

Nations in Transit 2014:

Eurasia's Rupture with Democracy

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The current crisis in Ukraine has focused the world's attention on the sharp ideological and political divide between Europe, which operates according to democratic principles, and Eurasia, where nearly four out of five people live under authoritarian regimes. In reality, the fault line between these two regions has been deepening for many years, and Russia's malign influence on the governance practices of its neighbors was rising long before the invasion of Crimea.

Throughout 2013, governments across the former Soviet space worked to shut off the remaining oxygen supply to their democratic institutions, using corrupt judicial and law enforcement bodies to incapacitate civic activists and eradicate the independent media.

The Kremlin actively pursued a policy of intensified repression that dated to Vladimir Putin's return to the presidency in 2012, using a series of new laws to persecute LGBT people, harass independent civil society, expand state control over the media, and bring the internet to heel.

This crackdown in Russia established a pattern for the surrounding region, where country after country in 2013 took up antidemocratic innovations that were pioneered by Moscow. In Kyrgyzstan, for example, a governing party proposed a virtual replica of Russia's 2012 law requiring many civic groups to register as "foreign agents." A bill introduced in March of this year emulates Russia's 2013 law against LGBT "propaganda," prescribing fines for anyone who spreads information about gay rights.

Similar measures have been proposed or brought up for discussion in Kazakhstan, Belarus, Georgia, Armenia, and even Latvia, a European Union member state. In June 2013, Moldova passed a law that banned the promotion of "relationships other than those linked to marriage and the family," but removed the relevant legal clause four months later under EU pressure. As in Ukraine, the back and forth reflected an ongoing tug of war between forces seeking European integration and those that identify with or serve as proxies for Moscow.

Indeed, Ukrainian leader Viktor Yanukovich continued to push the Russian model in the last month of his presidency, introducing “foreign agent” legislation and a requirement that consumers show their passports when buying SIM cards for mobile devices. These measures were quickly rejected after Yanukovich’s ouster, but the original Russian versions will be enforced in occupied Crimea, along with dozens of other restrictions.

Even in states where government and law enforcement already surpass their Russian counterparts in institutionalized brutality and intolerance, the Kremlin’s legislation has served as an inspiration. In Azerbaijan, authorities in December adopted restrictions resembling the “foreign agents” law, though the move seemed redundant given the array of existing tools for muzzling critics of President Ilham Aliyev. Similarly, in Turkmenistan, where virtually all functioning civic organizations either support the government or receive direct government funding, a January 2013 presidential decree created a state commission to supervise all foreign-funded “projects and programs” and limited outside money to “legal and physical entities.”

Grim as they were, the events of 2013 represented the acceleration of an existing trend. The findings of Freedom House’s *Nations in Transit* report, an in-depth annual assessment of democratic governance in 29 postcommunist states, show that democracy in the 12-country region of Eurasia has been in steep decline for over a decade, leaving 78 percent of its population living under consolidated authoritarian regimes.

Key Eurasia findings of this year’s *Nations in Transit* report include the following:

Civil Society under Siege

In February 2013 alone, authorities in **Russia** used the “foreign agents” legislation to inspect, disrupt, or—at least in the case of election watchdog Golos—dissolve around 1,000 nongovernmental organizations (NGOs). Throughout the year, the authorities used the threat of prosecution to reduce the number of activists participating in street protests against the regime. Charges were filed against 28 individuals for demonstrating on Moscow’s Bolotnaya Square on 6 May 2012, the day before Putin’s inauguration, and many of those individuals remained entangled in the legal system during 2013, mostly on charges of resisting or assaulting the police. Lawmakers also followed up the previous year’s raft of illiberal legislation by amending a child protection statute to make distributing “propaganda” in support of “nontraditional sexual relationships” a criminal offense.

In **Azerbaijan**, the run-up to the October 2013 presidential election prompted yet another government crackdown on civil society activists, political opponents, and the media. After six consecutive years of decline, the largest and wealthiest country in the Caucasus—and the newest chair of the Committee of Ministers for the Council of Europe—now has the democracy rating of a deeply entrenched Central Asian dictatorship, with less freedom of assembly or expression than Tajikistan and more flagrant corruption than Kazakhstan.

Kazakhstan itself received a fourth consecutive downgrade to its civil society rating in 2013 due to broad extralegal enforcement of its already strict 2011 law on religious activity, with numerous arrests on related charges of “extremism.”

