

# EU Accession and Political Freedom

An empirical analysis  
of the effect of EU  
accession on civil  
rights and  
individual liberties

Edited by:  
Constantinos Saravakos

March 2021





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**EU Accession and Political Freedom. An empirical analysis of the effect of EU accession on civil rights and individual liberties**

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First edition, first print  
Athens, Greece, 2021

ISBN: 978-2-39067-001-8

Design by DPS Design

Published by the European Liberal Forum asbl with the support of KEFiM – Mar-  
kos Dragoumis. Co-funded by the European Parliament. Neither the European  
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# About the Publisher

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# Executive Summary

- Progress through the European Union accession process, and subsequent maturation as an EU member, are correlated with political freedom, as proxied by the Fundamental Rights attribute of the *Global State of Democracy Indices*. We document this effect using longitudinal data on EU members and accession countries, as contrasted with OECD member states and signatories of the European Convention of Human Rights which are not affiliated with the EU.
- The refugee crisis seems to be associated with a deterioration in fundamental rights scores, with countries receiving greater numbers of asylum seekers recording *ceteris paribus* poorer Fundamental Rights performance. However, it is not clear whether this deterioration emerges mechanically due to the poor treatment of new arrivals or from a general authoritarian shift in national politics.
- Other things being equal, wealthier countries, better-run countries (in terms of quality of regulation), more urbanised countries and those without the past experience of socialist regimes tend to have greater respect for fundamental rights.
- Across all three channels potentially affecting changes in the overall Political Freedom score (Access to Justice, Civil Liberties and Social Rights), country performance is positively associated with proximity to the EU in most of our models. Nevertheless, Access to Justice emerges as the most impactful channel, likely due to the fact that rights established under the treaties provide EU citizens with due process and legal recourse in a range of fundamental rights-related scenarios.
- We find that the effect of EU proximity on political freedom is incremental to the effect of ECHR signatory status. The role of the ECHR is itself not negligible; but our findings could suggest a dis-

tribution of labour between the EU institutions and the ECHR. We find that the jurisdiction of the ECHR affects the Civil Liberties and Fundamental Rights domains of political freedom most strongly, while EU institutions more strongly influence the domains of Access to Justice and Social Rights.

- We demonstrate a non-negligible effect of governments' political orientation on political freedom, with countries generally performing somewhat worse under Centrist or Right-wing governments. Differences in performance against the Civil Liberties domain of political freedom are the most significant contributor to the difference in outcomes.

# Introduction

In his pioneering work *Capitalism and Freedom* (Friedman, 2002 [1962], p. 9), Milton Friedman contends that there are two kinds of freedom: political freedom and economic freedom. Friedman holds that the two are indissolubly linked: there has never been political freedom without a system similar to a free market to organize economic activity. These two fundamental concepts of freedom are the cornerstones upon which the European Union was founded and developed and they have been formally recognized as such since the Maastricht Treaty (1992) (de Vries, 2013, σ. 169).

The rule of law and the protection of human and civil rights, that is political freedom<sup>1</sup>, are incorporated in the *Charter of Fundamental Rights of the European Union*, ratified by all EU member countries. Though not a product of the EU institutions, which it in fact preceded, the *European Convention on Human Rights* provides an equally powerful reference for EU member states, all of whom are signatories. The founding principles of the European Union rely on liberty, democracy and respect for human rights, fundamental freedoms and the rule of law (European Parliament, 2021). According to the European Union Agency for Fundamental Rights, there are over 200 legally binding Council of Europe treaties for human rights<sup>2</sup>, of which Portugal has ratified the most (47), and Poland the least (29). Complementing this legal framework, EU institutions have made a material financial in-

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1 Negative rights are rights connected to the absence of coercion (Hayek, 1960, p. 11) and positive are associated to the freedom to do something, the possibility of acting (Berlin, 1969, p. 131). The debate on this distinction is largely academic, since both types of rights are fundamental to modern liberal democracies. In this study we are going to use the term political freedom as freedom that included both types, negative and positive rights, since they both can be interpreted as liberal principles. For more on this philosophical debate, see MacCallum, 1967.

2 European Union Agency for Fundamental Rights, available [here](#). For the complete list, see Figure 1 in Appendix 2.

vestment in furthering political freedom, most recently spending €439.5m over the period 2014-2020 through the Rights, Equality and Citizenship Programme<sup>3</sup>.

Nevertheless, at the member-state level, ownership of the values nominally espoused by the EU varies both in degree and in the manner of interpretation, and the last few years have seen member-states challenge the EU Institutions openly in this domain.

Recent examples of this abound. In May 2020 the Hungarian government passed a constitutional amendment under which legal gender recognition is not be possible in the country<sup>4</sup> and in November the government constitutionally banned adoption by LGBT individuals, as well as stepchild adoption and joint adoption by same-sex couples<sup>5</sup>. A recent ruling of the European Court of Justice<sup>6</sup> found that the government's treatment of asylum seekers was in breach of EU law, forcing the EU border management agency, Frontex, to cease its operations in the country (Pronczuk & Novak)<sup>7</sup>. In Poland, a recent ruling of the Constitutional Tribunal has effectively banned over 95 per cent of previously legal abortions (Tatala, 2020)<sup>8</sup>. During 2020 the country has experienced severe violations of the rule of law, mostly caused by inadequate policy responses to COVID-19 pandemic (Rutynowska, Tatala, & Wachowiec, 2020, p. 30). Faced with repercussions under Article 7 of the Treaty of the European Union for weakening the rule of law, both Hungary and Poland have threatened to veto the EU budget, including the crucial coronavirus recovery package, unless disbursements were disengaged from Rule of Law considerations<sup>9</sup>. Beyond Hungary and Poland, the independence of the judiciary is

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3 Available [here](#).

4 Amendment of Article 33, available [here](#) (in Hungarian), with which the word "sex" is replaced by "sex assigned at birth" on the civil registry. This provision is against the positive obligation derived by the European Court of Human Rights (ECtHR), aiming to protect individuals' right to private life, according to "Right to Private and Family Life" of Article 8 of the *European Convention on Human Rights*.

5 See [here](#).

6 Judgment in Case C-808/18 Commission v Hungary, available [here](#).

7 Available [here](#).

8 Available [here](#).

9 See [here](#).

also at stake in Romania. Based on European Parliament's non-legislative resolution on the rule of law in Romania<sup>10</sup>, European Commission called the Romanian government to address the issues on the basis of a transparent and inclusive process and abandon policies which would put at risk respect of the rule of law<sup>11</sup>. Yet, the Council of Europe Human Rights Commissioner has called the parliament of Slovakia to withdraw a new law that restricts the access to and criminalizes abortion<sup>12</sup>.

EU members are, of course, not the only jurisdictions in which a commitment to human rights and civil liberties is not a given. It is particularly worth surveying recent events in Europe's neighbourhood, which is indicative of the extent to which the EU's soft power might steer its partners in the direction of greater commitment. In Belarus, Amnesty International highlights an unprecedented scale of violence towards peaceful protesters, accompanied by torture, sexual violence, and similar illegal treatment of arrested protesters by the new government, which came to power following a disputed presidential election in August 2020 (Amnesty International, 2021, pp. 4-5). From July 2020 Russia approved an amended constitution<sup>13</sup> which does not recognize same-sex marriage and any other form of civil union for same sex individuals (Venkatraman, 2020)<sup>14</sup>. Turkey, a candidate for EU accession for more than three decades<sup>15</sup>, has recently taken an authoritarian turn following the constitutional amendments of 2017, which give the President powers to rule by presidential decrees issued through opaque legislative procedures (Karkatsoulis et al, 2019, p. 56).

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10 See [here](#).

11 See [here](#).

12 Amnesty International, available [here](#).

13 Along with over 200 amendments one of which resets the presidential term limits. See [here](#).

14 Available [here](#).

15 Regarding the requested reforms in Turkey by EU and the lack of democratization and human rights respect, which have lasted the negotiations for so long see Dunér & Deverell, 2001.

## Open questions on the EU's commitment to political freedom

All of the above raise questions as to the European Institutions' willingness and ability to project their avowed values. Within the EU's sphere of direct influence, the fact that relatively new member-states lead the backlash against political freedoms and that accession countries can slide back into authoritarianism calls into question the extent to which the accession process screens adequately for a commitment to EU values or can truly embed a liberal mindset. That the EU institutions themselves (as distinct from member states) have, as of February 2021, yet to accede to the European Convention on Human Rights despite a binding commitment under the Lisbon Treaty of 2009, also points to the practical limits of good intentions (Meinich, 2020)<sup>16</sup>.

