

LEGAL PROTECTION OF HUMAN RIGHTS IN EAST EUROPE

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For more than four decades following World War 2, Eastern Europe was synonymous with human rights violations. Now, two decades after the collapse of the communist party systems, the region is making great strides toward the legal protection of human rights that place it in the forefront of progress in this area. While global human rights conditions in 2011 are increasingly troubled, it is important to note that Eastern Europe, in spite of the brutal legacy of the communist period, is compiling an exemplary record.

An examination of this issue must begin with recognition of the burdens which the post-communist governments confront.

Among the first is a geographic placement which has made Eastern Europe vulnerable to foreign threats. Eastern Europe has few geographical barriers to invasion. The Carpathians are the only significant mountains and they run east to west, providing no protection to invasion from east or west.

East Europe's proximity to Asia has facilitated invasions by 13th century Mongols and 14th century Ottoman Turks. The Turks implanted a backward system that inhibited development for centuries. Turkish dominance of Eastern Europe was not alleviated until 1699 and the Turks were not actually expelled until 1913. By contrast, the last invasion of West Europe by non-Europeans was the Moorish invasion of Spain in 711 and the Moors were defeated in France in 732. Their final expulsion was accomplished by 1492.

Those who suggest that geography has shaped the region's destiny can also point to the fact that Eastern Europe has frequently served as a buffer zone either for Western Europe or, more recently, for the Soviet Union. Within a short time after the end of military operations in Europe, the USSR had imposed its will on most of Eastern Europe. As the region was caught up in the larger East-West ideological confrontation, the Soviet model was imposed on the nations of East Europe. By 1946, the Soviet leadership was denouncing what it referred to as the "malaise of domesticism", the term that is used to describe East European efforts to build post-communist regimes that were

responsive to local conditions and requirements.¹ Soviet control, backed by both the Soviet Army and the Soviet security organizations such as the NKVD and, later, the KGB, had the entire region in its grip. When Winston Churchill proclaimed that an “iron curtain” had fallen over East Europe, he was providing a realistic view of political, social, economic, and cultural reality. Like the USSR, the Warsaw Pact states were locked in a repressive environment that discounted basic human rights. Dissidents, at first simply jailed, eventually found themselves placed in “psychiatric prisons” in which dissident thinking could be “treated” as if it were a disease.

In addition to the suppression of expressions of nationalism and local interests, the communist regimes also developed repressive mechanisms of state power. One result of this policy was the creation of instruments of oppressive state power. From East Germany to Albania, there was a system of secret police organizations trained by and modeled on the Soviet Union’s NKVD/KGB networks. This enhanced a tradition of disregard for basic human rights, a tradition which has posed problems for post-communist governments determined to set new standards for political, social, and cultural diversity.

The ethnic diversity of Eastern Europe placed additional stress on the region, setting communities, neighbors, and even families against each other. As a result, human rights atrocities became commonplace throughout much of the region. In fact, the situation was made even worse due to the suppression of all expressions of ethnic particularity by dictatorships such as that of Yugoslavia’s Tito. With this, an infinite variety of cultural, linguistic, and literary tendencies were deemed subversive and were subjected to the official repression.

The behavior of Bulgaria during the final days of the communist system illustrates the extent to which totalitarian regimes used the state to oppress ethnic minorities and the most routine expressions of culture. The Turkish minority had long faced discrimination and hostility at the hands of Bulgarian authorities. Ethnic Turks were banned from wearing traditional Turkish dress or speaking Turkish on public transportation. Parents were required to give newborn children Bulgarian names rather than traditional Turkish names. In the last year of Todor Zhivkov’s regime, murder, beatings, shootings and deportations became routine tactics for dealing with Bulgaria’s 1.5 million citizens who were ethnic Turks. Neighboring Turkey opened its borders to accept those fleeing oppression in Bulgaria. Tens of thousands fled, leaving behind property which was then confiscated by the government and used as a source of revenue to alleviate economic pressures on the regime. In a time of growing unrest in the

¹ Zbigniew Brzezinski, *The Soviet Bloc: Unity and Conflict*, (Cambridge: Harvard University Press, 1969), pp. 52-54.

communist bloc, human rights atrocities in Bulgaria received scant international attention in spite of the systematic violation of the Helsinki Accords.²