Uzbekistan and **Turkmenistan** continued to earn the report's worst possible rating—7, on a scale of 1 to 7—for civil society, as they do on most other indicators. In **Belarus**, the government of Alyaksandr Lukashenka faced no significant challenges to its authority in 2013, having pummeled civic activism with a sustained crackdown that dates to the postelection protests of December 2010.

Popular Resistance

Events in **Ukraine** since November 2013 clearly demonstrate why civil society is the only *Nations in Transit* indicator that never declined during Yanukovych's otherwise disastrous four years in power. By the beginning of 2013, Ukraine's democracy score was already worse than before the Orange Revolution of 2004, and it declined further during the year due to deteriorations in media freedom and the ongoing and extremely rapid enrichment of Yanukovych's close associates. But when Yanukovych abandoned a deal with the EU in favor of stronger ties with Russia, the country's reservoir of civic engagement erupted into massive protests in Kyiv and other cities, with citizens demanding accountability and good governance from its corrupt authoritarian leadership.

Civil society also proved resilient in **Kyrgyzstan**. Throughout 2013, voices in the parliament sought to challenge the protections enshrined in the 2010 constitution with new and restrictive legislation, including the bill modeled on Russia's "foreign agents" law. In nearly every case, the response of Kyrgyzstan's increasingly vocal civic sector played a key role in bringing international attention and pressure to bear on these problematic proposals. Since the 2010 ouster of authoritarian president Kurmanbek Bakiyev, Kyrgyzstan has been the only state in Central Asia to show any genuine opening for civil society, as well as a small improvement in its media environment. However, the country still suffers from enormous weaknesses that threaten its modest democratic gains. Chief among them are the dominance of the presidency as it fills a power vacuum left by the unstable and undisciplined legislature; the persistence of egregious ethnic bias and unprofessionalism in the judiciary; the self-censorship and limited reach of the Kyrgyz media; a trend toward illiberal legislative initiatives; and pervasive corruption.

Uncharted Territory for Georgia

Aside from Kyrgyzstan, Georgia is the only state in Eurasia whose ratings have consistently improved over the last few years, thanks in large part to more free and fair elections in 2012 and 2013, and the increased pluralism they introduced. In May 2013, Georgia's parliament also passed important amendments to media legislation that increased the transparency of broadcaster ownership and made the preelection "must carry/must offer" rule—requiring cable companies to carry all stations' signals—applicable year-round.

However, the year and a half since Bidzina Ivanishvili's Georgian Dream party swept Mikheil Saakashvili's long-ruling United National Movement (UNM) into the opposition has not been free of challenges or ambiguous developments. Throughout 2013, the Georgian Dream government continued to preside over

controversial investigations and prosecutions of former UNM officials on charges ranging from abuse of power to corruption. President Saakashvili himself remained in office through most of 2013, and his cooperation with Prime Minister Ivanishvili was limited. In March, members of the influential Georgian Orthodox clergy led a crowd of thousands in an attack on a small gay rights rally in downtown Tbilisi.

Central Europe

Democratization trends in Central Europe are more nuanced, and certainly less dire, than in Eurasia. In the 25 years since the collapse of communist rule, nearly all the countries in the region have consolidated their democratic institutions and created strong protections for civil society organizations and the media. Elections are free and fair, and the public has high, if sometimes unmet, expectations of inclusion in the discourse of policymaking.

For all these achievements, the role of money in politics, the pliability of judicial institutions, and economically weakening media sectors all raise concerns about the durability of democratic gains. Collectively, the *Nations in Transit* ratings of the countries that joined the EU in 2004 and 2007 have declined, rather than improved, since accession. In 2013, the only country to register a net improvement was **Romania**, one of the region's poorer performers, whose national government returned to normalcy after a presidential impeachment attempt and related disruptions in 2012.

Notable findings on Central Europe from this year's *Nations in Transit* report include:

- **Worsening Conditions in Hungary**

Hungary's multiyear governance decline, reflected in every *Nations in Transit* indicator, remains the most poignant reminder that democratization in postcommunist Europe is neither complete nor irreversible. By the end of 2013, Hungary's democracy score was one full point worse on the 1–7 scale than in 2004, when the country entered the EU. Without counterbalancing improvements, any further deterioration in governance, electoral process, media freedom, civil society, judicial independence, or corruption under Prime Minister Viktor Orbán's recently reelected government will expel Hungary from the category of "consolidated democratic regimes" next year.

