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HUMAN DEVELOPMENT REPORT

REGIONAL STUDY ON HUMAN DEVELOPMENT AND HUMAN RIGHTS

IN

CENTRAL AND EASTERN EUROPE

Submitted 15 November 1999

Introduction

The twentieth century has been mostly characterized by technological advances and the globalization of the world markets. Besides that, and to a certain extent, because of that, the main feature of the end of this century is the advances made in democracy across the world. The achievement of human rights in many parts of the world and, even more, the awareness of their importance and central place for human development, political stability and good governance is certainly a breakthrough that has marked the last decade or two.

* The author gratefully acknowledges his research assistant, Irina Alexeevna Sinelina of the New School for her invaluable aid. He also wishes to thank Gretchen L. McGarry of Seton Hall Law School, who spent an immeasurable amount of time researching and editing this study. Their own personal resourcefulness, innovation and understanding of the issues discussed hereto have been a great contribution to this work's composition. However, the substance, positions, and mistakes are the authors.

Nowhere has it been more sudden, pronounced or visible than in Central and Eastern Europe. Practically the whole region has been fundamentally transformed in the last ten years. Where authoritarian regimes were a rule and until not so long seemed to be permanent, democracy has spread and is advancing in spite of all the problems and difficulties.

Having stated that, it is important for this study to define the area and the historic circumstances that are the background for all these changes. Although it is often thought of as a single political and geo-strategic space, the countries of Central and Eastern Europe differ greatly in size, history, ethnic composition, culture and languages, national economies and resources, political heritage and religion.

Even the name used for practical purposes in this study, as well as in many other sources, is imperfect and contested and it meant different things in different historical periods. Its borders are difficult to define and they have been changing, depending very much on the political vicissitudes and outside influences. For many authors it has a cultural identity although one can also discern a tendency to apply the term in such a way to disassociate their particular countries and cultures from those East of them and to claim that they belong to Central (meaning West) rather than to Eastern Europe. This argument has often been used for example by the Poles with regard to the Ukrainians, the Czechs for the Slovaks, the Hungarians for the Romanians, the Croats for the Serbs, the Serbs for the Bulgarians and by everybody for the Russians.

Geographically speaking, if Europe is the landmass between the Atlantic Ocean and the Ural Mountains, the area in question would fit nicely in the definition of Central Europe. It was during the Cold war, when it found itself behind the Iron Curtain and under Soviet domination ideologically opposed to the West, that the term Eastern Europe unmistakably identified it and gave it the connotation that everybody is trying to get away from. Still, it can be argued that Germany occupies the center of Europe and that, therefore, anything east of it is Eastern Europe.

The term Central and Eastern Europe, used here for the sake of convenience, is meant to include the countries between the former Soviet Union on one side and Germany and Austria on the other. That is, the countries that had communist regimes after WWII. Looking from north to south these are: Poland, the Czech Republic,

Slovakia, Hungary, Romania, Bulgaria; the five now independent countries succeeding former Yugoslavia, i.e. Slovenia, Croatia, Bosnia and Herzegovina, the Federal Republic of Yugoslavia (comprising of Serbia and Montenegro) and the Former Yugoslav Republic of Macedonia, as well as Albania. The area it covers spreads from the Baltic Sea to the Mediterranean, has about 450,000 square miles (some 1,170.000 square km) and a total population of some 130 million inhabitants.

This study will focus particularly on the cases of the Czech Republic, Romania and Croatia, as typical for the different tendencies manifested in this period, but it will not neglect other States nor developments or examples from them.

At one time or another throughout their history most of these countries were independent powers of their own, even having periods of glory, before they were destroyed or conquered by their stronger neighbors, either from the region or outside it. In the tenth century and again in the thirteenth, the Bulgarian Empire dominated the Balkans. The Serbs did the same for most of the fourteenth and Bosnia was an independent kingdom at about the same time. The Slovenians and Croats had their own States as early as the ninth to eleventh centuries, when they fell prey, the first to their Germanic neighbors and the later to Hungary. Hungary itself ruled from southern Poland and Slovakia to the Adriatic. In the fifteenth century the Czech kingdom (called Bohemia at the time) was an important center of European trade, learning and Protestant reformism. In the seventeenth century, at the time of the historic peace of Westphalia, in 1648, the largest Empire in Europe (except for that of the Ottoman Turks). Vestiges of that period are still felt and revived by the glorification of history and serve as the basis for fomenting nationalism, too often directed at the immediate neighbor.

By the late eighteenth century, however, all remnants of independence in that part of the world disappeared under the pressure of surrounding empires, the Russians, Germans, Austrians or Ottomans. Until 1918, after WWI, the region was, in effect, colonized and ruled by foreigners. The end of WWI produced enormous changes on the geopolitical map of that part of Europe. The Austro-Hungarian Empire disappeared, Russia retreated after the October Revolution and the Ottoman Empire was all but pushed out of the European Continent. Poland reemerged as a sovereign State, as well as the Czech one which united with Slovakia, Hungary became independent but

much smaller and Yugoslavia was founded, originally as the Kingdom of Serbs, Croats and Slovenes, consisting of an enlarged Serbia and parts of the former Austro-Hungarian Empire. Albania got its independence a few years before, in 1912, after the first Balkan war.

Between the two World Wars there was a brief interlude of independence. It lasted just over twenty years and is seen today more as a respite, a period of preparation for the continuation of the war. From the point of view of developing and asserting democratic forms of life and government, little to nothing has been done. Foreign rule in all but one or two of these countries has been replaced by autocratic and dictatorial regimes, which suppressed individual freedoms and curtailed human rights at will. The notable exception was Czechoslovakia, which was also the first victim of German Nazi expansion. Several of these countries also had rulers or regimes with strong fascist overtones and were looking at Hitler's Germany and Mussolini's Italy for support and example. So much so, that Hungary, Bulgaria and Romania entered WWII as their allies. Yugoslavia also signed a pact with the Nazi regime in Germany, but the Government was overthrown as a reaction to this and it was immediately occupied and divided between its fascist neighbors. Such a situation certainly did not lend itself to the advancement and development of democratic institutions. On the other hand it strengthened the anti fascist feelings and the often clandestine, because forbidden, social and political movements, particularly among intellectuals and in the labor parties. These were the basis for resistance during the war and acceptance of communist regimes after it.

The Totalitarian Period

As a result of the role played by the Soviet Union in WWII and the advancement of the Red Army at its end all the way to Berlin and Vienna, the whole region has found itself under direct Soviet influence. The notable exceptions were Yugoslavia and Albania, where communist regimes came as the result of an authentic armed resistance to foreign occupation, led by local communist parties. They recognized, however, the leading role of the Soviet Union and modeled their societies on its example. In the others, communist rule was established either immediately with the advancement

of the Red Army, like in Bulgaria, Hungary and Romania, or by political maneuvering, pressure, staged elections and even force, a few years later (Poland, Czechoslovakia).

The socio-political system which was introduced or, rather, imposed in the CEE countries was quite uniform and controlled by Moscow. It allowed for minimal, basically formal differences. The basic characteristic of all these regimes was state ownership of the means of production, the centrally planned and run economy and total domination of one ideology. It was based on Lenin's notion of "dictatorship of the proletariat" and "democratic centralism" which in effect meant that all the power and decision making was concentrated in a very small group at the top of the party hierarchy or, even worse, as was often the case, in one person. No political diversity was allowed nor tolerated, no freedom of expression existed and individual rights were fully subordinated to "collective" ones, which were, in turn, defined by the ruler(s).

The communist regimes adopted new constitutions but these generally imposed responsibilities on their citizens and restricted rather than promoted individual rights and freedoms. All these constitutions expressly recognized the leading role of the communist party and any rights that could be exercised within this framework were subjected to the citizens' obligation to defend and strengthen the socialist system. Collective rights held clear supremacy over individual ones. Even when speaking about the latter, they almost uniformly referred to the right to work, leisure, health, education, equality of women, right to vote and be elected, etc. Other rights, like freedom of speech, assembly, demonstration, expression, press and the like, were guaranteed but under the condition that they are not used to undermine the socio-political system.

The constitutions and other legislation of the period not only ensured centrally planned and run economies but also provided for state ownership of the means of production. In this way, except for the rural population, which in some countries was allowed to own or cultivate small plots, the state was the only employer. Thus, it had an additional lever to control its citizens.

Still, there is no doubt that a certain amount of credibility and popular support for the regimes existed. In most countries, conditions of life, particularly if compared with former times, improved considerably. Also, the lack of democratic traditions and mass manipulation of the public opinion by the media gave the population

the feeling that they were creating a better society. Agrarian reform, expropriation of the former rich aristocracy and exploiting class, the introduction of social and medical insurance, free education, full and secure employment, equal rights of women and the general improvement of their position, were certainly important achievements. However, as a certain level of prosperity was reached the discrepancies between the declared goals and the human conditions were surfacing.

