

COVID-19: Can the EU avoid an epidemic of authoritarianism?

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Insight



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by Ian Bond and Agata Gostyńska-Jakubowska  
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**Most EU governments have restricted fundamental rights in order to tackle COVID-19. The EU should check that measures are justifiable, proportionate and respect its norms, which is not the case in Hungary.**

On March 30th, Hungarian Prime Minister Viktor Orbán used his two-thirds majority in the Hungarian Parliament to pass emergency legislation enabling him to rule by decree until the COVID-19 crisis is over – a date which he alone will decide. The EU can no longer treat Hungary as a normal, if difficult, member-state. It must react to the flagrantly anti-democratic new legislation, while keeping a close eye on emergency laws in other member-states.

Orbán can now ignore existing laws and enact new ones – whether or not related to the pandemic. One of the first laws passed with the new executive powers classifies all information about a [railway contract](#) with China, around which there are rumours of corruption. As long as the emergency lasts, parliamentary elections (including by-elections) will not take place. Many local government revenue sources and some state funding for political parties will be transferred to a national 'coronavirus fund', disadvantaging the opposition parties that control Budapest and other cities. Under the emergency legislation, people convicted of spreading false or alarming information about the pandemic or interfering with government measures to fight it face up to five years in prison. The offences are poorly defined, allowing the government to intimidate any journalist who criticises it, however justifiably.

A citizen could in theory bring a legal case to challenge the law, but the ordinary courts are closed, and citizens cannot petition the Constitutional Court directly. And as Professor Kim Lane Scheppele of Princeton, an expert on authoritarian regimes (and Hungary in particular) has [explained](#), even if Parliament decides that it has made a mistake in granting so much authority to Orbán, it will take a two-thirds majority and the agreement of the Hungarian President – currently an ally of Orbán – to repeal the new legislation. Otherwise the state of emergency will continue until Orbán chooses to end it.

Hungary is not the only EU member-state to have taken questionable steps to respond to the pandemic. The Polish government has so far refused to declare a state of emergency to deal with the pandemic,

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## Abstract

El Centre for European Reform es pregunta si les mesures aplicades pels diferents estats membres de la Unió Europea dirigides a fer front a la pandèmia del coronavirus són

proporcionades i justificables a l'hora de restringir drets i llibertats fonamentals. En aquest sentit, assenyala directament al govern hongarès liderat per Viktor Orbán, i afirma que aquest ha pres mesures antidemocràtiques davant les quals Europa no pot restar immòbil.

## Idees principals

- A més d'Hongria, hi ha altres estats europeus que estan adoptant mesures autoritàries per fer front a la pandèmia, com en el cas de Polònia, on el govern s'ha negat a declarar l'estat d'emergència pel fet que permet a les regions aplicar mesures sense el seu consentiment i així ostenta un control total sobre el país.
- L'article subratlla la necessitat de la continuació de l'activitat dels Parlaments per fer un seguiment de la declaració de l'estat d'emergència i controlar les mesures aplicades pel govern. Mentre a Polònia, Espanya, França i Itàlia l'activitat de la cambra legislativa es manté activa, a Hongria ha cessat per complet.
- Els autors posen al mateix nivell les mesures restrictives aplicades a Espanya, França o Alemanya que les aplicades a Hongria.

## Conclusions

Segons els autors, hi ha un important risc de que es prenguin mesures excessives i desproporcionades. Per això remarquen que els estats han de tenir en compte l'acord entre els ministres de justícia europeus, on es garanteix el respecte al dret i als valors europeus en qualsevol de les mesures imposades als ciutadans davant d'aquesta situació.

L'article assenyala la ineffectivitat del procediment previst a l'article 7 del TUE per aquells casos on els estats membres no respecten els valors promoguts per la UE, pel fet que requereix la unanimitat de tots els altes estats, una fita quasi impossible d'assolir.

Accedeix a l'[article complet](#).