- **Entrenched Corruption**

Throughout 2013, public protests—sometimes on a massive scale—drew attention to the persistence of political corruption, most notably in Bulgaria, the Czech Republic, and Slovenia. **Bulgaria's** largest protests in 15 years brought down the center-right government of Prime Minister Boyko Borisov in February 2013. After a new, center-left government

took power in May, the public was outraged by its appointment of a widely distrusted 32-year-old media mogul to head the national security agency. The move was quickly reversed, but it resonated as a symbol of creeping state capture by a corrupt nexus of politicians, businessmen, and criminal groups. In the absence of meaningful reforms, protests continued throughout the year.

In early 2013, **Slovenia's** parliament voted to dissolve the government of Prime Minister Janez Janša, whose coalition had been teetering amid public protests over government corruption and austerity measures introduced in 2012. Janša was subsequently convicted of taking bribes in one of the year's several high-profile corruption cases. Nevertheless, Slovenia is still *Nations in Transit's* best performer, just ahead of **Estonia**.

High-level corruption scandals have been occurring for years in the **Czech Republic**, but the trend has gained momentum recently, possibly because of a more proactive prosecutor general's office. In 2013, the government came under fire in connection with charges ranging from bribery to illegal commissioning of surveillance by military intelligence. Prime Minister Petr Nečas's chief of staff and alleged paramour, Jana Nagyova, was indicted for abuse of power and bribery in June, and Nečas resigned shortly afterward. However, charges of corruption against three members of parliament were annulled after the Supreme Court ruled that they were protected by immunity. The unwillingness of the Czech Bar Association to turn over important files in the case highlighted problems in prosecuting high-level crime in the country.

Poland also received a downgrade to its corruption rating in *Nations in Transit 2014*. Although the system of institutions tasked with combating graft in Poland is well developed and efficient, a steady accumulation of new cases over several years suggests that public figures are undeterred by the prospect of punishment, and that corruption is more entrenched. In **Hungary**, abuse in public-procurement practices, to the benefit of business groups and communities that are loyal to the government, became increasingly obvious in 2013. After a scandal over reports that the nationalization of Hungary's tobacco industry had deliberately favored some local allies of the ruling party, the government made its freedom of information law more restrictive.

- **Pressure on Independent Media**

The only EU member state in Central Europe whose independent media rating has not declined in the last decade is **Estonia**, and nearly all of these countries' media sectors have deteriorated more rapidly since the European economic crisis. Though citizens across the region have access to a wide range of news sources and opinions, the quality and dependability of investigative reporting are increasingly compromised by economic and political pressures.

In 2013, **Lithuania** received its second media downgrade in three years after the authorities raided the offices of the Baltic News Service in Vilnius, confiscating computers and interrogating journalists about a leaked government document that implied Russia was trying to discredit the Lithuanian president. Meanwhile, media ownership in **Latvia** is becoming increasingly concentrated, raising concerns about the sector's ability to act as an effective watchdog. In 2013, the deputy editor of a regional newspaper was harassed and threatened with house arrest if he did not reveal his sources.

In the **Czech Republic**, the concentration of major print dailies in the hands of two business magnates, one of whom fared well in the 2013 general elections, points to growing ties between business, politics, and the media. The election campaign also featured attempts to curb editorial freedom at the public television broadcaster.

The Balkans

With the end of the Yugoslav wars just 15 years behind them, most countries of the Balkan region continue to make only fitful progress on *Nations in Transit's* democratization indicators, and there are still no consolidated democratic regimes in the region. Even new EU member Croatia's democratic institutions are still considered "semi-consolidated" under the report's methodology, which takes into account the nation's overwhelmed court system, its struggles with high-level corruption, and the pressure and intimidation frequently faced by its journalists.

Nevertheless, the EU continues to exert a positive influence in the Balkans, with the prospect of membership arguably serving as the single greatest motivation for democratic behavior and reform in these countries. The Balkans is the only *Nations in Transit* region to show improvements in civil society over the last decade.

The most noteworthy regional developments in *Nations in Transit 2014* are:

- **Serbia, Kosovo, and Albania Turn a Corner**

After years of escalating rhetoric, abortive negotiations, and occasional violence, there was a breakthrough in the EU-brokered dialogue between Kosovo and Serbia in 2013. In February, Kosovo president Atifete Jahjaga met in Brussels with her Serbian counterpart, Tomislav Nikolić, marking the first meeting between the countries' heads of state since Kosovo's 2008 declaration of independence, which Belgrade does not recognize. In April, the talks yielded a landmark agreement under which Kosovo granted its Serb minority increased autonomy, and Serbia recognized Priština's authority in predominantly Serb areas where Belgrade had long funded shadow government structures. The two parties also agreed not block each other's EU accession bids.