One major event in that period which highlighted the issue of human rights and democratic freedoms and which, to a great extent, laid the foundations to later developments and changes, was the process of the Conference on Security and Cooperation in Europe (CSCE, later to become OSCE) in the early 1970s. After long and arduous negotiations, which lasted two full years, all the countries of Europe, the USA and Canada adopted in Helsinki, on August 1, 1975, the Helsinki Final Act. Basically the negotiations were held between two military-political blocks – NATO and the Warsaw Pact. A number of European countries, not members of these blocks, either neutral (Austria, Finland, Sweden, Switzerland) or non-aligned (Cyprus, Malta, Yugoslavia), also participated and contributed in efforts to bridge the gaps, but the main tone was given by the two sides opposed in the Cold War, which were at the time engaged in developing “détente” and “peaceful coexistence”, as new concepts of mutual and international relations. The negotiations and the Final Act itself were concentrated on three groups of issues or, as they were referred to, baskets: security, economic cooperation and human rights.

The third basket, officially called Cooperation in Humanitarian and Other Fields, was introduced by the Western powers in an effort to undermine the communist East in an area where it was considered vulnerable and subject to pressure. In substance this document, clearly because the USSR and its allies opposed it, does not speak of human rights per se. It does not even use this term but rather speaks of “enrichment of the human personality” and the “solution of humanitarian problems”, “irrespective of their political, economic and social systems” and “in full respect for the principles guiding relations among them”, providing full control to respective governments over the interpretation and implementation of any agreements.

The document speaks in great detail about human contacts, reunification of families, marriage between citizens of different states, improving conditions for travel, tourism, meetings among young people, sports, access to and exchange of information, improvement of working conditions for journalists, co-operation and exchanges in the field of culture, education, science, study of foreign languages and civilizations, which is all aimed at the “strengthening of peace and understanding among peoples”.

Reading it today, after all the changes that have transpired and having in mind the much broader meaning and importance that human rights, individual freedoms and democracy have acquired, it is difficult to understand that this relatively innocuous document became so important, almost a watershed. But it did, because it raised expectations and, more so, because it gave citizens and their groups a legal tool to begin addressing, up to then, forbidden issues.

People in various CEE countries started demanding the fulfillment of provisions contained in these Accords, and groups from abroad gave them support and visibility which became embarrassing for the governments denying those rights. At the same time it can be seen as the valuable vehicle and impetus for the creation of the first authentic non-governmental organizations (NGOs) that were not initiated by the regimes. As greater numbers of prominent individuals got involved it became an international movement which led to the founding of the Helsinki Watch in 1978 with the aim to monitor compliance with the provisions of the Helsinki Accords. Today it has spread its activities to other regions and transformed itself into Human Rights Watch/Helsinki and is playing a very important role in promoting and defending human rights worldwide.

The Revolution

The changes that occurred in CEE countries in 1989-90 can safely be qualified as a revolution, although it was bloodless except in Romania. The wars that erupted in former Yugoslavia are a separate case and they can not be taken as a rule for developments in the region. The end of the cold war, the collapse of communism in Eastern Europe and the subsequent dissolution of the Soviet Union altered the political landscape of the whole continent. These changes had the widest popular support and were

really a grass-root movement first and foremost because they were seen as the dawn of political and economic freedom.

Political pluralism and rule of law seemed an easy goal to achieve and human rights were the rallying cry. Suddenly, from a situation in which the state controlled everything, there came the opportunity for expression of different views and opinions. Multi- party elections were held in all CEE countries, and in spite of the fact that in quite a few of them the communist parties, although radically reformed, modernized and liberalized, stood strong, the former regimes were clearly rejected by the electorate. The path ahead, leading to democracy, seemed a straight and sure line. But it was not. Contradicting tendencies were soon also to appear. Resurgence of nationalism and claims to settle old scores complicated relations of various groups within states as well as between states. Freedom was too often perceived without the responsibility and the obligation to secure the freedom of others. Ideological diversity proved difficult to accept, too often by those who until recently were denied the right of expression.

Because of old cultural and economic ties to the West, which preceded the forty or so years of communist uniformity, the CEE countries looked at their western neighbors as example, but also for assistance. The West on its part certainly supported and welcomed the changes. However, it was preoccupied with its own integration process, with developments and war in the Gulf and the dissolution of the Soviet Union, so it was not ready to cover the cost of the transition to market economy, at least not at the level that it was expected. So the CEE countries were largely left to cope by themselves and gradually discovered that the task ahead is enormous and difficult.

In order to be recognized by, accepted by and becoming an integral part of Europe, which was the main goal of the new democracies, they understood that they had to adopt the rules and standards of behavior that have brought Western Europe political stability and economic progress. So the first order of the day was sweeping legislative and normative changes, beginning with the adoption of new **constitutions**.

In reversing the Communist regimes, the new democracies share a tendency to limit the powers of government, and to distribute its prerogatives among several governmental branches. In this way, these constitutions laid the way for checks and balances and created the foundation for the rule of law. In general, the new

constitutions are based on internationally accepted standards concerning fundamental democratic principles. Furthermore, the new Constitutions go a long way to enumerate those rights that were either most abused or not acknowledged at all during the Communist regimes. This is true particularly of **individual human rights**.

Most constitutions of the region render international human rights standards and legal norms supreme over domestic law. Article 10 of the Constitution of the Czech Republic (1993) provides that "ratified and promulgated international accords on human rights and fundamental freedoms, to which the Czech Republic has committed itself, are immediately binding and superior to law." Similarly, Article 11 of the Romanian Constitution "pledges to fulfill as such and in good faith its obligations as deriving from the treaties its is party to," and makes treaties ratified by Parliament "part of national law." Nearly identical clauses appear in the Hungarian, Slovenian and Bulgarian constitutions as well. This is particularly important for CEE countries since they have in this way incorporated in their legislation not only UN Covenants and OSCE documents, in whose elaboration they took an active part, but also those of the Council of Europe, to which most have since acceded, signed and ratified a huge body of human rights instruments.

With respect to the UN Covenants, all of these countries signed and ratified them before the changes in 1989, so nominally adhering to them, including the International Covenant on Civil and Political Rights. Newly formed states, like the Czech Republic, Slovakia and the former Yugoslav republics, too, have followed a course of succession. One exception is Albania, whose policy at the time was one of non-adherence. Today, however, that policy has been adjusted and Albania adheres to the ICCPR's principles.

These new constitutions specifically provide for freedom of speech, freedom of assembly, freedom of association and freedom of the press. The language used to provide for these freedoms is basically not different than the language used in the former constitutions, but these rights have been elevated to the basic principles within these constitutions and are not subordinated to the political system as was the case before. Consequently, these freedoms have provided for the establishment of numerous NGOs and other interest groups of citizens.

The number of **NGOs**, which were practically nonexistent until 1989, has increased dramatically all over the CEE area. In Romania there are some 12,000 registered, 10,000 of which are outside the capital, Bucharest, an important indication of their spread, both territorially and activities- wise. In Hungary there are even more, about 50,000 are registered and they are very active. Poland has about 45,000 NGOs registered and Slovakia and Slovenia also have impressive numbers that are growing daily. However, the ability of NGOs to attract volunteers is uneven. In circumstances where most people are preoccupied with existential matters it is difficult to find people willing to devote time to other issues. So, most of these organizations are very small and concentrate on local, specific matters. But there are some which have successfully recruited volunteers and are beginning to establish a basis for voluntary work as part of normal social activity.

Another interesting feature is that in most of these countries, the civil society sector is predominantly staffed by women and many deal specifically with women's problems, like home violence and sexual harassment. NGOs working in the field of democracy, citizenship and human rights tend to be a small proportion of the total. The majority of these NGOs are usually cultural or religious organizations or groups concerned with sport or other hobbies, *e.g.*, gardening or needlework. But even these affect political culture by encouraging self-organization and a sense of individual empowerment. Independent trade unions are also a new phenomenon. They are growing in numbers and in membership. Poland, with its tradition of the Solidarity movement, leads in this field.

As a further protection of human rights, seven countries of the region have also established **Ombudsman** or national human rights protection institutions. They are Bosnia and Herzegovina, Croatia, Hungary, the FYR of Macedonia, Poland, Romania and Slovenia. For instance, the Romanian Constitution expressly establishes Ombudsman, who is an "Advocate of the People, " and appointed by the Senate, for a term of office of four years, to defend the citizens' rights and freedoms. The Czech Republic, on the other hand, has rejected legislation establishing an Ombudsman, relying, instead, on other existing instruments for the protection of human rights.