Levers such as infraction proceedings and ECJ (or ECHR, where applicable) rulings cannot be assumed to work automatically. Haverland & Romejn (2007) find that transposition deadlines for EU social directives have historically been more likely to be missed than met, while Borzel et al (2012) find that non-compliance often survives well beyond infringement proceedings and even ECJ rulings, with a handful of repeat offender states accounting for the bulk of non-compliance. The two studies highlight the influence of government capacity, the presence of internal veto holders, and, perhaps unsurprisingly, the power and influence of member-states. Looking specifically at EU member states' approach to EU Gender Equality and LGBT rights initiatives, Van Der Vleuten (2005) proposes further that even when institutional capacity is high, domestic political pressure might still be necessary to achieve compliance. With more to lose, however, accession countries may respond more readily to the EU's influence. In her study of former Yugoslav states, Maycock (2019) points to the empowering of civil society advocates as one of the key mechanisms by which pressure from the EU translates into policy change. Domestic political pressure can, of course, also result in *non-compliance*, even

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16 See also *European Union accession to the European Convention on Human Rights - Questions and Answers*, available [here](#).



after a proposal has made it into EU law. Schmallter (2019) for example finds that fundamental, ideological opposition to the content of EU law or policies can hinder implementation.

These matters are far from settled. Angelova et al (2012) note that empirical strategies for the study of compliance with EU law and policies have historically been limited by overly-narrow and unrepresentative country samples, and have focused disproportionately on the most controversial EU directives. The present study aims to address this shortcoming.

## Research questions and empirical approach

In the present study, we focus on providing empirical evidence of the impact of European integration on political freedom at the country / jurisdiction level. In our study, political freedom is proxied by Fundamental Rights scores, developed by the International Institute for Democracy and Electoral Assistance (International IDEA) in its project *The Global State of Democracy Indices* (International Institute for Democracy and Electoral Assistance, 2020). We examine whether successive steps in the progression towards EU membership, including the maturation of a new EU member into an established one, might result in a country's citizens enjoying higher political freedom. We consider further whether what appear to be the effects of EU accession and integration might be more appropriately attributed to the influence of the ECHR, and ask what are the most plausible channels by which EU accession might influence the degree of political freedom.

The present study builds on our previous research (Schizas et al 2020), which demonstrated that the process of EU accession and EU membership are associated with increases in economic freedom. We repurpose the methodology employed in that study for the domain of political freedom, in order to gain a more complete perspective of the role of the European Union in promoting human freedom in its totality. We acknowledge the limitations such empirical approaches may have, but nevertheless still believe that an empirical approach is

the most appropriate way to address such policy questions.

Besides this introduction on the topic we explore, the publication consists of a brief literature review on the related academic research and then follows a section with the conceptual framework of the European Union accession and the political freedom quantification process. In the next section, we offer the methodological approach and the empirical design of our estimation. Afterwards, we present the results and discuss the findings of the statistical analysis. Finally, a conclusion wraps up the key empirical evidence provided, discuss some of the limitations of the research and suggests areas for further investigation.

# Literature Review

The academic literature regarding the relationship between the European Union and fundamental rights has primarily been explored by a normative (strictly legal or as a matter of ethics) and an analytical point of view. The European Union through its current concrete legal framework has managed to be considered as one of the top intergovernmental organizations with regards to promoting respect and protection of human rights and abiding by its own broad legal obligations in this area (Bartels, 2014, p. 1094). Nevertheless, EU policies in the domain of human rights have also been criticized (Búrca, 2011). More specifically, before *The Treaty of Lisbon*<sup>17</sup>, the European Union had seemed unable at times to enforce its legal framework to member states (Ahmed & Israel, 2006). However, even after the *Treaty*, the adequacy of European Union policies in this regard has come into question. By way of illustration, Douglas-Scott (2017, p. 74) addresses the problem of jurisdictional limitations in EU human rights law enforcement, because of EU's competences are complex and often mixed up with member states' competences.

A significant empirical research literature focuses on the economic determinants of political freedom, mainly investigating not liberties in particular, but democratic institutions as a whole. In summary, the majority of the empirical literature suggests that certain primarily economic (wealth) and cultural (religion, urbanization etc.) factors play a pivotal role in protecting human freedom and enhancing democracy and social welfare<sup>18</sup>. However, Acemoglu et al (2008) have shown that after accounting for variables that simultaneously affect both income and democracy and controlling for within-country heterogeneity, an association still may exist but there is no evidence of the

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17 Available [here](#).

18 From a large variety of related research, see Londregan & Poole, 1996; Cross, 1997; Chasco, Lacalle-Calderon, & Alfonso-Gil, 2017, p. 29.

prior established causal link. Lewczuk (2020), studied the institutional framework of post-socialist countries in Central and Eastern Europe and documented an institutional diffusion effect with respect to civil rights protection, related to factors such as the spread of knowledge, persuasion, coercion, acculturation and socialisation.

In terms of European integration and political freedom, in the mid of '90s Burkhart & Lewis-Beck (1994) and Londregan & Poole (1996) suggested that economic development effectively promote democracy among the European countries, in particular in those located in the Southern European region, higher income has a more powerful democratizing effect, mainly due to pressure from major trading partners to democratize. However well documented in the 1990s, this finding may no longer be in line with modern reality.

Political freedom has also been established as a key predictor of the successful implementation of government investment projects (Isbam et al, 1997, p237) and a key determinant of economic growth (Alfonso-Gil et al, 2014), a fact that suggests that the role of political institutions is crucial in producing greater economic efficiency. According to Persson & Tabellini (2007)<sup>19</sup> democracy is also found to have a positive effect on economic growth, although the authors argue that, once a certain degree of democracy is reached, political rights tend to retard growth. Even if we accept this suggestion, it is an empirical question, whether EU member states are in fact past the critical point.

In summary, the relevant empirical research has largely focused on the relationship between democratic theory and its aspects and economic growth, paying less attention to the empirical research question regarding the link between European Union accession and integration and political freedom. Either way, the theoretical analyses of the normative relationship between human rights and EU membership are not in themselves sufficient to facilitate conclusions, absent empirical evidence.

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<sup>19</sup> For a similar perspective, see also Barro, 1996.

# Conceptualizing EU accession process and political freedom

## EU accession process

The European Union accession process has thoroughly been analysed in previous research (Schizas et al, 2020, pp. 16-18). This long and demanding process involves several intermediate stages with many obligations to perform, even before a country becomes a candidate or a potential candidate for membership. The "Copenhagen criteria", established in 1993, determine the accession requirements to which a potential candidate for EU membership must comply<sup>20</sup>.

The "acquis", the body of common rights and obligations in European Union<sup>21</sup>, is the legal framework for every potential candidate. A big part of the negotiations also includes financial (budgetary issues) and transitional (timeline issues) arrangements.

Such institutional and economic reforms can in some cases involve profound socio-economic change, beginning as soon as a country submits its formal application to join the EU. The institutional and regulatory framework of the applicant at the time are reviewed by the relevant committee, which decides the key priorities in terms of reforms in order to open the negotiations.

The accession process includes several steps. An applicant country must first be nominated as a potential candidate, then proceeds to

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20 That is, a free-market economy, a stable democracy and the rule of law, and the acceptance of all EU legislation, including of the euro (European Commission, 2020), available [here](#). Also, for Western Balkans the so-called "Stabilisation and Association process" is required to be met, to achieve regional cooperation and good neighbourly relations (Steps towards joining, 2020), available [here](#).

21 Conditions for membership, 2020, available [here](#). For the policy areas included in "acquis" see Chapters of the acquis, 2020, available [here](#).

official candidate status and then enters formal membership negotiations towards EU accession<sup>22</sup>. Thus, proximity to EU membership concept can be elaborated in the following way: there is a first stage of a non-formal relationship before the join application, another stage when a country wished to join EU is evaluated and a third stage when a country successfully manages to join European Union. To this formal process, we add a further, informal step, namely the graduation to a 'mature' EU member when a member state's enlargement cohort is normalised and a new wave of enlargement is initiated. Intuitively, because agreement around a new round of enlargement is reached via a political process, it hinges on the member states' assessment of the previous round's intake and the extent to which they have integrated successfully. Historically, the average interval between two enlargement rounds is around eight years. This provides a reasonable proxy for the amount of time it takes for a new member state to be implicitly considered 'mature' in the above sense.

