

THE STATE OF DEMOCRACY IN THE AMERICAS 2021

Democracy in Times of Crisis



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Foreword

Few regions in the world have embraced the democratic creed as enthusiastically as Latin America and the Caribbean did during the ‘third wave of democratization’. Within a period of some 20 years, all countries in the region—with the exception of Cuba—had achieved the status of democracies. For a region that had suffered long and cruel dictatorships, this was an extraordinary achievement. During those two decades, the countries of the region created oversight institutions, strengthened their judiciaries, issued legislation to protect human rights, invested in their electoral systems, and reformed or adopted their constitutions to recognize democracy as their only form of government. At the regional level, the Inter-American Democratic Charter—which celebrated its 20th anniversary this year—was adopted as the primary instrument for jointly promoting and defending democracy in the hemisphere. Latin America and the Caribbean had never been as democratic as it was in the middle of the first decade of this millennium.

However, despite this progress, and in a shorter period of time, the region lost four democracies: Haiti and Honduras, now considered hybrid regimes, and Nicaragua and Venezuela, authoritarian regimes. The democratic breakdown in the latter two cases was not sudden. On the contrary, just as we were celebrating the region’s democratic zenith, both countries were already showing worrying signs of erosion: a weakening of the division of power, co-opting of oversight institutions, political repression and suppression of fundamental freedoms. At the time of writing this foreword, Nicaraguan President Daniel Ortega is on his way to entrenching himself in power through illegitimate and fraudulent elections, leaving a trail of political repression and human rights violations not seen in that country since its transition to democracy. He will do so, too, with the overwhelming silence of the region’s and world’s leaders and governments, who have avoided condemning—or have done so only tepidly—the entrenchment of an authoritarian regime in the heart of the Americas. This is happening despite the enormous economic and humanitarian costs that the other recent dictatorship in the region, Venezuela, has brought for millions of Venezuelans and for the region in general.

The process of democratic deterioration experienced in the region since the first decade of this millennium, and which International IDEA has identified in detail in its reports on the state of democracy, is extremely worrying. In this sense, the assessment presented by the report on *The Global State of Democracy in the Americas 2021* is mixed. On the one hand, the report highlights the great resilience that electoral bodies have shown in continuing to hold elections during the Covid-19 pandemic. This is no small achievement: allowing democracy to continue ‘apace’ has been fundamental to avoiding constitutional crises and greater social and political instability. It also offers valuable evidence that the investment made in recent decades to strengthen the region’s electoral systems has paid off. On the other hand, the report shows that the process of democratic deterioration is continuing to progress, marked especially by a weakening of the rule of law. While the region is not accumulating authoritarian regimes within its borders on a daily basis, it is certainly waking up every morning to lower-quality democracies, poor governance, high levels of corruption and impunity, weakened judiciaries, and arbitrary restrictions on freedom of speech and the press.

Without weakening the regional mechanisms established to respond to sudden cases of democratic breakdown, it is clear that Latin America and the Caribbean needs to place greater emphasis on the gradual and progressive democratic deterioration that the region is experiencing. Operating under the logic that ‘everything is fine until everything is wrong’ runs the risk that instruments such as the Inter-American Democratic Charter will be activated only when it is already too late. It is necessary to start from the premise that the region’s democracies are not perfect and defending them is therefore a daily task rather than one that takes place only in acute crises of democratic breakdown. While it may be uncomfortable to hear it, the Democratic Charter does not reflect the reality in the region but its aspirations. This is why all democracies in the region require constant monitoring and technical support, as well as unified, decisive and timely political action to protect them.

Importantly, the 2021 report also highlights the growing inability of the region's democracies, with very few exceptions, to articulate political and social agreements that will allow them to face up to the enormous socio-economic challenges that lie ahead; the devastating effects of the multidimensional crisis caused by the Covid-19 pandemic is the most eloquent proof of this. Other factors that fuel the poor quality of democratic governance in the region include political polarization, fragmented party systems and a deep crisis of representation, legitimacy and citizen discontent with political elites and traditional decision-making bodies. While these factors need to be urgently addressed, with this report offering valuable recommendations, the analysis provided here is also clear in warning that, precisely as a result of the reforms of recent decades, democracy is undergoing a *fundamental* change in the region: the main players today are different from during democratic transition, and they have different agendas and desires.

This last point requires a major reflection on how to build more inclusive and participatory democracies, and how to strengthen their capacity to deliver tangible results in a context of greater citizen empowerment—especially of young people, women and traditionally excluded and discriminated groups. So far, the response to this challenge by political elites in some

countries has been simplistic and anti-democratic, relying on hyper-presidentialism, populism and the weakening of the rule of law. Such a response runs the risk not only of feeding the spectre of authoritarianism but also of missing a historic opportunity to rethink democracy and its purposes, and to expand the rights of the region's inhabitants. We cannot take the continent's democratic resilience for granted. The cases of Venezuela and Nicaragua warn of the fatal outcome that other instances of democratic deterioration occurring across the region today could have. Nor is it enough to attempt the same responses that failed to stop autocratic tendencies in the past. There is an urgent need to work towards a democracy that can reinvent itself and overcome such hurdles. This report on *The Global State of Democracy in the Americas 2021* will be a key guide to achieving this aspiration. In my capacity as Vice Chair of the International IDEA Board of Advisers, I would like to thank all the individuals and organizations whose valuable inputs and contributions have made this report possible. The democracies of the region will be its greatest beneficiaries.

Laura Chinchilla

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About the report

International IDEA's *The Global State of Democracy 2021* reviews the state of democracy around the world over the course of 2020 and 2021, with democratic trends since 2015 used as contextual reference. It is based on analysis of events that have impacted democratic governance globally since the start of the pandemic, based on various data sources, including International IDEA's [Global Monitor of Covid-19's Impact on Democracy and Human Rights](#), and International IDEA's [Global State of Democracy \(GSoD\) Indices](#). The Global Monitor provides monthly data on pandemic measures and their impact on democracy for 165 countries in the world. The GSoD Indices provide quantitative data on democratic quality for the same countries, based on 28 aspects of democracy up until the end of 2020. Both data sources are developed around a conceptual framework, which defines democracy as based on

five core attributes: Representative Government, Fundamental Rights, Checks on Government, Impartial Administration and Participatory Engagement. These five attributes provide the organizing structure for this report.

This report is part of a series on The Global State of Democracy, which complement and cross-reference each other. This report has a regional focus, and it is accompanied by a [global](#) report and three regional reports that provide more in-depth analysis of trends and developments in [Africa and the Middle East](#); [Asia and the Pacific](#); and [Europe](#). It is also accompanied by three thematic papers that allow more in-depth analysis and recommendations on how to manage [electoral processes](#), [emergency law responses](#) and [how democracies and non-democracies fared](#), based on lessons learned from the pandemic.

The GSoD conceptual framework



CONCEPTS IN THE GLOBAL STATE OF DEMOCRACY 2021

- The reports refer to three main regime types: *democracies*, *hybrid* and *authoritarian* regimes. Hybrid and authoritarian regimes are both classified as non-democratic.
- *Democracies*, at a minimum, hold competitive elections in which the opposition stands a realistic chance of accessing power. This is not the case in *hybrid* and *authoritarian* regimes. However, *hybrid* regimes tend to have a somewhat more open—but still insufficient—space for civil society and the media than *authoritarian* regimes.
- *Democracies* can be *weak*, *mid-range performing* or *high-performing*, and this status changes from year to year, based on a country's annual democracy scores.
- *Democracies* in any of these categories can be backsliding, eroding and/or fragile, capturing changes in democratic performance over time.
- Backsliding democracies are those that have experienced gradual but significant weakening of Checks on Government and Civil Liberties, such as Freedom of Expression and Freedom of Association and Assembly, over time. This is often through intentional policies and reforms aimed at weakening the rule of law and civic space. Backsliding can affect democracies at any level of performance.
- Eroding democracies have experienced statistically significant declines in any of the democracy aspects over the past 5 or 10 years. The democracies with the highest levels of erosion tend also to be classified as backsliding.
- Fragile democracies are those that have experienced an undemocratic interruption at any point since their first transition to democracy.
- *Deepening authoritarianism* is a decline in any of the democracy aspects of non-democratic regimes.

For a full explanation of the concepts and how they are defined, see Table 6 on p. 8 of the [summary methodology](#).

Introduction

The democracies of Latin America and the Caribbean face an increasingly complex and challenging political and socio-economic context. Prior to the onset of the Covid-19 pandemic, the 2019 edition of *The Global State of Democracy in the Americas* was already warning of a deterioration in democracy across much of the region.¹ At the end of 2019, the regional situation was characterized by a series of social protests that warned of growing civic unrest in several countries in the region resulting from popular discontent with the socio-economic results of democracy, an enormous lack of public trust in the ruling class, and a deep crisis of legitimacy in democratic institutions, especially political parties and parliaments.²

The onset of the pandemic in the early months of 2020 immediately became a resilience test for Latin American and Caribbean democracies in all their aspects, as noted in the *GSoD In Focus* special brief published by International IDEA in December 2020.³

Latin America and the Caribbean has been one of the regions hardest hit by the pandemic, which has had devastating human and socio-economic effects. This juxtaposition of crises—public health, economic, social and institutional—aggravated the crisis of democratic governance already happening in the region prior to the pandemic, putting political stability at risk. Moreover, this crisis of governance has been fuelled in recent years by a growing process of political fragmentation and polarization.⁴

At the institutional level, this report demonstrates a marked deterioration in fundamental rights, especially with regard to the Civil Liberties subattribute. The following phenomena should also be noted: (a) a greater concentration of powers in the executive and weakening of the division of powers; (b) frequent onslaughts against the independence of judiciary and bodies monitoring executive power; (c) the participation of active military personnel in political affairs; (d) attacks on and persecution of journalists and the media; and (e) attacks on the independence and work of electoral bodies and their members.

Added to this is the chronic weakness of several of the region's states, which is reflected in the low quality of public services, in the absence of the state in large parts of some countries' territory, and in socio-economic

development models incapable of responding to the demands and expectations of a large part of the population—particularly young people—in a timely and effective manner.

The deficient or scarce response from several of the region's governments to these current multiple crises could generate a new wave of massive and violent social protests, such as those that occurred in some countries during the first half of 2021.⁵ Indeed, comparative experience teaches that democracies face greater danger in times of economic crisis.⁶

However, it is important to note that the pandemic has also highlighted the resilience of some key aspects of democracy, particularly in the electoral sphere. The region's electoral bodies not only have been able to innovate and adapt to the pandemic by organizing integral and safe electoral processes but their good performance has also enabled them to resist the full-on attacks coming from governments or opposition parties.

Moreover, while citizen mobilizations are a symptom of the widespread social unrest generated by the current performance of democracy, their channelling through existing institutions or new mechanisms that offer democratic guarantees could be a catalyst for progress in and improvement of political systems. Indeed, social protests could help lay the foundations for a process of renegotiating the social contract and pushing for the implementation of constitutional reforms.

In this context, characterized by a growing process of democratic erosion and strong heterogeneity among the various countries of Latin America and the Caribbean in terms of levels of democratic performance, the region is entering a new decade facing numerous and enormous challenges: the pandemic and its effects are still very much present, the socio-economic situation is plagued by challenges and uncertainties, and society is antagonized and mobilized. Democracy, fatigued and under strong pressure to deliver results, has been relying on weak and outdated regional mechanisms to defend its institutions, and all this is taking place against the backdrop of the beginning of an electoral super-cycle which, over the next four years, will see almost all the citizens of the region going to the polls.

Chapter 1

Key facts and main findings

- 1. The number of democracies in Latin America and the Caribbean has not changed in the last two years.** Most democracies in the region have been highly resilient to the disruptive effects of the pandemic. Virtually all scheduled elections were held on the original date or on an agreed later date, or were legally postponed. In addition, in most democracies, parliament, the judiciary and the media have managed to adapt and continue to exercise their function of oversight, even in the midst of extensive limitations.
- 2. Nevertheless, the pandemic has negatively affected some aspects of democracy.** Freedom of movement, freedom of expression, and personal security and integrity were particularly affected. The pandemic also served as an excuse for governments to reduce controls in public administration, which has facilitated several cases of corruption in the procurement of medical material or vaccines.
- 3. Despite the resilience shown during the pandemic, half the democracies in the region have suffered erosion.** Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala and Uruguay have all experienced democratic erosion. Brazil has the highest number of democratic attributes in significant decline in the world and, since 2016, has been suffering an episode of democratic backsliding. In El Salvador, several aspects of democracy have significantly declined over the past five years and, during the first months of 2021, the Constitutional Chamber and some of the country's media suffered serious attacks from the executive and the pro-government Legislative Assembly.
- 4. Most democracies in the region have stagnated at a mid-range performance.** Thirteen democracies (Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, and Trinidad and Tobago) record mid-range performance, while four others (El Salvador, Guatemala, Jamaica and Paraguay) register low performance. Uruguay is the only democracy in the region with high performance.
- 5. Authoritarian and hybrid regimes have become entrenched in the region.** Since 2007, the region has suffered four democratic breakdowns. Two of these have given rise to hybrid regimes (Haiti and Honduras) and the other two have led to the establishment of authoritarian regimes (Nicaragua and Venezuela). Cuba is the only country in the region that, to date, has never made the transition to democracy and remains an authoritarian regime.
- 6. Ecuador and the Dominican Republic are notable for the significant progress made in the quality of their democracies.** Both countries recorded improvements in a number of subattributes, especially Civil Liberties and Judicial Independence. Both Ecuador and the Dominican Republic demonstrate that democracy in the region is resilient and, moreover, has the potential to continue improving. It is also important to highlight the case of Chile, which has been capable of institutionally channelling the deep social unrest of the last two years into a constitution-making process.
- 7. Of special concern are the attacks on electoral management bodies.** Such attacks, carried out by opposition and pro-government political parties and heads of government alike, have been reported in Brazil, El Salvador, Mexico and Peru. These are practices that threaten not only the integrity of electoral processes, but also the resilience of democracies.
- 8. Citizens—particularly women and young people—continue to play an active role in defending democracy.** This is the case with the protests in Colombia, Paraguay and Peru in 2021. Despite restrictions adopted to contain the pandemic, which affected freedom of movement and assembly, citizens and different civil society groups have continued to defend their rights and promote reforms and social and political changes.
- 9. Regional democratic protection mechanisms need to be strengthened to complement those at the national level.** The Inter-American Democratic Charter is particularly important because, 20 years

after its adoption, its pledges and mechanisms for protecting democracy have proven insufficient. Numerous attacks on the rule of law have taken place in several of the region's countries, often legitimized through the manipulation of democratic institutions.

- 10. There is an urgent need to strengthen democratic resilience in Latin America and the Caribbean.**
This will require short- and medium-term action,

along with a rethink of how democracy can respond to both the old and the new challenges facing the region, to prevent its democratic reserves from being depleted. There is a need to protect and strengthen democratic institutions, improve the quality of governance to channel and implement reforms, ensure effective and up-to-date regional mechanisms to defend democracy, and redesign mechanisms for citizen deliberation and participation.

Chapter 2

Overview of the state of democracy in Latin America and the Caribbean

The pandemic has made it possible to observe some democratic trends in Latin America and the Caribbean from an unprecedented perspective. Without neglecting or playing down the delicate and worrying state of democracy in the region or underestimating the effects of Covid-19 on democratic institutions, electoral processes and fundamental rights, by taking a disaggregated and detailed look at the situation it is possible to observe that these effects (at this point in time) have been less serious than was feared at the start of the pandemic. Moreover, the pandemic's impact on democratic stability has been less devastating—albeit no less worrying—than its impacts on health, the economy and the social dimension. Rather than posing new challenges and threats to democracy, the pandemic accelerated or deepened challenges and threats that were already present.

In the current exceptional circumstances, characterized by widespread disruption, the region's democracies have shown a high level of resilience, something which the 2019 edition of this report had already identified as one of the region's main assets over the past four decades.

An examination of The Global State of Democracy (GSoD) Indices in 2020 and the data consulted in the Global Monitor of Covid-19's Impact on Democracy and Human Rights enables us to distinguish six trends in the region.

DESPITE THE PANDEMIC, THE NUMBER OF DEMOCRACIES IN THE REGION IS HOLDING STEADY

Since the previous edition of this report, published in 2019, and up to the close of the first half of 2021, the number of democracies in the region has remained at 18. No democratic breakdown was recorded during the period in question, and voting continued to be the only means of legitimately gaining access to power in countries characterized by democratic regimes. In addition, despite the disruptive effect of the pandemic

on the schedule of elections in the region, almost all the elections due in the period—with the exception of two local elections and one community election—were held on or after the originally scheduled date, or were legally postponed and will be held on new dates that have already been set. Therefore, no elections were cancelled and almost all of the electoral processes that were held during the 18 months under consideration occurred with minimum conditions for health security and electoral integrity in place (except for the legislative elections of 2020 in Venezuela), which demonstrates the enormous capacity for adaptation and innovation deployed by the electoral bodies of the region.