Apart from an expansion of political rights, the most visible changes in the new constitutions are those altering the **economic systems** under the old regimes. The new constitutions do away with the monopoly of the state over the means of production and centrally planned and run economies. For example, the Croatian Constitution expressly provides that "entrepreneurial and market freedom are the basis of the economic system of the Republic." Article 49 of the Croatian Constitution also provides the state ensures all entrepreneurs an equal legal status on the market, and that the rights acquired through the investment of capital may not be lessened by law, nor by any other legal act. Similarly, Article 134 of the Constitution of Romania states that Romania's economy is a free market economy and that the State must secure: a free trade, protection of loyal competition, provision of a favorable framework in order to stimulate and value every factor of production. Likewise, Article 74(1) of the Slovenian Constitution determines that "free enterprise shall be guaranteed." From a legal point of view, dealing in such detail with these issues may not seem necessary, however, legislators obviously have felt a burden to guarantee private ownership, entrepreneurship, and free market economies, which previously had been denied.

The effort to develop democratic institutions and habits was being undertaken against the backdrop of a **deepening economic crisis**, which engulfed the whole region. Figures for production, exports, employment, wages and for most other indicators suddenly and sharply dropped in the early 1990s. The least affected was the Czech Republic, where the GDP fell in comparison to 1989 by 15 %, but the average contraction for the whole region was about 25 % and in some cases, like for instance Croatia, even 45 %. Most countries have since started recovering, but the price of the economic reform and transition to market economy has been such that only Poland and Slovenia have increased the size of their economy above 1989 levels. Slovakia has about evened out. The Czech Republic and Hungary are still slightly below the previous performance. The most recent violent events in the Balkans are certainly going to set back even further the economy of FR Yugoslavia and the neighboring countries, which were anyway the most affected.

The figures for **the unemployed** are even more dramatic since the situation in that sphere directly affects the standard of life and well being of the population. None of the countries has as yet reached employment levels of 1989. The best

off is Poland with about 7 % less employed compared to 1989, followed by the Czech Republic, while the others are all at or above 15 % going up to 25 % for Romania and Croatia and even 30 % for Hungary. While it can be argued that full employment in 1989 was state subsidized and economically unfounded, it certainly provided for social security and a sense of stability which today is lacking.

The economic difficulties that the countries in transition are facing have resulted in serious drawbacks and reversals in the sphere of economic and social rights for the majority of the population. While a small segment has adapted well to the new opportunities offered by private initiative and the opening to the West, the middle class, who formed the majority of the urban population, has practically disappeared. Social services, formerly financed by the state, have seriously deteriorated, particularly affecting health services and childcare. These used to be free and accessible by everybody and have since been mostly privatized and very expensive. Pension funds have depleted and inflation has brought them further down. Pensioners in most countries live below poverty levels.

Compared to the former period, when full employment was the rule and carried with it additional benefits, like subsidized housing, free or cheap vacations, adult education and, most important of all, security, the developments of the last ten years have created serious reversals, provoked disappointments and dissatisfaction.

The first and foremost affected by this situation are **women** and, consequently, children, as well as the elderly. Before 1989 women constituted about half of the labor force in CEE and their level of education was similar and in some professions even higher than that of men. They received equal pay for equal work, with the only discrimination in lesser opportunities for advancement. Still, there were many women in high administrative and government positions, in academia, scientific research, banking and judiciary. The less educated were concentrated in light industries, agriculture, child, social and health care as well as education. These were the first to loose their jobs. Although employment numbers dropped generally, due to traditional sex prejudices and because of the revival of conservative values, women were affected more than men were.

Women's share in the economically inactive population has been steadily growing. Their unpaid work, primarily in households and on family plots, increased substantially as a substitute for formal employment or as a means for mere subsistence. The traditional feminization of the worst paid public services, like childcare, education, health and social work, has further increased.

Furthermore, abuse and trafficking of women, particularly in countries which have gone through or are still involved in conflicts, are taking dramatic proportions and constitute a serious problem which has hardly been addressed yet. Thousands of women, especially Moslem, have been raped in Bosnia since fighting broke out there in April 1992. Observers note that all sides in the conflict have used rape as an instrument of war. Even worse, a 100% rise in domestic violence against women not only by their spouses or partners but also by their male children as a result of war stress, macho and patriarchal characteristics has been reported in former Yugoslavia. Women are also more likely to become the victims of trafficking and involuntary prostitution in times of war and upheaval, often with the complicity of government and military authorities, as the very recent statistics emerging from Kosovo and Albania attest.

The number of women in politics, members of Parliaments and other elected posts, which was relatively high in previous times, has also decreased sharply in the CEE region.

One positive move that has been detected is that women are active in self-organizing at the grass-roots level, help each other and promote their cause. There are many women NGOs and/or NGOs in which women are among the founders and most active members. Among the fields in which they are engaged, one of the most prominent is combating domestic violence. Unfortunately it is also an indication of how widespread violence against women has become and of the fact that other government and social institutions are not addressing the problem in a satisfactory way. There has also been an increase in the number of women entrepreneurs in a number of CEE countries, but these are not receiving the necessary institutional and financial support that would counterbalance the losses in remunerative employment.

Minority rights continue to be an important and often controversial problem in the region. Most countries have important ethnic minorities from neighboring countries. Historically it was often a bone of contention, a reason or excuse for wars, as was recently the case in Former Yugoslavia. Also, the region, has a large Roma concentration, whose rights are not fully recognized or protected everywhere. That is why the new constitutions recognize principles of equality and non-discrimination based on certain immutable characteristics. However, the situation in practice does not always follow the rule of law, and treatment of some minority group remains extremely unfavorable. In Croatia, non-recognition of citizenship and housing discrimination against Serbs remain a major concern. Although the government abolished several war-time housing laws, courts refused to hear cases of Serb plaintiffs trying to reoccupy their property, and courts in Eastern Slavonia issued eviction notices to displaced Serbs occupying Croat houses. A new mixed-ethnicity housing commission established by the “Program on Return”-a government plan to restore property to the pre-war owners-were formed in most municipalities, but as of this writing the government had not issued effective instructions on their operation and few were functioning properly. Despite widespread destruction of Serb-owned property in war-affected areas, a discriminatory reconstruction act prevented all but a handful of Serbs from receiving government reconstruction assistance.

The huge population of ethnic Hungarians living in Romania has been a problem in relations between the two countries, but this has recently been addressed in bilateral negotiations and instruments that have substantially improved the situation. Likewise, the ruling government in Slovakia since its independence was not fully providing the rights of its sizable Hungarian minority. Since the most recent elections and the change of government, this situation has improved and the ruling coalition includes the ethnic Hungarian party. The importance of the recognition and protection of minority rights can best be seen by the recent bloody events in Kosovo, which were the consequence of a systematic denial of the rights of the Albanian minority by the Serbian regime over the last ten years. The Albanian minority in the neighboring Former Yugoslav Republic of Macedonia is also a constant cause of tension, although it has recently subsided, again because the minority has become a party in the new ruling coalition.

Sizable Roma populations live within most of the CEE countries. They have traditionally been the victims of prejudicial discrimination. Recently their plight is being addressed, although the problem persists. For instance, in the Czech Republic, a discriminatory citizenship law remains in effect, and the law enforcement authorities have failed vigorously to investigate and prosecute violations against Roma. An acute example of this discrimination is a wall that was recently erected in a small Czech town to isolate Roma family homes.

Minority language issues remain controversial in the region. Although most of the constitutions provide protection of minority language rights, and a number of CEE countries have signed the European Charter for Regional or Minority Languages, the laws in some countries and particularly its implementation severely limit these rights. The Bulgarian, Croatian, and Romanian Constitutions are the most explicit in this respect. These proscriptions were introduced with the aim to restrict the rights of specific minorities within these countries: Turks in Bulgaria; Serbs in Croatia; and Hungarians in Romania. The Romanian Constitution declares Romanian as the country's official language, allowing local officials to eliminate the teaching of foreign languages in schools in their jurisdiction, which until recently, they did. The Bulgarian Constitution not only restricts language instruction in schools to Bulgarian but implicitly also does not permit ethnically based institutions and organizations to exist. The Constitution of Croatia not only proclaims Croat as the official language, but it also makes the Latin alphabet official, thereby forbidding the Cyrillic, which is used by the Serbs.