## Conceptualising political freedom

Democratic theory has evolved over the years and has now attained a certain widespread type of regime, the so-called nowadays-liberal democracy. According to Meyer<sup>23</sup> liberal democracy is a system where "liberal market economy is linked to a genuine democracy that also includes freedom of the press and freedom of information", while Audi (1997) claims that liberal democracy prefers persuasion over coercion and when there must be coercion by the state, it should be justified in a persuasive rationale basis. Besides the analytical approaches, which set the theoretical framework and sophisticated concepts of what democracy consists<sup>24</sup>, a variety of measurements have developed over the years trying to create quantified

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22 Steps towards joining, 2020, available [here](#).

23 Democracy is when "citizens have the power and when everyone has the same rights and responsibilities as well as access to the same level of transparency and information. If every citizen has a vote, the laws ensure that everyone shares in prosperity" *Liberal Democracy Prosperity through Freedom*, p. 8.

24 Such as in brief Dahl, 1971; Bobbio, 1989; Habermas, 1995; Alvarez, Cheibub, & Limon, 1996; Beetham, 1999; Cunningham, 2002; Held, 2006).

tools to evaluate the degree of application of democratic values. Besides the electoral aspect of democracy, the core principles of the liberal democracy are the negative and positive liberties (Dahl, 1989; Bobbio, 1989; Saward, 1998)<sup>25</sup>.

The use of indexes on measuring democracy and political freedom such as individual and social rights and judicial independence is widespread in empirical analysis<sup>26</sup>, although there are still methodological issues. More precisely, the three most common problems in the construction of indexes according Munck and Verkuilen (2002, p. 8) are:

- a) Conceptualization: the inclusion of theoretically irrelevant attributes or the exclusion of theoretically relevant attributes.
- b) Measurement: the use of multiple indicators with cross-system equivalence, the use of indicators mitigating measurement error and can be crosschecked via a variety of sources, maximum of homogeneity within measurement classes with the minimum number of necessary distinctions.
- c) Aggregation: balance between the goal of parsimony with the concern with underlying dimensionality and differentiation, correspondence between the theory of the relationship between attributes and the selected rule of aggregation and the robustness of these aggregate data.

Indicatively, a commonly used index in literature is the Freedom House index<sup>27</sup>. However, this index has been criticized for ideological biases, lack of specific and rigorous construction and inadequate degree of transparency and replicability of the scales (Giannone, 2010)<sup>28</sup>.

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25 It needs to be said that there are also arguments, which distinguish fundamental human rights and democratic rights based on a restrictive and minimalist approach of democracy (Schumpeter, 1974; Alvarez, Cheibub, & Limon, 1996).

26 Indicatively see: Bollen, 1993; Adcock & Collier, 2001; Munck, & Verkuilen, 2002; Munck, 2009).

27 Available [here](#).

28 It has also been argued that Freedom House scores tend to favour U.S. allies (Steiner, 2014).

Academic research has presented evidence that such measurements in social sciences inevitably have a standard systematic measurement error (Bollen & Paxton, 2000; Munck, & Verkuilen, 2002), and hence, the selection of a robust index is crucial.

Given these methodological framework challenges for the analysis of data, we shortlisted two<sup>29</sup> prominent quantitative frameworks for measuring political freedom:

- 1) the *Democracy Barometer*, maintained by the Center for Democracy Aarau (ZDA) and the Department of Political Science at the University of Zurich<sup>30</sup>,
- 2) and *The Global State of Democracy*, developed by the International Institute for Democracy and Electoral Assistance (International IDEA)<sup>31</sup>.

In the current analysis, we use the *Fundamental Rights* sub-index of *The Global State of Democracy* as a proxy for political freedom. The GSD quantifies what in this paper we call political freedom, as "Fundamental rights in the form of liberal and social rights support both fair representation and the vertical mechanism of accountability that the first attribute seeks to achieve. Thus, the relevance of this attribute to democracy is due to the importance of individual human rights for securing both popular control and political equality in practice (International Institute for Democracy and Electoral Assistance, 2020, p. 14). (International Institute for Democracy and Electoral Assistance, 2020, p. 14). The overall index score for *Fundamental Rights* is an aggregation of three sub-attributes, using the method of Bayesian factor analysis (BFA).

Table 1 summarizes the main attribute and the sub-attributes of *The Global State of Democracy Indices* and what each category stands for.

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29 Other similar indexes we rejected were *Democracy Index* (Economist Intelligence Unit) and *Rule of Law Index* (World Justice Project). We could also use *Varieties of Democracy* but *The Global State of Democracy* consists of it in a great extent (70%).

30 Available [here](#).

31 Available [here](#).



**Table 1. Fundamental Rights attribute and its sub-attributes.**

Attribute	Description
Fundamental Rights	The Fundamental Rights attribute measures individual liberties and access to resources. This attribute of democracy draws heavily from liberal and egalitarian democratic theories. It emphasizes liberal and social rights that support both fair representation and the vertical mechanism of accountability that the Representative Government attribute seeks to achieve.
Sub-attributes	Description
Access to Justice	This subattribute denotes the extent to which the legal system is fair (citizens are not subject to arbitrary arrest or detention and have the right to be under the jurisdiction of—and to seek redress from—competent, independent and impartial tribunals without undue delay).
Civil Liberties	This subattribute denotes the extent to which civil rights and liberties are respected (citizens enjoy the freedoms of expression, association, religion, movement, and personal integrity and security). For the Civil Liberties subattribute five subcomponents have been constructed. Each of which reflect core concepts in the human rights literature. The construction of these subcomponent indices enables data users to carry out more focused and disaggregated analyses using measures that have stronger conceptual coherence than highly aggregated indices. Moreover, some of these subcomponent indices help capture some of the issues emphasized in the work of International IDEA in a clearer and more specific way. The so-called cross-cutting themes are gender, diversity and conflict sensitivity.

Attribute	Description
Social Rights and Equality	<p>This subattribute denotes the extent to which basic welfare (social security, health and education) and political and social equality between social groups and genders have been realized. For the Social Rights and Equality subattribute three subcomponents have been constructed. The construction of these subcomponent indices enables data users to carry out more focused and disaggregated analyses using measures that have stronger conceptual coherence than highly aggregated indices. Moreover, some of these subcomponent indices help capture some of the issues emphasized in the work of International IDEA in a clearer and more specific way. The so-called cross-cutting themes are gender, diversity and conflict sensitivity.</p>

Source: [The Global State of Democracy Indices](#) (GSoD Indices).

There are two main reasons for choosing *The Global State of Democracy Indices* over *Democracy Barometer*. The first reason is that, as Table 2 demonstrates, the former reduces the measurement uncertainty in our dependent variable relative to other high-variance indices both in the main attributes and in their sub-attributes. The second reason is that *The Global State of Democracy Indices* employs information from 116 indicators collected from 12 data sets and thus it uses composite measures to be able to utilize information from several variables to achieve more nuanced and comprehensive measurements (International Institute for Democracy and Electoral Assistance, 2020, pp. 24–25). This composite design from different sources combines mixed methods and does not rely on a single approach to data collection<sup>32</sup>. This contrasts, for example, with the *Democracy*

<sup>32</sup> Data produced based on expert judgments and ratings is sometimes questionable include limited coverage in terms of years and countries, may suffer from poor inter-rated agreement, or may be subject to biases (Bollen & Paxton, 2000; Steenbergen, 2007).

*Barometer*, which is based on public opinion surveys <sup>33</sup>, and does not satisfy the variety of information in resources standard we need for this analysis. Finally, in terms of concepts, *The Global State of Democracy* seems to have a more direct theoretical association with political freedom, as it is elaborated in this study. *Access to justice* corresponds to the Hayekian Rule of Law, *Civil Liberties* correspond to the negative rights and *Social Rights and Equality* stand for positive rights, and all together consist the political freedom concept in modern liberal democracies, as described earlier.