Electoral resilience, however, is not the only positive aspect to highlight. Despite the significant constraints faced by parliaments, judiciaries and the media (especially at the start of the pandemic), in most democracies these institutions also managed to adapt and continue to exercise their oversight functions—while also working within the limitations imposed by having to adapt to new ways of working.

It is also worth highlighting the active participation and mobilization of citizens, particularly young people and women, who, despite the restrictions on movement and association implemented to contain the pandemic, mobilized to defend their rights and promote social and political reforms and changes (one example is the protests that took place in Colombia, Paraguay and Peru in 2021⁷). In some cases, these demands were also successfully channelled through institutional routes, as demonstrated by the process of constitutional change currently under way in Chile.

It is important, however, to emphasize that the declarations of a state of health emergency and other measures adopted to deal with the pandemic had a negative impact on the exercise of civil liberties, particularly affecting freedom of movement, personal integrity and security, and freedom of expression. In some cases, the restrictive measures were adopted in a legal and justified manner. But in other cases, measures were implemented in a disproportionate,

unnecessary, illegal or indefinite way. For example, the undue involvement of the armed forces (by means of a political decision) in tasks relating to maintaining law and order poses a risk to checks on power and may also undermine respect for fundamental rights.

For its part, the severe economic crisis caused by the pandemic had a serious detrimental impact on the exercise of socio-economic rights, although this manifested itself in different ways across the range of countries in the region. In addition, difficulties in the formal and informal labour market and lockdown measures created particularly adverse conditions for women, resulting in an increase in domestic violence and a historic setback in levels of gender equality.

The urgent need to contain the pandemic also served as an excuse to restrict the usual checks on the functioning of public administration, resulting in the emergence of numerous cases of corruption in Argentina, Bolivia, Brazil, Mexico, Panama and Peru, among other countries. Indeed, Latin America and the Caribbean is the region with the highest proportion (70 per cent) of countries in which cases of corruption linked to Covid-19 have been identified.⁸

Finally, one extremely worrying trend is the scaling up of attacks on electoral authorities by governments or opposition political parties. Such attacks have been recorded in Brazil, El Salvador, Mexico and Peru (see Section 3.2 on turbulent, polarized and co-opted electoral processes).⁹

HALF THE REGION'S DEMOCRACIES ARE EXPERIENCING A PROCESS OF DEMOCRATIC EROSION

Barbados, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Guatemala and Uruguay are experiencing a process of democratic erosion, while Brazil is experiencing democratic backsliding, which is a form of aggravated erosion (Figure 1).

Brazil is the democracy recording the highest number of subattributes that have suffered significant declines in 2020 and it has been going through a process of democratic backsliding since 2016. This is as a consequence, in particular, of the significant declines experienced in the Checks on Government attribute (with Effective Parliament, Judicial Independence and

Media Integrity subattributes) and the Civil Liberties subattribute (which forms part of the Fundamental Rights attribute). This democratic decline has been gradual and steady: in 2015, only one subattribute recorded a significant decline; in 2016, there were four; in 2017, five; in 2018, seven; and in 2019 and 2020, the figure reached eight.

The democratic backsliding that Brazil has experienced is unique in the region both for its duration and for its starting point. Since the mid-1990s, and especially in the 2000s, the country showed an upward trend in almost all its aspects, ranking above the regional average in its performance in Clean Elections, Civil Liberties, Checks on Government and Civil Society Participation. It was not until 2013 that the process of democratic backsliding began to take shape in the country, as a result of a steady and prolonged decline in almost all aspects of democracy; this has particularly worsened in the last two years. According to International IDEA's GSoD Indices, in 2016 Brazil began a process of democratic backsliding that has not yet ended.

Brazil is still considered a mid-range performing democracy, even though it is undergoing a process of democratic backsliding. This is primarily because its democratic performance prior to the deterioration was remarkably high. Today, many of Brazil's measures of democracy still maintain mid-range levels of performance and some are above the regional average. Therefore, although the significant declines experienced in many democratic aspects since 2016 have been very pronounced, Brazil's previous good performance makes it possible for the country's democratic quality to decline without it losing its democratic status. This shows that Brazilian democracy—despite years of significant declines—is resilient in many respects, something that will be key to reversing the current process. The second reason for Brazil remaining a mid-range performing democracy is the slow nature of processes of democratic backsliding around the world. Such gradual significant declines also underline the danger that these processes will not be reversed. The constant attacks on the media and the independence of the judiciary, in particular, also point to an escalation in democratic backsliding.

Bolivia and Colombia have also seen significant declines in several measures. Bolivia made the transition to democracy in 1985 and maintained a democratic regime until 2019, when, following a failed presidential election, it lost its democratic status.

FIGURE 1

Countries experiencing democratic erosion in Latin America and the Caribbean, 2015–2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

It regained this in 2020 following successful elections that year. However, despite having regained its democratic status, Bolivia has experienced significant declines in several subattributes over the last five years (Clean Elections, Free Political Parties, Civil Liberties and Civil Society Participation), denoting a process of democratic deterioration. Colombia recorded significant declines in Predictable Enforcement, Civil Liberties and Media Integrity.

El Salvador, a mid-range performing democracy in 2019, became a low-performing democracy in 2020, a year in which it experienced significant declines in the subattributes Civil Liberties and Absence of Corruption. Judicial Independence and Predictable Enforcement also showed a notable descent. In addition, during the first half of 2021, the executive and the Legislative Assembly, controlled by the ruling party, seriously attacked the rule of law with measures such as dismissing the justices of the Constitutional Chamber of the Supreme Court of Justice and the Attorney General, and expelling journalists belonging to media outlets critical of the government from the country. More recently, the Constitutional Chamber of the Supreme Court of Justice (whose new members were imposed by the ruling party) authorized consecutive presidential re-election, which will allow President Nayib Bukele to remain in power after his current term ends in 2024.¹⁰ Careful attention should be paid to the evolution of El Salvador's democratic status, as these recent developments suggest that the country is susceptible to evolving from a low-performing democracy into a hybrid regime characterized by increasing authoritarian traits.

Barbados, Chile and Costa Rica, mid-range performing democracies, also recorded significant declines in some of their subattributes: Barbados recorded a significant decline in Access to Justice, and Chile and Costa Rica recorded a significant decline in Civil Liberties. In the case of Chile, this decline is the result of repression and violence against people demonstrating in the social protests that have taken place in the country since 2017, while the significant decline in Civil Liberties recorded in Costa Rica is mainly due to restrictions affecting freedom of movement during the pandemic.

Guatemala, for its part, recorded a significant decline in the subattribute of Effective Parliament, which further exacerbated the deterioration in its precarious democratic performance.

MOST DEMOCRACIES IN THE REGION HAVE STAGNATED AT A MID-RANGE LEVEL OF PERFORMANCE

Uruguay is the only high-performing democracy in Latin America and the Caribbean, despite having experienced a significant decline in its Media Integrity subattribute. There are 13 democracies with mid-range performance in the region (Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru, and Trinidad and Tobago), and the remaining four democracies (El Salvador, Guatemala, Jamaica and Paraguay) have low performance (Table 1).

A comparative analysis of the performance of the 18 democracies in the region between 2018 and 2020 yields the following results: (a) Uruguay is the only democracy that was still showing high performance in 2020; (b) the number of mid-range performing democracies increased from 12 in 2018 to 13 in 2020; and (c) the number of low-performing democracies decreased from 5 to 4. While Jamaica moved down from the mid-range to the low performance category, Barbados and the Dominican Republic moved up from the low to the mid-range performance category.

The high number of mid-range performing democracies can be understood in two different ways. On the one hand, it can be inferred that the resilience of these democracies prevented further declines in democratic performance that could have led to changes in their democratic status. On the other hand, the data analysed demonstrates the serious difficulties that democracies in the region have in achieving high performance, evidenced by the fact that Uruguay is the only country that has registered such performance in the last 19 years.

Another aspect to consider is that, within the group of 13 democracies with mid-range performance, there are important differences in the behaviour of their measures. Moreover, in some of these democracies, the different measures have experienced opposite paths, with simultaneous improvements and declines. Such is the case with Mexico, for example, a country that showed an improvement in Absence of Corruption and several other measures—notably, Representative Government and Participatory Engagement—while at the same time experiencing

TABLE 1

Changes in the democratic performance of Latin American and Caribbean countries, 2018–2020

Level of democratic performance	2018	2020
High performance	Uruguay	Uruguay
Mid-range performance	Argentina	Argentina
	Bolivia	Barbados ↑
	Brazil	Bolivia
	Chile	Brazil
	Colombia	Chile
	Costa Rica	Colombia
	Ecuador	Costa Rica
	Jamaica	Dominican Republic ↑
	Mexico	Ecuador
	Panama	Mexico
	Peru	Panama
	Trinidad and Tobago	Peru
		Trinidad and Tobago
Low performance	Barbados	El Salvador
	El Salvador	Guatemala ↓
	Guatemala	Jamaica
	Paraguay	Paraguay
	Dominican Republic	

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

a decline in the subattributes Access to Justice, Judicial Independence, Media Integrity and Predictable Enforcement.

HYBRID REGIMES IN DECLINE WHILE AUTHORITARIAN REGIMES TAKE HOLD

After an initial period of accelerated democratic progress in Latin America and the Caribbean between 1978 and 1990, progress slowed in the mid-2000s when the region reached its greatest level of democracy, with the highest number of democracies ever recorded in the region: in 2006 and 2007, a total of 22 of the 23 countries included in this analysis were classified as democracies. Since 2008, the region has lost four democracies: Haiti and Honduras became hybrid regimes in 2009 and 2017, respectively, and Nicaragua and Venezuela became authoritarian regimes in 2017. These four democratic breakdowns occurred before the onset of the pandemic.

Of the hybrid regimes, Haiti registered declines, especially in the subattributes Free Political Parties, Access to Justice, Civil Liberties and Predictable Enforcement, and Honduras registered declines in Clean Elections, Free Political Parties and Civil Society Participation.

Nicaragua is the only country in the region which, after moving from authoritarianism to democracy, then took the reverse path, moving from democracy back to authoritarianism: the country was an authoritarian regime from 1975 to 1985, then a hybrid regime from 1985 to 1990, and then a democracy from 1990 to 2016. In 2016, it again became a hybrid regime and, in 2017, it returned to authoritarianism. The country is currently experiencing the highest degree of deepening autocratization in the region. Moreover, the severe repressive measures taken by the Ortega–Murillo regime against opposition parties and leaders pre-emptively invalidate the legitimacy and credibility of the elections due to be held in November 2021.

Venezuela ceased to be considered a democracy in 2008 when it became a hybrid regime (2008–2017) and subsequently an authoritarian regime (2017–2020). In the last legislative elections in December 2020, which did not meet the minimum conditions necessary to guarantee their integrity, the main opposition parties refused to participate because of the lack of electoral

BOX 1

Peru: Growing instability and complex governance

Peru has recently experienced a governance, health and economic crisis that will test the country's democratic resilience over the coming years. Since the resignation of President Pedro Pablo Kuczynski in March 2018, the country has had three presidents and experienced a standoff between the executive and legislative branches that has paralysed Peruvian politics, even leading to the dissolution of Congress in September 2019. Political instability has been fuelled by notorious corruption scandals that have affected much of the political class, deepening the crisis of public confidence in political elites that is widespread in Latin America and the Caribbean.

Moreover, Peruvian democracy is undergoing a crisis of political representation that dates back to the collapse of the party political system three decades ago. Since then, political parties have been unable to rebuild effective channels of communication with the public, fuelling a public perception that democracy does not meet their needs and that elected officials are out of touch with citizens' interests. According to the *Regional Human Development Report 2021*, published by the United Nations

Development Programme (UNDP), 89 per cent of citizens believe that the authorities govern in the interest of just a few people.¹ This representation gap is deepening as a result of major corruption scandals and political crises at all levels of government. According to the *Latinobarómetro* 2018 report, civic support for democracy is low while disapproval of political representatives is high, expressed by the fact that around 80 per cent of the people surveyed disapprove of Congress.²

To this political instability must be added the devastating effects of Covid-19: Peru recorded the highest per capita death rate in the world in June 2021 and is one of the countries in the region most affected by the economic impact of the pandemic. Although the GSoD Indices did not record the political instability in detail in 2020, largely because it has developed within—albeit pushing the limits of—the country's legal and constitutional framework, it is possible that the quality of Peruvian democracy will be negatively affected over the coming years, if the crises currently plaguing the country are not reversed.

¹ United Nations Development Programme (UNDP), *Informe Regional de Desarrollo Humano 2021. Atrapados: alta desigualdad y bajo crecimiento en América Latina y el Caribe* [Regional Human Development Report 2021. Trapped: High Inequality and Low Growth in Latin America and the Caribbean] (New York: UNDP, 2021), <https://www.latinamerica.undp.org/content/rblac/es/home/library/human_development/regional-human-development-report-2021.html>, accessed 3 September 2021.

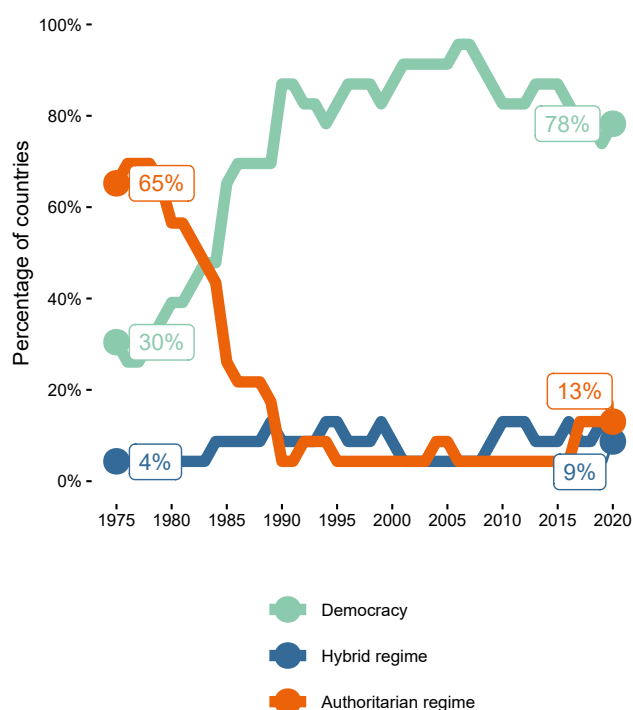
² Latinobarómetro, *Informe 2018* (Santiago: Corporación Latinobarómetro, 2018), <<https://www.latinobarometro.org/lat.jsp>>, accessed 3 September 2021.

guarantees. While international sanctions against the regime and the difficulties brought about by the pandemic further aggravated the country's vulnerable socio-economic situation, these conditions also contributed, among other factors, to the resumption of dialogue between Nicolás Maduro's regime, the opposition and civil society. This resulted in a partial renewal of the electoral body in May 2021 (involving the appointment of two magistrates not directly linked to the regime);¹¹ the establishment of new negotiations in Mexico, facilitated by Norway; and the opposition's decision to participate in the regional elections in November 2021.

Cuba, for its part, is the only country in the region that has so far never undergone a transition to democracy and remains an authoritarian regime (Figure 4). The popular demonstrations that took

place in that country in July 2021 under slogans such as 'Down with the dictatorship', 'Freedom' and 'Homeland and life' surprised the regime with their scope and magnitude. However, they were quickly and violently repressed by the state just a few days later.¹² The factors that caused this unprecedented wave of protests (the largest in the country's history) were the economic crisis, which deepened when the pandemic forced tourism to stop, plus the weariness of certain sectors of the population—especially young people—with an authoritarian regime that has ruled the country for more than six decades. Although the protests have been brought under control for the time being, demonstrations of discontent could resume in the country if real changes aimed at improving the economy and the population's quality of life, and creating new spaces for civic participation, are not implemented in the near future.¹³

FIGURE 2

Evolution of political regimes in Latin America and the Caribbean, 1975–2020

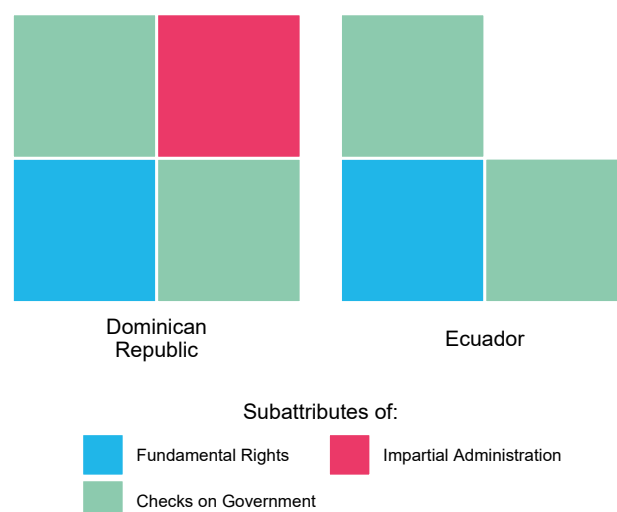
Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

SOME GLIMMERS OF HOPE IN THE REGION

Ecuador and the Dominican Republic are two countries which, even in an adverse context, stand out for having recorded significant progress in some of their aspects of democracy between 2015 and 2020, especially in terms of Civil Liberties and Judicial Independence. This shows that resilience is not only useful for protecting democracy but also for improving its performance (Figure 3).