Freedom of expression and consequently, freedom of the press, constitute another big change and democratic achievement of the transformations since the fall of communism in CEE countries. As opposed to former times, when the party controlled every printed word, the right "of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds, or other means of communication in public are inviolable." (Constitution of Romania, Article 30) The same article prohibits any censorship, but it also states, "indictable offenses of the press shall be established by law". The following article declares that "Public radio and television services shall be autonomous." In similar terms, although in less detail, is freedom of the press and information treated in constitutions of other countries: Bulgaria, articles 39 to 40,

Hungary, article 61, which also prescribes a two thirds majority to pass laws on supervision of public media, appointments of directors thereof and on the prevention of monopolies in the media sector. The constitution of the FYR of Macedonia in article 16 guarantees freedom of public expression and also prohibits censorship. The constitution of Slovenia, in article 39, also provides for freedom of the press and other forms of public communication and expression. It goes on to say that “Except in such circumstances as are laid down by statute, each person shall have the right to obtain information of a public nature, provided he can show sufficient legal interest as determined by statute”, which can clearly limit access of individuals or groups of citizens to information deemed delicate or embarrassing. Many other countries faced similar problems, particularly how to deal with police files from previous regimes, which often discredited quite a number of current members of Parliament and other high ranking politicians and/or government officials.

Beyond any doubt, **freedom of the press** has been widely exercised in most CEE countries and has to a great extent contributed to furthering diversity of opinion, public control and openness of government. A great number of newspapers, radio stations and even independent TV channels have sprung up. It has to be said though that a number of these media outlets are not adhering to standards of responsible behavior, are very sensationalist or purely commercialized. Printed press has also become expensive for the average reader in a generally impoverished population, so that their circulation has as a rule diminished. Also, electronic media, although proclaimed public, are still, more often than not, Government-controlled by the mere fact that the party with parliamentary majority imposes members of the board, directors and financial resources.

In some parts of the region, practices and alternative legislation have circumvented the freedom of speech, media and information as provided for in the new constitutions. In Romania and Bulgaria Penal Codes criminalizing defamation are used to prosecute independent journalists. In Croatia, too, the Criminal Code has been amended so that when the President or certain other public figures were “slandered” the State Prosecutor is obliged to initiate criminal charges, with a possible custodial sentence. The independent media continue to face state-sanctioned harassment in the forms of revoked licenses, temporary security measures, monopoly of distribution networks. The ruling

parties in Croatia and the FR of Yugoslavia control the main, particularly countrywide, electronic media. In Albania, on the other hand, 1999 saw a proliferation of private radio and television stations, which were never allowed under the previous, also post-communist government. Still, there are reports of journalists being beaten, a bomb being planted in a journalist's home and electricity and telephone lines being cut at media centers. The worst situation, however, is in Serbia, where a strict censorship law was imposed during the recent NATO bombing operation, a prominent editor of an independent weekly was assassinated in broad daylight by two masked men and government media, including TV, disseminates hatred. In the Serbian part of Bosnia, the Republika Srpska, the car of the editor of the only independent newspaper was very recently booby-trapped and the man lost both legs.

Freedom of Religion is addressed and guaranteed by all the new constitutions in CEE. As much as religion has been oppressed under the communists, more so in deed than by law, in present times the legislation provides prominently for the freedom of beliefs and for its practice. However, variations on separation of church and state, which, as a rule, appears in all the constitutions, is visible both in legal terms and in some cases even in practice. For example, the Romanian Constitution of 1991 in Article 29 provides that "all forms of religion shall be free and organized in accordance with their own statutes, under the terms laid down by law." Nationalistic tendencies, by recognizing one religion over another, are apparent in some cases and have a direct effect on religious minorities living within those states. The Bulgarian Constitution is one such example. Article 13 provides that "the practicing of any religion is free" and that the religious institutions shall be separate from the state, but conspicuously provides in the same article that "Eastern Orthodox Christianity is considered the traditional religion in the Republic of Bulgaria." The constitution of the FYR of Macedonia in Article 19 says that "The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and..." This might indicate that the Macedonian Church has priority above other religions, but it could also be the consequence of the fact that Serbian and Bulgarian Orthodox Churches do not recognize the Macedonian one as autocephalous. The relevant Bulgarian Article also says: "religious beliefs shall not be used for political ends." As if an afterthought, in Article 37, the same constitution

declares that the “choice of religion and of religious or atheistic views are inviolable.” With a more or less direct choice of words the constitutions of some other countries also recognize the right of non-believers – the Hungarian Constitution in Article 60: “free choice or acceptance of a religion or belief”; the Constitution of Slovenia in Article 41: “No person shall be compelled to admit his religious or other beliefs”; the Croatian Constitution in Article 40: “... free public profession of religion and other convictions are guaranteed.” The Constitution of Albania states in Article 7 that “Albania is a secular state”, which “observes freedom of religious beliefs and creates conditions to exercise it”, which appears to be a little more restrictive or, at least, reserved towards the church. Croatia’s constitution in article 41 states that “All religious communities are equal before the law and separate from the state.” However, the concordat it has since signed with the Vatican clearly gives primacy to the Roman Catholic Church and derogates the other religions to an unequal status towards the state. This particularly affects the Serb minority which, being Orthodox, is in this way additionally discriminated against. One case in point is that since the concordat, Catholicism is being taught in public schools, which leaves out children of other beliefs or forces them to join in a confessional class to which they do not belong. The pressure is, of course greater on parents and, again, the main targeted group is the Serbs.

The main religions in CEE are Roman Catholic and Greek (Eastern) Orthodox. There are also pockets of Protestant faith, mostly in the Czech Republic and Hungary. All of these are, of course, Christian. Moslems are a minority, except in Albania and among the Albanian population in Kosovo and the FYR of Macedonia. Another important group of Moslems is in Bosnia. They are Slavs who speak the same language as their Serb and Croat neighbors with whom they lived intermixed until the war of 1992-95. The Turkish minority in Bulgaria is also predominantly Moslem. After the systematic oppression of religion and the church under communism its role sprung back prominently since the changes in 1989, particularly in countries like Poland, where it was an important bulwark against totalitarianism and served as a substitute for the independent institutions of free society. In some parts of the area, like the Czech Republic, Slovakia, Hungary, Slovenia and Croatia, the process of secularization had begun well before the coming of the communist system. After the political changes the

churches started to reassert themselves, trying to regain their own position in the society more than acting for genuine renewal. As such, they were often promoting conservative positions and supporting nationalist and anti-modernizing forces. In former Yugoslavia and elsewhere, religion has been an element of division, rather than conciliation, and the churches have, to say the least, not done enough to oppose this trend.

Besides internal, national efforts and institutions within CEE countries, wider **European organizations** and mechanisms have played an important role in encouraging, assisting, developing and even imposing standards of behavior and respect for human rights. Among such inter-governmental bodies the most influential are the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union (EU). A big role was also played by the United Nations, its various bodies and Programs, by the international financial institutions, and by the North Atlantic Treaty Organization (NATO). From the field of Non Governmental Organizations, assisting and/or monitoring the transition to democracy in CEE, a particular contribution in their specific way was made by the Soros Foundation, by Human Rights Watch/Helsinki and by Amnesty International.

Jointly with the UN mechanisms, the Council of Europe and the EU, the **OSCE** has been involved in encouraging democratic processes in the CEE countries. Among the European organizations it was the first one to get involved in these issues. Its unique role actually derives from the fact that this organization was at the origins of the whole change of the political climate in the European continent. In the mid 1970s, the CSCE triggered the process which eventually created an enabling environment for the exercise of political freedoms in the countries of the communist bloc that ultimately led to its dismantling. Today OSCE is a 55-nation organization, comprising all the states of Europe, those of the former Soviet Union, the USA and Canada, so its outreach, influence as well as its fields of activity have significantly increased and widened.

After the Helsinki summit meeting in 1975, whose Final Act introduced the human dimension agenda in European inter-governmental relations, a ministerial conference devoted exclusively to human rights was held in Copenhagen in 1990. It was particularly important because it coincided with deep social and political changes in most of the CEE countries as well as in the USSR, so that issues which so far were considered

as purely internal and not subject to international scrutiny, were discussed openly and important decisions and commitments were undertaken. The Copenhagen Document established that the protection and promotion of human rights is one of the basic purposes of government and broadened the scope of human dimension to include election commitments by participating states. It also outlined a number of human rights and fundamental freedoms that never before were formally accepted in the given context, i.e., the right to peaceful assembly and demonstration, and the right to enjoy one's property. By making all these commitments morally and politically binding, the Copenhagen Document enabled that governments could be held accountable if not abiding to them.