**Table 2. Descriptive statistics for Democracy Barometer and The Global State of Democracy attributes and sub-attributes.**

Publisher	Attributes and sub-attributes	N	Min	Max	Mean	Std. Dev.	Coef. of Variance
Global State (1990-2019)	Fundamental rights	1367	0,29	1	0,79	0,12	0,16
Democracy Barometer (1990-2016)	Freedom	1097	0	83	57,61	13,06	0,22
Global State (1990-2019)	Access to justice	1367	0,28	1	0,811	0,12	0,15
Democracy Barometer (1990-2016)	Rule of law	1132	4	96	58,05	19,51	0,33
Global State (1990-2019)	Civil liberties	1367	0,22	1	0,775	0,12	0,15
Democracy Barometer (1990-2016)	Individual liberties	1183	17	100	75,8	15,00	0,19

33 Available [here](#), p. 7.

Publisher	Attributes and sub-attributes	N	Min	Max	Mean	Std. Dev.	Coef. of Variance
Global State (1990-2019)	Social rights	1367	0,32	1	0,688	0,13	0,19
Democracy Barometer (1990-2016)	Public sphere	1104	0	68	38,17	15,63	0,40

Global evolution of Fundamental Rights: some stylised facts

Having established a suitable proxy for this aspect of freedom, it is possible to make a few observations regarding the development of this aspect of freedom in Europe and beyond in recent years. As might be expected, the 1990s and 2000s saw a steady, global improvement in the state of fundamental rights. Today's EU members saw a notably more rapid improvement than the global average during that period. This trend reached a plateau at the onset of the global financial crisis, and has in fact reversed since 2012.

The timing of this deterioration suggests two plausible contributing factors; first, the migration and refugee crisis of the last five years, which has in many cases prompted problematic policy responses and hardened political attitudes against a range of policies seen as adjacent to support for immigration<sup>34</sup>. Second, the rise of populism in response to the global financial crisis<sup>35</sup>, an episode which could well be repeated a propos of the COVID – 19 pandemic<sup>36</sup>. These develop-

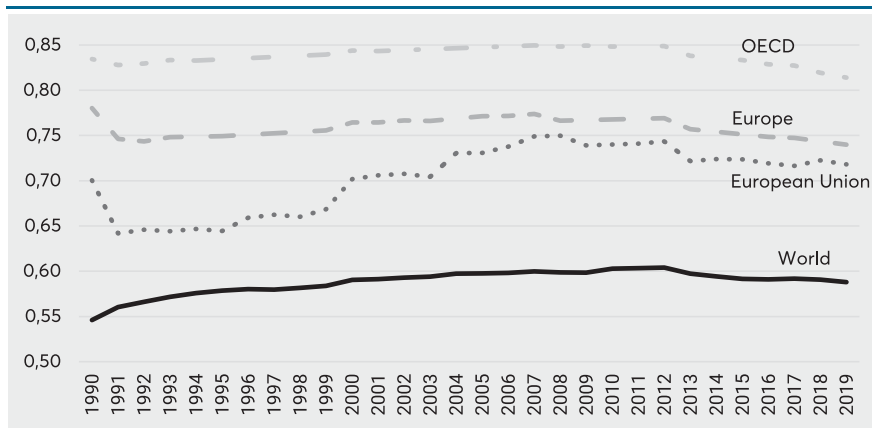
34 According to the World Justice Project, "there is a direct correlation between countries' coping capacity—understood as the strength of their institutions and infrastructure—and the existence and scale of forced displacement" (Andersen & Albuja, 2015).

35 Almost 27 percent of voters in Europe supported an authoritarian populist party last time they voted in national elections. Authoritarian populists increased their voting shares in all six elections in Europe during 2018, as well as they have on an aggregated level increased in ten out of the last eleven elections (Timbro, 2019, p. 4).

36 According to United Nations' Assistant Secretary-General for Rule of Law and Security Institutions the COVID pandemic poses a threat to democratic institutions,

ments are mutually reinforcing, and may have contributed, among others, to many violations of human rights in the continent, affecting the European Union and its member states as a whole.

**Figure 1. The trend of Fundamental Rights in the World, the European Union, Europe and the OECD countries, 1990-2019 (scale 0-1).**



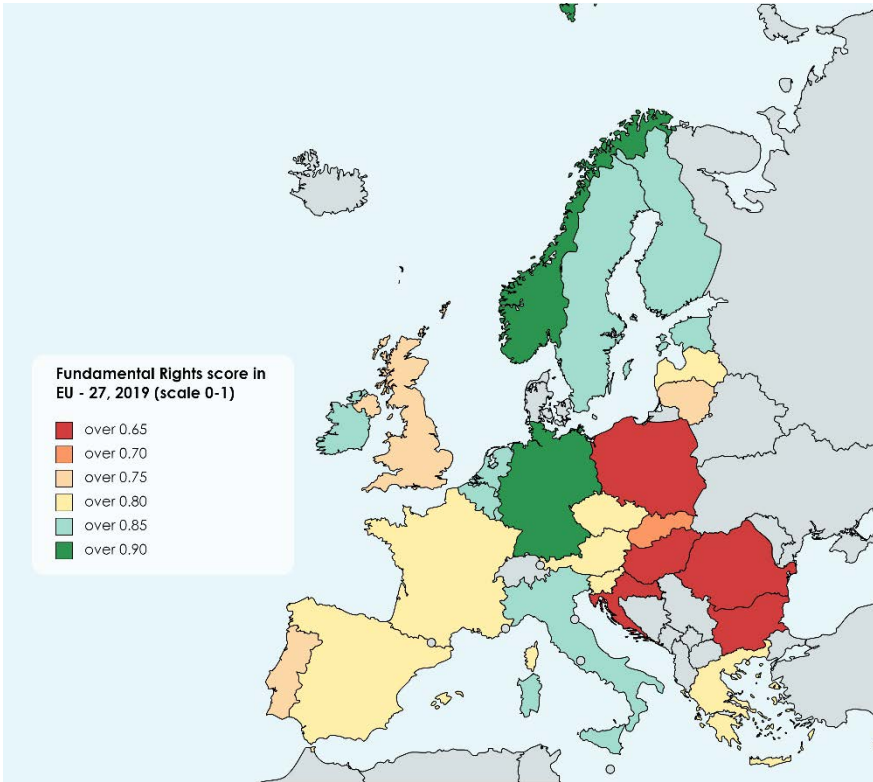
Source: The Global State of Democracy Indices (GSoD Indices).

The current situation, in terms of fundamental rights protection, in the European Union is far from satisfactory, with Southern and Eastern European Union countries scoring low in attributes measuring citizens' liberties (see Figure 2). The average score of EU – 27 in Fundamental Rights Index in 2019 was marginally lower than its score in 2012 (0.718/1 and 0.743/1 respectively). Among the 27 member states included, Hungary, Bulgaria and Romania have the lowest scores, while Denmark, Germany and Belgium have the highest ones. If progress in securing the rule of law and peoples' freedoms in the European Union were to go into reverse, this would arguably undermine the principles of the Union and its core element, that is, liberal democracy.

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since some states may utilize emergency powers to consolidate executive authority at the expense of the rule of law (Zouev, 2021).

**Figure 2. Fundamental Rights score in European Union, 2019.**



Source: [The Global State of Democracy Indices](#) (GSoD Indices)

## The research questions

Given the significant range of reforms that EU accession requires, we ask whether a country's degree of political freedom, as proxied by its *Fundamental Rights* score, is correlated in a significant way with that country's progress through the most observable milestones of the EU accession process and the further process of maturing as an EU member. If we manage to establish such a correlation, or lack thereof, we could possibly also explore whether it is alignment with the EU's legal framework that drives greater political freedom, or not.

More specifically, the study considers the relationship between a country's *Fundamental Rights* score (and sub-attributes scores) and its progress along the EU accession and maturation process. The *Fundamental Rights* score operates as a proxy for political freedom, and despite the limitations discussed earlier, we consider that it captures a broad enough concept of political freedom, compatible with modern democratic theory; the aggregation of different types of data sources and relatively low volatility further reassures us that this is an appropriate construct for the analysis we intend. Finally, while we have assembled a longitudinal dataset supporting our empirical strategy, it is important to clarify that we do not set out to test or demonstrate a causal link.

Besides the main analysis, we also aim to explore the relationship between the three sub-attributes of *Fundamental Rights*, asking which sub-component of *Fundamental Rights* is most associated with EU integration process. The academic literature suggests that civil liberty and electoral democratic institutions are not explained by exactly the same factors, a fact that demonstrates that these two dimensions are different and do not necessarily coexist. See (Chasco et al, 2017)<sup>37</sup>.

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37 This result seems also to be in line with the democratic theory which argues that fundamental human rights and democratic rights are different (Schumpeter, 1974; Alvarez, Cheibub, & Limon, 1996).

