

Human Rights Policy in Central and Eastern European Transitions:
An Overview of Developments

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Beginning research questions

- Do the human rights regimes in Eastern/Central European share characteristics that distinguish this region from other regions, e.g., Latin America, Southeast Asia?
- What is the relative mix of endogenous and exogenous factors that have created the human rights situation on the ground in CEE?
- Why do the countries of the region share a particular human rights abuse, e.g., trafficking in women?
- What lessons for global human rights regimes can be learned from the cases of CEE?
- Has human rights discourse been institutionalized in domestic practice?

Major characteristics

1. complexity
2. volatility
3. incompleteness of human rights norms
4. progress

Major trends

1. liberal democratic institutions
2. alignment with European Union
3. social conflict
4. entrenched cultural patterns
5. developing market economies

Table 1

	Humana 1991 ¹	Political Reform, 1998 ²	Freedom House 1989- 2000 ³	HDI 2000 ⁴	DOS/HRW/AI ⁵
Albania	---	6	14-9	94	P-W-E-I-T
Belarus	54	-7	8-2	57	Pp-W-I-E-M- T-R-D-Tor
Bosnia- Herzegovina	55	1	12-10	---	P-M-I-W-E-R
Bulgaria	83	8	14-5	49	P-W-E-C-T-I- Tor
Croatia	55	-1	7-8	34	P-I-M-E-W-R
Czech Rep.	97	10	12-3	43	P-W-I-E-T
Hungary	97	10	7-3	43	P-W-E-I-M-T
Macedonia	55	9	7-6	69	P-E-R-I-W-T- M-C
Poland	83	9	7-3	44	Pp-W-E-I-M- T-R-W
Romania	82	8	4	64	Pp-W-I-M-T- R-W-C
Russia	54	4	9	62	Pp-W-E-I-M- T-R-C-
Slovenia	55	10	5-3	29	W-E
Slovak Republic	97	8	5-3	40	P-E-I-W-C-T
Ukraine	54	7	7-7	78	Pp-E-W-I-M- T-C-R
Yugoslavia	55		12-10	---	

1-100 (high) -10-10 (high) 14-2 (high) 1-174 (low)

¹ Charles Humana, *World Human Rights Guide*, 3rd ed. (New York: Oxford, 1992)

² Jeffrey S. Kopstein and David A. Reilly, "Geographic Diffusion and the Transformation of the Postcommunist World," *World Politics* 53 (October 2000), 1-37.

³ <http://www.freedomhouse.org/>, April 3, 2001. Some of the first scores reflect data from the early 90s.

⁴ United Nations Development Programme, *Human Development Report 2000* (New York: Oxford, 2000).

⁵ U.S. Department of State *Human Rights Country Reports 2000*, <http://www.state.gov/g/drl/hr/>, February 2001.; Amnesty International *Human Rights Report 2000*, <http://www.amnesty.org/ailib/aireport/>; Human Rights Watch *World Report, 2001*, <http://www.hrw.org/wr2k1/>.

P Police abuse

Bulgaria

On June 14 [2000], Miroslav Marinov died in the hospital from injuries sustained while in police custody in Vratsa. Marinov had been released from police custody shortly before his death, and reportedly told family and friends before he died that he had been beaten severely by police. A police inquiry in response to the complaint concluded that there was no evidence that police officers were responsible for Marinov's death; no charges were filed. --USDOS Country Report

Slovenia

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

Pp Abusive or degrading conditions in jails and prisons

Romania

"Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. There were attempts to ameliorate this system in some prisons by giving the inmates some input in the selection of these "cell bosses." Prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates; future integration into society. The Government permitted prison visits by human rights monitors, and several NGO's made such visits." -- USDOS Country Report

Croatia

In October the OSCE terminated its uniformed Police Monitoring Group (PMG) in the Danubian region (Eastern Slavonia), assessing that the local police performance was satisfactory and the security situation in the region was stable. The PMG was replaced by a smaller cadre of civilian police observers. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region. For example, one ethnic Croat police officer "dry-fired" his unloaded pistol into the face of an ethnic Serb colleague. The officer received a short suspension from duty, and credible observers expressed concern that mid-level police supervisors failed to take the incident seriously or adequately punish the perpetrator. However, upon being informed of the incident, the assistant Interior Minister ordered a thorough investigation. The commander of the station where the incident took place was replaced by year's end.