Another important step in the institutionalization and strengthening of OSCE's role in the defense and promotion of political pluralism and good governance was the Paris summit Conference in November of the same year. The title of the document adopted, "A new era of Democracy, Peace and Unity", is indicative of its scope. This Charter of Paris for a New Europe codified the decisions reached in Copenhagen, it proclaimed human rights, democracy and the rule of law as the foundations of every European state, and their protection and promotion as the first responsibility of governments. It further declared economic liberty, social justice and political pluralism as integral parts of human and individual rights. The Paris Conference not only proclaimed, but really introduced a new quality in the political dialogue and co-operation in Europe. It also established organizational structures, which gave the OSCE necessary potential and secured the continuity of its activities. A Secretariat was created in Prague, a Conflict Prevention Center in Vienna and an Office for Free Elections in Warsaw. The Summit declared that "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government". It further enumerated certain principles as criteria for a fair electoral process and decided to invite observers from any other OSCE participating States and "any other appropriate private institution" to observe the course of their election proceedings, both at national and lower levels. The presence of observers, both foreign and domestic, has since become an important practice during elections in CEE countries, has contributed to a great extent to enhance democratic electoral proceedings and has given in many cases legitimacy and credibility to election results. Maybe even more

importantly, it gave confidence to the voters to freely exercise their rights of choice, without fear of prosecution, which was not the case in former times.

Dramatic events in the area, first of all the wars and bloody break up of former Yugoslavia and the disintegration of the Soviet Union forced the participating states to redefine the role of the OSCE in the field of human rights. New issues were addressed, such as aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, rights of minorities, migration, the plight of Roma population, the role of media and gender issues. Since then OSCE has developed three major institutions to assist with and monitor the implementation of human dimension commitments: the Office for Democratic Institutions and Human rights (ODIHR), which was first established in 1990 as the Office for Free Elections; the High commissioner on National Minorities in 1992; and the Representative on Freedom of the Media in 1998.

ODIHR remains the focal point in promoting democratic elections and monitoring the election processes, but its mandate has been enlarged to provide technical assistance in strengthening democratic institutions, civil society and the rule of law. It gathers information on the implementation of human dimension commitments by participating States and advises the Chairman in Office and other OSCE bodies on these issues. As such it is the main bulwark against infringement by States into the rights of citizens and has played an important role in correcting or, at least, exposing many wrongs in practically all of the CEE countries.

Through its Office of High Commissioner on National Minorities, OSCE has been systematically working with governments and minorities on solutions to ethnic tension. It has been addressing various issues, such as the right of minorities to use their own language, to control aspects of their children's education or to have a voice in government. The High Commissioner has been involved in many CEE states, including Albania, Croatia, Hungary, Slovakia and Romania, working out details of pending legislation and bureaucratic reform. For example, the case of university education in the minority language has been a major issue for ethnic Hungarians in Romania and ethnic Albanians in the FYR of Macedonia. In this regard the High Commissioner has devised a proposal for a new university aimed at addressing minority rights while respecting the use of the state language at the main public university. He has also been working on

building consensus over these issues among the political groups in the countries concerned and between them. At the request of the OSCE states, the High Commissioner made a special OSCE-wide study of the situation of the Roma and Sinti in 1993, which highlighted the various ways these groups are discriminated against in the CEE countries also.

The Representative on Freedom of the Media is the last such institution established by the OSCE. Its mere existence is a clear indication of shortcomings in this field. In the CEE area the Representative has focused primarily on the Balkans, where the problems are the greatest. In Romania he has been promoting an increased dialogue between media, government and parliament and has put forth proposals to enhance this kind of co-operation. He also encouraged Romania to ameliorate long-standing provisions in the Criminal Code, which threaten journalists with imprisonment for exercising their right to freedom of expression. A great number of issues concerning freedom of the media were addressed in Croatia. For instance, in February 1999 the Representative stressed the need for the authorities to re-consider the Law on Croatian Radio and TV (the HRT), which did not take into consideration some earlier suggestions made by the Council of Europe (this is also an example of co-operation between the European organizations) and by the OCSE Mission. Another problem which was raised regarded broadcasting of HRT into Bosnia and Herzegovina. Croatian authorities were criticized for trying to influence the political landscape of a neighboring sovereign state and favoring one specific political party in B&H (not by coincidence, it was the same party as the one ruling in Croatia). The Representative also raised in a meeting with the Croatian Prime Minister the issue of numerous defamation suits filed by government and ruling party officials against journalists in Croatia. Many of these problems have not been solved, but it is important that they remain on the agenda and so exert pressure for change.

Important improvements have also been made in the OSCE's decision-making procedures. Initially it has been conceived as a consensus-based organization. However, because of aggravated inter-ethnic conflicts, particularly in former Yugoslavia, no decisions were possible to make on that basis and the Ministerial Council agreed in January 1992 that action could be taken without the consent of the state concerned

(consensus minus one principle). Another exception is the “consensus minus two” rule which allows to address problem between two states in dispute, regardless whether they object to the decision. Still, decision-making is a very slow and arduous process, which too often paralyses the Organization or makes it ineffective. Another weakness of the OSCE is that its decisions are not legally, but only politically binding on the participating states, due to the fact that it is not based on an international treaty, but on political commitment of the states. OSCE is also not funded adequately for its many and varied activities. So it is often consigned to marginal roles compared to other multinational European actors, like the EU and NATO, on whose support its efficiency heavily depends. Despite of that, governments know that if they do not take into consideration OSCE’s advice, adverse consequences may follow from the part of more influential organizations, so that the OSCE remains a useful instrument to promote civil society, democracy and human rights. For example, when Slovakia’s former prime minister ignored OSCE’s concerns and its urging to act regarding the plight of ethnic Hungarians, the country was isolated, financial assistance and foreign investment dried out, the EU warned that talks on accession could not even begin, all of which contributed to a change of mind among Slovak voters and a coalition which includes the ethnic Hungarian party, gained the majority and formed a new government.

Another important European organization, whose role has been instrumental in shaping the new democracies, is the **Council of Europe**. The Council is the oldest European intergovernmental organization. It was established by 10 countries in 1949 and it has gradually grown, but until 1989 it remained a Western European institution and its political role was fairly modest. One of its main aims, as described in the Statute already in 1949, is “the maintenance and further realization of human rights and fundamental freedoms.” (Article 1b), and every member must accept the principles of the rule of law, democracy and of enjoyment by all persons within its jurisdiction of these rights, “and collaborate sincerely and effectively in the realization of the aim of the Council” (Article 3). The Council’s most important function is to develop the normative base, to set up standards of conduct, and then, to carefully monitor the compliance to these standards by individual states. Over 170 conventions of the Council are instrumental in achieving these goals. Once signed and ratified, compliance with these

conventions becomes obligatory for the national legislatures. The most important of them are: the European Convention on Human Rights and Fundamental Freedoms, the European Social Charter, the European Charter for Regional and Minority Languages, the Framework Convention for the Protection of Minorities.

Immediately after the fall of the Berlin Wall the CEE countries turned their regards toward the West with an aspiration to join the community of democratic nations and the Council of Europe was the most attractive intergovernmental institution of the continent. The Council, on its part, started to open its gates rather carefully. In 1989 the Council's Parliamentary Assembly established a selective special guest status for the national assemblies of countries willing to apply the Helsinki Final Act and the UN Covenant on Human Rights. The Status was immediately granted to the assemblies of Hungary, Poland, USSR and Yugoslavia. Since then 10 of the 12 CEE countries became full members. The first was Hungary in 1990, followed by Poland in 1991. Most of the others became members in 1992 and 93, Albania and the FYR of Macedonia in 1995 and Croatia the last one in 1996. The FR of Yugoslavia's application is suspended (although it was among the first to get special guest status earlier) and Bosnia and Herzegovina's application is currently under consideration.

The Council of Europe established a commission to monitor the fulfillment of obligations by member states. At the same time, this commission is also an instrument of stimulation and assistance to the new and aspiring members. Co-operation and Assistance Programmes were initiated as early as 1989 with the major goal to facilitate the aims of the organization in CEE. The key programmes are Demosthenes, for institution building and training of national policy makers, Themis, whose task is training the chain of justice, and LODE, for the development of grass-root democracy and local officials. The central themes of these programmes are human rights protection with a view to harmonizing national legislation with the European standards, legal co-operation to develop institutions and practices based on the rule of law, protection of independence and pluralism of the media, development of civil society and consolidation of NGOs, local government in order to develop grass-root democracy, education centered on civic and human rights.

Facing the growth of women's right abuses, discrimination and violence against women, the Council also took certain steps to influence specific countries and their human rights policies towards women. Some sources, for instance Human Rights Watch, consider that not enough has been done in this field.

The Council of Europe has recognized the importance and influence of NGOs already in 1952, when it gave NGOs the opportunity to acquire consultative status. The rules and practices of this co-operation have been developed over the years. In 1986 a Convention on the Recognition of the Legal Personality of International NGOs was adopted with the purpose of facilitating the activities of NGOs at an international level. In order to be eligible for consultative status, NGOs have to function in at least two states. Today more than 380 NGOs hold this status. However, the Council of Europe does not allocate grants to non-governmental organizations or individuals.