# Methodology and empirical analysis

## Data, variables and research design

In order to explore our main research question we employ the dataset from *The Global State of Democracy Indices*, using a longitudinal sample which covers 46 countries over 30 years ie. the time span from 1990 to 2019. The data panel consists of 27 current EU member states<sup>38</sup>, 5 countries in some stage of the EU accession process and 14 countries a) OECD member states and b) signatories of the European Convention of Human Rights which are not EU members or accession countries.

The *dependent variable* is  $Fundamental\_RightsDtF_{it}$ , which is calculated as the difference between a country's score in *Fundamental Rights attribute* of *The Global State of Democracy Indices* at time  $t$  and the highest score achieved by any jurisdiction in the same year (thus better fundamental rights performance for country  $i$  in time  $t$  should typically result in a smaller distance). The calculation of  $Fundamental\_RightsDtF$  is similar to the approach used on other high-profile composite indices such as the World Bank<sup>39</sup>. Such "distance to frontier" measures, have certain desirable properties:

- a) They are more robust to qualitative differences between different domains of liberalisation – i.e. the fact that some areas are objectively harder to liberalise.
- b) They are more robust to year-on-year changes in methodology.
- c) They are less likely to be affected by global confounders - i.e. a global trend towards greater political freedom is less likely to in-

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38 Malta is not covered in *The Global State of Democracy Indices* and UK is considered as EU member state for this panel since during 2019 was still in EU.

39 The World Bank DtF score calculates the distance from the best-ever performance across both jurisdictions and time, whereas our distance measure relies on inter-country comparison only (World Bank, 2018), available [here](#).



fluence a distance-to-frontier measure than it is to influence an absolute score.

Our key explanatory variable is the proximity of a country to mature EU membership. In order to capture the variation of non-affiliated countries, potential candidates and members we construct a four-scale index<sup>40</sup>. We assign the value one (1) to countries which have no affiliation with the EU at year  $t$  (they are not members; they are not in any negotiations or on going accession process, i.e. Australia, Norway, Mexico, Croatia before 2003). We assign the value two (2) to countries which have begun any negotiations process and have undertaken to implement reforms in line with EU framework (starting with the year each country submitted its formal application for accession or the year already in any negotiation process, i.e. North Macedonia after 2004, Cyprus before 2004, Bulgaria before 2007). We assign the value three (3) to countries which are EU member states (they have ever been member states or the year they became in the process, i.e. Austria, Belgium, Romania after 2007). We further assign the value four (4) to countries which have been EU member states for more than 8 years. Any threshold of this kind will likely appear arbitrary, however 8 years is historically the average time between two EU enlargement episodes. It is thus a good approximation of the amount of time needed to reassure old member-states of the quality of enlargement, and of the time needed for a member-state to be considered mature or fully integrated into the Union.

We include a group of EU non-affiliated countries in our panel so that they can be contrasted to the EU affiliated countries. By using this group of countries as comparators we are able to account for the world's liberalization and democratization trend over the last three decades<sup>41</sup>, so that any significant result occurred from this analysis can be deduced from a comparison with the respective advance-

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40 Similar to the methodology of Böheim & Friesenbichler (2014), but with less intermediate steps.

41 Compared to 1990, democratic regimes (combination of both liberal and elected democracies) have risen by 74% and autocratic regimes (closed autocracy, electoral autocracy) have fallen by 28%. See Figure 2 in Appendix 2.

ments with some of the most developed countries in the World. Given this trend, comparing EU countries solely against their pre-accession selves or against a sample of countries in the global periphery might easily yield a positive relationship between EU accession period and political freedom, as proxied by *Fundamental Rights* score, which in a great extent could largely be driven by this overall liberalization and democratization trend. We control for other confounders through the addition of control variables as discussed later in this section.

The interpretation of the *proximity to the EU* variable is that it measures institutional integration with the EU, as opposed to, i.e. proximity in political culture, regulatory requirements or similarity of economic systems. Countries can be one or two steps away from membership, or a step before turning to a "mature member", depending on their status in a certain time. Hence they can move closer to EU membership status (namely by increasing their proximity status from value 1 to value 2, or from value 2 to value 3, or from value 3 to value 4). The higher the value, the more institutionally integrated the country is with the EU.

The proximity variable is thus a simple scale and we assume it has a linear effect on our dependent variable. We have considered potential shortcomings associated with this design, and in particular, the fact that full EU membership may be much further removed, in qualitative terms, from candidate status, than candidate status is from non-affiliation. However, given a high degree of heterogeneity in both the affiliated and non-affiliated country groups, we believe that a more complex convergence variable or the assumption of a non-linear effect of convergence on economic freedom would have little incremental value over our proposed design.

## Controls

In order to ensure that confounders factors do not comprise our results<sup>42</sup>, we also control for further associated factors with a possible

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42 As Acemoglu, Johnson, & Robinson (2008) demonstrate in their research.

effect on either political freedom or the *Fundamental Rights* scores as its proxy. In particular, we have attempted to control for the following:

- **Income levels**<sup>43</sup>: We hypothesise that, other things being equal, higher-income jurisdictions face less stark trade-offs in policy-making and their governments ought to be able to more easily devote political capital to the promotion of civil liberties and political freedom. We note in particular the findings of Aixala and Fabro<sup>44</sup> whose causal analysis suggests that political freedoms Granger-cause economic growth, but the relationship between growth and civil rights is bi-directional, with investments in human capital a likely channel by which one influences the other. To allow for this relationship we control for both GDP per capita (PPP-adjusted, in constant prices) and GNI per capita (PPP-adjusted, in constant prices).
- **Quality of regulation**: We follow Haverland & Romeijn<sup>45</sup> and Borzel et al<sup>46</sup> in considering institutional capacity to be a key constraint to the promotion of fundamental rights. We use the "regulatory quality" dimension of the Worldwide Governance Indicators (WGI)<sup>47</sup> project as a proxy for institutional capacity. This dimension "reflects perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development".
- **European Convention of Human Rights signatory status**: the European Convention and the European Court of Human Rights are not EU institutions, and their impact needs to be disaggregated from that of EU accession and membership. We model ECHR signatory status in a given year as a simple dummy variable, i.e. (signatory = 1 and non-signatory = 0).

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43 According to Barro, 1996; Cross, 1997; Alfonso-Gil, Lacalle-Calderon, & Sánchez-Mangas, 2014.

44 According to Aixalá & Fabro, 2009.

45 According to Haverland & Romeijn, 2007.

46 According to Borzel, Hofmann, & Panke, 2012.

47 Worldwide Governance Indicators, available [here](#).

- **Former Socialist Regimes:** in the 1990s, the vast majority of former socialist countries transitioned out of central planning and reformed their institutions to a liberal oriented trajectory; while it can be argued that the prospect of EU membership played a role in shaping such transitions, it is clearly not their cause. We have therefore introduced a dummy explanatory variable, with value 1 for every former socialist country<sup>48</sup>.
- **Government party ideology:** following Van Der Vleuten<sup>49</sup>, and Borzel et al<sup>50</sup> we allow for the impact of internal political pressures and the power of internal veto holders on governments. Noting the empirical findings of, e.g., Arndt & Thomsen,<sup>51</sup> we hypothesise that more right-wing governments might face greater resistance when taking action supportive of the rights of out-groups. We assign left, centrist and right-wing labels to governments based on their characterisation in the World Bank's Database of Political Institutions<sup>52</sup>.
- **Cultural dimensions:** we hypothesise that resistance to action supportive of the rights of out-groups in particular might be influenced not just by organised political pressure groups, but also by ambient shared values of a population. In line with Chasco et al<sup>53</sup> we consider that this is likelier to occur outside of the, typically diverse, setting of urban centres, and thus control for the share of a country's population that lives in urban areas. We look furthermore at a country's majority religion, as recorded in the World Bank's Database of Political Institutions, as the most prolific source of shared cultural touchstones<sup>54</sup>.
- **External migration shocks:** Building on our earlier descriptive

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48 For the role of the institutional framework on rights in post-socialist countries, see Lewczuk, 2020.

49 According to van der Vleuten , 2005.

50 According to Borzel, Hofmann, & Panke, 2012.

51 According to Arndt & Frølund Thomsen, 2019.

52 Available [here](#).

53 According to Chasco, Lacalle-Calderon, & Alfonso-Gil, 2017.

54 According to Acemoglu, Johnson, & Robinson, 2008; Chasco, Lacalle-Calderon, & Alfonso-Gil, 2017.

analysis of trends in the promotion and protection of fundamental rights post-2012, and considering contemporaneous evidence of a dramatic shift in attitudes towards immigration<sup>55</sup> we hypothesise that the Syrian conflict and subsequent refugee inflow into Europe created a highly salient, controversial out-group for most jurisdictions in our sample. We use the World Bank's unadjusted estimates of refugee populations for each country in order to quantify this stimulus<sup>56</sup>. We anticipate that those jurisdictions that experienced larger inward migration flows might also have experienced larger dips in popular and government support for the rights of migrants as well as other salient out-groups.