Among the countries that have experienced positive developments, the case of Chile is also worth mentioning, as it has managed to institutionally channel the deep social discontent of the last two years through a constitutional process.

FIGURE 3

Countries that recorded progress in Latin America and the Caribbean, 2015–2020

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

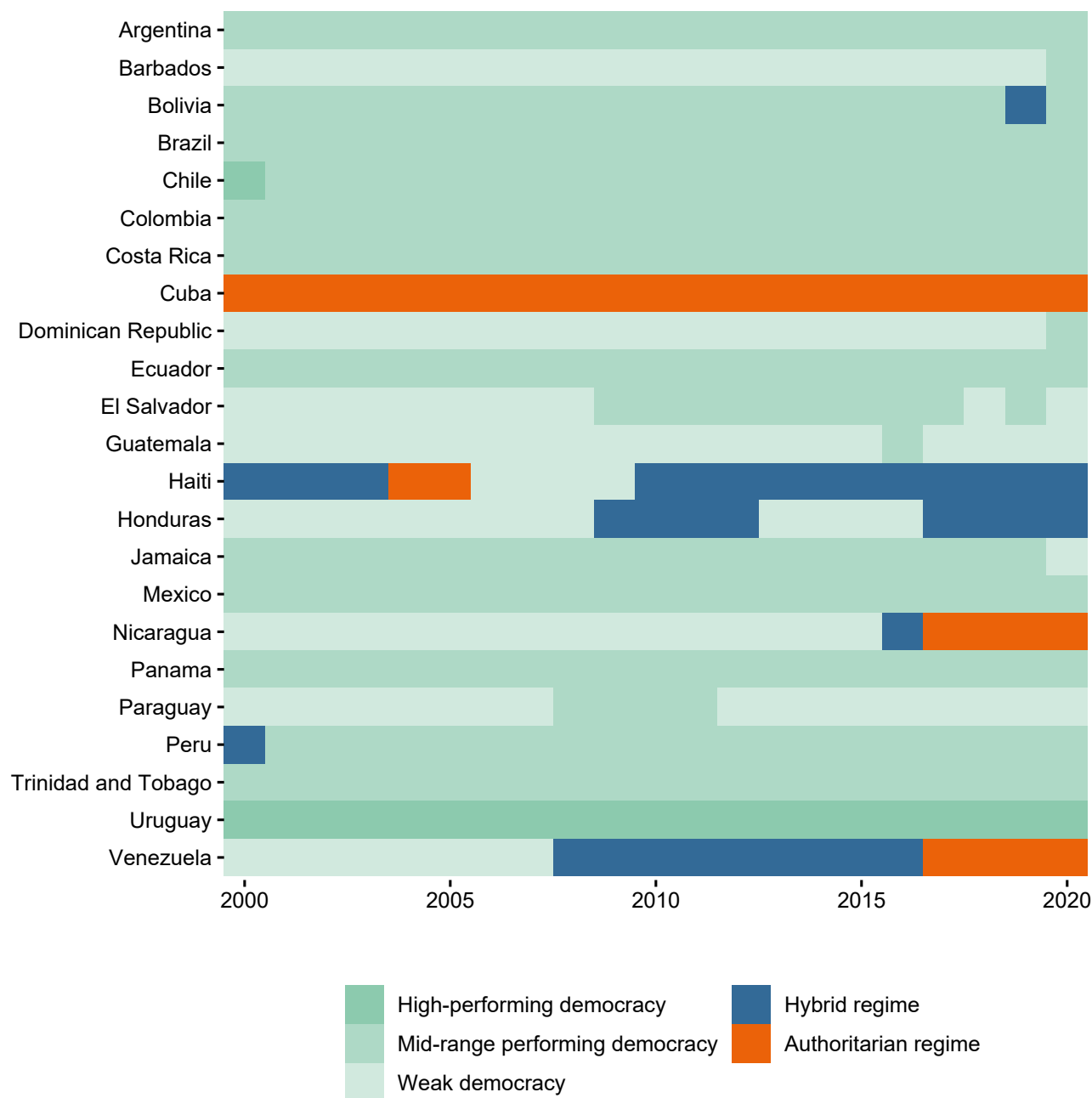
LATIN AMERICA AND THE CARIBBEAN REMAINS THE THIRD MOST DEMOCRATIC REGION IN THE WORLD

Out of a total of 23 countries in Latin America and the Caribbean, 18 are considered democracies (78 per cent). The region thus ranks behind North America (which has 100 per cent democracies) and Europe (where 89 per cent of countries are democracies) in terms of regions with the most democracies in the world, but is ahead of Asia and the Pacific (56 per cent) and Africa (36 per cent). As mentioned above, these 18 democracies coexist alongside five non-democratic regimes (Figure 4).

At the regional level, South America is home to half of the democracies (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay) and one authoritarian regime (Venezuela). Central America and Mexico have five democracies (Costa Rica, El Salvador, Guatemala, Mexico and Panama), one hybrid regime (Honduras) and one authoritarian regime (Nicaragua). The Caribbean contains four democracies (Barbados, Dominican Republic, Jamaica, and Trinidad and Tobago), one hybrid regime (Haiti) and one authoritarian regime (Cuba) (Figure 5).

FIGURE 4

Democratic performance by country in Latin America and the Caribbean, 2000–2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

FIGURE 5

Political regimes in Latin America and the Caribbean, 2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

Chapter 3

Representative Government

The GSoD Indices use the Representative Government attribute to evaluate countries' performance on the conduct of elections, the extent to which political parties are able to operate freely, and the extent to which access to government is decided by elections. This attribute is an aggregate of four subattributes: Clean Elections, Inclusive Suffrage, Free Political Parties and Elected Government.

3.1 THE IMPORTANCE OF PROTECTING THE CONDUCT AND INTEGRITY OF ELECTORAL PROCESSES

The conduct and integrity of electoral processes is essential to guarantee the quality of democracy and its natural legitimacy, as established in article 3 of the Inter-American Democratic Charter.¹⁴ In this regard, the analysis conducted enables us to identify two positive trends in Latin America and the Caribbean over the last five years: electoral resilience, which has allowed the region to continue holding elections despite the logistical and security challenges imposed by the pandemic; and electoral turnout, which showed mixed results. In some countries, turnout declined compared with pre-pandemic levels; in others, it remained the same; and in others still, it increased slightly (see Section 7.2 on Electoral Participation). The analysis also highlights two areas of concern affecting the integrity of elections: attacks on electoral institutions and their members on the part of executive branches or opposition parties; and high levels of political polarization which, in some countries, have been accompanied by unfounded allegations of electoral fraud.

During the period 1 March 2020 to 30 June 2021, a total of 22 electoral processes were held, including national, regional and local elections, as well as referendums.

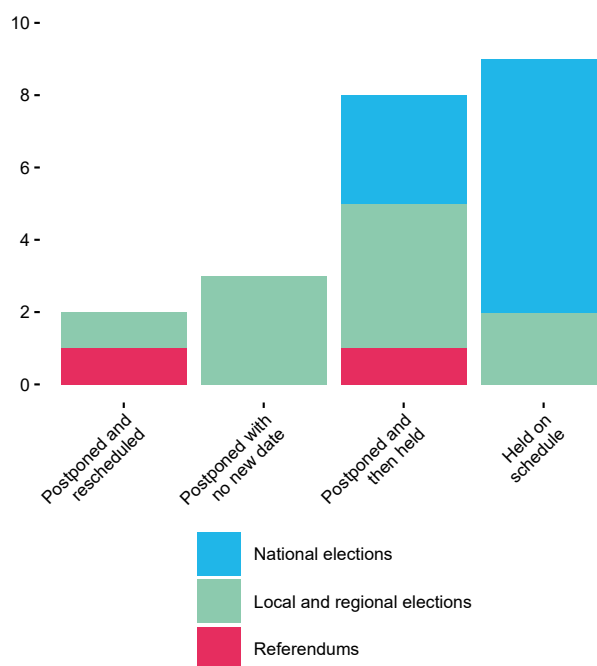
The pandemic had a highly disruptive effect on the region's electoral schedule, forcing the postponement of more than half of the elections due to be held during that period (Figure 6). While the postponement of electoral processes is not undemocratic or illegal per se (it could

be authorized by law), democracy can be affected when the electoral calendar is altered because, for instance, elections often form an 'escape valve' for those political systems that experience high levels of pressure.¹⁵

A comparative review allows us to observe that, during the first half of 2020, more scheduled electoral processes were postponed than in the first half of 2021, thus demonstrating the great capacity for learning, innovation and adaptation deployed by the region's electoral bodies since the start of the pandemic. It is also important to note that no elections were cancelled between 1 March 2020 and 30 June 2021. However, three electoral processes that have been postponed without a new date set, waiting for sanitary conditions to improve, do need

FIGURE 6

Elections in Latin America and the Caribbean between 1 March 2020 and 30 June 2021



Source: International IDEA, 'Global Overview of Covid-19: Impact on Elections', 18 March 2020, <<https://web.archive.org/web/20210829040110/https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>>, archived 29 August 2021.

follow-up: these are the municipal elections in Chipao district, Peru; the elections of the Community Action Boards in Colombia; and the local elections in Jamaica, which need to be held before 28 February 2022.¹⁶

While the adaptations required of electoral bodies to meet the conditions imposed by the pandemic have been carried out swiftly and effectively, it is also clear that there are few alternative voting systems in use—and these are necessary to avoid crowding at polling stations (for health or other reasons) and to facilitate people to exercise their right to vote. In fact, Latin America and the Caribbean is the region with the lowest number of special voting arrangements. Of the 23 countries studied in this report, only 7 have alternative systems in place (Colombia, Cuba, Ecuador, Jamaica, Panama, Paraguay, and Trinidad and Tobago). Of the five types of alternative voting systems available (postal voting, early voting, mobile ballot box, proxy voting and electronic voting), Cuba, Ecuador and Paraguay have implemented the mobile ballot box, while Colombia, Jamaica, Panama, Paraguay, and Trinidad and Tobago have resorted to early voting.¹⁷

There are many reasons—both financial and cultural—that explain the lack or scarce use of these systems in the region. However, citizens' deep distrust of the electoral authorities could also be a decisive factor in the absence of attempts to implement them. According to the Latin American Public Opinion Project (LAPOP), public confidence in electoral bodies across the region decreased from 63 per cent in 2004 to 45 per cent in 2019.¹⁸

Despite these limitations, it is important to note the adoption of some positive and innovative electoral measures during the pandemic. The vast majority of countries in the region extended the length of their election day and several allocated set voting hours by gender or age. Chile, for example, established a double voting day for the May 2021 elections, and almost all electoral bodies in the region increased their use of technology in the different stages of the electoral process compared with the pre-pandemic period.¹⁹

3.2 TURBULENT, POLARIZED AND CO-OPTED ELECTORAL PROCESSES

Despite the efforts of electoral bodies to hold safe and fair elections during the pandemic, high levels of fragmentation and political polarization (the latter

often exacerbated by misuse of social media) resulted in turbulent electoral processes in some countries in the region.

In El Salvador, the Supreme Electoral Court was subject to accusations of fraud and emerged weakened from the February 2021 legislative and municipal elections, as President Nayib Bukele attacked it and its magistrates both before and during the elections. A similar situation occurred during the 2019 presidential elections.²⁰

In Mexico, during the federal and state elections held in June 2021, President Andrés Manuel López Obrador and his party, the National Regeneration Movement, launched a campaign against the National Electoral Institute and the Electoral Tribunal of the Federal Judicial Branch, which they described as 'bodies created to ensure there is no democracy; that are at the service of the Conservative party; that hinder the people from freely electing their authorities and that [constitute] the most costly electoral apparatus in the world, without this meaning that Mexico has a consolidated democracy'.²¹

Two months later, the National Electoral Institute was again the target of President López Obrador's criticism due to low citizen participation (less than 8 per cent) in the consultation that he himself promoted to investigate his predecessors for corruption offences. On that occasion, López Obrador accused the National Electoral Institute of lacking 'enthusiasm' and 'will' to organize the consultation, and alleged that the lack of institutional budget, which was not allocated extra resources to hold the consultation,²² was not a determining factor in the outcome.²³

In Peru, the second round of the presidential elections held in June 2021 was characterized by a high level of competition and marked political polarization, as seen in a margin of little more than 40,000 votes between the candidate of the Perú Libre Party, Pedro Castillo—who won—and his opponent. Castillo defeated the Fuerza Popular party candidate, Keiko Fujimori, who filed an exceptional number of legal appeals requesting the results of numerous polling stations be declared invalid for possible cases of fraud. However, the election observation bodies—including the Organization of American States (OAS) Election Observation Mission and the European Union Election Observation Mission—did not detect any serious irregularities during the elections.²⁴ In addition to allegations of fraud, during the electoral process there was also a campaign of

harassment of public figures, along with verbal attacks and discriminatory speeches, directed in particular at electoral authorities.²⁵

Another country that deserves special attention is Nicaragua, where the organization of the November 2021 presidential and legislative elections was severely affected by undue interference from the authoritarian Ortega–Murillo government. The regime unleashed a maelstrom of repressive events: more than 30 political, social and business leaders were arrested, including 7 presidential candidates, adding to the existing figure of at least 140 political prisoners.²⁶ On 15 June 2021, the Permanent Council of the OAS condemned these actions in a resolution supported by 26 countries.²⁷ The government has also arrested numerous journalists on charges of violating the Special Cybercrimes Law, which gives the government complete control over freedom of the press.²⁸ All these events make it impossible to hold full elections in Nicaragua on 7 November 2021, as numerous governments and various national and international organizations have made clear.

Haiti's Parliament ceased to function in 2019 due to factors unrelated to the pandemic. Former MPs' credentials expired on 13 January 2020, after elections scheduled for October 2019 were postponed indefinitely. From that date on, President Jovenel Moïse governed by decree. In September 2020, he appointed a Provisional Electoral Council (which was rejected by the opposition) to prepare for elections and for a constitutional referendum to be held in September 2021. President Moïse was assassinated in July 2021, an event that greatly exacerbated the political crisis existing in the country for several years.²⁹ Shortly thereafter, in August 2021, an earthquake further deepened the overall vulnerability and forced the postponement of elections, which have not yet been rescheduled.

Finally, in Brazil, although the presidential and legislative elections of October 2022 are still more than a year away, President Jair Bolsonaro—who, by all accounts, will seek re-election—has already made numerous serious allegations against the reliability of electronic ballot boxes and has attacked the Superior Electoral Court, in particular two of its judges, Alexandre de Moraes and Luis Roberto Barroso. With regard to the ballot boxes, the Brazilian President said that they are a source of fraud and proposed a reform that was rejected by Congress. In terms of the electoral process, he stated—without evidence—that a fraud was in the making. President Bolsonaro's constant clashes with

the Superior Electoral Court prompted this institution to open an administrative investigation against him for his campaign of defamation of the electronic voting system and also to request the Supreme Federal Court to include him in an investigation into the dissemination of false news. The allegations of anticipated fraud and the attacks against Brazil's highest electoral authority, added to the very high level of political polarization in the country, are creating very complex and dangerous conditions for the normal course of the upcoming electoral process.³⁰

3.3 FREE POLITICAL PARTIES

Bolivia and Venezuela recorded significant declines in the subattribute Free Political Parties and, in Nicaragua, there were continued attacks on political parties and measures restricting their participation.³¹

Despite the high degree of freedom enjoyed by political parties in most countries in the region, only 21 per cent of citizens trust political parties and barely 13 per cent trust their parliament,³² indicating a profound crisis of legitimacy among traditional institutions of representation. While the reasons for this crisis are many and varied in nature, the most obvious sign seems to be a feeling that the decisions taken by those who govern are not related to the interests of the population and, instead, mostly benefit those who hold or are connected to power. In 2020, some 77 per cent of citizens across the region felt that their country was governed for the benefit of a few powerful groups rather than for the common good.³³

As already analysed, in addition to this feeling of disconnection between citizens and their representatives, there is a visible deinstitutionalization and fragmentation of the political party system and a polarization of electoral processes, making it difficult to reach broad social agreements and meaning that democratic governance is more complex.³⁴

3.4 REPRESENTATIVE GOVERNMENT AND GENDER EQUALITY

In June 2021, the average number of national legislative seats held by women in Latin America and the Caribbean reached 29.6 per cent.³⁵

However, the GSoD Indices show that, in 5 of the 23 countries included in this analysis (Brazil, Colombia, Guatemala, Haiti and Paraguay),³⁶ the proportion of parliamentarians who are women is less than 20 per cent. At the local level, women held only 25 per cent of government positions in 2020.³⁷

According to UN Women, the enactment of legal frameworks prescribing gender parity has been a determining factor in increasing women's political participation, although there is still a long way to go to achieve this goal.³⁸ Ten countries in the region (Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, Panama and Peru) have regulated parity in elected office; the effectiveness of such measures has been varied. Particularly noteworthy are Ecuador, which has regulated an equal breakdown of the sexes (50 per cent) at the top of electoral lists, and Mexico, which has regulated parity in the three branches and at the three levels of government, as well as in candidacies for elected office and in elections of representatives of Indigenous municipalities.³⁹ In Bolivia, a country where there are extensive regulations aimed at promoting gender equality in the composition of public bodies, the current Chamber of Deputies consists of 55 per cent women (incumbents), while in the Senate 47 per cent of the seats are held by women. In Costa Rica, the Legislative Assembly recorded the highest percentage of female legislators in its history (45.6 per cent) following the 2018 national elections and, for the first time, two women were elected president of the Legislative Assembly within the same

constitutional period.⁴⁰ Chile was also the first country in the world to have a Constituent Assembly composed of equal numbers of men and women.⁴¹

In addition to other institutional factors, such as the design of party structures and electoral financing, cultural factors, including gender practices and stereotypes, have been identified as constraining women's political participation, particularly gender-based political violence and harassment. An additional challenge of particular importance is the lack of monitoring mechanisms and specialized legislation in this area, which limits the full exercise of women's political and electoral rights in the region. Some countries, including Argentina, Bolivia, Ecuador, El Salvador, Mexico, Panama, Paraguay and Uruguay, have enacted or reformed legislation in this regard—and have recognized the phenomenon of political violence, albeit with varying degrees of specificity—but there are still serious challenges hindering implementation of the laws.⁴²

It is also important to note that the changes forced by the pandemic in the holding of electoral processes around the world have increased the risks of political exclusion felt by women. These risks include the following: (a) a reduction in women's economic security, forcing a return to traditional gender roles; (b) inequities affecting access to online platforms and other digital tools; and (c) reduced public visibility of women's rights debates on the political agenda, now dominated by the pandemic.⁴³

Chapter 4

Fundamental Rights

The Fundamental Rights attribute aggregates scores from three subattributes: Access to Justice, Civil Liberties, and Social Rights and Equality. Overall, it measures the fair and equal access to justice, the extent to which civil liberties such as freedom of expression or movement are respected, and the extent to which countries are offering their citizens basic welfare and political equality.