Violations of human rights reached epic proportions in Yugoslavia as the federal state began to break apart. When Slobodan Milosevic raised the banner of nationalism, the power of the Serbian state was directed against an increasingly restive Kosovo which had long been the focal point for ethnic strife in Yugoslavia. Kosovar violence against the Serbian minority in Kosovo came to justify an even more violent response by the Milosevic government. In 1990, nationalists of all persuasions were calling for a systematic dismembers of the Yugoslav federal state on the basis of ethnic identities. By 1991 military operations were being conducted by both Croatian and Serbian militias, both of which targeted citizens associated with the other ethnic group. With this, the former Yugoslavia became the site of Europe's worst ethnic and human rights atrocities since the days of World War Two.

The division of the nation was not only violent but also confusing because ethnic identities were no longer distinct among a population which had long mixed and intermarried. Croatian and Serb couples found themselves in an ambivalent status while their children often received draft notices from the governments of both Croatia and Serbia. This ambivalence was felt by one Serbian pilot who, upon being ordered to fly combat missions against Croatian targets, was told by his Croatian wife the he must desert rather than follow his orders while his Serbian mother said he could not return to his childhood home if he did not fulfill his combat mission.³ The situation was equally confusing for ethnic Hungarians who had lived in Serbia all their lives and had some to see themselves as "Yugoslav", an identity which seemed to exist only as a place holder for those of mixed heritage.

Accounts such as those above served to give post-communist East Europe a negative image in those years following the collapse of the dictatorships. For example, a 1991 Human Rights Watch report denounced conditions in Romanian prisons and declared the abuses as routine.⁴ Over the next decade, there were numerous reports alleging human rights violations in post-communist Romania. As the government made progress in alleviating such conditions, recognition of Romania's accomplishments were slow in coming. It was not until the time of Romania's acceptance by the European Union and by NATO that more scholars, journalists, and officials of Western governments began to pay tribute to this progress. In fact, by this time, prison conditions in

² "Bulgaria Persecutes in Turkish Minority", *The New York Times*, July 22, 1989.

³ David Binder, "Ethnic Conflict in Yugoslavia Tearing Apart Its Army", *The New York Times*, October 1, 1991.

⁴ Human Rights Watch, *Prison Conditions in Romania*, June, 1992.

Romania, now following the EU model, were generally seen as far more comfortable than those in American prisons. Nonetheless, Romania continues to suffer from criticisms from official Western sources. In 2008, US Department of State report, for example, stated that while the Romanian government “addressed some human rights problems during the year... abuses continued to occur.”⁵ Without a doubt, similar observations could be made about any state but when one takes into account the legacy which Romania has overcome, its accomplishments far outweigh the abuses cited in the DOS report.

Conclusion

Social scientists have long raised the question about whether or not geography determines the destiny of a nation. Their discussions of geography have focused excessively on climate and geographic isolation. They have observed that “geographical conditions do not translate into predictable outcomes” and have suggested that as a society understands its *geographical constraints*, it can devise strategies to overcome them.⁶ Such observations, however, have failed to take into account the especially severe conditions which existed in Eastern Europe as a result of Turkish invasions and post-World War Two Soviet occupation.

Such outside interventions, facilitated at least in part by geographic considerations, have worked in concert with geography to affect the development of the region’s political culture. This culture, imposed by communist party regimes supported by the Soviet Union, had a profound impact on popular and official perceptions of what constitutes acceptable behavior. Not surprisingly, in such an environment, even post-communist leaders were initially inclined to regard disagreement with policy as disloyalty to the state system.

Thus, the key point is that, on balance, the East European states are making considerable progress in implementing policies that are supportive of human rights. As the governments have weathered the change in administration brought about by several electoral cycles, it has become increasingly apparent that the political culture is becoming compatible with the standards and expectations of human rights groups. Therefore, as the world has witnessed countless atrocities in a Middle East which seems less inclined toward protection of basic human rights, the former communist party states of Eastern Europe are developing systems in which democratic values are emerging as the desired norm.

⁵ 2008 *Human Rights Report*, Bureau of Democracy, Human Rights, and Labor, US Department of State, February 25, 2009.

⁶ Roger Hamilton, “Is Geography Destiny?”, *IDB America*, March-April, 2000.