**Table 3. Summary Statistics for Fundamental Rights, sub-attributes and independent variables**

Variable	Abbr.	Obs.	Max	Min	Mean	Std. Dev.	Skewness	Kurtosis
Fundamental Rights score	Fundamental_Rights	1367	0,29	1,00	0,79	0,13	-0,97	0,47
Fundamental Rights Distance to Frontier	Fundamental_Rights_DtF	1367	0,00	0,71	0,20	0,13	0,97	0,42
Access to justice score	Access_to_justice	1367	0,28	1,00	0,81	0,13	-1,03	0,65
Access to justice Distance to Frontier	Access_to_justice_DtF	1367	0,00	0,72	0,18	0,13	1,02	0,58
Civil liberties score	Civil_liberties	1367	0,22	1,00	0,78	0,12	-1,07	0,92
Civil liberties Distance to Frontier	Civil_liberties_DtF	1367	0,00	0,76	0,19	0,13	1,06	0,88
Social rights score	Social_rights	1367	0,32	1,00	0,69	0,13	-0,34	-0,21

55 According to International Center for Migration Policy Development, 2018.

56 World Bank, available [here](#).

Variable	Abbr.	Obs.	Max	Min	Mean	Std. Dev.	Skewness	Kurtosis
Social rights Distance to Frontier	Social_rights_DtF	1367	0,00	0,64	0,27	0,14	0,31	-0,27
Proximity to EU membership	Proximity_to_EU_4	1380	1,00	4,00	2,39	1,33	0,17	-1,74
GDP per capita PPP	GD_Pper_capita_PPP	1345	1657,59	115415,4	34882,9	20281,4	1,36	3,10
GNI per capita PPP	GNI_per_capita_PPP	1163	5084,00	107701	32763,4	16089,9	0,73	1,22
Regulatory Quality	Regulatory_Quality	966	-0,91	2,10	1,02	0,66	-0,72	-0,19
European Convention of Human Rights signatories	EC_of_HR	1380	0,00	1,00	0,75	0,43	-1,15	-0,68
Former Socialist Regimes	Former_Socialist	1380	0,00	1,00	0,37	0,48	0,54	-1,71
Center Government Party	C_Gov_Party	880	0,00	1,00	0,13	0,34	2,21	2,89
Right Government Party	R_Gov_Party	880	0,00	1,00	0,44	0,50	0,26	-1,94
Urban population (% of total population)	Urban_population	1380	36,43	98,04	71,60	13,72	-0,31	-0,68
Refugee population by country or territory of asylum	Refugee_population_asylum	1304	5,00	3681688,00	78042,82	258019,51	8,60	97,54
Christianity majority religion	Christianity	1380	0,00	1,00	0,89	0,31	-2,52	4,34
Islam majority religion	Islam	1380	0,00	1,00	0,04	0,20	4,48	18,12

## Estimation techniques

As we described above, we employ the *Fundamental Rights DtF*<sub>it</sub> as our dependent variable and the *proximity to the EU*<sub>it</sub> as our key explanatory variable. We use a panel regression model with country fixed effects to account for the presence of given heterogeneity in our sample in the sense that we include different countries<sup>57</sup>. We also use robust standard errors to take into account any potential heteroskedasticity<sup>58</sup>.

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57 Fixed effects is the most used method in similar cases, see Barro, 1996; Acemoglu, Johnson, & Robinson, 2008; Hall, Lawson, & Wogsland, 2011; Böheim & Friesenbichler, 2014; Tarabar & Young, 2014; Alfonso-Gil, Lacalle-Calderon, & Sánchez-Mangas, 2014. Note, to decide between Fixed effects and Random effects, we performed the Hausman test which showed the method of fixed effects is more appropriate for our sample.

58 We performed White's test for heteroskedasticity and the null hypothesis of homoskedasticity was rejected. Note that we also performed Wu-Hausman F-test for endogeneity and the null hypothesis was not rejected suggesting that our key independent variable is exogenous.

# Results and discussion

We present two different specifications, each of them with and without regulatory quality as a control. The first specification (1) presents, besides our key explanatory variable proximity to EU membership, the European Convention of Human Rights signatories, the former socialist regimes, the GDP per capita PPP, the right government party, the centre government party and the refugee population by country of asylum. The second specification (2) has the same explanatory variables as the first specification plus regulatory quality. The third specification (3) contains our key explanatory variable proximity to EU membership, the European Convention of Human Rights signatories, the former socialist regimes, the refugee population by country of asylum, the main religion variables (Christianity and Islam), the GNI per capita PPP and the urban population. The fourth specification (4) has the same explanatory variables as the third specification plus regulatory quality. At the end we also regress our core specifications (2 and 4) using as dependent variable each of the three sub-attributes of Fundamental Rights, that is, Access to Justice (distance to frontier), Civil Liberties (distance to frontier) and Social Rights (distance to frontier, see Tables 5 and Table 6).



**Table 4. Regression results Country Fixed Effects. Dependent variable: Fundamental Rights Distance to Frontier.**

VARIABLES	Fixed Effects 1	Fixed Effects 2	Fixed Effects 3	Fixed Effects 4
Proximity_to_EU_4	<b>-0.00834***</b> (0.00247)	<b>-0.0143***</b> (0.00453)	<b>-0.0102***</b> (0.00256)	<b>-0.0128***</b> (0.00364)
EC_of_HR	<b>-0.0323***</b> (0.0108)	<b>-0.0731**</b> (0.0309)	<b>-0.0456***</b> (0.0124)	-0.0481 (0.0370)
Former_Socialist	<b>0.268***</b> (0.0145)	<b>0.193***</b> (0.0182)	<b>-0.241***</b> (0.00672)	<b>0.155***</b> (0.0404)
GDP_per_capita_PPP	<b>-0.00107***</b> (8.90e-05)	<b>-0.000955***</b> (0.000170)		
R_Gov_Party	<b>0.00642***</b> (0.00173)	<b>0.0116***</b> (0.00221)		
C_Gov_Party	<b>0.0116***</b> (0.00249)	<b>0.0132***</b> (0.00356)		
Refugee_population_asylum	<b>4.35e-05***</b> (1.08e-05)	<b>2.66e-05*</b> (1.42e-05)	<b>3.50e-05***</b> (3.48e-06)	<b>3.54e-05***</b> (4.07e-06)
Regulatory_quality		<b>-0.0272***</b> (0.00725)		-0.00762 (0.00643)
Christ			<b>-0.0963***</b> (0.0137)	<b>-0.0805***</b> (0.0116)
Islam			<b>0.237***</b> (0.0152)	-
GNI_per_capita_PPP			<b>-0.000984***</b> (0.000189)	<b>-0.000694***</b> (0.000268)
Urban_population			<b>-0.00125***</b> (0.000307)	<b>-0.00115***</b> (0.000433)
Constant	0.111*** (0.0156)	0.212*** (0.0388)	0.423*** (0.0256)	0.265*** (0.0353)
Observations	829	510	1,134	860
R-squared	0.975	0.980	0.966	0.967

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

## Determinants of the overall political freedom gap

Table 4 summarises the findings from our analysis. Both of our core fixed effect specifications (as well as our auxiliary OLS models presented in Appendix 1)<sup>59</sup> yielded statistically significant models. In this section, we report on the fixed effects model results.

Integration with the European Union, from the accession process through to mature member status, is negatively correlated with the freedom gap (thus positively with fundamental rights) across both of our core specifications. This effect is large and is moreover incremental to the effect of ECHR accession, which is statistically significant in only one specification.

Almost all specifications of our model point to a significant, negative effect of the refugee crisis on fundamental rights, with greater numbers of asylum seekers received correlating with a greater freedom gap. Our specification cannot distinguish between a deterioration resulting mechanically from the poor treatment of new arrivals and one resulting from a general authoritarian shift in national politics. However, it must be noted that in absolute terms the relevant coefficient is small, and only a very large displacement of refugees, such as the one triggered by the Syrian war, is likely to have a material effect on freedom through this channel. The effect of involuntary migration is likely moderated by the political alignment of governments – in at least one specification the sign of the coefficient changes once this is taken into account.