Latin America and the Caribbean has suffered a decline in Fundamental Rights over the past five years. Between 2015 and 2020, more than half of the 23 countries analysed (Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Uruguay and Venezuela) demonstrated significant declines in at least one of the various subattributes and subcomponents that make up the Fundamental Rights attribute.

First, some of the measures implemented to alleviate the effects of the pandemic—both justified and unjustified—have constrained civil liberties, the exercise of which has deteriorated in a significant number of countries.⁴⁴ Second, high levels of poverty and inequality continue to affect the full achievement of socio-economic rights, a situation that has worsened as a result of the economic crisis caused by the pandemic.⁴⁵ And third, insufficient—and in some areas a lack of any—progress on gender equality continues to violate women's rights and limit their opportunities. The negative impact of the pandemic on the formal and informal labour market, in particular, has greatly affected the situation of women, who have also been burdened with an increase in unpaid caring duties in the home.⁴⁶

4.1 CIVIL LIBERTIES

The exercise of civil liberties in Latin America and the Caribbean recorded a sharp decline over the period 2015–2020, exacerbated in large part but not exclusively by the pandemic. During this period, eight countries (Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Nicaragua and Venezuela) experienced

significant declines in the Civil Liberties subattribute, which was the measure with the largest number of significant declines in the entire region. In contrast, two countries (the Dominican Republic and Ecuador) recorded significant advances on this subattribute (Figure 7).

Brazil and El Salvador recorded the steepest declines in the Civil Liberties subattribute, as all the indicators that make up this subattribute saw decreases in these two countries. This significant decline is one of the main causes of the erosion of democracy in both countries over the last five years.

4.2 CIVIL LIBERTIES DURING THE PANDEMIC

Between 1 March 2020 and 30 June 2021, a total of 15 countries in the region passed measures to mitigate the effects of the pandemic that were labelled 'concerning' for democracy and human rights, according to the Global Monitor of Covid-19's Impact on Democracy and Human Rights, on the basis that these measures were deemed to violate human rights or democratic parameters by being disproportionate, unnecessary, illegal or undefined.⁴⁷ The aspects of democracy most affected by these measures were Media Integrity (a subattribute of Checks on Government), and Personal Integrity and Security, Freedom of Expression, and Freedom of Movement (three subcomponents of the Civil Liberties subattribute).⁴⁸

Of these, Personal Integrity and Security has been most affected by measures of concern, which cover three main areas. The first is the imprisonment of individuals for non-compliance with restrictions imposed to contain the pandemic, a measure that was implemented in 18 countries.⁴⁹ The second is the use of the armed forces to enforce the restrictions imposed; they played a leading role in several of the region's countries during the pandemic, especially in terms of logistics. In some countries, including Colombia, El Salvador and Mexico, the military were also directly in charge of maintaining security and public order. The third area is the excessive use of

FIGURE 7

Significant declines and advances in the Civil Liberties subattribute in Latin America and the Caribbean, 2015–2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

police force. During the pandemic, various forms of violent repression of demonstrations were recorded in Chile,⁵⁰ Colombia,⁵¹ Costa Rica⁵² and Peru,⁵³ among other countries.

In addition, during the pandemic, several countries in the region adopted measures that affected freedom of expression. These measures focused mainly on criminalizing the dissemination of information related

to Covid-19. The enactment of the Special Cybercrimes Law passed by the Nicaraguan Congress in October 2020, for example, gave the authoritarian regime the ability to decide what is and is not false information and to persecute dissenting voices in the media or social networks.⁵⁴ The detention and punishment of journalists and doctors in Venezuela and Cuba represent further cases of criminalization of the exercise of freedom of expression.⁵⁵ Actions aimed at intimidating researchers from academic or scientific institutions in Venezuela and Nicaragua, who were threatened with investigation or even dismissal, and the seizure of work equipment from several journalists in Cuba, are further examples of measures seriously affecting freedom of expression.⁵⁶ In Argentina, a dozen criminal proceedings for ‘public intimidation’ were reportedly initiated against people spreading information related to the pandemic. In Brazil, El Salvador, Guatemala, Mexico and Nicaragua, a large number of journalists and media organizations received verbal attacks from the heads of state for reporting on the pandemic.⁵⁷

Freedom of movement was also affected in all countries in the region as a result of measures which were adopted to contain the pandemic in line with recommendations from the World Health Organization (WHO). In this regard, 12 countries in the region adopted lockdown measures,⁵⁸ the implementation of which was of particular concern in five of those countries: Argentina, Chile, Cuba, the Dominican Republic and El Salvador.⁵⁹

4.3 STATES OF EMERGENCY IN THE REGION

During the early days of the pandemic, as executive branches of governments began to take steps to establish quarantines and periods of lockdown, concerns were raised about the risks to human rights and democracy of using emergency powers without proper checks and balances. By its nature, the declaration of a state of emergency gives an executive extraordinary powers to deal with an exceptional situation, such that some ordinary checks on the exercise of power are diminished or suspended. States of emergency are not undemocratic or illegitimate *per se*. On the contrary, they are usually provided for in national constitutions or legislation and are designed in principle to protect both people and states from imminent dangers and disasters.

In the period covered by this report, all countries in the region except Cuba and Nicaragua declared a state of emergency to address the pandemic, making Latin America and the Caribbean the region with the largest number of governments using this legal instrument (21 countries out of 23).

At the end of June 2021, of the 21 countries that had declared a state of emergency, 15 still had one in place, while the remaining 6 (Brazil, Ecuador, El Salvador, Guatemala, Mexico and Venezuela) had already lifted it. It should also be noted that 16 of the 21 countries that declared a state of emergency (76 per cent) set an end date for it at the outset, while the remaining 5 countries (Honduras, Jamaica, Panama, Paraguay and Uruguay) did not.

Although states of emergency are an instrument provided for in countries’ constitutional frameworks as a way to respond to exceptional situations, such as pandemics, declaring one meant opening up a window of opportunity to expand the concentration of powers within the government. In El Salvador, for example, the institutional response to the pandemic was marked by the conflict between President Nayib Bukele, the Legislative Assembly and the Constitutional Chamber, a conflict that has been clear since Bukele came to power.⁶⁰ To respond to the emergency situation, the executive branch resorted to concentrating its power,⁶¹ called on unilateral interpretations of the use of emergency instruments,⁶² restricted access to public information,⁶³ and carried out attacks against journalists, who were often prevented from covering official events.⁶⁴ Together, these measures halted the positive trends recorded in the subattributes making up the Checks on Government attribute in El Salvador, especially between 2005 and 2015.

In Nicaragua, the government’s response to the pandemic was paradoxical, since it runs an authoritarian regime that, while not formally declaring a state of emergency,⁶⁵ continued to expand its powers⁶⁶ and further restrict civil and political freedoms.⁶⁷ With the support of a National Assembly controlled by the ruling party and without any pandemic-related justification, the government approved constitutional reform and two new laws—the previously mentioned Special Cybercrimes Law and the Law on the Regulation of Foreign Agents—which restrict freedom of expression, press and association.⁶⁸

BOX 2

States of emergency: types, causes and procedures for their application

There is no uniformity regarding the designation and scope of states of emergency in the region. The terms 'emergency', 'exception', 'suspension' and 'disaster' refer to different legal instruments, depending on the constitutional framework in each country. As for the terms used in the region, in Argentina the government declared a 'sanitary emergency'; in Chile, a 'constitutional state of exceptional catastrophe due to public disaster'; in Guatemala, a 'state of public disaster'; in Mexico, a 'sanitary emergency due to force majeure'; in Colombia, an 'economic, social and environmental emergency'; and in Jamaica, the government declared the country a 'disaster area'. The English version of the International Covenant on Civil and Political Rights uses the terms 'public emergency' and 'derogation' (article 4) to refer to states of emergency, while the Spanish version uses the terms '*situaciones excepcionales*' (exceptional situations) and '*suspensión*' (suspension) (article 4).

There is also a wide variety of grounds and procedures for declaring a state of emergency, and the formalities involved in declaring a state of emergency and the official bodies

authorized to declare, enforce and even review such states vary from country to country. Despite these differences, two interrelated factors have contributed to a de facto harmonization of the states of emergency implemented in the region in recent decades: first, there has been a growing judicialization, which has opened the door for courts, particularly constitutional courts, to review declarations of states of emergency; and second, the influence of international law regulating states of emergency, and its application within national legal systems, has been growing, given its superior legal status and the competence of courts to use international law as a parameter of constitutionality. In fact, a number of actors have gone to court to challenge the legality and constitutionality of most of the states of emergency declared during the pandemic, as well as other regulations and measures implemented as a result, in particular coercive measures such as mandatory lockdowns and curfews. As such, much of the debate in the region on the use of extraordinary powers in a state of emergency is expected to be influenced or resolved by constitutional jurisprudence.

Source: International IDEA, *Taking Stock of Regional Democratic Trends in Latin America and the Caribbean Before and During the COVID-19 Pandemic*, GSoD In Focus Special Brief (Stockholm: International IDEA, 2020), <<https://doi.org/10.31752/idea.2020.63>>.

4.4 SOCIO-ECONOMIC RIGHTS

Although Latin America and the Caribbean has made progress in terms of human development over the past 30 years, this progress has been slow and insufficient.⁶⁹ Not only did the region record the second slowest rate of progress in human development after Europe and Central Asia, but it also had the largest gap in income between the poorest 40 per cent and the richest 10 per cent of the population between 2010 and 2018 compared with other regions of the world.⁷⁰

The 2020 GSoD Indices confirm that not enough progress has been made in wealth distribution, and that there have been minimal improvements in socio-economic rights in Latin America and the Caribbean. In the last five years, of the 18 democracies in the region, only Costa Rica and Uruguay have performed highly on the Social Rights and Equality measure (a subattribute of Fundamental Rights) and on the Social Group Equality measure (a subcomponent of the previous

subattribute). In contrast, the Dominican Republic, El Salvador, Guatemala, Haiti, Nicaragua and Paraguay registered low performance on the same measures in the same period, as did Colombia in 2020. The other democracies in the region achieved mid-range performance, although most of them recorded values close to the low-performance category. In terms of the Basic Welfare measure, only Chile and Costa Rica in the last five years and Uruguay since 2018 have achieved a high performance, while the remaining democracies registered mid-range performance.

Although there has been a considerable drop in inequality in Latin American and Caribbean countries since the beginning of the new millennium, this progress stalled in the mid-2010s, and in 2020, inequality in income distribution grew due to the pandemic, as reflected by a 2.9 per cent increase in the Gini coefficient.⁷¹

This increase was mitigated, to some degree, by the income transfers made by some governments in the region; however, there is a risk that the gap will widen

even further as the fiscal space needed to maintain those transfers shrinks. Moreover, the amounts earmarked for such transfers and the type of non-contributory measures implemented vary considerably between the different countries in the region.⁷²

In addition, erratic and low rates of economic growth over the last decade have weakened efforts to reduce poverty and create formal jobs.⁷³ This is compounded by the fact that the region is characterized by weak and fragmented health and social protection systems, and the presence of a growing number of urban settlements that lack access to quality basic services.⁷⁴ According to the Economic Commission for Latin America and the Caribbean (ECLAC), by the end of 2020 there were a total of 209 million people living in poverty in the region (22 million more than in 2019, representing a setback of 12 years). Of them, 78 million were in extreme poverty (8 million more than in 2019⁷⁵—a 20-year setback—as a direct consequence of the pandemic).

The pandemic also exacerbated existing low levels of economic growth. According to ECLAC, regional GDP fell by 7.4 per cent in 2020 and, although the regional average is projected to rebound by 5.9 per cent in 2021, this level of growth will not be enough to recover the levels of GDP seen in 2019. This recovery will also not be sustained, as ECLAC projections forecast an average regional growth rate of just 2.9 per cent in 2022—a slowdown from the rebound experienced in 2021.⁷⁶

According to ECLAC, 'There is nothing to suggest that the weak growth dynamics prior to the crisis will change. The structural problems that weighed on the region's growth before the pandemic have worsened; and they will hamper the recovery of economic activity and labour markets beyond the growth rebound in 2021 and 2022. In terms of per capita income, the region remains on course for a lost decade.'⁷⁷

In summary, while governments had to react quickly at the beginning of the pandemic to mitigate the socio-economic effects of the crisis (mainly by implementing income transfer programmes, providing subsidies and approving tax exemptions), drawing up and implementing a long-term response will require efficient, accountable and well-funded states and effective and democratic governance. Political forces will have to be able to negotiate fiscal covenants aimed at transforming tax, building trust among different social

groups and, ultimately, renegotiating the social contract. Key tasks will also include: (a) prioritizing the protection of the most vulnerable groups and the middle class, including sectors that have traditionally been excluded; (b) strengthening transparency to fight corruption and protect the limited public resources available; and (c) promoting broad participation of the different social and economic sectors, especially young people, to strengthen the legitimacy of the socio-economic recovery processes to be followed.

4.5 SETBACKS IN GENDER EQUALITY

The pandemic has affected women's rights, which are inherent in their full participation in democratic societies, and essential to ensuring their integrity, personal safety and financial independence. With regard to the right to personal integrity and security, domestic violence increased in the region during the pandemic, and femicide persisted, although there are differences in this regard between the different countries assessed.⁷⁸ In some countries, such as Argentina, Brazil, Colombia, Guatemala, Mexico, Paraguay and Peru, the number of calls to hotlines providing assistance for cases of domestic violence increased in the months that followed the start of mandatory lockdowns.⁷⁹

With regard to economic rights, women had a labour force participation rate of 46 per cent in 2020, a setback of more than 10 years. This, together with the increase in poverty in the region, means that some 118 million Latin American and Caribbean women were living in poverty at the end of 2020.⁸⁰ This situation is largely due to the fact that women primarily work in the sectors that were most affected by the pandemic, performing jobs characterized by a high level of informality and precarious social protection, as is the case, for example, with domestic and unpaid care work.⁸¹

To promote the full realization of women's rights and ensure their welfare and safety, it is essential that tax structures, public budgets and the provision of public goods and services are gender-sensitive. In order to adequately meet the needs of Indigenous, rural, Afro-descendant, young, migrant, refugee and disabled women, and women of different sexual orientations and gender identities, these gender inequalities must also be addressed using an intersectional approach.⁸²

Chapter 5

Checks on Government

The Checks on Government attribute aggregates scores from three subattributes: Effective Parliament, Judicial Independence and Media Integrity. It measures the extent to which the parliament oversees the executive, as well as whether the courts are independent, and whether media is diverse and critical of the government without being penalized for it.