To handle the ever increasing need for information to and from the organization, the Council has established Information and Documentation Centers in eight CEE capitals: Bratislava, Bucharest, Budapest, Ljubljana, Prague, Skopje, Sofia and Warsaw.

The Council of Europe carries out concrete activities in CEE countries. For example, Croatia was assisted in the preparation for the accession and fulfillment of its obligations. A working group was established in cooperation with the Ministry of Foreign Affairs to examine the compatibility of domestic law with the requirements of the European Convention on Human Rights. Expertise and advice has been given on new and draft legislation, in particular the draft law on public information and on education for minority communities. Numerous training seminars on the Convention on Human Rights, its Protocols and case law were organized for judges, lawyers, public officials, NGO representatives and students. A high priority was given to local government. The Council cooperated with the UN administration in the reintegration of Eastern Slavonia, particularly in the field of protection of human rights of its Serbian population, education and culture. Minority issues were also addressed through a number of initiatives, like teacher training for minority population, human rights education and human rights in the school. Croatia was admitted to the Council of Europe under a number of conditions, among which the most important were reform of its electoral legislation, co-operation

with the International War Crimes Tribunal in the Hague and the return of refugees, both Serbians to Croatia and Croat ones to Bosnia, all issues on which Croatian authorities have not been forthcoming so far. A new controversy in the relations between Croatia and the Council is a recent report on extremist parties in Europe, prepared on the demand of the Council. The report, in its addendum, includes three political parties from Croatia in this group, among them the ruling one, the Croatian Democratic Union (HDZ) and two minor ones which are closely associated to HDZ. Marginal parties from Hungary and Poland are also named in the same report.

The work of the Council in the Czech Republic has been gradually slowing down by the late 1990s, as the country made steady progress towards compliance with the Council's norms. Still, various workshops and seminars have been conducted in the last two to three years, on religious freedom, small religious groups and churches, and study visits organized for legal specialists to familiarize themselves with current practice in other countries. Fight against corruption and organized crime are also on the agenda. Legislative expertise on a draft law on broadcasting was provided in 1999. The situation of the Roma minority was addressed through seminars organized with the Interministerial commission of the Romany community. In 1997 the Council decided to close the monitoring procedure concerning the fulfillment of the Czech Republic's obligations and commitments.

In Romania the focus of activities was on the dissemination of information about European standards and practice, especially in the civil, criminal and public law areas; the reform of the judiciary system and the reinforcement of the rule of law institutions; in media professional education; and in measures to promote better understanding among different ethnic communities and the fight against racism and intolerance. In May 1999, in recognition of some legislative proposals in the Penal Code and Procedure concerning homosexuals and defamation of public officials, the Parliamentary Assembly of the Council decided to end the procedure for further monitoring Romania's compliance on these issues.

The amount and field of activities in individual countries are the best indication of the level in which they have respectively been able (and willing) to adjust

national legislation and practices to the Council's standards. It is worth noting here that Poland has ratified the greatest number of conventions among the CEE countries.

One of the main shortcomings of the Council's activities is that its programs operate on the basis of proposals presented by beneficiary governments, who in this way define or, at least, influence the agenda. It seems that having more countries as members was more important than conditioning their admission with substantive previous changes. Another weakness is the slow pace of deliberations and decision making. The strength of the Council of Europe is first of all in its close co-operation with the European Union, for which it is considered as almost an antechamber.

Among the European institutions the **European Union** has the most impact and influence on development of democracy and promotion of human rights on CEE countries. It exerts its influence both directly, through financial programs and advisory assistance as well as indirectly, by opening the prospects for membership, which is the biggest incentive for most of the CEE countries and a goal their governments wish to achieve. From the beginning the EU started supporting the process of economic and political changes in CEE through aid programs. Financial assistance is provided through the Phare program, which was first established in 1989 to support the process of support for reform in Poland and Hungary. It has since developed and expanded both geographically and conceptually. Today it covers all of CEE except FR of Yugoslavia, which is under UN sanctions and Croatia, where Phare activities were suspended because it did not meet necessary conditions and commitments, although it remains eligible. A distinction in Phare activities is also drawn between those in countries that applied for membership and the others, *i.e.* Albania and those from former Yugoslavia (except Slovenia), which have not applied to join the Union and whose programs do not, therefore, focus on accession.

In 1993 the EU adopted criteria for countries seeking to accede to the Union. It is indicative and important that political criteria were enumerated before the economic ones, and they are: "the achievements of stable institutions guaranteeing democracy, the rule of law, human rights, and respect of and protection of minorities." These criteria are a reflection and a consequence of the EU's constitutional principle that "The Union is founded on the principles of liberty, democracy, respect for human rights

and fundamental freedoms and the rule of law.” It is therefore understandable that the EU requires the same standard of behavior and legislative institutionalization from countries desiring to adhere, as it has enshrined for its members. The Phare democracy program today is focused on eight areas: Parliamentary practice and procedure; Transparency of public administration and public management; Development of NGOs and representative structures; Independent, pluralistic and responsible media; Awareness building and civic education; Promoting and monitoring human rights; Civilian monitoring of security structures; and Minority rights, equal opportunities and non-discrimination.

Accession negotiations were formally opened on 31 March 1998 with, from among CEE countries, the Czech Republic, Hungary, Poland and Slovenia. Since then the Executive Commission of the EU has proposed to start negotiations with three more CEE countries: Bulgaria, Romania and Slovakia. It is expected that at least some from the first group would become members by 2003.

The EU is endeavoring, by way of these negotiations, to build and improve both formal democracy, i.e. procedures and institutions as necessary preconditions for, but also substantive democracy, which is about empowerment of citizens, the degree to which they are able to participate in political life and influence the conditions in which they live. According to the EU assessment, the four countries with which negotiations are already underway, as well as the three other candidates for accession, have more or less attained formal democracy. It is weakest in Romania and Slovakia, although there have been dramatic improvements in both since the last elections and a change of government in them.

All the CEE candidate countries have continued to deepen and improve the functioning of their pluralistic, democratic systems of government. A common challenge for all of them is still the strengthening of the judiciary. Efforts have been made however to train judges, fill vacancies and launch a process of reforms aimed at improving the handling of cases. Corruption is another widespread problem. It is exacerbated by low salaries in the public sector and extensive bureaucratic control in the economy, which easily engender corrupt behavior. Anti-corruption programs have been launched in most countries, but so far they are having limited results. In Romania the

situation of over 100,000 children in institutionalized care has been deteriorating, which is both a health and human rights issue.

As far as the situation in the media is concerned, the EU considers that, while most CEE candidate countries have a robust and lively media, the independence of radio and television is fragile. It is urging sustained efforts to foster independence of electronic media and to ensure that their respective boards are staffed with representatives from a broad political spectrum.

On minorities, many of the weaknesses identified earlier have been addressed. However, minority problems persist in nearly all the CEE candidate countries except Poland. Sexual minorities are discriminated against in some countries, particularly Romania.

The main problem in most is the lack of an active human rights policy and a still underdeveloped civil society. There is a tendency by governments to centralize power. Local governments are strong and active in Poland and Hungary. Local autonomy has greatly increased in Romania since the last elections. The main problems have to do with inadequate local finance and, in some cases, the existence of non-elected tiers of government between the local and national levels, which restrict local autonomy.

Poland had the highest share of the Phare programs; 18% of the total budget went to Poland. The Czech Republic, Romania, Hungary and Bulgaria each received 11 – 13%. In Slovakia 5% was spent on projects, while Albania and Slovenia had a share of 4 – 6% each. (The balance went to Baltic countries, which are also Phare recipients, but not included in this study.)

Among the most notable organizations in the NGO international movement in the CEE region is the **Soros foundation network**. Its decentralized network includes Open Society Institutes (OSI), autonomous, nonprofit associations founded by the well-known philanthropist George Soros to promote the development of open society in these countries. The OSIs began in the region and appear almost exclusively in the previously communist countries of CEE and the former Soviet Union. Most of these Open Society Institutes were established after the revolution in 1991 and 1992. Hungary has the longest history; its foundation was installed in 1984. When they were originally founded, these institutes were considered by most governments as almost

subversive organizations and received resistance. As democracy developed, the Soros foundations became gradually in many CEE countries, like in Hungary today, partners to the government, which, unfortunately, is not the case everywhere.

In light of the diversity of social, political, and economic circumstances in the CEE countries, the programs vary greatly from one foundation to another. Yet all of the foundations' work share one common mission: to support the development of open society, that is a society characterized by the rule of law; respect for human rights; the division of power; and a market economy.

In support of this goal, an important part of the group's attention has always been the promotion of cooperation between CEE countries and support in facilitating the European integration processes. The foundations continue to stress the rediscovery of Central and Eastern European identity. While recognizing that these nations are not necessarily aware of each other's culture, it focuses on their common destinies and shared concerns.

