

# Democratic backsliding, Poland's election and Covid-19: What needs to be considered?



*Poland is still planning to hold its presidential election on 10 May, despite the Covid-19 outbreak. [Fernando Casal Bértoa](#) and [Simona Guerra](#) write that the decision to go ahead with the election raises some important issues in relation to public safety and democratic standards.*

On Sunday 10 May, Poland is expected to hold the first round of its presidential election – the 7<sup>th</sup> presidential elections since the re-establishment of democracy in 1989. Traditionally, and even if the powers of the Polish president are very limited, Polish voters prefer to participate in presidential elections more than in parliamentary ones – to the point that the average turnout in the former is on average up to 7 points higher (57.4 vs. 50.7 per cent) than in the latter. In a country with one of the highest levels of electoral abstention in Europe, this is certainly meaningful.

Following [last October's parliamentary elections](#), when the ruling party (Law and Justice – commonly known by its acronym PiS) and its associates managed to revalidate their governing majority but lost control of the Senate, the next presidential election constitutes an excellent opportunity for opposition parties to continue to weaken PiS' hold on power, and start to reverse [the process of democratic backsliding that they assert began in 2015](#). However, the spread of Covid-19 in the country has put into question not only the desirability, but also the possibility of holding these elections.

Notwithstanding what has been the international practice so far, with elections and referendums postponed in most world democracies seriously affected by the pandemic (e.g. South Africa, Chile, India, Australia, Spain and the United Kingdom), the Polish government, taking into consideration President Andrzej Duda's firm lead in the polls but totally ignoring the opinion of the majority of Poles, decided to go ahead. To that aim, it decreed a ["state of epidemic"](#), instead of "emergency", which would constitutionally stop elections from being held as originally scheduled.

## Bad timing

Since [PiS came to power with its victory in October 2015](#), Poland has been heavily criticised by major international organisations, but especially the European Union, which even activated the Art.7 procedure, for its attacks on judicial independence, civil society and media freedom. Thus, according to [V-Dem's 2020 Report](#), recently released, Poland is, after Hungary and Turkey, the European country that has 'autocratised' the most in the last decade – to the point that it is now considered to be just an electoral, rather than a liberal, democracy.

Moreover, while most other democratic countries are concerned with how to cope with the pandemic, and what should be the policies adopted to defend those at risk, Poland has resumed parliamentary debates discussing bills aimed at restricting women's safe access to abortion or children's rights to sexuality education, among others. This clearly puts into question the necessity, if not the morality of PiS' intentions.

## Dangerous intentions

The Polish government has expressed its intention to use postal voting for this election. However, this poses two important challenges. On the one hand, this will require a substantial legislative reform which, given the current conditions of strict lockdown, might restrict parliamentary debate and entail little more than the rubberstamping of the parliamentary majority. Not to mention that it would be contrary to international standards and best practices, which require that major legislative changes should take place at least six months before elections.



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On the other hand, it will constitute a titanic organisational effort within the next two weeks: 30 million votes (three times more than in Bavaria) for just 7,500-7,600 post offices, plus some 2.5-3 million voters abroad (mostly in the United States and UK), and representing [the second largest group of migrants, after Romania, across the EU](#).

If we add to this other administrative (e.g. ID checks), political (e.g. free and fair electoral campaigning), security (e.g. Covid-19 remains on cardboard for up to 24 hours, and on plastic or steel surfaces for up to 72 hours) and mobility (e.g. the simple fact of going to the post office) difficulties in such strict lockdown conditions, it is no wonder that neither the main opposition parties (PO, PSL, SLD) nor the public (around 77 per cent) want the election to be held this May.

### Dubious precedents

Since the World Health Organisation declared Covid-19 to be a pandemic on 12 March, there have been legislative and/or presidential elections only in three countries: Vanuatu (19 March), Kiribati (14 April) and South Korea (15 April). Out of the three, only the latter has been seriously affected by the pandemic. Turnout there, at around 66 per cent of the vote, was the highest since 1992, but the elections were held along extremely secure conditions, with temperature checks, the mandatory use of protective equipment and special booths for high-risk voters.

In Europe, only local elections have been held in Hâncești (Moldova) and Bavaria (Germany), where an unusually high number of run-offs will take place by postal voting. The only other European country to hold local, this time nation-wide, elections was France, one of the most affected European countries by the pandemic. In France, not only was the level of turnout extremely low, 18 points less than 2014's 63.7 per cent, but also the number of Covid-19 cases increased.

Less than four weeks before the elections, Poland has now developed an app for citizens who have Covid-19 to monitor their quarantine, with questions on the use of data and whether it complies with regulators' requirements. As already suggested, PiS may be soon evaluated on the basis of how the emergency has been managed and controlled. With a [6.5 per cent](#) expenditure on the health service, Poland spends on health only more than Romania, Luxembourg and Latvia among EU countries, so any failure to control the epidemic may be blamed on the "austere" government.

[While Duda has definitely started the campaign as the favourite](#), he is also strategically winning [the airtime battle](#) and is favoured also by the media. What remains to be seen is whether a rally around the flag and the lack of political debate due to the “state of epidemic” will have an impact on the elections. A recent [European Parliament resolution \(2020/2616\(RSP\)\)](#) on EU coordinated action to combat the pandemic and its consequences expressly points to Poland (and Hungary), and stresses that member states are still bound to respect EU values and the European human rights framework during the crisis, and must ensure that citizens continue to enjoy the same rights and protections. It also expresses particular concern over the steps taken by the Polish government in this regard and strongly condemns the decision of the Hungarian government to prolong the state of emergency indefinitely and suspend its normal political process.

Meanwhile, just weeks before the elections, the [National Electoral Commission has been deprived of its function in relation to the vote](#) on the Polish President's initiative, with questions addressing the basics of the organisation of the ballot papers and their printing. Issues have arisen also from the lukewarm engagement with debates on possible alternatives headed by Deputy PM Jaroslaw Gowin, chiefly over whether to go ahead with the election or submit a proposal to amend the Constitution and propose a two-year extension to the presidency. Some Poles abroad have already registered, but they cannot access any information on what the vote will look like yet.

The limited opportunities available have reduced the capacity for debates to take place, and this may provide further impetus for a formal complaint to be submitted to the [Supreme Court](#) by the opposition. While the situation continues to develop, the Managing Director of the Polish Post Service and the three deputies have been dismissed and they will be replaced by people from the Ministry of Defence. While Deputy PM Jacek Sasin has confirmed that the ballot papers have been printed and will be posted seven days before the elections, the required legislation enabling the vote to take place by post will not have been passed by then.

Even if the elections do go ahead, a possible lower turnout, the threatened lack of engagement from the opposition, further [new recommendations from the Council of Europe Commissioner Dunja Mijatović](#) on the work of the Sejm (the Polish parliament), a possible breach of EU law on transparency, and the possible spread of Covid-19 may not play favourably for PiS in the long term.

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*Note: This article gives the views of the authors, not the position of EUROPP – European Politics and Policy or the London School of Economics.*

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