5.1 JUDICIAL INDEPENDENCE

Both the 2019 edition of The Global State of Democracy and the 2020 GSoD In Focus special brief attest to how different subattributes of Checks on Government have weakened in the region over the last five years, especially Judicial Independence. These declines in Checks on Government are taking place in a region that increasingly features hyper-presidential regimes. In particular, the declines are reflected in the concentration of power in the government and in the increased interference of the government in the judiciary and other supervisory bodies.⁸³

Judicial Independence has been severely weakened in Brazil and Nicaragua, with both countries seeing significant declines in this subattribute over the past five years and an increase in attacks on the independence of the judiciary during the pandemic.

El Salvador, Mexico and Venezuela are also noteworthy for their declines in the Judicial Independence subattribute over the past five years. In Mexico, the slight fall in Judicial Independence worsened in March 2021 when President López Obrador challenged a judge's decision to suspend the energy reform proposed by the government and publicly asked the President of the Supreme Court of Justice of the Nation to launch an investigation to clarify the judge's actions.⁸⁴

In El Salvador, the decline in this subattribute has worsened recently because the new National Assembly, which is controlled by the ruling party, dismissed the Attorney General and all the judges of the Constitutional Chamber of the Supreme Court of Justice in May

2021.⁸⁵ More recently, the National Assembly adopted a new law providing for the early retirement of one third of all judges in the country, either because they are over 60 years of age or because they have more than 30 years of service.⁸⁶ The United Nations Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, strongly condemned both actions as a threat to judicial independence,⁸⁷ stating that 'democratic institutions, the separation of powers and the independence of the judiciary are under attack'⁸⁸ in El Salvador.

5.2 EFFECTIVE PARLIAMENT

A significant and noteworthy achievement is that all parliaments in the region continued to hold sessions during the pandemic, thanks to the implementation of various institutional arrangements and the use of digital technologies. The exception to this is the Parliament of Mexico, which ceased to function for five weeks between March and April 2020.⁸⁹

In Brazil, the country's National Congress acted quickly to adapt to the pandemic. In March 2020, it had already approved new rules of procedure allowing it to meet remotely on an exceptional basis while the health crisis persisted.⁹⁰ On 20 March 2020, the Brazilian Senate completed a plenary session virtually, making it one of the first countries in the world to hold a full session in this format.⁹¹

However, due to high levels of political polarization, there were also clashes between the executive and legislative branches in cases where the former wanted to expand the scope of states of emergency or approve international funding for pandemic-related economic assistance. These clashes occurred in a number of countries, including Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador and Peru.⁹²

In the region's authoritarian regimes (Cuba, Nicaragua and Venezuela), the control that parliament exercises over the government is merely symbolic.

5.3 MEDIA INTEGRITY

Overall, the region recorded a gradual fall in Media Integrity between 2015 and 2020. Brazil, Colombia and Uruguay all suffered drops in this subattribute, while the Dominican Republic stands out for positive reasons, recording an increase.

Although the level of Media Integrity varies across Latin America and the Caribbean, in general, the region's media institutions enjoy limited plurality. According to Reporters Without Borders, the integrity of the media is severely hindered by the high concentration of media ownership, which limits its freedom.⁹³ Moreover, in recent years media organizations have faced questions based on their connections—real or perceived—with those in power; it was, for example, one of the issues underlying the protests that took place in Chile at the end of 2019.⁹⁴

With regard to Brazil, a Reporters Without Borders report highlights that, since President Bolsonaro came to power, an atmosphere of deep distrust towards the media has been created.⁹⁵ In 2021, the government's attacks on the press have intensified, fuelling polarization in the country.⁹⁶

Colombia remains a dangerous country for the media, and this limits its ability to report freely. In recent years,

local and international journalists who have revealed information about members of the government, the army and organized crime groups have suffered threats and intimidation.⁹⁷

Uruguay, on the other hand, maintains high performance in Media Integrity, despite the country's significant decline in this measure over the last five years.

During the pandemic, Media Integrity ranked second in terms of most affected aspects (the aspect showed a worrying trend in six countries), after Personal Integrity and Security (which was affected in 11 countries). The three authoritarian regimes in the region (Cuba, Nicaragua and Venezuela) present concerning developments in this regard, as do the democracies of Colombia, El Salvador and Panama.⁹⁸

It is also worth highlighting the alarming situation in Mexico, regarding the violence faced by journalists. According to Reporters Without Borders, Mexico is one of the most dangerous countries in the world for the profession, with eight journalists killed in 2020 and three more killed in 2021.⁹⁹ These killings and the countless threats and coercion faced by journalists, which usually go unpunished, are often perpetrated by organized crime groups or the authorities colluding with such groups.¹⁰⁰

Chapter 6

Impartial Administration

Impartial Administration is the aggregate of two subattributes: Absence of Corruption and Predictable Enforcement. It measures the extent to which the state is free from corruption, and whether the enforcement of public authority is predictable.

6.1 ABSENCE OF CORRUPTION

The 2020 GSoD Indices show that the region has seen little improvement in the Absence of Corruption subattribute over the past five years. Between 2015 and 2020, it declined significantly in El Salvador and Nicaragua, but advanced in Mexico, Trinidad and Tobago, and the Dominican Republic, where the gradual fall experienced over the past five years was reversed.

In Latin America and the Caribbean, the impact of the pandemic on the progress seen in the Absence of Corruption subattribute has been twofold. On the one hand, there have been innovations in the systems for opening up data that make it possible to fight corruption. Technological monitoring systems such as the Océano system implemented in Colombia allow the authorities to control public procurement and uncover possible cases of corruption.¹⁰¹ On the other hand, Latin America and the Caribbean is the region with the highest proportion of countries with reported cases of corruption linked to Covid-19 (70 per cent),¹⁰² and most of these cases are associated with public procurement processes and the purchase of overpriced medical equipment. Meanwhile, in some countries, such as Argentina, Ecuador and Peru, public officials, their family members and a number of public figures have taken advantage of their privileged political or financial position to receive special treatment with regard to the Covid-19 vaccine.¹⁰³

In summary, there have been two opposing trends in corruption over the last decade. The first consists of anti-corruption activism, based on the expansion and development of institutional reforms in favour of transparency and changes in the modes of access to, and circulation of, information.¹⁰⁴ The second is a trend of counter-reform, reflected in the dissolution of the International Commission against Impunity in Guatemala

(CICIG) in 2019,¹⁰⁵ the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) in 2020¹⁰⁶ and the International Commission against Impunity in El Salvador (CICIES) in 2021.¹⁰⁷

6.2 PREDICTABLE ENFORCEMENT

Predictable Enforcement, which measures the extent to which the laws and actions of public authorities are predictable and conform to constitutional order, experienced a worrying decline across the region. With the exception of the progress recorded in this aspect in the Dominican Republic and the slight improvements registered in Argentina, Costa Rica and Ecuador, all other countries saw declines. Nicaragua and Venezuela among the authoritarian regimes, and Brazil and Colombia among the democracies, stand out for having registered significant declines in this aspect.

The weak crime-fighting structure in most countries in the region is also under constant attack by organized crime groups—especially those associated with drug trafficking—who find loopholes to bribe and intimidate officials, and infiltrate political parties, democratic decision-making institutions and law enforcement agencies.¹⁰⁸ Meanwhile, weak bureaucracies and unstable public administration systems in the region—which in many cases are not driven by meritocracy and lack political support and autonomy—negatively affect the capacity of the rule of law.¹⁰⁹

In short, combating corruption and improving predictable enforcement to strengthen the capacity and impartiality of public administration remain priorities for the next decade. According to a recent UNDP survey in the region, out of a list of six issues to be addressed for an effective and sustainable recovery following the pandemic, 38.8 per cent of respondents considered the need to reduce corruption a priority, outweighing the need for greater social protection by more than 32 percentage points.¹¹⁰ As such, if tangible and urgent measures are not taken to counteract such citizen perceptions, there is a risk that countries will pay for corruption and crime not only with the loss of financial resources, but also with further damage to democracy.

BOX 3

The dissolution of international commissions against corruption and impunity in Central America

The closures of the International Commission against Impunity in Guatemala (CICIG) in 2019, the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) in 2020 and the International Commission against Impunity in El Salvador (CICIES) in 2021 are the clearest evidence of the setbacks in the efforts made by the regional and international community to combat corruption and impunity in the region, especially in Central America. The situation is extremely worrying considering the high levels of corruption and violence that plague these three countries. In the Transparency International Corruption Perceptions Index, Guatemala has dropped its ranking significantly since 2012, which means that corruption has increased. El Salvador has had high levels of corruption for eight years and the situation appears to have worsened during the pandemic due to the concentration of power in the executive branch and restrictions on access to information. The Index also registered a decrease for Honduras, reflecting a rise in corruption.¹ In addition to having the highest rates of corruption of the three countries, Honduras is also the third most violent country in the region, with a homicide rate of 37.6 per 100,000, after Jamaica (46.5) and Venezuela (45.6).²

CICIG and MACCIH were able to launch important inquiries, both independently and jointly with national investigation and law enforcement organizations. However, their investigations of political parties and figures—including former Guatemalan President Jimmy Morales—generated strong pressure to close down both bodies. CICIG was dissolved after a long confrontation between President Morales and the former Commissioner

Iván Velásquez and there have been long-term consequences, including the co-option of investigative agencies. Former Attorney General Thelma Aldana, who also previously ran for president, worked closely with CICIG and has been in asylum in the United States for several years. More recently, the former Head of the Special Prosecutor's Office against Impunity in Guatemala, Juan Francisco Sandoval, was removed from his post and is also currently in the United States. In the case of MACCIH, Honduran President Juan Orlando Hernández cited the defence of sovereignty and the Constitution to justify the non-renewal of the country's agreement with the Organization of American States (OAS), bowing to pressure from allied figures.³

Finally, mention should also be made of El Salvador. In a speech made against corruption and impunity during his presidential campaign, Nayib Bukele stated that he would fast-track the creation of CICIES if elected, and it was effectively formed in November 2019. Subsequently, in 2020, the then Attorney General (who was removed in 2021 by a Legislative Assembly sympathetic to President Bukele) confirmed that he had launched an investigation into alleged corruption during the pandemic, thanks to evidence collected by CICIES. It was the first time that the Attorney General's Office had carried out a high-profile operation in the country, thanks to the information provided by the agency.⁴ However, in June 2021, Bukele terminated the agreement with the OAS—which supported CICIES—in criticism of the apparent appointment of a former mayor and member of the opposition party, the Nationalist Republican Alliance, by OAS Secretary General Luis Almagro.⁵

¹ Transparency International, 'CPI 2020: Americas', 28 January 2021, <<https://www.transparency.org/en/news/cpi-2020-americas>>, accessed 3 September 2021.

² Asmann, P. and Jones, K., 'InSight Crime's 2020 Homicide Round-Up', InSight Crime, 29 January 2021, <<https://insightcrime.org/news/analysis/2020-homicide-round-up/>>, accessed 3 August 2021.

³ Palencia, G., 'Honduras lawmakers urge president to shut down anti-corruption body', Reuters, 11 December 2019, <<https://www.reuters.com/article/us-honduras-corruption-idUSKBN1YF2RA>>, accessed 3 September 2021.

⁴ La Prensa, 'Honduras no renueva convenio de la MACCIH con la OEA' [Honduras not to renew MACCIH agreement with OAS], 17 January 2020, <<https://www.laprensa.hn/honduras/1349669-410/honduras-oea-acuerdo-macchi>> accessed 3 September 2021. Papadovassilakis, A., 'With pandemic raids, Bukele Government faces major investigation in El Salvador', InSight Crime, 23 November 2020, <<https://insightcrime.org/news/brief/pandemic-raids-bukele-investigation/>>, accessed 3 September 2021.

⁵ Alvarado, J., 'Bukele sepulta su principal promesa de campaña, la CICIES' [Bukele breaks his main campaign promise, the CICIES], El Faro, 5 June 2021, <https://elfaro.net/es/202106/el_salvador/25526/Bukele-sepulta-su-principal-promesa-de-campa%C3%B1a-la-Cic%C3%ADes.htm>, accessed 3 September 2021.

Chapter 7

Participatory Engagement

Participatory Engagement is composed of four subattributes (Civil Society Participation, Electoral Participation, Direct Democracy and Local Democracy). The subattributes measure citizens' participation in civil society organizations (CSOs) and in elections, and the existence of direct democracy instruments available to citizens, as well as the extent to which local elections are free.

7.1 CIVIL SOCIETY PARTICIPATION

In recent years, Latin America and the Caribbean has seen an increase in citizen mobilization. Before the pandemic was officially declared, several countries in the region, including Bolivia, Brazil, Chile, Colombia, Costa Rica and Ecuador,¹¹¹ went through a period marked by major social protests, in which young people played a leading role. During the pandemic, in both 2020 and 2021, more protests occurred in most countries, including Cuba.¹¹²

These protests are founded on a wide range of issues and demands, including public dissatisfaction with the poor quality of public services, anger at corruption, high levels of inequality and police violence, citizen opposition to various judicial and fiscal reform proposals, and frustration at the mishandling of the pandemic. The feminist movement has also recently taken huge strides in the region and has begun organized actions to combat gender inequality and gender-based violence.¹¹³

Social protest is a symptom of discontent and disengagement with political institutions, and a sign that there is an active population that is concerned about their own interests and those of their country. If social protest is channelled via institutions, respecting democratic principles, it can bring about profound social and political change. However, the traditional mechanisms of representation in the region are showing signs of exhaustion, which makes such transformations increasingly difficult. The weakening of political parties as vehicles for bringing together collective interests, and the severe crisis of citizen

distrust in these parties and in parliaments are some of the reasons for this exhaustion.¹¹⁴ Only 21 per cent of the region's citizens trust political parties and just 13 per cent trust parliaments—a drop of 10 and 11 percentage points, respectively, in citizen trust over the past decade, according to the regional Latinobarómetro survey.¹¹⁵

While it is evident that the current imbalances in democratic representation and governance systems need to be addressed, such reforms, if implemented, will take time to yield clear results. Therefore, in the short term, there is an urgent need to launch spaces and mechanisms for social and political dialogue that complement the work of parliaments and channel the citizen unrest present in the streets. Each society must define the most appropriate mechanisms to improve its capacity to deliberate and reach agreements that promote real and effective citizen participation.

In the midst of the wave of social protests that have taken place in the region in recent years, Chile and the Dominican Republic stand out as two examples of how it is possible to channel social discontent through existing institutional processes, or through the creation of new mechanisms that respect and reinforce democratic principles.

In the case of Chile, after more than two years of great social unrest, the country embarked on a process to replace the current Constitution—which dates back to the dictatorship of Augusto Pinochet—and draft a new text, responding to one of the main demands made during the protests that began in October 2019. This process is an example of how it is possible to re-establish the social pact through the creation of a new constitution. The gender parity of the Constitutional Convention and the existence of 17 seats reserved for Indigenous peoples should be highlighted as elements that promote inclusion and legitimize the process.¹¹⁶

However, not all social protest movements call for a new constitution to be drafted. In reality, in most countries, discontent stems primarily from the fact

BOX 4

The constituent process in Chile

On 15 and 16 May 2021, elections were held in Chile to elect 155 members of the Constitutional Convention, the body charged with drafting a new constitution within 9 to 12 months. The final text will be submitted to a referendum with a compulsory vote to be held around September 2022.

These elections—the first of their kind in the country—were held alongside the elections of regional governors, mayors and councillors, and represented a dual challenge in terms of organization in the midst of the pandemic. First, the election of a large number of positions in total; second, two whole days of voting took place, during which time ballot boxes were protected at polling stations to prevent possible contamination from gatherings of people and to encourage voter participation. The integrity of the electoral process was ensured, and only threatened by a few anecdotal incidents.¹

Voter turnout was the negative aspect of the voting process, at just 43 per cent of those on the electoral register, far below the nearly 51 per cent turnout achieved during the October 2020 vote to approve the new draft constitution. On that occasion, approximately 7.5 million people turned out to vote, which was the highest number of voters recorded in the country since its return to democracy.²

As there were more women candidates elected to the Convention, parity operated on more occasions in favour of men rather than women, so as to ensure that neither gender had a representation of more than 55 per cent, with Chile's Constitutional Convention being the first in the world to be parity-based; it is made up of 78 men and 77 women. The traditional political parties of the right and centre-left performed poorly and were overtaken mainly by independents and by left-wing parties Frente Amplio and the Communist Party.³

¹ Government of Chile, 'Proceso constituyente' [Constitutional process], [n.d.], <<https://www.gob.cl/procesoconstituyente/>>, accessed 14 September 2021.

² International IDEA, Voter Turnout Database, [n.d.], <<https://www.idea.int/data-tools/data/voter-turnout>>, accessed 14 September 2021.

³ Chilean Electoral Service, 'Elecciones convencionales constituyente' [Constitutional Convention elections], [n.d.], <<https://elecciones2021.servel.cl/convencionales-constituyentes/>>, accessed 14 September 2021.

that citizens feel that there is a lack of institutional response to their urgent demands, particularly in the economic and social spheres.