In 1997, the Soros foundations in the CEE spend upwards of \$420 million in support of its mission. In Bulgaria alone, more than 60 NGOS received grants from the Soros group with the objective of addressing issues of national and regional importance. Since the founding of the Open Society Institute in Croatia in 1992, more than \$30 million has been contributed for more than 20,000 grants to support activities including humanitarian aid, educational programs, other NGOs, and media and cultural projects. The success of attracting matching funds at the Open Society Fund-Bosnia and Herzegovina indicates that programs there are being correctly targeted.

The Soros Open Society Foundations have also guided lawmakers in Central and Eastern Europe. Strengthening reform efforts in law and public administration remains a priority for OSF-Romania. The Bulgarian Society focuses on bringing domestic media law into harmony with modern European standards and developing the independence of the functionary judiciary. In the Czech Republic, fostering local democracy on the grass-roots level tops the community development plan's agenda.

In the FYR of Macedonia, the Soros group introduced innovations in education in order to prepare particular younger generations for acclimatization to a

market-driven economy. The Soros group has supported the private Classic Grammar School in Zagreb and developed a new approach to teaching and education. In Prague, a new minority education program for adult Roma was launched in 1997 with the goal of passing it over to the Ministry of Education to be included as a program within the Czech Republic's own educational system.

The Soros group's important effort and achievement in education is its Central European University based in Budapest with a campus in Warsaw. Over 600 students from more than 35 countries are enrolled in one of the nine master's degree programs including: economics, history, international business law, comparative constitutional law, medieval studies, political science, sociology, environmental sciences and policy, and international relations and European studies, or any one of CEU's interdisciplinary or doctoral programs.

Traditional areas of programming also include strengthening women's position in society and the economy and fostering young children's development. Likewise, donations to children's hospitals and health centers are made throughout the region. In Macedonia, where drug use amongst the young population is a serious problem, the local foundation has funded outreach programs to students, conferences for national health professionals and harm reduction programs at local clinics. Donations to the arts and culture also garner a large portion of the foundations' expenditures.

Freedom of the media remains a persistent concern for the OSIs around the region, which, in turn, makes it an area of considerable attention. OSI-Slovenia assists a media community that it considers to be caught between complete commercialization on the one hand, and reporting only pro-government viewpoints on the other. The foundation's support for an independent media in Croatia has helped strengthen the determination of journalists to expose autocratic abuses of power in business and government. In Bosnia and Herzegovina, the foundation developed a partnership with the British Broadcasting Corporation to support students graduating from journalism school, to assist the independent media, and to make a number of television programs available to all the TV stations in the country.

Overall the foundation has enjoyed successes and suffered setbacks throughout the region. Croatia remains one country where the foundation says it still has

a long road ahead of it. The Open Society Institute in Croatia considers one of the surest signs of its effectiveness to be the continued campaign against the foundation by the government, in the form of attacks in the state-controlled media and the "bogus, politically motivated criminal convictions of the foundation staff." These attacks have a direct impact on the organization's comprehension of its mission. According to its 1998 annual report, the foundation's directors and staff have developed a new sense of awareness: "it is not sufficient simply to pursue a programmatic agenda, hoping such activities will eventually produce an open society. It is also necessary to realize that what remains of a closed society in Croatia must be challenged at every turn." In Romania, the Director of OSF-Bucharest reported that the "society is becoming impatient with the slow pace and unevenness of reform, with inefficiency in government, and with intolerable levels of corruption."

According to the Open Society Institute President Aryeh Neier, the Soros Foundation Network as it is now constituted will come to an end in the year 2010. The reason advanced is that in spite of all the problems that they are still facing, some CEE countries have developed politically and economically in ways that make them more akin to European Union than to other parts of what was the Soviet Empire.

Human Rights Watch, founded as "Helsinki Watch" in 1978 to support the citizens' groups that formed in the CEE to monitor their governments' compliance with the Helsinki Accords, is another important international NGO operating in the region.

Originally, its staff met secretly with daring, local dissidents in the region compiling reports of human rights violations and derogation's from the Accords and publicized the abuses around the world. HRW today is the largest U.S.-based international human rights monitoring and advocacy group. It continues its in-depth documentation of human rights abuses, pointed and critical reporting, high profile campaigns, and challenges against human rights policies of governments around the world. Its incisive criticism is often called upon by states acting alone or in concert with intergovernmental organizations, and used as a tool to embarrass a government before its own citizens and the international community.

In effect, this group acts like a “watch dog” of human rights in the CEE. Compared with the repressive conditions under which HRW first began its monitoring over twenty years ago, the freedoms it enjoys there today are remarkable. However, abuses persist and harassment of monitors continues.

HRW’s publication on the human rights developments in Croatia, for example, criticize the government’s treatment of Serb minorities, imposition of sanctions on the media, failure in its domestic war crimes trial to meet international standards. Freedom of assembly in Croatia has not yet fully developed as illustrated by the numerous demonstrations squashed by government officers acting in contravention of the Croatian Constitution.

Although it acknowledged that the Czech government maintains a “generally acceptable level of rights protection,” HRW continues to embarrass the Czech government for its treatment of its Roma minority. Moreover, HRW reported that unknown individuals broke into the offices of the Czech Helsinki Committee, searched files and damaged the office in December 1997. The local police did open an investigation of the incident, but as of March 1999, no one has been charged.

In its 1998 report on Romania, HRW seemed hopeful about then newly elected President’s electoral promise to make human rights a priority for his administration. Since then, HRW has denounced the administration’s discrimination of ethnic and sexual minorities. The government’s prosecution of critical journalists and nearly complete impunity for police brutality also received considerable attention. On the other hand, HRW did applaud the Romanian parliament for adopting a law, which defines and punishes sexual harassment in the workplace and prohibits discrimination against married or pregnant women in employment.

Changes of government in Hungary also effected their human rights record. Today, HWR generally perceives that an acceptable level of human rights protection has been achieved. The present government recognizes its responsibility for the continued discrimination and regular police brutality against Roma undermining Hungary’s improvement in securing human rights in the post-communist period. Furthermore, HRW reported that although human rights monitoring was generally

unimpeded, some human rights organizations reported attempted intimidation and harassment by the police.

Amnesty International, another prominent NGO in CEE, relies on worldwide campaigning movement as a means to promote human rights. Established in 1961, it was founded on the principle that people have fundamental rights that transcend national, cultural, religious, and ideological boundaries. AI has a precise and very specific mandate focusing primarily on extrajudicial executions, disappearances, torture and ill-treatment, prisoners of conscience, unfair trials, detention without charge or trial, the death penalty, and human rights abuses by armed opposition groups. AI activities include public demonstrations, letter-writing, human rights education, and fundraising concerts. Like other monitoring groups, AI also publishes annual reports revealing human rights abuses in CEE countries.

Its reports on Croatia highlight that in 1997 there were deliberate and arbitrary killings of elderly Croatian Serbs in the Krajina. (Two years after Croatian forces retook the region from the Serbs) The authorities obstructed the return of Serb refugees, ill-treated and forcibly returned Bosnian Moslems to Bosnia in spite of the fact that it was known that they faced certain danger. The following two years attacks on Croatian Serbs, particularly in the Krajina territory, continued with impunity, and hundreds of houses of Croatian Serbs were deliberately destroyed to prevent their return. Police ill-treated human rights defenders and refugees or failed to protect them from ill-treatment. Political imprisonment continues and trial procedures are unfair. Thousands ethnic and/or political “disappearances” remain unresolved.

Concerning the Czech Republic, AI’s 1999 Annual Reports says that there is still ill-treatment by police officers. From Romania, AI reports small numbers of prisoners of conscience, torture and ill-treatment which resulted in at least two deaths, human rights violations against the Roma, and police shootings in disputed circumstances.

Soros, HRW, and AI, acting under different but mutually supportive mandates, have contributed to the human rights agenda, the strengthening of the civil society and the NGO movement, through their own efforts and by producing useful tools

for states and intergovernmental organizations as leverage in calling for changes and even exerting pressure when necessary.

Conclusions

Taking into account all the problems and difficulties and in spite of all the setbacks and reversals, one can safely say that the achievements of the past 10 years in the CEE countries are far greater. Progress towards democracy and market economy, which to a great extent go hand in hand and support each other is today well on its way and seems irreversible. The biggest, fundamental change has been made in the assertion of human rights and individual freedoms. Whether it was a revolution or a restoration, as some would argue, it has enabled citizens to be part of and to influence government, to freely express their opinions, to get access to information and to exercise private initiative.