Just to the south, Albania earned its first positive ratings changes since 2008 thanks to flawed but competitive parliamentary elections in June

and a peaceful transfer of power later in the year. The country had suffered steep declines during Sali Berisha's second term as prime minister, as he and his Democratic Party (PD) sought to consolidate their authority through politicized appointments to the judiciary, the presidency, and other key positions.

- **Setbacks for Bosnia and Macedonia**

Two ratings declines in 2013 caused Macedonia to be demoted to the middling *Nations in Transit* category of “transitional/hybrid” regimes. The country was paralyzed by a political crisis that had erupted in late 2012 when the government of Prime Minister Nikola Gruevski pushed through its annual budget after forcibly ejecting opposition members and journalists from the parliamentary chamber. Several opposition legislators quit, and it took an intervention by the European Commission and other international bodies to dissuade the main opposition party from boycotting local elections in March.

Macedonia's growing restrictions on independent journalism drew international attention in 2013 when reporter Tomislav Kezarovski was arrested for allegedly revealing the identity of a protected witness in a murder case. Kezarovski was kept in pretrial detention for five months and then sentenced to four and a half years in prison in October. In late December, the parliament adopted controversial legislation to create a new, government-dominated media regulator.

In Bosnia and Herzegovina, a perennial political crisis continued to paralyze state-level governance in 2013. It is increasingly clear that the country's politicians are unwilling or unable to compromise for the sake of achieving either short- or long-term goals, even those that they claim to share. In June, reports that a three-month-old infant was unable to travel abroad for medical care because legislators could not come together on a law regulating identification numbers outraged the public and led to demonstrations. The completion of the 2013 population census—Bosnia's first since 1991, and an important milestone—was deeply politicized and partly marred by accusations of irregularities. Meanwhile, unfulfilled promises to the EU prompted significant funding cuts.

- **LGBT Rights Contested**

Conservatives in a number of Balkan countries are pushing back against attempts to harmonize national laws and social norms with European standards regarding equal rights for LGBT people. In **Serbia**, authorities canceled the capital city's Pride Parade for the third year in a row in 2013. The last such parade in 2010 had ended in violence, and the city has since claimed that it lacks the resources to cope with threats against the marches from far-right groups. **Montenegro** held its first Pride Parade in 2013, but

societal discrimination remains strong, with 71 percent of respondents in a 2012 survey agreeing that homosexuality is an “illness.”

Croatia hosted its largest Pride Parade to date in 2013, as attendees showed solidarity in the face of a campaign to enact a constitutional ban on gay marriage. A referendum on the amendment was held in December, and 66 percent of those participating supported it, though only 38 percent of eligible voters turned out. The initiative came in response to a government-backed bill that would allow same-sex couples to register as “life partners,” with rights equivalent to marriage except in adoption. The bill has since stalled in the parliament. The referendum effort was part of a broader rise in activism by ultraconservative groups within Croatian society, many of which are nationalist in orientation and have in the past opposed attempts to punish Croatian war criminals.

Conclusion

Peace and Democracy

Twenty-five years ago, in June 1989, Poland’s Solidarity movement swept the ruling communists aside in an election victory that would change the face of Europe. This year also marks 15 years in NATO for Poland, the Czech Republic, and Hungary, and 10 years of EU membership for those countries plus Slovakia, Slovenia, and the Baltics, which also joined NATO in 2004. The fall of communism and the gradual expansion of NATO and the EU have been accompanied by remarkable overall improvements in democratic governance in the states affected, as recorded in nearly two decades of assessments by *Nations in Transit*.

But the report has also tracked the stagnation and decline of governance conditions in the countries to the east. This divergence is not simply the result of internal weaknesses or the EU’s absence. The Kremlin’s recent belligerence in Ukraine has made it clearer than ever that struggles for democracy in a given country do not play out in isolation—there are external adversaries working to thwart and reverse them.

Consequently, a failure by the democratic world to participate in these struggles with sufficient vigor will not only mean a lack of progress, it will mean retreat and real danger. Democracies must recognize that their authoritarian opponents are neither valuable partners nor guarantors of regional stability, and craft their policies accordingly. Any cooperation with undemocratic states must be tied to genuine and irreversible reform.

While calls to support fair elections, civil society, independent media, and the rule of law across the postcommunist world may seem trivial or at least modest when compared with the threat of war, invasion, and energy embargoes, democratizing initiatives are ultimately the best and least costly way of preventing those outcomes.

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