In this regard, it is worth highlighting two initiatives to promote deliberation and social and political agreement in the Dominican Republic: the Permanent Forum of Political Parties of the Dominican Republic and the Economic and Social Council. The Permanent Forum, which was established in 2017 at the initiative of the country's political parties, has been a valuable tool for generating consensual solutions to the pandemic,¹¹⁷ promoting institutional reform and establishing a shared forum for dialogue with the Central Electoral Board.¹¹⁸ The Economic and Social Council, which is enshrined in the Constitution as an instrument of social consultation and an advisory body to the government on economic, social and labour matters, is the result of consultation processes and national dialogue held at different times throughout the country's history.¹¹⁹ The role of

both initiatives is to complement the mechanisms for citizen participation and representation, which has led to an improvement in participation rates in the country's civil society.

Although mechanisms are being created to channel social protest, the right to protest must also be protected; both the population and the forces of law and order must act within a framework of democratic coexistence. Police violence and excessive use of force to repress protests are yet another sign of the deterioration of the rule of law in the region, which in turn undermines the trust that should exist between the state, its representatives and citizens, to follow the necessary processes of dialogue and social and political negotiation.

In Colombia, for example, people—especially young people—have died, sustained injuries or disappeared as a result of police violence, which has led to a general escalation of violence in society as a whole.¹²⁰ While

BOX 5

Waves of protests in Colombia in 2019–2021

Three waves of mass protests have taken place in Colombia over the last three years. On 21 November 2019, the National Strike Committee—which brings together trade unions, social organizations and farmers—called for a discontinuous process of mobilization lasting for months. The protests were over rejecting the economic reforms made by President Iván Duque Márquez and the failure to implement a peace agreement with the Revolutionary Armed Forces of Colombia, as well as the social unrest caused by the increase in homicides against social leaders.¹ After not reacting for weeks, the government changed its policy, reshuffled its cabinet and called on protesters to participate in a Great National Dialogue to agree on public policy lines. This exercise was not completed before being interrupted by the arrival of the Covid-19 pandemic in March 2020.

On 9 September 2020, following a scandal over a homicide that was the result of police abuse, citizens again took to the streets to demand police reform and aid to counter the socio-economic effects of the pandemic. Finally, on 28 April 2021, mass protests resumed throughout the country to reject the tax reform proposed by the government, which was considered regressive and ill-timed by many sectors.

Unfortunately, there were high levels of violence during all three waves of protests, which resulted in nearly 100 deaths and thousands of injuries. This situation has repeatedly been condemned by the Inter-American Commission on Human Rights and other human rights protection bodies.²

¹ BBC News Mundo, 'Paro nacional en Colombia: 4 motivos detrás de las multitudinarias protestas y cacerolazos en Colombia contra el gobierno de Iván Duque' [General strike in Colombia: 4 reasons behind the mass protests against Iván Duque's government in Colombia], 21 November 2019, <<https://www.bbc.com/mundo/noticias-america-latina-50503455>>, accessed 14 September 2021.

² Turkewitz, J., '¿Por qué hay protestas en Colombia?' [Why are Colombians protesting], *The New York Times*, 27 May 2021, <<https://www.nytimes.com/es/2021/05/27/espanol/protestas-colombia.html>>, accessed 14 September 2021.

the government's efforts to activate a process of dialogue with the various sectors in discord—including young people—are valuable,¹²¹ the situation highlights the risks of not having permanent and legitimate systems for dialogue.

7.2 ELECTORAL PARTICIPATION

In elections held during the pandemic period (from March 2020 through the first half of 2021), there was no automatic and widespread drop in Electoral Participation. Performance was mixed across the region: in some countries voter turnout fell, in others it remained the same (slightly below or above the average turnout of the previous three elections), and in some, it increased.

The analysis presented in this report focuses on presidential and legislative elections held between 1 March 2020 and 30 June 2021. Because of its

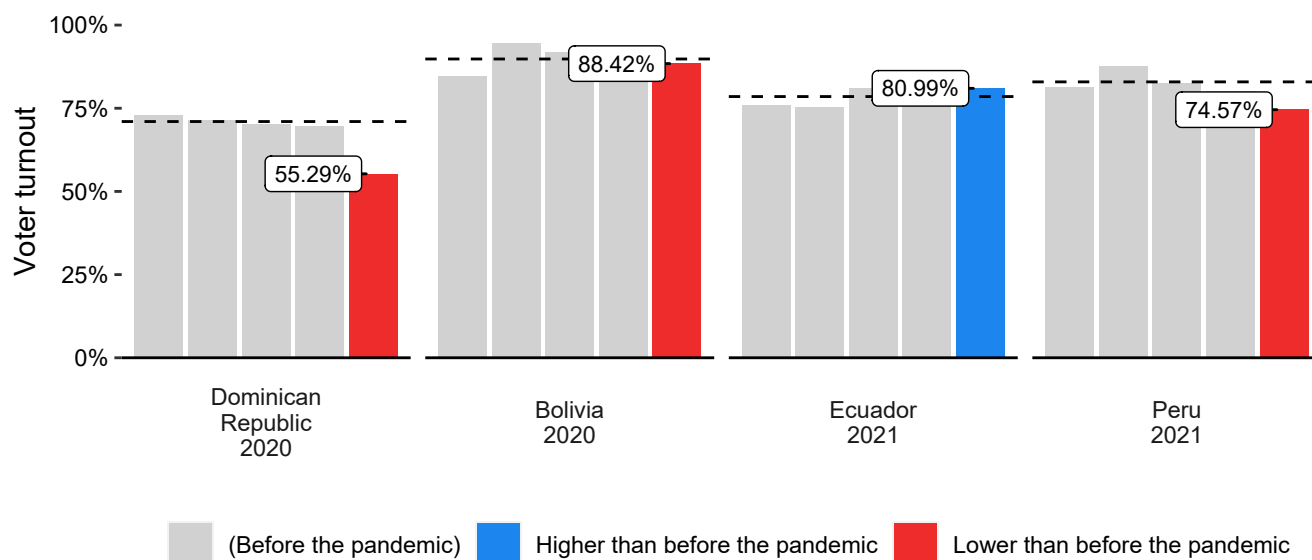
importance, Chile's constitutional referendum that took place in October 2020 is also included.

Figure 8 shows the mixed levels of electoral participation in the four presidential elections under analysis, compared with the three previous elections. Both Peru and the Dominican Republic recorded a significant reduction in turnout (more than 10 percentage points in both cases), while turnout remained close to the average of the previous three elections in Bolivia and Ecuador.

Figure 9 presents data on voter turnout in legislative elections in selected countries in the region during the period under analysis (1 March 2020 to 30 June 2021). Disaggregated analysis of this data reveals different trends. In some countries, participation fell. The most representative declines were recorded in the Jamaican and Peruvian elections, where participation continued the downward trend of the last three elections. In Trinidad and Tobago, turnout was also down compared with the previous three elections.

FIGURE 8

Voter turnout in presidential elections in Latin America and the Caribbean between 1 March 2020 and 30 June 2021



Source: International IDEA, Voter Turnout Database, [n.d.], <<https://www.idea.int/data-tools/data/voter-turnout>>, accessed 14 September 2021.

Note: The data for the presidential elections in Ecuador and Peru is an average of the voter turnout recorded in the two rounds of voting that took place during the period in question.

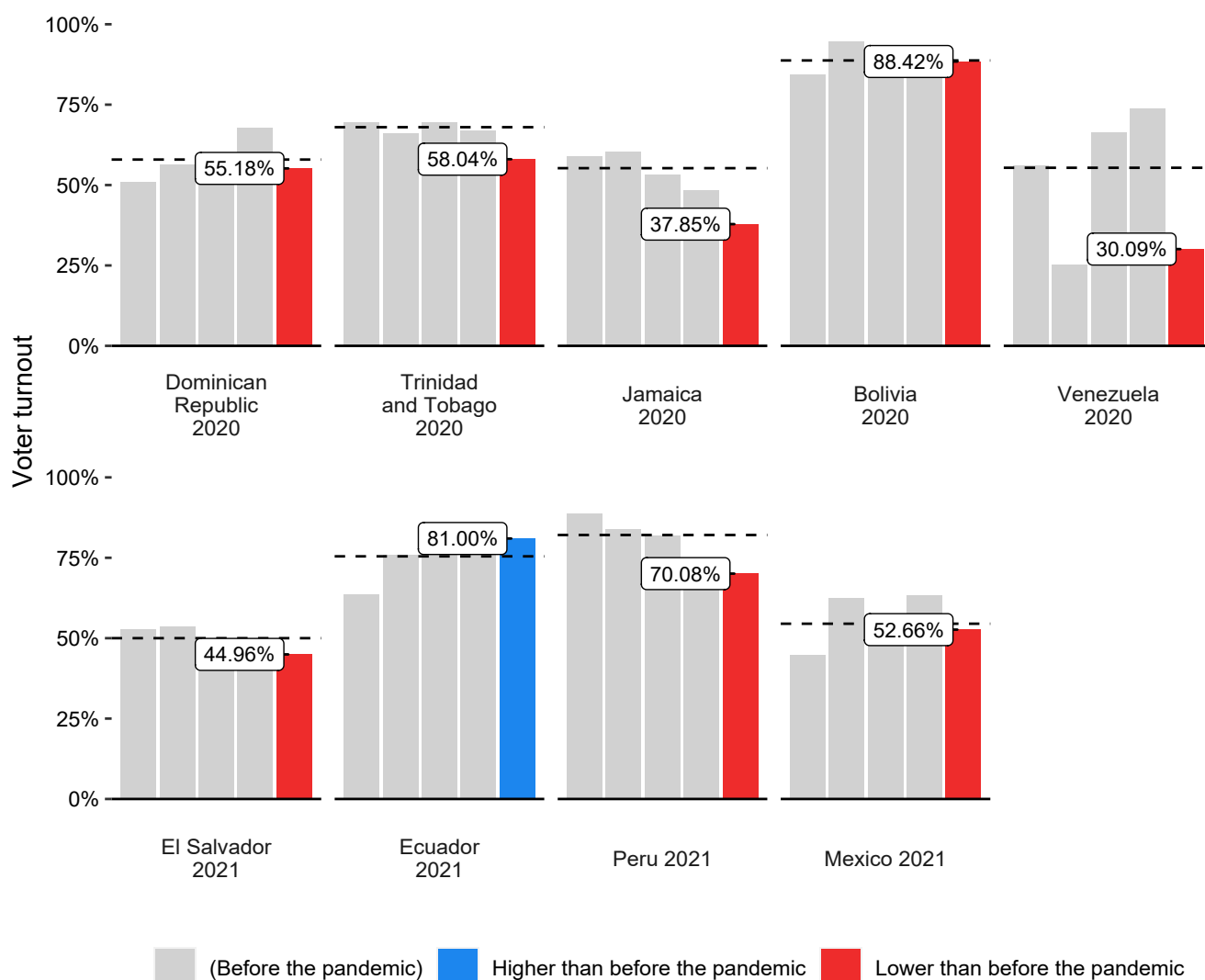
In Venezuela, participation in the December 2020 parliamentary elections fell by more than 40 percentage points compared with 2015, but this decline was largely due to the fact that many opposition parties did not participate in the elections because of the lack of instruments guaranteeing their integrity, rather than the pandemic.¹²²

In the case of Bolivia's legislative elections in October 2020, and El Salvador's legislative and municipal elections in February 2021, turnout remained close to the average of the previous three elections.

In Mexico, meanwhile, June 2021 saw the country record its highest turnout for the mid-term elections to renew the Chamber of Deputies since 1997.¹²³ However, when compared with the concurrent elections—presidential and legislative elections held on the same day—in 2018 and 2012 respectively, turnout was slightly lower.

In Chile, the October 2020 elections had the highest voter turnout in the country's democratic history (almost 51 per cent) since automatic registration and voluntary voting was introduced in 2012.¹²⁴

FIGURE 9

Voter turnout in legislative elections in Latin America and the Caribbean between 1 March 2020 and 30 June 2021

Source: International IDEA, Voter Turnout Database, [n.d.], <<https://www.idea.int/data-tools/data/voter-turnout>>, accessed 14 September 2021.

BOX 6

Two decades of the Inter-American Democratic Charter: achievements and challenges

The adoption of the Inter-American Democratic Charter on 11 September 2001 was the final step in a long process that involved adopting resolutions and signing regional agreements aimed at collectively promoting and protecting democracy in the Americas.

The Inter-American Democratic Charter represents a paradigm shift that prioritizes democracy and human rights over the principle of non-intervention. The Charter is based on the notion that people have a right to democracy and their governments have an obligation to promote and

defend it, and that democracy is the preferred system of government. It contains a list of the essential elements and fundamental components of a representative democracy, and sets out a series of collective mechanisms designed to prevent a breakdown in the democratic order, or to restore it in the event of a breakdown.

An assessment of its achievements and limitations during these 20 years yields mixed results. In terms of achievements, it is worth recalling the preventive assistance requested and received by the governments in power in the face of the democratic threats that took place in Bolivia (2003, 2005 and 2008), Ecuador (2005 and 2010), Nicaragua (2004 and 2005) and Peru (2004). In addition, the Inter-American Democratic Charter was applied in two cases of democratic breakdown (article 20): in 2002, in connection with the coup against Hugo Chávez (Venezuela), which was quickly reversed; and in 2009, for the coup against Manuel Zelaya (Honduras), whose country was suspended until a new government had been democratically elected. In the case of Nicaragua, although the process has already begun, the full application of the Inter-American Democratic Charter has not yet been achieved, since two-thirds of the votes of the member states have not been obtained. In addition, at the request of certain governments, various Secretaries-General of the OAS took steps that, although not strictly within the framework of the procedures established in the Inter-American Democratic Charter, aimed to help strengthen and preserve democratic institutions and electoral integrity. Examples of this include Guatemala (2009 and 2020), Haiti (2010–2011 and 2016) and El Salvador (2021).

Despite these advances and achievements, however, the Inter-American Democratic Charter currently faces significant limitations that have worsened over the years. As shown by the authoritarian regimes of Nicolás Maduro (Venezuela) and Daniel Ortega (Nicaragua), and the authoritarian drift of Nayib Bukele's government (El Salvador), the lack of regional consensus has hampered the implementation of Charter mechanisms aimed at preventing change to the constitutional order in El Salvador, and meant that preventing the breakdown of democracy or subsequently restoring it has not been possible in Venezuela and Nicaragua.

Among the various reasons for this paralysis, two stand out. First, the high level of commitment and consensus that existed around promoting and defending democracy has significantly weakened across the hemisphere, and it has become increasingly difficult to secure the support of two-thirds of the member states required to activate the Inter-American Democratic Charter. Second, in several countries in the region, governments, far from being the victims of attacks (as they were originally conceived), have become the perpetrators of attacks on democracy, the division of powers, freedom of expression and the rule of law. It should be noted that, for example, article 18 of the Inter-American Democratic Charter requires the consent of the government concerned before the OAS Secretary General or the Permanent Council can deploy preventive diplomacy measures to address situations characterized by the deterioration of the democratic process. In an environment in which democratically elected governments themselves are often responsible for undermining democratic institutions, the current wording of the Inter-American Democratic Charter severely limits its effectiveness as a mechanism to protect democracy.

This complex scenario, characterized by new and growing threats, requires the Inter-American Democratic Charter to be carefully reviewed and strengthened, and its application to be facilitated through a protocol aimed at achieving four objectives: (a) to define more precisely the meaning of the phrase 'change to the constitutional order that seriously affects (the) democratic order', included in article 20 of the Charter; (b) to authorize that members of the other branches (legislative and judicial), and even of electoral bodies that were affected by conflicts with the executive branch, may request (without the consent of the government) a visit from the Secretary General or the Permanent Council to observe the political situation on the ground in a given country; (c) to improve preventive and monitoring capacity to activate early warning instruments; and (d) to strengthen diplomatic mechanisms, including those provided for in article 18 of the Charter, to provide a timely and effective response to prevent a breakdown in the democratic order or to restore it. In the current state of democracy in the region, combining these measures with the implementation of working groups for countries, as well as creating a special report on the state of democracy, are key requirements for promoting, defending and strengthening it.

Case studies:

Canada and the United States

THE STATE OF DEMOCRACY IN CANADA

Despite the challenges of the pandemic, Canada remained in the top 25 per cent of the world in 14 of our 16 subattributes of democracy in 2020. International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights has not registered any concerning developments in Canada over the past year. However, a longer-term decline in Checks on Government (one of the five main attributes of democracy) has downgraded Canada to a mid-range performing democracy.

Even without the effects of the pandemic in restricting the work of parliament, Canada has registered consistent declines in Effective Parliament (one of the three subattributes of Checks on Government), especially relative to the high level of other attributes of democracy in the country. Our measurement of Effective Parliament has shown a steady and statistically significant decline (from a relatively high starting point) since 2014. As of 2019, Canada's parliament was not considered 'high performing' on this subattribute. As the second panel of Figure 1 shows, the decline in this subattribute was particularly driven by declines in three of its component measures: acute declines in the extent to which the legislature questions officials and in the effectiveness of opposition parties, and a more gradual decline in the extent to which the legislature investigates.

