely to bear the brunt of taking care of children who do not go to school. They are at greater risk of domestic violence when they are forced to stay at home with abusive husbands or partners. Where courts or public services are closed or slow down, such abuses cannot be addressed swiftly. The health sector typically employs more women than men, who are thus more exposed to the risks of infection.

Elderly people who are in need of special care and contacts become more isolated. The same goes for other groups that rely mostly on direct contacts, such as homeless people. People who only speak minority languages and those who are illiterate have less chance to stay informed or to have a say.

There are massive inequalities between countries as well. While many citizens chafe under severe lockdown restrictions across the world, in poor countries "lock-down is a luxury we cannot afford". In these countries there is no safety net. Your daily work earns your daily bread. If you cannot work, you are doomed.

The global push for tech ends where people have no means for it. Low bandwith, lacking the means for buying and using

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[4] For more on this see the contribution from DRI's Shafaq Kiani and Javed Malik on fighting the pandemic and local governance in Pakistan: https://propakistani.pk/2020/04/17/how-local-governments-can-make-pakistans-fight-against-covid-19-more-effective/?utm_source=rss&utm_medium=rss&utm_campaign=how-local-governments-can-make-pakistans-fight-against-covid-19-more-effective

equipment and lack of literacy stand in the way of moving to tech.

This highlights the importance of limiting the timespan of any restrictive measures and the responsibility of governments to ensure support for those more affected by the crisis.

WHAT DOES THIS MEAN FOR OUR WORK?

The crisis affects DRI's outlook in many ways:

- **The world of democracy is flat**: Our work is based on international obligations for democratic governance that almost all governments freely entered into. We have always avoided the idea of "exporting" models of democracy. The Covid-19 crisis has underscored that countries that are generally considered as "established democracies" are not necessarily a good reference point. Asian democracies South-Korea, Taiwan and Japan have dealt more successfully with the crisis than Europe or the US. *As an organisation headquartered in Germany, we have reasons to be humble for the poor initial emergency response across Europe.*

- **Free speech remains essential**: The crisis has underscored how essential free speech remains for society and its ability to confront emergencies. The crushing of warning voices in China cost the country precious time in suppressing the virus in its early stage. Free speech remains essential also for global co-operation. If we can only rely on information that governments allow to be shared, the trust required for global co-operation is not present. *Our work needs to continue to focus on this and other fundamental freedoms and rights that are the foundation of democracy.*

- **The twin risks of anti-scientific demagogy and technocracy**: The world's challenges – pandemics, lack of clean water, global warming, nuclear war, conventional conflicts, poverty, ineffective governance – cannot be understood and met without employing scientific expertise. The dismissal of scientific knowledge by political or religious extremists is problematic for the fact-based debates that are at the core of democratic deliberation. On the other hand, scientists should not take over the role of elected politicians. Dismissal of science is as

dangerous for democracy as technocracy. Elected politicians must take the decisions and accept responsibility for them. *Our work needs to keep the focus on the central role of democratic institutions in making transparent decisions and accepting public, legal and electoral accountability for these decisions. In the Covid-19 context institutions that provide checks and balances (parliamentary committees, courts, media) need to be strengthened in their ability to contribute to an informed debate and to hold government accountable for many complex decisions.*

- **The danger of emergencies for democracy:** The states of emergency (declared or *de facto*) that are in place across the world present a massive set-back for democratic institutions that DRI has been supporting since its founding. They represent a central threat to rule-of-law-based democracy that respects human rights. Essential human rights, such as the freedom to demonstrate (assembly) and to express an opinion can be curtailed. There is a risk of states of emergency staying in place much longer than necessary and being abused to entrench one party or leader in power. International human rights obligations are clear: human rights, democracy and the rule of law can be reduced during an emergency, but such measures should be time-limited, reasonable and proportional. *We have [published](#) with Verfassungsblog an analysis of 50 states of emergency around the world and will raise more [awareness](#) of the risks and limitations of states of emergency, especially in our re:constitution project on the rule of law in the EU.*

- **Citizens have to keep their voice**: The current crisis mode in most countries aims at protecting citizens, but the decisions taken risk reducing citizens to mere objects of health policy. In the same vein as institutions must continue to function, citizens must be able, also in times of crisis, to receive information, form views and express opinions. Free debate and transparent government decisions lead to better outcomes. Citizens also hold governments and politicians accountable for their decisions, including through elections. *We have been working with citizens around the world to participate in political decision-making at local and central level and to*

bring different stakeholders together. Our programmes aim at enhancing information-flow between governments and citizens, improving transparency and supporting citizens in holding their governments accountable. We will continue this work and look for new ways in helping citizens to be heard and included in decision-making.

- **Technology as empowerment**: The push for technology through the current crisis presents many risks, in particular that even more democratic discourse is moving online where it is open to disinformation and manipulative interference (see DRI Briefing Paper 100 for details). At the same time technology plays a role in empowering society by providing more transparency, ways of self-organisation and co-operative undertakings between state and non-state actors. Tech must be used in a transparent way while protecting privacy, and not as a means for increased surveillance by the government of its citizens or by companies of consumers. *Our work with civil society organisations around the world to increase tech literacy and ability to monitor and analyse discourse on social media will become even more relevant. DRI should also support such analytical capacity to deal with other challenges such as the danger of increased surveillance. The work on regulation of technology, especially in the EU framework, is even more relevant when tech's role as a provider of the public sphere is expanding fast. The increase of tech, in particular the new normal of online conferencing, is, at the same time, an opportunity for us to reduce our travel to become more environmentally friendly.*

- **Inequality**: The current crisis affects certain parts of the population in more adverse ways than others. Women in particular are increasingly victims of violence while manual labourers are laid off and pushed deeper into poverty. Access to healthcare, public services, police and courts are limited due to either the economic situation or current restrictions. With the focus on saving the economy and governments in crisis mode, the advancement of equal rights for all, including for women and other marginalised groups to participate in public and political life, may take a back seat. *We will continue our focus on inclusion of women and other*

marginalised groups in our activities and identify spaces for their voices to be heard by decision-makers at local and central level.