Also, the controls employed in our model have broadly the expected signs. Other things being equal, wealthier countries (as proxied by per capita gross national income), better-run countries (as proxied by the WGI quality of regulation index), more urbanised countries and

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59 Pooled OLS models yield similar to fixed effects model results. However, the pooled OLS estimates the coefficients ignoring the panel structure of the data and it is very possible to result to biased estimators, therefore, it is not suitable for panel model. Thus, we report only fixed effects because our sample is heterogeneous since we have 46 countries, which differ in terms of cultural, institutional and other individual aspects. The pooled OLS estimates are available in Table 1 in Appendix 1.

those without past experience of socialist governance tend to perform better in terms of respect for fundamental rights. Majority-muslim countries tend to perform worse – although this finding should be treated with caution given the relatively limited number of observations.

## Channels by which EU accession influences political freedom

Tables 5 and 6 summarise our findings in relation to the sub-components of the Fundamental Rights index. Our findings point to a broad-based effect of EU accession on the protection and promotion of fundamental rights. All three testable channels (Access to Justice, Civil Liberties and Social Rights) yield significant parameters for EU proximity for at least one of our two specifications, and most do so for both, with Access to Justice most strongly engaged. This might imply that rights established under the treaties provide EU citizens with due process and legal recourse in a range of fundamental rights related scenarios.

Our findings also suggest an unofficial distribution of labour between the ECHR, whose impact appears to be greatest in the civil-liberties domain of the fundamental rights index, and the EU institutions, whose influence is greater in the domains of Access to Justice and Social Rights. Interestingly, coefficients for the control variable, regulatory quality, demonstrate the exact same pattern in sign, magnitude and significance, as those for the Civil Liberties domain. This relationship requires further replication and analysis – however, it could suggest that features unique to the ECHR and its jurisdiction, particularly its ability to receive individual applications, might provide a partial answer to institutional failures at the level of the member-state<sup>60</sup>. Civil liberties are also the channel most likely to interact with politics, with right-wing governments and large refugee populations more likely to be associated with poor performance in this domain than others.

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60 See a more detailed discussion in Kargopoulos, 2015, available [here](#).

**Table 5. Regression results Country Fixed Effects. Dependent variable: Fundamental Rights sub-attributes: Access to Justice Distance to Frontier, Civil Liberties Distance to Frontier and Social Rights Distance to Frontier. Specification 2.**

VARIABLES	Access_to_justice_DtF	Civil_liberties_DtF	Social_rights_DtF
Proximity_to_EU_4	<b>-0.0189***</b> (0.00460)	-0.0108 (0.00704)	<b>0.00651*</b> (0.00376)
EC_of_HR	<b>-0.0500*</b> (0.0292)	<b>-0.190***</b> (0.0373)	0.00910 (0.0301)
Former_Socialist	<b>0.197***</b> (0.0221)	0.0150 (0.0303)	<b>0.381***</b> (0.0194)
GDP_per_capita_PPP	-0.000217 (0.000215)	<b>-0.00246***</b> (0.000355)	<b>-0.000819***</b> (0.000244)
R_Gov_Party	<b>0.0112***</b> (0.00261)	<b>0.0143***</b> (0.00355)	<b>0.00808***</b> (0.00221)
C_Gov_Party	<b>0.0101***</b> (0.00338)	<b>0.0187***</b> (0.00699)	<b>0.0160***</b> (0.00541)
Refugee_population_asylum	1.39e-05 (1.72e-05)	3.02e-05 (2.85e-05)	<b>6.30e-05***</b> (2.41e-05)
Regulatory_quality	<b>-0.0240***</b> (0.00713)	<b>-0.0489***</b> (0.0141)	<b>-0.0173**</b> (0.00841)
Constant	0.145*** (0.0420)	0.508*** (0.0552)	0.0649 (0.0409)
Observations	510	510	510
R-squared	0.976	0.937	0.979

Robust standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

**Table 6. Regression results Country Fixed Effects. Dependent variable: Fundamental Rights sub-attributes: Access to Justice Distance to Frontier, Civil Liberties Distance to Frontier and Social Rights Distance to Frontier. Specification 4.**

VARIABLES	Access_to_justice_DtF	Civil_liberties_DtF	Social_rights_DtF
Proximity_to_EU	<b>-0.0144***</b> (0.00368)	<b>-0.0115**</b> (0.00579)	<b>-0.0226***</b> (0.00377)
EC_of_HR	-0.00349 (0.0316)	<b>-0.182***</b> (0.0420)	-0.0249 (0.0308)
Former_Socialist	<b>0.151***</b> (0.0357)	<b>0.0984*</b> (0.0508)	0.0476 (0.0406)
Refugee_population_asylum	<b>3.46e-05***</b> (4.76e-06)	<b>4.55e-05***</b> (5.79e-06)	<b>1.15e-05***</b> (3.40e-06)
Regulatory_quality	-0.00341 (0.00666)	<b>-0.0290***</b> (0.0111)	0.0124 (0.00804)
Christianity	<b>-0.0680***</b> (0.0107)	-0.0282 (0.0192)	<b>-0.0818***</b> (0.0183)
Islam	-	-	-
GNIper_capita_PPP	-0.000155 (0.000271)	<b>-0.00204***</b> (0.000466)	<b>-0.00192***</b> (0.000408)
Urban_population	-0.000339 (0.000446)	<b>-0.00303***</b> (0.000803)	<b>-0.00535***</b> (0.000667)
Constant	0.137*** (0.0365)	0.558*** (0.0659)	0.754*** (0.0558)
Observations	860	860	860
R-squared	0.962	0.898	0.952

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

## Concluding remarks

Human rights, individual and civil liberties have been the foundational pillar of the modern societies, embedded to the liberal democracy regime. Since 1992, besides the economic scope of action of EU, the Union formally acknowledged the importance of providing political freedom to its citizens, as well. Ever since, European Union has become one of the most prestigious intergovernmental organizations in the world, having established an institutional framework for its member states with respect to fundamental rights, human dignity, freedom, democracy, equality and the rule of law, even though EU's institutions have yet to accede to the European Convention on Human Rights.

However, the recent incidents of government abuse of power and extensive state's control over civil and individual liberties, in both the EU member states and acceding to EU countries, challenge the very principles of rule of law. These violations question European Union's willingness and ability to cope with arbitrary violations of fundamental rights and stay committed in its avowed values.

Our study provides empirical evidence on the effect of EU accession on political freedom, as proxied by the Fundamental Rights attribute of *the Global State of Democracy Indices*, focusing on whether the structural reforms required by a country to become a member of EU contribute to the protection and the strengthening of rule of law, civil liberties and social rights. Though, in some EU member states' there is an increasing need for further political pressure to align with EU's human rights legal framework, acceding countries may be more eager to respond to the EU's influence to promote sound policy reforms. In order to do that we also include in our panel a group of developed countries not affiliated to the EU as comparators accounting for the world's liberalization and democratization trend of the last three decades.

Our findings indicate that progress through the European Union accession process, and subsequent maturation as an EU member, are correlated with political freedom, as proxied by the Fundamental Rights attribute of the *Global State of Democracy Indices*, identifying that the key channel most engaged to the EU accession process is the Access to Justice sub-attribute. This finding is documented using longitudinal data on EU members and accession countries, as contrasted with OECD member states and signatories of the European Convention of Human Rights which are not affiliated with the EU. The analysis demonstrates that, when other things being equal, wealthier countries, countries with better regulatory framework, more urbanised countries and those without past experience of socialist regimes tend to respect more fundamental rights. Moreover, the analysis shows that Civil Liberties domain is the channel with the greater association with politics, since countries generally seem to perform somewhat better under Left-wing governments than under Centrist or Right-wing ones. Differences in performance against the Civil Liberties domain of political freedom are the most significant contributor to the difference in outcomes. Despite the fact that the refugee crisis points to a negative effect on fundamental rights, this deterioration could mechanically happen either due to the poor treatment of new arrivals or from a general authoritarian shift in national politics. In addition, our model suggests that there is an unofficial division of labour among the European institutions. On the one hand, the European Court of Human Rights seems to have more impact in the Civil Liberties domain of the fundamental rights index. On the other hand, the EU institutions influence the domains of Access to Justice and Social Rights largely than ECHR.