Some of the declines registered in this period are a result of the incomplete resolution of a major scandal involving the governing Liberal Party in 2019. In early 2019, allegations were made that the Prime Minister's Office had improperly pressured the Attorney General (who is also the Minister of Justice) to intervene in a criminal investigation of a large Quebec-based international construction firm (SNC-Lavalin) for political purposes. Following the publication of the allegations, a series of hearings were held by the House of Commons Justice Committee. The Committee voted not to take action itself and to direct the matter to the Parliament's Ethics Commissioner. The Ethics Commissioner later ruled that Prime Minister Trudeau's communications

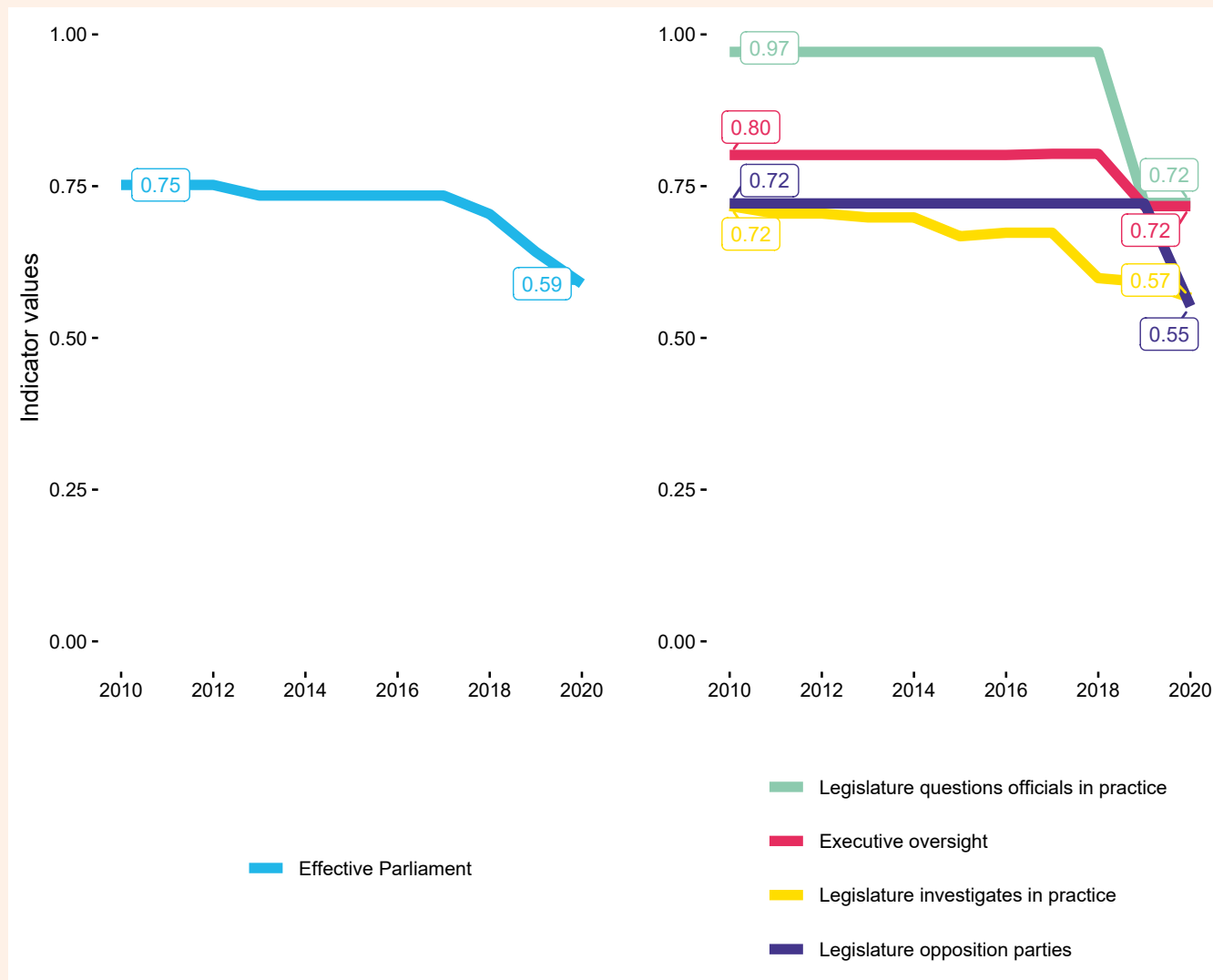
with the Attorney General had violated federal law. However, the law does not provide for the imposition of sanctions in this case.

After four years of majority government under the Liberal Party, a statutorily-scheduled election was held in October 2019.¹²⁵ The election returned the Liberal Party under Justin Trudeau to power, but with a minority in the House of Commons (with only 157 of the 338 seats in the chamber). The Conservative Party remained the largest opposition party, increasing its share of the seats in the House of Commons by 26 (for a total of 121). Canada's single-member district plurality electoral system allows for significant differences between the nationwide vote totals and the seat share in the House of Commons, and the Conservative Party won more votes nationwide than the Liberal Party.¹²⁶ Canada's 2019 election was perhaps also notable for the presence on the ballot of a new right-wing populist party (the People's Party) whose policy agenda included opposition to multiculturalism.¹²⁷ The People's Party failed to gain support, and won no seats in the House of Commons (and only 1.6 per cent of the popular vote nationwide).¹²⁸ Nonetheless, despite some history of right-wing populism (for example in the Reform Party of the 1990s) the 2019 election marked the first time in modern Canadian history that a far-right populist party made a serious effort to run in a federal election.¹²⁹ More alarmingly, the larger political and social context in Canada today includes a proliferation of online right-wing extremism,¹³⁰ and a rise in hate crimes,¹³¹ including several violent attacks that appear to be driven by racist ideology.¹³²

Despite these challenges, Canada remains a strong democracy. A renewed commitment to transparency and effective executive oversight would improve Canada's democratic performance. Particularly in a period in which there has been massive public spending in new areas (such as vaccine procurement and aid to sectors of the economy affected by the pandemic), oversight will be more important than ever. Additionally, Canadian political parties will have to continue to confront the challenge of an apparent rise in far-right sympathies of varying kinds.

FIGURE 1

Effective Parliament in Canada



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021. Coppedge, M. et al., 'V-Dem—Dataset v11.1', Varieties of Democracy, V-Dem Project, 2021, <<https://doi.org/10.23696/vdemds21>>.

Note: The data presented are resized from the original values (from V-Dem) in order to be within the range of zero to one.

THE STATE OF DEMOCRACY IN THE UNITED STATES

Once a beacon of democracy for the world, the United States has faced a number of obvious challenges to and setbacks in the quality of its democracy over the past decade. While there has been some improvement in the United States in 2020, the overall picture is mixed at best.

The most recent update of the Global State of Democracy (GSoD) Indices (with data until the end of 2020) shows the USA has regained its high-performing status among the world's democracies (through a very small improvement in Impartial Administration), and the country ranks in the top 25 per cent on 13 (out of 16) subattributes of democracy. Notable subattributes on which the USA falls outside the top 25 per cent include Inclusive Suffrage, Social Rights and Equality, and Effective Parliament. However, the declines in the

quality of democracy in the United States between 2017 and 2019 were severe enough for us to categorize the country as experiencing democratic backsliding. Compared with 2016, Checks on Government have declined in the United States by 12 per cent. Similar declines in Freedom of Expression and Freedom of Association and Assembly contributed to the backsliding determination.

The 2020 election for Congress and the presidency was closely watched due to both unsubstantiated claims about voter fraud (mostly relating to the increased use of postal voting due to the ongoing pandemic in 2020), and the foreign interference that had taken place during the last presidential election in 2016. While both domestic and international election monitors found no evidence of fraud, chief electoral officials at the state level from both political parties certified the results as credible, and the country's own security council noted the highest degree of integrity in years, the majority of Republican congresspersons, Republican Party local offices, and then-President Donald Trump refused to accept the official results of the election.¹³³ The leader of an Election Observation Mission (EOM) sent by the Organization for Security and Co-operation in Europe (OSCE) said in a statement on the day after the election that: 'Baseless allegations of systematic deficiencies, notably by the incumbent President, including on election night, harm public trust in democratic institutions.'¹³⁴ An election observation mission from the Organization of American States (OAS) noted a number of long-term challenges to free and fair elections in the United States (including campaign financing and gerrymandering) but found the conduct of the election to be satisfactory.¹³⁵ The false claims about fraud—particularly disinformation about mail-in voting expanded due to Covid-19—made by the former president and amplified by numerous media outlets, began months before the election. Following the election, unproven allegations of illegal voting, conspiracy theories involving foreign leaders (including the dead Hugo Chavez), and lies about the accuracy of the outputs from voting machines (only in the states where Trump lost) have resulted in a vast (and steady) majority of Republican Americans not believing the result of the elections even months afterward.¹³⁶ The willingness of a ruling party to accept an electoral defeat is one of the cornerstones of democracy, and the failure of the Republican Party in this regard reflects poorly on the quality of democracy in the United States in 2021 and undermines US efforts to promote democracy abroad.

The run-up to the 2020 election also highlighted persistent problems with Inclusive Suffrage. While the GSoD data code this subattribute as being at a high level in a global context, inequalities and voter suppression efforts remain. The Voting Rights Act of 1965 created a number of measures to counter widespread racial discrimination in US elections, but in 2013 the Supreme Court deemed these protections to be no longer necessary. Yet the suppression of communities of colour continues, from gerrymandering to 'exact match' regulations requiring the exact spelling of a voter's name on the voter rolls and ID. For example, in 2018 more than 50,000 voters in Georgia, disproportionately Black, were denied franchise due to exact match provisions. Other measures have included the removal of voters from the rolls if they did not vote in the last election, limiting polling hours, reducing polling stations and implementing rigid ID laws, all of which have greatly affected minority communities. In elections that have taken place during Covid-19, communities of colour were disproportionately impacted by having fewer workers at polling stations, longer lines and unsafe conditions. Since the 2020 elections, a plethora of new, restrictive legislative efforts has been put forward to make it more difficult to vote, from reducing voting times, places and methods (such as mail-in voting), to applying restrictive criteria to vote.¹³⁷ The Brennan Center for Justice at New York University recently reported that in the first six months of 2021, 14 states passed new laws that have the effect of restricting access to voting.¹³⁸

Despite these significant challenges and shortcomings in the electoral process, the country held regularly scheduled elections in the midst of the pandemic. The increased use of postal and early voting was a key part of maintaining a positive trend in Electoral Participation. Turnout was seven per cent higher as compared with the last presidential election in 2016, and also marked the highest turnout in any federal election in the United States since at least 1980.¹³⁹ The increased use of these alternative methods of voting contributed to significant delays in the counting of votes in some states but was also seen as a driver of increased turnout.

Yet, despite the triumph of managing to achieve such a high level of voter turnout during a pandemic, there are at least three structural problems with elections in the United States that reduce the extent to which these elections present voters with a substantively meaningful chance to choose their representatives. The first is the severe gerrymandering practised by state legislatures

(of both parties) that seeks to draw electoral districts in the way that gives the ruling party at the state level the best chance of winning seats in the US Congress.¹⁴⁰ Especially when combined with other incumbency advantages, gerrymandering reduces the accountability of members of the US House by lowering the probability that they will lose their seat.

A second problem may pose an even greater risk to truly competitive elections: increasing polarization and a related geographic sorting on partisan lines.¹⁴¹ Fewer seats in the US House of Representatives are truly competitive in each electoral cycle. Research has shown that incumbency advantages and polarization are even more important drivers of this than gerrymandering.¹⁴² Other researchers have shown that even drawing new districts in a non-partisan way would only marginally affect incumbent re-election prospects given the larger effects of demographic sorting and polarization.¹⁴³ Polarization is given even more powerful effects by a trend towards negative partisanship, in which voters make their choices 'based on hostility toward the opposing party and its leaders'.¹⁴⁴ The combination of these factors potentially undermines the foundations of healthy democracy.

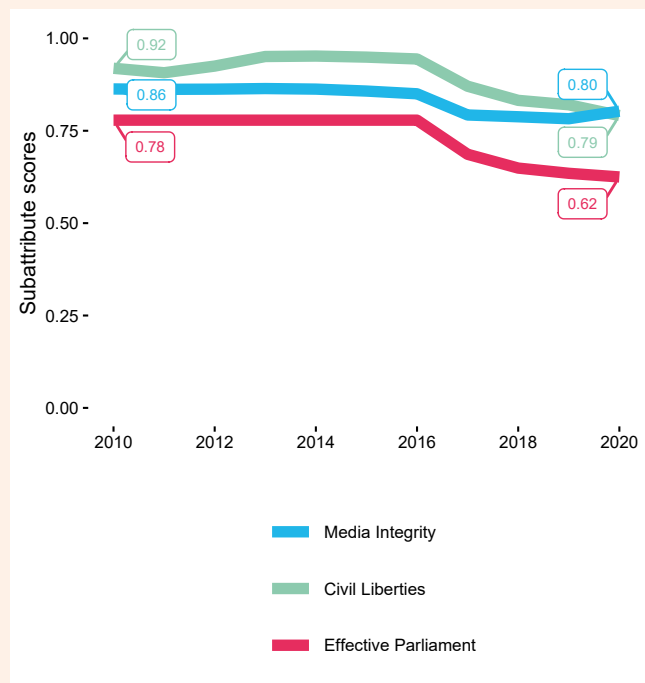
A third problem is campaign finance. The 2020 election was the most expensive in US history,¹⁴⁵ continuing a trend that was exacerbated by the decision of the US Supreme Court in *Citizens United* that spending on elections should be protected as political speech.¹⁴⁶ While the development of online fundraising has (at least for some candidates) increased the possibilities for fundraising via small donations from individuals,¹⁴⁷ the big money in US elections remains the unregulated spending by super political action committees (PACs). In the 2020 election, super PACs and hybrid PACs combined to spend USD 3.3 billion.¹⁴⁸

The conflicts around the 2020 elections illustrate deeper challenges for democracy in the USA. As Figure 2 shows, the USA has experienced declines in several of the key supports of democracy (and leading indicators of backsliding), including Civil Liberties, Media Integrity and Effective Parliament between 2015 and 2020. (At the same time, though, it should be noted that in a global context, the USA still performs relatively well on these subattributes.) During this period, the Republican Party appeared to shift from being a traditionally conservative party of economic liberalism and deregulation to a more illiberal one, increasingly populated by conspiracy theorists (such

as followers of QAnon), global isolationists, nativists and others animated by white grievance.¹⁴⁹ The party has gravitated away from democracy by becoming more reliant on gerrymandering, voter suppression and minority rule, surgically eking out narrow electoral college wins and relying upon the distribution of seats by state (rather than population) in the Senate. The party and its leadership have also contributed to spreading disinformation, from seemingly harmless lies about Trump's inauguration crowd size in 2016 to dangerous, consequential lies about the 2020 election results, Covid-19 and climate change. Nor has the Democratic Party been above reproach. At the local level, the Democratic Party has in many cases supported electoral arrangements that are known to reduce turnout, hoping to secure its policy agenda with less opposition.¹⁵⁰ Much like Republican actions singled out above, Democratic-led state legislatures engage in obviously partisan gerrymandering to ensure that their party will win more seats in the state legislature and federal Congress.¹⁵¹

The role of both traditional and social media was key to the above challenges, contributing to polarization and disinformation, and the USA experienced declines in Media Integrity over the past five years. The Trump administration's introduction of the concept of 'alternative facts' has posed a dangerous threat to the country's democracy. Media outlets are polarized not only based on partisan policy opinions and solutions but on facts and evidence. 'The Big Lie' about the elections being 'stolen' from Trump, pushed out through social media and popular news shows on Fox,¹⁵² OAN¹⁵³ and Newsmax,¹⁵⁴ led to a riot¹⁵⁵ and perhaps even an attempt to murder members of Congress and the Vice President as they certified the electoral votes from the states on 6 January 2021.¹⁵⁶ Further, several media outlets and new social media platforms, such as Parler (catering to the far right), have provided an effective channel to inject conspiracy theories into the political mainstream, earning their endorsement by Republican members of Congress and state-level officials. Both before and after the election at least two Republican members of Congress endorsed a wide-ranging far-right conspiracy theory, QAnon, which (among other things) claims that Donald Trump would take down a (fictional) cabal of paedophiles in the government.¹⁵⁷ Even if this particular conspiracy theory fades from popularity, it is likely that others will follow. These more recent concerns add to a much longer process of consolidation in news media ownership that has tended to focus attention on national issues (at the expense of local politics) and has also placed power over editorial decisions in relatively

FIGURE 2

Declines in key subattributes in United States

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

fewer hands.¹⁵⁸ American democracy will continue to face significant difficulties if partisan disagreement about essential facts remains or increases.