The fundamental transformation of the political system in CEE countries, as well as following shortly in its wake, in the Soviet Union, also marked the end of the Cold war, which started in the 1940s over these same countries. It ended the global confrontation and rivalry between two superpowers, two military-political blocks and two ideologies, which affected many, if not all, other regions of the world. In fact, it would be difficult to find today any part of the world which was untouched by the end of the Cold War and, what is even more important, where the consequences have basically not been for the better. In that sense what happened in 1989 in Central and Eastern Europe had historic and global repercussions.

In stark contrast to these developments stand today a few countries from the same area, the Balkan countries that emerged from former Yugoslavia (with the distinct exception of Slovenia) and Albania. But, as the communist system was not imposed on them from the outside, so the destruction that occurred in them had likewise its own internal reasons and dynamics. The connection with developments in other CEE countries is more coincidental than substantive. Had not the threat from the East subsided and with it the interest of the West in Yugoslavia's independent position also waned, it would probably not have been left to itself and its bloody wars of dismemberment. Be it

as it may, because of these events there are today two distinctly different groups of countries in CEE.

In the south, in the Federal Republic of Yugoslavia, consisting of Serbia and Montenegro, in Bosnia and Herzegovina, Albania, Croatia and in the Former Yugoslav Republic of Macedonia, democracy either does not exist or it still has a long way to develop and take roots. Autocratic governments are a rule in these countries, human rights and rights of minorities in particular are trampled upon, refugees and internally displaced persons are prevented from returning to their original places of residence and from taking possession of their property, elections are rigged and ethnically pure states are still the goal of the ruling regimes. Foreign military presence, NATO troops in Bosnia and Kosovo, UN administration in the latter are even today needed to prevent more bloodshed and are the only hope for tomorrow. The future of this area is still uncertain and foggy. It requires a lot of attention and assistance now and it will, even more, once things start moving in the right direction. New eruptions of instability and conflicts are not excluded. There are serious questions whether existing borders will not be changed, which might engulf a wider area and involve neighboring countries. Human rights are the first to suffer and the last to be taken care of in a similar environment.

The most recent international effort to bring stability and develop democratic forms of government to this part of the region was the adoption of the Stability Pact for southeast Europe in July 1999. Eight countries of the area (Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Hungary, Romania, Slovenia and the FYR of Macedonia), as well as the European Union, the United States, the Russian Federation, Canada and Japan, along with representatives of the United Nations, NATO, OSCE, the Council of Europe and of several other international political and financial organizations adopted a comprehensive plan aimed at transforming the area into one of co-operation, good-neighborly relations, democracy and respect of human rights. The Pact excludes the FR of Yugoslavia but stipulates that it can become a full and equal participant once it demonstrates its respect for the principles of the Pact. The OSCE is to play the leading role in the democratization process and a “Working Table” has been established specifically to assist in democracy building and promotion of human rights standards – as

critical prerequisites for eventual integration into the European and transatlantic integrations.

The northern tier, consisting of Poland, the Czech Republic, Hungary, Slovakia, Romania and even Bulgaria is, on the other hand, well on its way towards stable democratic governance and the rule of law. These are the countries where changes in 1989 really took place, where they originated. Slovenia has extricated itself from the Yugoslav conflicts and is today at the forefront among those pushing for integration with Western Europe. It has from the beginning had democratic, pluralistic elections and governments and is among the most politically stable and economically sound countries of the area, where human rights are a high priority and civil society already deep-rooted. This part of CEE is the bulk of the whole region. It is geographically much larger and its population almost five times bigger than the former one. In all these countries free and fair elections were held more than once since 1989, often resulting in changes of government and peaceful transfers of power, which in itself is a great achievement and best proof that the wish of the population can be expressed and is respected. The main gains in human rights have been realized in legislative changes, the development of political pluralism and direct participation in free elections; in important strides towards the consolidation of a market economy; in the freedom and great diversity of the press and right to expression; in the freedom of self-organizing, resulting in the establishment of many NGOs and the expansion of civil society in general; in the right to assembly and demonstration; in the freedom to practice and preach religion; and the freedom of movement. There are still shortcomings regarding rights of minorities, empowerment of women, care for the elderly, human security and anti-Semitism among other, but things are clearly and genuinely improving.

As opposed to this, in Serbia, Croatia, Bosnia, the same groups and individuals are in power since the first multi-party elections held in 1990, and have organized subsequent ones in such a way so as not to lose their control. In Albania governments have been overthrown by mass revolts, but what still reigns is closer to anarchy than an organized state. That part of the world is marked by a rise of aggressive nationalism, chauvinism, and xenophobia. The rights of minorities are trampled upon, and human security in general has seriously deteriorated.

There is no doubt that in countries where changes begun, they were of internal origin and were brought about because of great popular pressure on the then governments, coupled of course, by a new policy from the top in Moscow. The West was following developments closely and cautiously supported the movements and individuals that were pressing for more freedom, but can not be credited for the results. It was unplanned and unexpected. Since 1989, however, Western governments and institutions, including non-governmental ones and maybe particularly those, have played a crucial role in the development of democracy in CEE.

To begin with, Western democracies were seen as a model and an example to be followed and emulated. Not less important was the fact that the new ruling elites were from the beginning concerned about how their country may have been perceived internationally, and this influenced their behavior. It was also the basis for the Western governments to exert pressure on CEE countries to adopt reforms and to influence the forms and contents of the reforms. The promise of membership in Western institutions was the main lure. Economic and financial assistance for democratic transformations and transition to market economy, with conditionality attached to it was and remains a major vehicle for change. For instance, the Hungarian government had to give up its demand for autonomy for ethnic Hungarians in Romania in order to become member of NATO. At the same time, it made possible the Hungary-Romania Treaty, which enormously improved relations between Hungarians and Romanians in Romania, relations between the two countries as well as the position of Hungarians in Romania.

On the other hand, this kind of pressure does not work with countries whose politicians and ruling regimes are more interested to remain in power than to join the rest of Europe. In Serbia, nationalism is fed by anti-western oratory. Croatia's rulers are not sincerely interested in accessing the EU since such a move would necessarily democratize the political and economic life and undermine their grip on power. Bosnia is divided in three parts. Albania and the FYR of Macedonia are neither politically nor economically ready for Europe, even if they wanted it.

Western governmental assistance was at times also subordinated to political considerations and sacrificed democracy building to more immediate concerns. Case in point, the West chose to support president Berisha in Albania and Milosevic in

Serbia at times when they were considered necessary for stability in spite of their obvious infringements on human rights.

Private foundations and non-governmental organizations have played a pioneering influence in democracy assistance. These institutions are much more flexible than public donors and are able to offer assistance rapidly and where it is most needed. They can avoid governmental bureaucracy in both donor and recipient countries and often better assess priorities because they have information through contacts at grass-root level. In particular, the Soros family of foundations has played a key role in most CEE countries. It not only provided much greater amounts of money than most public institutions, including the EU or USA, but it also used innovative methods and provided assistance in areas that inter-governmental assistance does not reach. Often the private foundations provide the initial funding that allows NGOs to learn the techniques that enable them to apply and receive public funding, thus achieving more with modest means.

Arguably the most significant impact of western democracy assistance was its contribution to the growth of the civil sector in all CEE countries. Western assistance has not only been important for financial reasons. It has been important psychologically, as an affirmation of the value and credibility of the projects that are supported. It represents a stamp of legitimacy and, in more authoritarian countries and in the early stages, it provided protection against arbitrary action by the authorities. It was important politically, by raising the visibility of recipient NGOs and/or specific projects. In practical terms, it provided training and offered a learning experience in planning, implementing and evaluating projects. It also contributed to understanding and exchange of know-how between East and West and the building up of valuable networks, which had an important multiplier effect.

There is no doubt that the changes in CEE started internally and that the main dynamics will continue to depend on local factors. But foreign assistance has been important in rebuilding civil society and in enabling citizens to actively express their values, beliefs and interests. Overall, for the countries which already made great strides towards democracy and the rule of law, the way ahead seems assured. It is not going to be easy and the economic efforts necessary to join the EU will certainly put more strains

on the social fiber, but there is no danger of reversals to authoritarianism. The bigger problem is how to keep the momentum and to continue to build on what has been achieved so far. It is an axiom that there is no absolute democracy. Therefore, lack of progress, or stagnation, would be tantamount to regression and continued Western assistance and prodding will be necessary to prevent that. The Western, affluent and democratic societies have themselves an interest in providing that support in order to assure political stability in their immediate neighborhood, which, on the other hand, cannot be sound without the safeguards of democracy.

For the other group of countries, those that are lagging behind, or are still in a deep political and economic crisis, the future is uncertain. Here Western pressure, even military presence, remains necessary for an undetermined time to come. Experience has shown that assisting the development of civil society is very important, but that political leadership is more susceptible to foreign than internal pressures.

November 15, 1999

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