Although our approach is designed to address this policy and principle issue empirically, our methodology does not seek to test and establish any causal link. We acknowledge that our approach also has possible shortcomings, such as the quality of the available measurements of political freedom concepts discussed previously, limiting the scope of the study to a smaller, yet significant, scale. However, it needs to be noted that the debate on the impact of EU's

regulatory framework and its demands to the member states and acceding countries is far from conclusive. Future research could focus on identifying specific implemented policies which affect civil liberties and individual freedoms, as well as on other institutional and cultural factors contributing to the protection of human rights and leading to greater European integration.

The present study comes along with our previous research on EU accession process and membership and economic freedom, which suggests that further European integration (a step closer to EU membership), is associated with increases in economic freedom. With these two empirical studies we can look deeper into the effect of EU accession to the human freedom overall and establish a correlation, which despite the possible weaknesses, identifies that European Union is committed to the principles of freedom and liberal democracy to a certain degree. The political discourse needs to be re-oriented to evidence-based policies and informed by facts. Populism, euro-sceptics and illiberal policies will always try to hamper further European integration, which should always be deepening with respect to the political and economic freedom of individuals.



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# Appendix 1: Results of Pooled OLS regressions

**Table 1. Regression results Pooled OLS. Dependent variable: Fundamental Rights Distance to Frontier.**

VARIABLES	Pooled OLS 1	Pooled OLS 2	Pooled OLS 3	Pooled OLS 4
Proximity_to_EU	<b>-0.0101***</b> (0.00324)	-0.00154 (0.00389)	<b>-0.0187***</b> (0.00289)	<b>-0.00919***</b> (0.00322)
EC_of_HR	<b>-0.0745***</b> (0.0125)	<b>-0.0763***</b> (0.0132)	-0.0101 (0.0114)	<b>-0.0364***</b> (0.0129)
Former_Socialist	<b>0.151***</b> (0.0118)	<b>0.0473***</b> (0.0103)	0.00999 (0.00892)	-0.00992 (0.00860)
GDP_per_capita_PPP	0.000546 (0.000355)	<b>0.000872***</b> (0.000223)		
R_Gov_Party	0.00910 (0.00679)	0.00491 (0.00577)		
C_Gov_Party	-0.00231 (0.00854)	0.00763 (0.00857)		
Refugee_population_asylum	<b>-7.91e-05***</b> (1.23e-05)	<b>-0.000107***</b> (1.45e-05)	<b>2.62e-05*</b> (1.38e-05)	<b>2.72e-05**</b> (1.37e-05)
Regulatory_quality		<b>-0.130***</b> (0.00655)		<b>-0.0982***</b> (0.00815)
Christianity			0.00475 (0.0107)	<b>0.0316***</b> (0.0118)
Islam			<b>0.178***</b> (0.0257)	<b>0.148***</b> (0.0270)
GNI_per_capita_PPP			<b>-0.00394***</b> (0.000362)	<b>-0.00225***</b> (0.000362)
Urban_population			<b>-0.00133***</b>	-0.000153



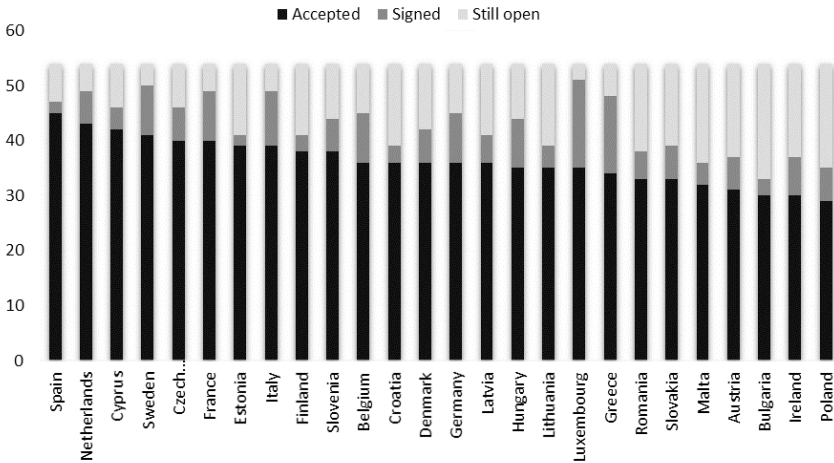
VARIABLES	Pooled OLS 1	Pooled OLS 2	Pooled OLS 3	Pooled OLS 4
			(0.000210)	(0.000229)
Constant	0.198*** (0.0121)	0.339*** (0.0130)	0.455*** (0.0183)	0.397*** (0.0209)
Observations	829	510	1,134	860
R-squared	0.429	0.715	0.630	0.739

Robust standard errors in parentheses

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

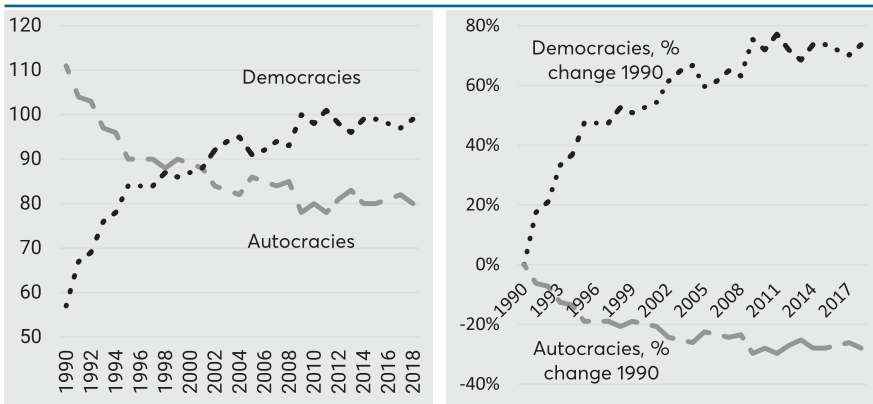
## Appendix 2. Auxiliary Figures

**Figure 1. Council of Europe Human rights treaties (including reservations) accepted by EU country.**



Source: [European Union Agency for Fundamental Rights](#).

**Figure 2. Numbers of autocracies and democracies and percentage change (based to 1990), 1990-2018.**



Source: [Our World in Data](#).

**Table 1. Group of countries included in the panel regression (observations for dependent variable).**

Group A	Group B	Group C
EU countries*	In EU accession process	Non EU - OECD and / or European Court of Human Rights members
Austria (30)	Albania (30)	Australia (30)
Belgium (30)	Bosnia-Herzegovina (28)	Canada (30)
Bulgaria (30)	N. Macedonia (29)	Chile (30)
Croatia (29)	Serbia (30)	Iceland (30)
Cyprus (30)	Turkey (30)	Israel (30)
Czech Rep. (30)		Japan (30)
Denmark (30)		Korea (30)
Estonia (29)		Mexico (30)
Finland (30)		Moldova (29)
France (30)		New Zealand (30)
Germany (30)		Norway (30)
Greece (30)		Ukraine (29)
Hungary (30)		Switzerland (30)
Ireland (30)		United States (30)
Italy (30)		
Latvia (29)		
Lithuania (29)		
Luxembourg (30)		
Netherlands (30)		
Poland (30)		
Portugal (30)		
Romania (30)		
Slovak Rep. (27)		
Slovenia (29)		
Spain (30)		
Sweden (30)		
United Kingdom (30)		

\* Until 2019 the UK was still an EU country



Political freedom, that is, the rule of law and the protection of human and civil rights, have been the basic pillars upon which the European Union was founded and developed. The EU through its current concrete legal framework has managed to be considered as one of the top intergovernmental organizations with regards to promoting respect and protection of human rights and abiding by its own broad legal obligations in this area. However, recent examples of human rights violations and rule of law turbulent in relatively new member-states, lead the backlash against political freedoms and call into question the extent to which the accession process screens adequately for a commitment to EU values or can truly embed a liberal mindset. The present study provides empirical evidence on the effect of EU accession on political freedom, focusing on whether the structural reforms required by a country to become a member of EU contribute to the protection and the strengthening of rule of law, civil liberties and social rights. Progress through the European Union accession process, and subsequent maturation as an EU member, are correlated with political freedom, as proxied by the Fundamental Rights attribute of the Global State of Democracy Indices. Our findings identify that the key channel most engaged to the EU accession process is the Access to Justice sub-attribute of Fundamental Rights domain. These findings can be deduced from a comparison with some of the most developed countries in the world, OECD member states and signatories of the European Convention of Human Rights, which are not affiliated to the EU.