E Ethnic violence

Hungary

The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic

minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

. . . Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The percentage of the country's Roma graduating from high school in 1993 was 1.6 percent compared with 23.8 percent for non-Roma; only 0.24 percent of Roma graduated from university compared with 9.45 percent for non-Roma. The unemployment rate for Roma is estimated to be 70 percent, over ten times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations. As of January 1, the Government has reduced the limit on unemployment benefits from 1 year to 9 months, which affects the Romani community disproportionately, with its high unemployment rate, and exacerbates the poverty of this large segment of society. This may likely reinforce negative stereotypes of Roma as poor, shiftless, and a social burden. --USDOS Country Report

Slovenia

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians. . . . The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

W Discrimination and abuse of women

Czech Republic

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, though they are employed disproportionately in professions where the median salary is relatively low. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing. In May Parliament approved legislation banning discrimination in hiring and employment based on sex. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

Slovenia

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses. The

Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

Ukraine

Trafficking in women and girls is a significant problem. The country is a major source and transit country of women and girls trafficked to Central and Western Europe, the United States, and the Middle East for sexual exploitation, and reports of trafficked women and girls from Ukraine also have come from Australia, Japan, and South Africa. The International Organization for Migration estimated in 1998 that 100,000 citizens had been trafficked abroad for this purpose since 1991. Between 1991 and 1997 Israeli authorities deported 1,500 Russian and Ukrainian women who had been trafficked there; and Italian officials estimated in 1999 that at least 30,000 Ukrainian women were employed in Italy in exploitative situations. In Israel where many Ukrainian women are trafficked, the Government fails to protect the victims and routinely jails the Ukrainian women on charges of prostitution prior to their deportation.

I Institutional weakness or instability

Belarus

The Government's human rights record was very poor and worsened significantly in many areas. The authorities severely limit the right of citizens to change their government, and Lukashenko took severe measures to neutralize political opponents. The authorities did not undertake serious efforts to account for the disappearances that occurred in the previous year of well-known opposition political figures. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although many of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases.

Hungary

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orbán, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government respects the constitutional provisions for an independent judiciary.

M Unfree media

Russia

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently journalists were attacked physically, although in the majority of these cases, no direct link was ever established between the assault and the authorities who reportedly took offense at the reporting in question. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to

undermine editorial independence and journalistic integrity in both the print and broadcast media.

Slovak Republic

Newspapers and magazines regularly publish a wide range of opinions and news articles. The politicization of state-owned broadcast media, which was a significant problem under the previous Government, no longer is evident. There were no reported cases of journalists being intimidated or threatened in attempts to influence their reporting during the year.

R Religious intolerance or structural discrimination

Poland

More than 95 percent of Poles are Roman Catholic, but Eastern Orthodox, Greek Catholic, and much smaller Protestant, Jewish, and Muslim congregations meet freely. Although the Constitution provides for the separation of church and state, a crucifix hangs in both the upper and lower houses of Parliament. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRiTV allowed to do so.

Macedonia

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the 1997 Law on Religious Communities and Groups limits some aspects of religious practice, although the law does not appear to be enforced consistently. While the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status. . . . The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

Tor Torture

Bulgaria

On April 29, according to unconfirmed NGO reports, a 16-year-old Rom, Tsvetalin Petrov, suffered third-degree burns after allegedly being doused with an inflammable liquid and set on fire while in custody in the Vidin police station. Petrov had been arrested for breaking and entering and theft near Vidin. Police claimed Petrov was set on fire by an unknown perpetrator. An investigation is pending with the military prosecutor's office.

Poland

The Criminal Code prohibits torture, and there were no reported incidents of it. Unlike in the previous year, there were no reports of police using force to disperse violent protestors or to break up illegal roadblocks.

C Abusive treatment of children

Romania

The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in

all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and did not improve during the year. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

Croatia

The Government is committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children, subsidized daycare facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children. The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. Romani children face serious discrimination in schools, and nearly all drop out by grade 8. While there is no societal pattern of abuse of children, 1 NGO operating hotlines for sexual abuse victims recorded 62 cases of abuse of children in 1 month in the city of Split.

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D Disappearances

Belarus

On September 16, 1999, following a meeting earlier during that day broadcast on state television in which Lukashenko ordered the chiefs of his security services to crack down on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with his local business associate Anatoliy Krasovsky. A high profile antigovernment politician, Gonchar was considered an active fundraiser for the opposition. Shortly before his disappearance, Gonchar telephoned his wife to inform her that he was on his way home. Broken glass and blood were discovered later at the site where relatives and friends of the men believe the vehicle in which the two were travelling may have been stopped. As with the disappearance of Zakharenko, there is no evidence of progress by official investigators to resolve these cases.

Albania

There were no confirmed reports of politically motivated disappearances.

Explanations for current human rights situation in CEE

1. Initial starting conditions (post-1989 economies)
2. Religious/imperial tradition
3. Institutional choice (strong president, parliamentary, etc.)
4. Ethnic homogeneity
5. External assistance (role of FDI, IMF, etc.)
6. Result of initial post-Communist election
7. Legacies of totalitarian control (corruption, etc.)
8. Legacies of democracy and civil society (interwar period, Helsinki, etc.)
9. Geography (proximity to FSU or Brussels)
10. European Union admissions status (time to projected admission)