Relative to other wealthy countries, the USA has performed poorly on the subattribute for Social Rights and Equality for some time. The current decline in this subattribute began in 2012 but became worse after 2018. Persistent problems relating to poverty, inequality and racism were noted by the United Nations Special Rapporteur on extreme poverty and human rights, Philip Alston, in 2017.¹⁵⁹ The larger social context for this score came to the world's attention in 2019 and early 2020 when communities across the country took to the streets to protest systemic racism in policing practices including police killings of Black Americans. International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights highlighted

some of the actions that police took against Black Lives Matter protestors in mid-2020 as excessive. The United Nations Office of the High Commissioner for Human Rights and the Inter-American Commission on Human Rights issued a joint statement that read in part: '...we are deeply concerned that the militarization of policing in the United States not only interferes with the right to peacefully assemble but also limits the ability of the press to cover protests. It encourages law enforcement to see protestors and journalists as belligerents, and we strongly encourage demilitarization and a reliance on international standards for the management of protests'.¹⁶⁰

We also noted the challenges that the change in presidential administration created in terms of Predictable Enforcement. This subattribute has declined with some regularity following changes in presidential administrations, as the incoming administration seeks to make rapid progress on its policy agenda.¹⁶¹ In this case, the Trump administration had used the powers of the executive branch to make many changes to administrative law in the United States (notably with regard to immigration), and the Biden administration began with a number of executive orders to reverse these policies. Notably, the Obama administration also used executive action to further his immigration agenda. While this has improved life for many irregular immigrants, the reliance on executive action (rather than legislation in Congress) leaves some uncertainty for both US citizens and non-citizens resident in the United States.¹⁶²

In the last few years, the USA has faced increasing setbacks in the capacity to hold the government to account, as reflected in the Checks on Government attribute. While Judicial Independence remains strong (despite a very partisan judicial appointments process), both Media Integrity and Effective Parliament weakened. Parliamentary performance declines were largely due to the weakening of effective oversight, including the obstruction of congressional inquiries, refusal of the executive branch to cooperate with impeachment proceedings and inability to access information for scrutiny. Although improvements were made after the 2018 mid-term elections, mainly due to minority control over the lower House, the country experienced an overall decline from 2016 through 2020.

Chapter 8

Conclusions

Democracy in Latin America and the Caribbean shows signs of both resilience and deterioration. Despite the intense disruption suffered by the region's democracies due to the pandemic, they did not undergo the severe levels of deterioration feared when Covid-19 first arrived on its shores. When the effects of the pandemic on democracy are compared with its effects on the health, social and economic aspects of the countries in the region, it is clear that democracy has displayed considerable capacity for adaptation, innovation and resilience in several of its components.

No democracy has been lost along the way and, despite numerous delays, elections have been held and the integrity of those elections has been ensured, thanks to the work of the electoral bodies. In addition, albeit with some limitations, parliaments and judicial bodies have continued to exercise their oversight role, and citizens—especially young people and women—have actively defended their rights and mobilized to demand improvements in their quality of life.

However, it is important to avoid potentially premature positive assessments. In the last two years, civil liberties have been affected by the states of emergency that have been declared either justifiably or arbitrarily in the region's nations. In addition, the need for urgent action to contain the pandemic opened the door to increased corruption, a deterioration in socio-economic rights, and historic setbacks in gender equality. Lastly, whether using the pandemic as justification or not, some political actors have intensified their attacks on freedom of expression and the electoral and judicial authorities, and have unduly involved the armed forces in functions relating to maintaining law and order.

Democracy in the region, therefore, seems to have the capacity to avoid downfalls than to improve. Half of the democracies in Latin America and the Caribbean show signs of erosion, two-thirds are stuck in the category of mid-range democratic performance, and one democracy (Brazil) is in a process of democratic backsliding. Moreover, the region had already lost four democracies shortly before the pandemic began: two (Haiti and Honduras) became hybrid regimes in the

process of deterioration; and two others (Nicaragua and Venezuela), after gradually moving towards authoritarianism, joined Cuba in its long-standing status as an authoritarian regime. The authoritarian features of the latter two regimes also continue to deepen.

While it is still too early to make unqualified predictions and reach categorical conclusions about how the pandemic will ultimately impact the region's democracies, what is clear is that their current state is vulnerable. Unlike the health and socio-economic effects of the pandemic, which have been palpable in the last two years, the effects on democratic institutions and processes, and on citizens' attachment to the values and principles of democracy, will take several years to become apparent.

The future is bleak. The projections suggest that, despite the economic upturn in 2021, the region will return to its pre-pandemic low economic growth rates, which were already generating discontent among the population. Poverty, extreme poverty and inequality rates increased in 2020 to levels not seen in the last decade. The wave of social protests at the end of 2019 revealed citizens' severe dissatisfaction with political elites, considered by the majority to be disconnected from the needs of the population and focused on defending only their own interests and privileges and those of a few powerful groups. As a result, the traditional institutions of representation—political parties and parliaments—are in a deep crisis of legitimacy and trust. This, coupled with high levels of political fragmentation and polarization, has rendered the mechanisms of collective decision-making and social and political negotiation dysfunctional.

However, even in the midst of all these challenges and risks, there are opportunities to improve the democratic performance of the region's countries and avoid further deterioration in the years to come. Dissatisfied citizens are also willing to generate political transformation in the streets and at polling stations. In particular, there is a vital belief in democracy among young people in the region, which, if properly harnessed and channelled, could become the main democratic reserve of the next decade.

Nevertheless, it is not only a matter of listening to citizens but also of making them the protagonist, and so the mechanisms for deliberation and citizen participation need to be reconsidered. There is also a need for effective and better-quality governance that facilitates broad agreements and the implementation of reforms. Today, more than ever, the fate of democracy in Latin America and the Caribbean is tied to its ability to produce tangible results.

Democratic institutions must also be protected and strengthened. Restoring citizen confidence is a necessary but insufficient condition to prevent the rise of populist and authoritarian governments in the region. In addition, there is a need for independent and well-funded parliaments, judiciaries and electoral bodies, reliable and independent media, and an empowered population that can monitor and scrutinize its leaders. In addition, there is a need for effective and up-to-date regional mechanisms to defend democracy. Twenty years after the adoption of the Inter-American Democratic Charter, its promises and mechanisms for protecting democracy are insufficient, given the numerous attacks on the rule of

law committed in several of the region's countries—attacks which have, in some cases, been disguised as legitimate acts through the manipulation of democratic institutions.

Timing is critical and the challenges are enormous. While the work ahead is vast and complex, Latin America and the Caribbean cannot fall prey to paralysing pessimism. On the contrary, the region's democracies must become even more resilient, but they must also be rethought in all their aspects to be able to respond to old and new challenges and to prevent the depletion of their democratic reserves.

As such, there is a need to act as a matter of urgency, but with clear goals. To this end, a series of public policy recommendations are presented below. As we embark on a new decade, the scenario is not promising for democracy in Latin America and the Caribbean. However, where there are challenges, there will always be opportunities. The ability to seize these opportunities decisively can make all the difference and help turn what could be a lost decade for democracy in the region into a decade of learning, reform and progress.

Chapter 9

Recommendations

Ten areas of action and 22 specific recommendations are proposed below to strengthen democratic governance, consolidate the role of states as providers of public services, offer a direct response to the main weaknesses and threats to democracy identified in this report, and maximize opportunities.

REGULATING LEGAL LOOPHOLES DURING EMERGENCY PERIODS

1. **Regulate the declaration of states of emergency and the suspension of guarantees.** Review or amend the constitutional and legal frameworks that allow for the declaration of states of emergency and the suspension of guarantees, and clearly define the concepts, the roles of public bodies and the scope of emergency powers from a democratic and human rights perspective. It is recommended that such a review or amendment be initiated as soon as the states of emergency currently in force expire, and that regulations containing clear parameters on the extent to which access to public information may be limited in emergency situations be reviewed or issued.
2. **Regulate the postponement of elections in times of emergency.** Update or issue legislation detailing the reasons for which such a postponement may be enacted, the technical criteria to be considered and the procedures to be followed. These procedures must be flexible, inclusive and transparent, and the decision to postpone an electoral process must also be accompanied by a new election date and guarantees to protect the exercise of political rights. If possible, it is recommended that any update be made prior to the next scheduled election process.
3. **Regulate the functioning of parliaments in times of emergency.** Update or issue regulations on the methods envisaged for parliaments and their committees to continue to sit in emergency situations. The regulations must ensure that the principles of transparency, plurality and democratic

deliberation are respected in the sessions, and that the channels of information and communication with citizens and the media remain open.

4. **Control budgets and public funds in emergency situations.** Review or issue legislation on the activation of special budget and emergency fund oversight mechanisms to be implemented by parliaments in coordination with national oversight bodies. It is recommended that such a review be undertaken as soon as the states of emergency currently in force are over.

PREVENT AND MITIGATE THE DEVELOPMENT OF POLARIZED AND TURBULENT ELECTORAL PROCESSES

5. **Negotiate codes of conduct for electoral processes.** Establish consensual codes between parties, the media and social media platforms to reduce polarization, discourage attacks and prevent the dissemination of fake news and unfair information. It is recommended that such codes be agreed and defined for each electoral process, under the guidance and oversight of the electoral authorities, and with the participation of civil society and academia. Argentina, Mexico and Panama, among other countries, have implemented different models of such codes. In this regard, the code of conduct negotiated in the Netherlands under the leadership of International IDEA is a valuable guide.¹⁶³
6. **Include electoral bodies and authorities in the special rapporteurships (regional and international) that already exist to protect judicial independence, or create ad hoc mechanisms.** These measures could be complemented by protocols containing effective monitoring mechanisms to identify and quantify the seriousness and scope of those actions by political powers that call into question the impartiality of electoral bodies, or pose threats to the institutionality or integrity of their officials.

IMPLEMENT ALTERNATIVE VOTING SYSTEMS

7. **Implement special voting methods to ensure public safety.** It is recommended that electoral bodies in the region evaluate the benefits and risks of implementing special voting mechanisms, such as postal voting, early voting, mobile ballot boxes, proxy voting and electronic voting.

PROTECT FREEDOM OF EXPRESSION AND PRESS FREEDOM

8. **Implement monitoring and amendment mechanisms to protect freedom of expression and press freedom.** Establish or strengthen the monitoring, protection and amendment systems that make it possible to identify and quantify the scope of any violations of these freedoms. Collaboration with professional associations and academic organizations is recommended.

PREVENT THE MISUSE OF THE ARMED FORCES

9. **Keep defence and public security forces under civilian command.** Review or modify as soon as possible the regulations that guarantee that the specialized public security forces serve civilians and not the military.
10. **Review or issue legislation that clearly regulates the role of the armed forces, preventing them from being assigned law enforcement tasks.** Establish clear limits on the role of the armed forces and ensure that they serve civilians, with strict adherence to the rule of law and with respect for human rights.

PROTECT JUDICIAL INDEPENDENCE

11. **Establish observation and amendment mechanisms that strengthen the independence of the judicial branch and guarantee transparency in the appointment of its authorities and the stability of its staff.** These actions should be complemented and coordinated with the work of existing mechanisms or rapporteurships (regional or international) on judicial independence.

PREVENT ACTS OF CORRUPTION

12. **Control political financing.** It is recommended that greater control over private financing be achieved through various actions, namely: (a) organizing a staggered distribution of subsidies throughout the electoral cycle that can be used, in part, for research and the training of party members; (b) establishing mechanisms for accountability in the financial management of parties and candidates; and (c) implementing a gradual system of sanctions for the financial directors of political parties that fail in any way to comply with the legislation in force.¹⁶⁴
13. **Digitize procurement, public contracting and public service delivery systems.** Prevent bribery and overpricing through digital systems that guarantee the transparency of transactions and make it possible to control the different stages of the processes of purchasing public goods and services.
14. **Formalize procedures for screening and verifying applications.** Update or create legislation, regulations or protocols that require political parties to be diligent in checking the ethical background of candidates to elected office. Establish the legal obligation of parties to require their candidates to submit background information, define sanctions in the event that false information is provided, and establish the obligation of political parties to ensure that information on their candidates is publicly available.¹⁶⁵

PROMOTE INCLUSIVE PARTICIPATION

15. **Increase the political participation of women, young people, ethnic minorities, the LGBTQIA+ community and people with disabilities.** Issue legislation that ensures gender parity and the inclusion and representation of social diversity in all branches and levels of government. Guarantee gender parity at the top of electoral lists and implement effective mechanisms to ensure compliance with such legislation.
16. **Guarantee and regulate funding for the political participation of women.** Enact legislation to ensure women's access to political financing, both public and private, to ensure that financing does not represent an obstacle to the full participation of women in politics.

17. Combat political violence against women. Issue legislation that recognizes the term 'political violence' and sets out effective monitoring and sanctioning systems.

18. Implement free public care programmes.

Implement programmes of this type to promote the labour inclusion and economic autonomy of women, as well as their participation in economic, political and citizen activism spaces. Although the development of these programmes is multi-sectoral, it is recommended that electoral authorities include them among their priorities to help increase women's political participation. In the short term, it is recommended that they be included in programmes aimed at promoting women's political empowerment.

PROMOTE SPACES AND MECHANISMS FOR POLITICAL AND SOCIAL DIALOGUE

19. Establish or reactivate national and subnational economic and social councils as mechanisms to promote dialogue and negotiation between different sectors of society. It is recommended that such councils be institutionalized by law or constitutional amendment, so that their formation and functioning can be regular and uninterrupted. It is also recommended that countries be identified where these councils function successfully and that cooperation initiatives be promoted. In cases where such councils are not provided for by law or in constitutional provisions, it is recommended that they be established by decree as soon as possible.

20. Establish permanent forums of consultation between political parties to discuss proposals for public policy and institutional reform (including electoral matters). These forums should aim to: (a) complement formal decision-making spaces in order to articulate and promote proposals of common interest among different political forces; (b) establish shared channels for dialogue with other state bodies; and (c) reduce polarization. It is

recommended to study the case of the Permanent Forum of Political Parties of the Dominican Republic and to promote the necessary actions to replicate this forum as soon as possible in other countries in the region.

21. Develop democratic leadership programmes.

Strengthen the capacity and work of existing schools and centres of public policy and administration in the region with training programmes in leadership and democratic governance. In addition to promoting adherence to democracy and its principles, these programmes should seek to reduce political polarization, contribute to improving the quality of public debate, create formal and informal spaces for interaction between political parties and civil society organizations, and draft joint proposals for socio-economic and institutional reform. Electoral authorities, universities and political parties have a central role to play in spearheading these actions.

STRENGTHEN INTERNATIONAL AND REGIONAL MECHANISMS FOR THE PROTECTION OF DEMOCRACY AND HUMAN RIGHTS

22. Complement or strengthen national mechanisms for the protection of democracy and human rights through existing regional and international bodies.

Align national legal and institutional frameworks with international practices and obligations voluntarily assumed by the states of the region. Evaluate the advisability (advantages and risks) of revising the Inter-American Democratic Charter to adapt it to the threats currently facing democracy. Create a special rapporteurship on the state of democracy in the region, which will present regular reports on the situation and the degree of compliance with the Charter across different actors in the member states, in collaboration with civil society and other rapporteurships of the Inter-American Human Rights System.

List of acronyms and abbreviations

CICIES	International Commission against Impunity in El Salvador	MACCIH	Mission to Support the Fight against Corruption and Impunity in Honduras
CICIG	International Commission against Impunity in Guatemala	OAS	Organization of American States
ECLAC	Economic Commission for Latin America and the Caribbean	OSCE	Organization for Security and Co-operation in Europe
EOM	Election Observation Mission	PACs	political action committees
INE	National Electoral Institute, Mexico	UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
LAPOP	Latin American Public Opinion Project	UNDP	United Nations Development Programme
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex and asexual	WHO	World Health Organization

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About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

WHAT DO WE DO?

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work.

International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on good international democratic practices; offers technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

WHERE DO WE WORK?

Our headquarters is located in Stockholm, and we have regional and country offices in Africa, the Asia-Pacific, Europe, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations and is accredited to European Union institutions.

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The number of democracies in the Americas remains the same as two years ago despite the Covid-19 pandemic. In addition, most of the democracies in the region demonstrated great resilience in the face of the pandemic. Parliaments, the judiciary and the media of most democracies in the region managed to adapt and continue to exercise their control functions, even in the midst of numerous restrictions that hampered their work.

However, despite the resilience that the region's democracies displayed during the pandemic, the quality of democracy continues to deteriorate in the Americas. More than half of the democracies in Latin America and the Caribbean show signs of democratic erosion, and Brazil's democracy has been undergoing a process of democratic decline since 2016.

The State of Democracy in the Americas 2021 offers political and civil actors, as well as the international community, analysis, lessons learned and recommendations to face the challenges that democracy presents, and to consolidate and reinforce its resilience.

International IDEA's Global State of Democracy reports review the state of democracy around the world. The 2021 edition covers developments in 2020 and 2021, with democratic trends since 2015 used as a contextual reference. This report on the Americas is one of four regional Global State of Democracy reports, which, along with the Global Report, complement and cross-reference each other. The reports draw on data from the Global State of Democracy (GSoD) Indices and lessons learned from International IDEA's on-the-ground technical assistance to understand the current democracy landscape. The 2021 reports also draw heavily on data collected by International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights.