

IMPLEMENTATION OF THE HELSINKI ACCORDS

HUMAN RIGHTS AND DEMOCRATIZATION IN ROMANIA



**Prepared by the Staff of the
Commission on Security and Cooperation in Europe
Washington, DC**

June 1994

Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515

DENNIS DECONCINI, Arizona, *Chairman*
STENY H. HOYER, Maryland, *Co-Chairman*

EDWARD MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
BEN CARDIN, Maryland
FRANK MCCLOSKEY, Indiana
CHRISTOPHER H. SMITH, New Jersey
JOHN EDWARD PORTER, Illinois
FRANK WOLF, Virginia
HAMILTON FISH, JR., New York

FRANK LAUTENBERG, New Jersey
HARRY REID, Nevada
BARBARA MIKULSKI, Maryland
BOB GRAHAM, Florida
ALFONSE M. D'AMATO, New York
ARLEN SPECTER, Pennsylvania
CHARLES GRASSLEY, Iowa
CONNIE MACK, Florida

Executive Branch

JOHN SHATTUCK, *Department of State*
ASHTON CARTER, *Department of Defense*
CHARLES MEISSNER, *Department of Commerce*

SAMUEL G. WISE, *Staff Director*
MARY SUE HAFNER, *Deputy Staff Director and General Counsel*
JANE S. FISHER, *Deputy Staff Director*

DAVID M. EVANS, *Senior Advisor*
R. SPENCER OLIVER, *Consultant*

MIKE AMITAY, *Staff Advisor*
BRENDA COLLIER, *Receptionist*
OREST DEYCHAKIWSKY, *Staff Advisor*
JOHN FINERTY, *Staff Advisor*
ROBERT HAND, *Staff Advisor*
HEATHER HURLBURT, *Staff Advisor*
RONALD MCNAMARA, *Staff Advisor*

JEANNE MCNAUGHTON, *Staff Advisor*
TOM MURPHY, *Technical Editor*
MICHAEL OCHS, *Staff Advisor*
JAMES RIDGE, *Press Secretary*
ERIKA B. SCHLAGER, *Counsel for International Law*
VINCA SHOWALTER, *Staff Advisor*
CORINNE ZACCAGNINI, *Administrative Assistant*

FOREWORD

The Commission on Security and Cooperation in Europe (the Helsinki Commission) was established by the U.S. Congress in 1976 to monitor and report on the implementation of the decisions of the Conference on Security and Cooperation in Europe (CSCE), a multi-nation diplomatic process that embraces issues from military security to economic and environmental cooperation to human rights and humanitarian affairs. To this end, the Commission pursues specific concerns at CSCE meetings, holds congressional hearings, leads delegations to CSCE countries, and publishes reports. The Commission has focused special attention on the implementation of human rights agreements by what was once the Soviet Union and the countries of East-Central Europe, as well as reviewing human rights questions raised with the United States.

The Commission's most recent comprehensive report on the implementation of human rights commitments in Eastern Europe was prepared in 1988, at a time when the CSCE community was still immersed in the difficult decades of division characterized by the Cold War. The report which follows, reflecting the sea changes which have occurred since then, is part of a series of reports seeking to bring the Commission's examination of human rights and democratization in this region up to date.

In some of the countries under examination in this series, the human rights situation is now as good as or better than in some Western CSCE states. In such cases, the reports will focus more heavily on the problems associated with transition to democratic government and market economies. Furthermore, given the overall progress being made in a number of former communist states, the Commission will be watching closely to see if there is any need to include them in future implementation reports.

Until fairly recently, the Commission's primary emphasis has been on basic human rights, such as freedom of expression, freedom of religion and freedom of movement. These rights were viewed as the essential first tier of fundamental freedoms which had to be addressed by the former communist countries before their commitment to the broader obligations of the CSCE's human dimension, such as free and fair elections or the rule of law, could be taken seriously.

The collapse of communism in 1989 changed the human rights situation in this region dramatically. With improvements in traditional areas of concern, such as political prisoners, religious repression, and freedom of movement, these issues ceased to be the primary concerns driving the human rights debate within the CSCE process. At the same time, however, the post-communist era ushered in a new set of human rights dilemmas which had been rigidly contained by totalitarian rule. To a great extent, these problems are related to (re-)emergent nationalist passions and ethnic conflict, but are complicated and exacerbated by a lack of well developed democratic political systems and free market economies.

In addition to an examination of human rights problems, both pre- and post-communism, this series of reports attempts to address new challenges faced by the CSCE community: issues such as removing the injustices communism stamped on societies; establishing processes for free elections, independent judiciaries, and democratic institutions; and resolving the social and political problems which emerge in the process. More egregious abuses, such as the atrocities associated with war crimes and crimes against humanity, are also considered a critical part of the new human rights agenda in the CSCE. Finally, these reports consider the difficulty states face in implementing fundamental CSCE principles, including the equal right of peoples to self-determination, the inviolability of frontiers and the peaceful settlement of disputes, in the unsettled new world order.

In the past few years, the CSCE participating States have placed considerable emphasis on the adoption of new commitments. The many new human rights standards that have been incorporated into CSCE documents are, unquestionably, essential to raise the level of accountability and to help keep the emerging democracies on the paths they have now chosen. At the same time, however, it must not be forgotten that actual implementation of commitments is the bedrock on which the CSCE must ultimately rest. Without implementation in fact, the amassing of new commitments on paper will serve little positive purpose. This series of reports is designed to assess the degree to which implementation has been achieved in the new democracies of East-Central Europe and, by so doing, to measure their true respect for CSCE commitments.

TABLE OF CONTENTS

FOREWORD	iii
INTRODUCTION AND SUMMARY	1
BACKGROUND	2
1988-89: Resisting Reform to the Bitter End	2
December 1989: "Down with the Dictator!"	4
The Rise of the National Salvation Front	4
A Hijacked Revolution?	6
ELECTIONS AND THE SEARCH FOR POLITICAL STABILITY	7
The Elections of May 1990	7
June 1990: University Square	7
University Square to Local Elections	8
The Elections of September 1992	9
LEGACIES OF THE PAST	13
Trials of Communism	13
The <i>Securitate</i>	14
FREEDOM OF EXPRESSION	17
Independent Media	17
MINORITIES	19
Ethnic Hungarians	19
Roma (Gypsies)	23
The Council for National Minorities	24
TOLERANCE AND NON-DISCRIMINATION	26
Religion	26
Sexual Orientation	28
RULE OF LAW	30
Independence of the Judiciary	30
Legislative Transparency	31
Police Abuses	32
CONCLUSIONS AND OUTLOOK	34
ENDNOTES	36

MAP OF ROMANIA



INTRODUCTION AND SUMMARY

Romania's ongoing journey toward democracy is generally viewed, even by the government of Romania, as slower and more circuitous than that of its neighbors. Romania has certainly had farther to go; Nicolae Ceausescu's regime was the most repressive and demoralizing of the Warsaw Pact countries. Yet Romania's gloomy distinctiveness carried into the post-Ceausescu era. The Romanian revolution of December 1989 was the bloodiest of the region. The early months of 1990 were marked by confusion and tension, including violent inter-ethnic clashes. The first free elections of May 1990 were tainted by serious irregularities in the campaign period; one month later, thousands of pro-government miners rampaged through Bucharest, bludgeoning anti-communist demonstrators and ransacking opposition party headquarters.

This inauspicious outset led many observers to question the prospects for reform. Many doubted the democratic credentials of the new Romanian leadership, alleging that the revolution had been "hijacked" or "stolen." Reports of harassment and intimidation persisted, extreme nationalists secured positions of influence, and popular faith in democratic institutions was shaken by discrimination and corruption. Meanwhile, the economic situation deteriorated rapidly, and in September 1991 the miners returned to Bucharest, this time to overthrow the government they once claimed to defend.

Yet Romania today has made real and significant progress in the area of human rights and democratization. Local and general elections held in 1992 met international standards. A new constitution was adopted, as was legislation aimed at establishing a state based on the rule of law. Efforts were made to secure parliamentary oversight for internal security forces, steps were taken to improve inter-ethnic relations, and licenses were distributed for independent local television and radio stations. The aura of fear and intimidation has dissipated significantly, and a number of domestic human rights and civic organizations are actively working, sometimes with the cooperation of state authorities, to improve Romania's human rights performance.

Ceausescu's overthrow was both swift and dramatic, but the transition to democracy in Romania is an evolutionary -- not revolutionary -- process. Lack of civic awareness prevents many Romanians from acting on the rights their own legislation has guaranteed; lack of training and accountability permits those in positions of authority to abuse them. Civic education, judicial reform, police training, opening the legislative process, improving prison conditions, promoting a climate of non-discrimination and mutual respect -- these are among the areas in which significant work remains to be done. And work is being done, both by governmental and nongovernmental representatives. But a demoralized bureaucracy, a post-communist -- now nationalist nomenklatura, and the lack of a national consensus on governing the country continue to frustrate reform. As one Romanian human rights activist explained, the most serious restraint on human rights in Romania is the current political situation. The willingness, and ability, of moderates within the government and opposition to chart common goals for the country's direction remains an unmet challenge.

BACKGROUND

1988-89: Resisting Reform to the Bitter End

...Not only are basic human rights disregarded in Romania, but even the institutions that are supposed to defend them -- the judiciary and the press -- have become instruments of intimidation and terror against the population. That's the cause of the silent revolt in the streets, the apathy of this southern people...¹

A 1989 Helsinki Commission report on human rights in Romania concluded that patterns of repression remained sadly the same. Led by its capricious and paranoid dictator Nicolae Ceausescu, the Romanian regime kept up pressure on members of religious and national minorities as well as on all who sought to express themselves freely. It harassed and punished would-be emigrants by removing them from jobs and housing. It exiled writers, philosophers and former leaders. It used violence and threats of violence to discourage citizens from seeking to exercise their rights, jailed those who sought the means to worship freely, and used psychiatric incarceration to punish free expression. So invasive were its powers that one in every four Romanians was said to be an informer of the notorious *Securitate* (secret police).

Increasingly, the regime's excesses touched all Romanian citizens, who suffered from severe, state-imposed food shortages and the threat of displacement through the *sistematizare*, or systematization, program -- a plan to consolidate about half of Romania's almost 13,000 villages into large "agro-industrial centers." Despite the Romanian government's triumphant March 1989 announcement that it had repaid the great bulk of the country's foreign debt, there was no sign that the regime would reorder its fiscal priorities in favor of consumption. Rationing continued unabated, while construction of new industrial projects seemed to be moving forward with redoubled speed.

Poet Mircea Dinescu pointed up the contradictions of life in Romania in a March 1989 interview with the French newspaper *Liberation*:

It's an absurd land where the border guards point their weapons towards their own country, where wheat is harvested on television but rots in the fields, where workers are called "proprietors" so that they can be made to buy what the Constitution says is rightfully theirs: their means of livelihood. Streetcar conductors are obliged to buy their streetcars, drillers must buy their drills, and peasants have to purchase the porches in their own yards...²

Under Ceausescu's tyranny, Romania was a country saddled with over-regulation on the one hand and riddled with corruption on the other. Its citizens were forced to compromise and break rules on a daily basis to feed themselves and their children, and to obtain basic services. But the police kept track of infractions and consequently had an easy

ver to pull any time they wanted to bring pressure to bear on a citizen. Human rights activists were not charged with distributing manifestos; instead they were accused of trafficking in coffee or spying for a foreign power.

Romania's repressive domestic policies were mirrored in its cynical approach to the international commitments it had undertaken. In January 1989, the regime gave its agreement to the CSCE Vienna Concluding Document, then announced that it would abide only by those commitments it did not find objectionable. It rejected the U.N. Human Rights Commission Resolution passed in March 1989 calling for appointment of a Special Rapporteur to investigate Romania's human rights performance and spurned the attempts of seven participating CSCE States to use the human dimension mechanism to address several human rights cases. In the face of criticism at CSCE meetings in London and in Paris, Romania returned to the tired and untenable defense of its abysmal record by claiming that "outsiders" had no right to "interfere" in a sovereign country's internal affairs.

While much of East-Central Europe was pulsing with change, the Fourteenth Congress of the Romanian Communist Party, which took place November 21-24, 1989, was painstakingly choreographed and utterly predictable. The time-worn slogans, orchestrated cheers and election of Nicolae Ceausescu to a further five-year term at the head of the party all came through according to plan. A Western-led diplomatic boycott of the celebrations was ignored, as were the attempts of several Western journalists to travel to Romania to report on the Congress.

Ceausescu used the occasion of the Congress to reiterate his firm stand against reform and to criticize those countries that had chosen to move away from communism. He put forward a proposal to hold an international conference of communist parties "for a joint discussion of problems facing the entire communist and workers' movement," although his heavy and often defensive emphasis on independence and sovereignty suggested that in all spheres except the nurturing of world communism he intended to maintain Romania's isolationist stance. Taking aim at both the Soviet Union and the United States, Ceausescu cautioned, "Mankind must be aware today of a possible new accord between the United States and the Soviet Union to the detriment of other peoples."

The Congress was noteworthy for the theme that remained unstated but still sadly obvious: Despite Romania's repayment of the great bulk of its external debt, the government would not redirect resources to the needs of the people. With a defiant declaration that "the country under the leadership of the party is determined to continue down the revolutionary path we have taken," Ceausescu staked out his lonely place in the camp that every other East-Central European communist leader had been forced to abandon.

December 1989: "Down with the Dictator!"

The chain of events that toppled the Ceausescu dictatorship began in the Transylvanian city of Timisoara on December 10, 1989, when residents learned that the authorities planned to evict the ethnic Hungarian Reverend Laszlo Tokes from his church. In defiance of the eviction order, members of the congregation and others joined a vigil at the entrance of Tokes' church. Over the course of several days the crowd expanded; meanwhile, its tone began to change, as protestors started chanting anti-communist slogans and "Down with the dictator!"

By December 16, the demonstrators had become increasingly bold, with some 10,000 men and women amassed in Timisoara's central Opera Square. On December 17, presumably following orders from Bucharest, heavy shooting against the unarmed demonstrators began close to five o'clock and continued into the night. Some 100 people were killed and dozens wounded: The martyrs of Timisoara were the first casualties of Romania's bloody revolution.

As word of the massacre spread throughout the country, popular outrage and defiance grew. On December 21, in what would prove to be a fatal mistake, Ceausescu decided to hold a massive rally in Bucharest to denounce the "hooligans" of Timisoara. To the astonishment of the dictator, however, and the many viewers watching the rally on television, his speech was interrupted by a group of protesters in the crowd, who began to shout, "Timisoara, Timisoara! Down with Ceausescu! You killed our innocent children!" As chaos broke out in the square, the rally ended in disarray.

That day and the next, Bucharest became a virtual battlefield. On December 22, while demonstrators and security forces clashed in the streets below, the Ceausescus fled the city in a helicopter. Swiftly apprehended, Nicolae and Elena Ceausescu were executed, following a secret and summary trial, on December 25, 1989. While the Ceausescus were evidently hated and feared, the haste and manner of the execution, and the disregard for the rule of law in the trial proceedings, left many uncomfortable with the end result. As Paul Goma, the well-known dissident writer, explained, those who hurried toward execution without a full and fair reckoning "accomplished the extraordinary, the unheard and undeserved feat of turning the Ceausescus into human beings."³

The execution of the Ceausescus also confused later efforts to come to terms with the overall brutality and corruption of the system they had led. As scholar Nestor Ratesh suggested, "It was a kind of final parting with a calamitous era with no deliberate inquiry into the causes and wide range of responsibilities and guilt."⁴

The Rise of the National Salvation Front

Unlike in Poland or Czechoslovakia, where a well-organized opposition movement already existed, or Hungary, where the shift of power was negotiated among the ruling party

and opposition groups, Romania's revolutionary situation was characterized by confusion and lack of leadership. The days following the flight of the Ceausescu from Bucharest were chaotic, marked by street violence and terror. The Army, now siding with the people, waged bloody gun-battles with unidentified sharpshooters believed first to be members of Ceausescu's elite guard, and later labelled "terrorists." Official data indicated that 889 people lost their lives during that fighting -- six times as many as were killed during the seven days of the actual uprising. Yet no one really knew, or knows, who was shooting at whom, or why.

In the midst of the chaos, Ion Iliescu, a leading pro-reform member of the Romanian Communist Party who had been relegated to minor positions by Ceausescu in 1971, emerged as a voice of authority. Together with the young professor Petre Roman, son of a prominent and influential communist, Iliescu pulled together a coalition of former communists, military leaders, and dissidents called the Council for National Salvation (later the National Salvation Front), and prepared a 10-point program promising democracy, liberty, and prosperity to the traumatized population.

The National Salvation Front initially enjoyed great popularity and even moral authority in Romania. Its spokespersons emphasized that the Front's aim was to guide the country's initial steps toward democracy, stating that the Front was serving a temporary role and would relinquish the helm after democratic elections. The Front declared the disbanding of the *Securitate* one of its highest priorities, and a number of leading Communist Party members were imprisoned. Political parties quickly began to develop, some with roots pre-dating World War II.

On January 23, 1990, however, the Front announced its decision to field candidates and contend for power in the elections scheduled for April 1990. This sudden change of course provoked Romania's first post-revolutionary political crisis, as political parties, student groups, and intellectuals protested what they feared would be the restoration of one-party domination. By the end of January, most of the dissidents who had initially served on its Council had resigned, pointing to a rift between the Front's rhetoric and its behavior.

Instability continued to characterize the situation through the early months of 1990. Several demonstrations and counter-demonstrations ended in violence, and opposition party headquarters were ransacked by supporters of the Front, including busloads of miners, in January and February. In response to the growing discontent, the Front reached agreement with the opposition to form a Provisional Council of National Unity in which all parties would participate in governing the country until the general elections. Even so, the Front continued to dominate Romanian decision-making in the period leading up to the first post-1989 elections.

A Hijacked Revolution?

The overthrow of the odious dictator had unified a population that for decades had suffered extreme atomization and alienation. But the violence and chaos that surrounded the events of December 1989, the summary execution of the Ceausescus, the murky circumstances in which the leaders of the National Salvation Front assumed control, the inability or unwillingness of the new authorities to confront and bring to justice the most vehemently detested elements of the communist elite and the *Securitate*, and the political violence and intimidation that continued into 1990, cast a gloom on the initial euphoria.

Unity was quickly transformed into competition and mistrust. The international support and sympathy that Romania had earned in the tumultuous days of December 1989 began to evaporate as the democratic credentials and inclinations of the National Salvation Front became increasingly unclear. It was only a matter of weeks before intellectuals, dissidents, students, and others were complaining that the revolution had been hijacked by a new authoritarian regime. Consequently, Romania began its journey toward democracy in a mode of intense confusion, uncertainty, and mutual suspicion.

ELECTIONS AND THE SEARCH FOR POLITICAL STABILITY

The Elections of May 1990

Romania's first free elections in over 20 years were held on May 20, 1990.⁵ Seventy-three political parties and minority organizations fielded parliamentary candidates. Of these, the most visible during the campaign were the National Salvation Front (FSN), the National Liberal Party (PNL), the National Peasants Party (PNT-cd), the Social Democratic Party (PSD), the Romanian Ecological Movement (MER), and the Hungarian Democratic Union (UDMR). The first three also ran candidates for president.

The May 1990 elections were marred by a variety of irregularities, from the campaign through the course of the elections themselves, which cast significant doubt on their fairness. The contestants to the election were competing on an uneven field, with unequal access to resources, including the most far-reaching mass medium, television. FSN candidates enjoyed decided advantages in these areas. Opposition and independent newspapers experienced problems with government-controlled printing and distribution, and the campaign was marred by frequent instances of harassment, intimidation and violence directed against opposition candidates and campaigners. Inconsistent and faulty application of electoral procedures on election day, together with the absence in some polling places of opposition party representatives, further increased the FSN's advantage.

The results, announced on May 25, awarded a landslide victory to the FSN. Presidential candidate Ion Iliescu won 85 percent of the votes, while the FSN gained 66 percent of the votes for the Chamber of Deputies and 67 percent for the Senate. Absent the irregularities, the election results might not have differed much; Iliescu and the FSN appeared to enjoy strong support among much of the population. Yet the campaign and election day irregularities augured ill for the future, adding to growing doubt about the extent to which human rights and fundamental freedoms, especially freedom of expression, would be secure in Romania.

June 1990: University Square

Brewing tensions between the government and the opposition exploded in June 1990, when the new authorities decided to remove anti-government demonstrators and hunger-strikers who had been protesting in Bucharest's central University Square since April 22. On the morning of June 13, the police moved in, closed off the area, arrested and brutally removed the demonstrators from the square. Ensuing protests at the television station and various government buildings resulted in further violence. Then, in response to Iliescu's call to the people to come to the rescue of the government, thousands of miners from the Jiu Valley and elsewhere descended on the capital on June 14. For two days, the miners bludgeoned their way through Bucharest, attacking protesters, students, and innocent bystanders, ransacking opposition party headquarters, and forcing several independent or opposition party papers to cease publication.

The international reaction to the violent suppression of the peaceful protesters and the subsequent appeal to vigilante miners was vigorous. Governments, international organizations, the press, and the human rights community expressed almost universal outrage and indignation. The United States announced it would boycott President Iliescu's inauguration ceremony, which took place on June 25. At the outset of Romania's journey toward democracy, the events of June 1990 severely tarnished its already fragile reputation.

University Square to Local Elections

The year and a half between the inauguration of President Iliescu and the local elections of February 1992 was a difficult period for Romania. The FSN's mixed record on human rights, combined with slow progress on various aspects of democratic institution-building, led many Western observers to adopt a "wait-and-see" attitude toward Romania, handicapping the flow of foreign investment at a time of painful economic transition. Inter-ethnic tensions rankled; exploited by the extremist press and reinforced by popular fears of economic hardship, these tensions sometimes degenerated into violent conflict, as in the numerous vigilante attacks against Roma (Gypsy) settlements during the course of 1991. Political instability climaxed with the return of the miners to Bucharest in September 1991; once they had come to defend the government, but now they demanded its downfall. Protesting the government's economic reforms, they called for and secured the ouster of FSN Prime Minister Petre Roman, exposing bitter divisions within the upper echelons of the FSN and presaging an angry struggle for the reins of power.

A provisional government was approved in October 1991. Prime Minister Theodor Stolojan, a nonpolitical technocrat who had been Roman's Minister of Finance, set three clear goals: to oversee the adoption of a new constitution; to stick to the course of economic reform; and to hold free and fair local and general elections. Earning respect both at home and abroad, Stolojan and his team managed to steer Romania through a challenging winter and to meet many of their stated objectives. The constitution was adopted by referendum on December 8, 1991; subsidies were partially lifted; and local elections were held on February 9, 1992, with run-offs and by-elections during the next few months.

Unquestionably, the February 1992 local elections represented an important turning point for Romania. The improved organization and administration of the electoral process impressed domestic and international observers alike, who looked to these elections as an indicator of Romania's progress toward democratic reform. The local elections were not without problems, but the problems were not insurmountable. More importantly, all sides expressed a willingness to address those problems and to strengthen the process prior to the general elections -- at that time anticipated for May 1992.

Significantly, the Democratic Convention of Romania (CDR -- an opposition alliance of more than a dozen political parties and groupings) was victorious in four of the country's five biggest cities, including all six districts of Bucharest, as well as another seven large industrial towns. While the FSN led the percentage of local councillorships nationwide, FSN

icians were quick to concede that their popularity had slumped and that the local election results would likely be reflected in the upcoming general elections.

The opposition's evolution from a fractured assortment of parties and movements to a defined political formation with a sense of its own viability was a critical by-product of the local elections. Yet the cohesiveness of the Democratic Convention alliance was always in some doubt. During the local elections, individual parties in the Democratic Convention sometimes ran separate lists in precincts where they thought they were strong. Shortly after the local elections, the Chairman of the National Liberal Party (PNL), Radu Campeanu -- a presidential candidate in May 1990 -- asserted that the success of the Democratic Convention in the local elections rested largely on his party's participation. Behind the rosy glow of the local victories, personal ambitions and inter-alliance feuds threatened to undermine the unity of the coalition as it prepared for a national campaign.

As for the FSN, the local elections represented its first significant loss of power since the sweeping success of May 1990. On the one hand, the FSN's program had failed to appeal to large segments of the Romanian electorate. Moreover, the internal divisions within the FSN itself were increasingly apparent. At the FSN party congress in March 1992, the FSN formally split; Iliescu's supporters, demanding a return to the original left-of-center platform, quit to form the Democratic National Salvation Front (FDSN) while Roman consolidated power in a streamlined FSN. This rupture further confused the already fractious parliament; the newly-created FDSN controlled the majority in the Senate and a substantial bloc in the Chamber of Deputies. At the local level, many mayors and councillors elected as FSN representatives switched their loyalties, while battles ensued over headquarters, lists of supporters, and other resources in anticipation of the general elections.

The Elections of September 1992

In the aftermath of the local elections, Prime Minister Stolojan had repeatedly emphasized that the general elections were targeted for May or June 1992. Protracted parliamentary wrangling over the electoral legislation, however, quickly rendered that time frame impossible. As Stolojan watched in despair -- knowing that Romania's acceptance into Western institutions like the Council of Europe, as well as the arrival of foreign assistance and investment and the restoration of Most Favored Nation trading status by the United States depended on the holding of timely, free and fair elections -- the parliament delayed completion of the legislation. Some seemingly trivial items, such as determining the size of electoral posters, took up days of legislative time. Some provisions, for example, forbidding an alliance to use the same name it had used in the local elections if the configuration of the alliance had changed, reflected the tensions and hostilities developing among the parties as membership and alliances shifted.

Among the most contentious issues that surfaced in the discussions on the electoral legislation were the timing of the elections (whether to hold them simultaneously or separately, and when) and the role of domestic observers.

In general, the pro-reform parties favored split elections, with the parliamentary contests first, while the conservative parties favored simultaneous elections. Although proponents of simultaneous elections often cited costs as justification, simultaneous elections held an obvious political benefit for parties with strong presidential candidates. Moreover, the conservative parties feared a situation in which split elections produced a pro-reform parliament that sought to hold a referendum on the form of government, or to ban former communists from holding public office. In the end, the conservative forces won the day: After numerous postponements, and despite Stolojan's personal pleas and exhortations for an earlier date, both elections were set for September 27, 1992.

The controversy over domestic observers came as a surprise and a disappointment to many both at home and abroad, especially given the positive role the more than 7,000 domestic observers had played during the local elections. The draft electoral legislation submitted by the government did not include a provision for domestic observers, and in April the Senate rejected an amendment that would have permitted their participation. The efforts of Romanian civic organizations such as the Pro-Democracy Association to lobby parliament in favor of domestic observers were met with suspicion and hostility.

International pressure, including letters from Helsinki Commission Co-Chairmen Steny H. Hoyer and Dennis DeConcini to Romanian government officials, and an intervention by Helsinki Commission Staff Director Samuel G. Wise at the CSCE Helsinki Follow-Up Meeting, helped prompt a reluctant compromise. On May 5, the Chamber of Deputies amended the law to include domestic observers, albeit with certain restrictions. Violations of accreditation guidelines were punishable by a criminal sentence of 1 to 7 years.

In the end, the elections of September 27, 1992, were observed by more than 500 foreign observers and several thousand domestic observers. Relative to previous elections, the process as a whole showed some important improvements. Noteworthy among these was the government's effort, in the pre-election period, to clarify electoral responsibilities and timetables and to ensure that its local representatives would fulfill their functions in an open and impartial manner.

In most cases, observers were impressed on election day by the generally calm and orderly electoral process, the diligent work of election officials, the active participation of political parties, and the increased transparency in the organization and administration of election day procedures. Relative to previous elections, local officials seemed more aware of their responsibilities and better equipped to fulfill them.

At the same time, observers did note some administrative shortcomings. The most serious concerns included: questions about the impartiality of some polling site officials; numerous instances of more than one person entering the same voting booth; the complicated and lengthy ballot; the length of the voting and counting process, which led to extreme fatigue of the poll workers; the continued uncertainty in some cases over the

integrity of the voter lists; and the procedure for voiding unused ballots. Many observers also heard reports of biased media coverage during the electoral campaign.

Further concerns developed as the election results were centralized. The Central Election Bureau (BEC) reported that with close to 12.5 million voters casting three ballot papers each (for President, Deputy, and Senator), roughly 3.5 million ballot papers, mostly for the parliamentary contests, were spoiled and invalid. Also surprising was the news that some 1.5 million voters had registered at the polling sites on election day -- prompting fears of large-scale multiple voting. The BEC ordered a recount of the void ballots; ballots that were found to be valid were redistributed accordingly.

On October 4, the BEC released the final election returns for the presidential ballot. With roughly 75 percent voter turnout, incumbent President Ion Iliescu had 47.34 percent of the valid votes, Democratic Convention challenger Emil Constantinescu 31.24 percent, and the four other candidates each 10 percent or less. A run-off between Iliescu and Constantinescu on October 11 essentially reconfirmed the results of September 27. Under more or less orderly voting conditions, Iliescu emerged as the winner, with 61.43 percent of the vote to Constantinescu's 38.57 percent.

The final results in the parliamentary contest gave the Democratic National Salvation Front (FDSN) roughly 28 percent, the Democratic Convention of Romania (CDR) 20 percent, the National Salvation Front (FSN) 10 percent, the National Unity Party of Romania (PUNR) 8 percent, the Hungarian Democratic Union of Romania (UDMR) 7.5 percent, the Romania Mare Party (PRM) close to 4 percent, and the Socialist Party of Labor (PSM; former Communist Party) 3 percent.

In November 1992, after efforts failed to entice the CDR into a coalition, President Iliescu appointed a little-known economist, Nicolae Vacaroiu, to head a minority government. Absent the support of the democratic opposition, the Vacaroiu government formed an informal coalition with the extremist wings. This political alliance has proved hazardous, however, as the extremist parties exert a drag on economic reform efforts, while alienating liberal and minority groups on social and political issues. The president and the government have had to maintain a delicate balance between satisfying their supporters and salvaging the economy, and have suffered debilitating criticism from all sides.

Since March 1993, the Vacaroiu government has been threatened by a series of no-confidence motions, public demonstrations, and strikes; various cabinet changes have been dismissed by the government's opponents as cosmetic or flawed. The ruling party, which in July 1993 changed its name to the Party of Social Democracy of Romania (PSDR), has made some attempts to draw the opposition parties into a governing coalition, but thus far negotiations have been fruitless. At the same time, threats in March 1994 that the ruling party would formalize the left-nationalist coalition with the extremist parties failed to materialize.

Most observers agree that responsibility for the current gridlock must be laid on the opposition as well as the ruling party. Having failed to secure a parliamentary majority, the opposition has suffered from interpersonal competition and conflict; as one scholar of Romanian affairs has noted, the opposition is united in "negative solidarity": *against* the government rather than *for* an articulated program.

Romania's next parliamentary elections are scheduled for 1996.

LEGACIES OF THE PAST

Trials of Communism

Romania's efforts to prosecute those responsible for crimes committed under the communist regime have been limited. Just as in other East-Central European countries, reconciling the popular desire for "justice" and the rigors of a rule of law society has proven extremely complex. At the same time, particularly in the period immediately following Ceausescu's overthrow, deliberate actions on the part of Romanian officials may have thwarted fuller disclosure and investigation of the abuses that occurred throughout the Ceausescu era.

The most notorious trial was that of Nicolae and Elena Ceausescu themselves; the tribunal that took their lives failed to ensure that true justice was served. According to Helsinki Watch:

The proceeding was intended neither as a serious evaluation of evidence of the Ceausescus' past abuses nor as a search for the truth regarding the events during the revolution. The proceeding took place in secret, with none of the basic safeguards of a fair trial, and the verdict was never in doubt. Many Romanians believe that the Ceausescus were tried, convicted and executed quickly so that they would not have to opportunity to make public embarrassing information regarding abuses committed by other government and party officials.⁶

Four of Ceausescu's most powerful aides were tried before a military court in Bucharest, charged with the crime of complicity to commit genocide during the uprising of December 17-22, 1989. The trial was restricted solely to events committed within that time and to actions for which the defendants admitted guilt; the trial thus precluded examination of earlier human rights abuses or the implication of other former government officials who may have committed such abuses. All four defendants were convicted and sentenced to life imprisonment, but their prison terms were subsequently reduced on appeal.

Twenty-four of the leading Romanian Communist Party members went on trial on July 21, 1990, also charged with crimes relating to genocide. They were convicted by the Bucharest Territorial Military Court and sentenced for periods ranging up to five and a half years. On December 12, 1991, however, they were acquitted by the Military Section of the Supreme Court of Justice. Four months later these acquittals were overturned by the Supreme Court, and fresh jail terms ranging from eight to sixteen years were imposed for the crime of "aggravated murder and complicity in aggravated murder."⁷ On March 24, 1994, President Iliescu pardoned eight of the prisoners.

In general, high-ranking communist officials who received criminal sentences were released early from prison on grounds of health, age, or good behavior. According to Radio

Free Europe, only one of those sentenced in connection with the events of December 1989 is still in jail. Some in Romania have heralded these pardons as evidence of humanity and reconciliation with the past; presidential spokesman Traian Chebeleu declared, "The trial of the former politburo members was a political trial...we will have no political prisoners in Romania."⁸ But others believe the pardons reflect a tolerance for past abuses and the continued influence of former communists in the present power structure.

The *Securitate*

Of all the instruments of repression in Ceausescu's Romania, perhaps none was more dreaded and feared than his secret police, the *Securitate*. Common wisdom held that one in four Romanians was a *Securitate* informer; whether or not this was true, the paranoia and mutual mistrust bred by an environment of intimidation has been one the most destructive legacies of the former regime. In the aftermath of the uprising, the new authorities quickly made plain their intention to disband the *Securitate*. Political surveillance and harassment continued, however, well beyond Ceausescu's ouster. A full disclosure of the *Securitate*'s personnel and activities has yet to be made.

In February 1990, Minister of Defense General Victor Stanculescu announced that the *Securitate* had been disbanded and that the army would set up a new internal security operation. Stanculescu declared that the telephone tapping centers established by the previous regime had been destroyed, and that bugging would no longer be used to monitor the activities of citizens, political parties, institutions, or enterprises. He also provided numbers for *Securitate* officers throughout the country who had been forced to retire, but failed to reveal the overall statistics of the *Securitate*'s membership before and after the events of December 1989.

Shortly after violent inter-ethnic clashes in Tirgu Mures in March 1990, the Romanian Intelligence Service (SRI) was founded under the authority of Colonel Victor Magureanu. As one analyst wrote:

The official explanation given for its creation was that Romania needed a strong intelligence network to protect the country from foreign provocateurs who were responsible for staging the bloody riots in an attempt to weaken Romania. But the opposition insisted that the authorities themselves had helped provoke the events in Tirgu-Mures to provide a justification for resurrecting the *Securitate* under another name.⁹

Some of the opposition's concerns gained credibility when, in May 1991, journalists from the newspaper *Romania Libera* unearthed in the town of Berevoesti some seven tons of files belonging both to the *Securitate* and the SRI -- including lists of dissidents, transcripts of Radio Free Europe broadcasts, and information on opposition figures -- that had apparently been buried shortly after the miners' rampage through Bucharest in June 1990. The excavated documents suggested that surveillance of the opposition in Romania had

Continued even after the *Securitate* was officially disbanded, supporting the claims of many that during this period their phones were tapped, their mail was opened, or they were the victims of anonymous harassment and intimidation.

The SRI continued to be dogged by allegations of impropriety throughout 1991 and 1992, and its director Magureanu was himself accused of having been an important *Securitate* official. Meanwhile, the so-called "file war" heated up concerning the contents and control of the vast *Securitate* archives. The Law on the Organization and Operation of the Romanian Intelligence Service, passed by the parliament on February 12, 1992, stated that archives dealing with national security matters were to remain under lock and key for 40 years. This legal quarantine, however, failed to prevent the selective release of a number of files, forcing the humiliation of a number of prominent individuals who did not enjoy the favor of the authorities -- particularly of the president and his allies.

While some have felt that the only solution is to open all the files, as Germany has done with the archives of the *Stasi*, others maintain that the information contained therein, unreliable by its very nature, would only encumber a society that desperately needs to move forward. Laying the past to rest -- or rather, leaving its secrets to a future generation -- they argue, may be the wiser course.

On June 16, 1993, the parliament voted to establish a special legislative commission to look into the activities of the SRI. Up until that time, the SRI had been operating with no parliamentary oversight. The commission is empowered to monitor the legality of SRI activities, to investigate claims by citizens that their rights have been violated by the SRI, to offer an opinion on the president's nomination for SRI director, to examine the SRI budget and audit SRI spending, and to request information from the SRI concerning any of the above matters. It does not, however, have full budgetary control. Hampered as well by lack of staff and other resources, the commission's effectiveness remains to be seen.

In September 1993, Magureanu appeared before the parliament and presented an account of the SRI's activity. While he admitted that his organization had failed to investigate the crimes of the *Securitate*, he flatly rejected allegations that the SRI had assumed the *Securitate*'s mantle. He was unclear about how many members of the *Securitate* were now employed by his agency, or what had happened to those who were retired. In March 1994, however, he stated that some 5,000 *Securitate* agents had been taken on by the SRI, but that lack of professionalism on the part of Ceausescu-era officers had impeded the SRI's performance and credibility, and that he expected the organization's image to improve in future months.

While allegations of phone tapping and other forms of harassment persist, the overall climate of suspicion has significantly diminished. The SRI does not appear to have interfered in the election process of September 1992, and the parliament seems increasingly determined to exercise oversight over the agency in the future.

At the same time, the activities of internal security and intelligence forces continue to merit careful monitoring. A draft law on the protection of state secrets, introduced by members of the governing party in late 1993, would set unduly broad terms for "state secrets" and grant the SRI wide and intrusive powers of enforcement. The draft law has been strenuously criticized by the Romanian and international human rights community; one Romanian human rights activist described it as "a sword of Damocles," imperiling the free flow of information. While the bill has not yet been passed, the sorts of restrictions it contains may well reflect the inclinations of the party in power.

FREEDOM OF EXPRESSION

Independent Media

Increased freedom of the press has been without doubt one of the most significant developments in Romania since the revolution. Numerous newspapers and magazines of varying political orientations have emerged, reflecting a wide spectrum of outlook and opinion. Indeed, some Romanians assert with dismay, perhaps the Romanian press has become *too* free; slanderous attacks against individuals and groups are frequent fare, and the extremist press is filled with outlandish slurs against Roma (Gypsies), Jews, and Hungarians, as well as politicians of other parties.

In the early years following the ouster of Ceausescu, distribution was one of the major difficulties faced by the independent press. Distribution, like access to printing facilities, was essentially controlled by the state. There were numerous tales of opposition papers being thrown off the trains, dumped out of mail bags, or delivered sporadically or late. Due in part to these factors, and also to the sky-rocketing cost of paper, many independent publications went out of business. By the time of the national elections in September 1992, however, allegations of deliberate sabotage of independent papers were rare.

On a number of occasions through 1991, journalists were assaulted by the Romanian police or by anonymous assailants. Some journalists who criticized the government also claimed to be subject to anonymous threats.

The parliament has made several attempts to produce a press law, but journalists and human rights organizations have successfully fought the initiatives. In March 1991, a draft press law signed and submitted to parliament by then-Prime Minister Petre Roman drew considerable attention and concern; in its original form, it mandated stiff punishments and fines to any journalist who insulted the President or government bodies. While the law was eventually withdrawn, influential political actors in Romania are still attempting to codify such restrictions. In November 1993, the Senate approved an amendment to the Penal Code providing jail terms and loss of credentials for journalists who print "insult and slander." The specific reference to journalists was eventually removed; nevertheless, "insult and slander committed in the written or audio-visual media are still punishable with jail sentences...."¹⁰

Television, the most far-reaching mass medium, has proven more controversial than the print press or radio. Romanian State Television (RTV) remains the only domestic broadcaster with nationwide facilities; Channel One reaches the entire country, while Channel Two reaches some 30 percent of the population. In the campaign period prior to the May 1990 elections, television broadcasting was clearly biased toward the National Salvation Front. Following the Front's landslide victory, many Romanians continued to feel that RTV, under its strong-willed director Razvan Theodorescu, depicted a selective and pro-government view of Romanian political life. Calls for an independent television became a major rallying point for the opposition, as well as the international community.

The Law on Radio and Television Broadcasting was passed in May 1992. While the law guaranteed free expression and banned censorship, it also included a number of vaguely worded prohibitions that could be used to restrict press freedom, including "defamation of the country and of the nation," and "programming and broadcasting of obscene manifestations contrary to morals."

The law created an 11-person National Audiovisual Council (NAC), which began issuing licenses to private television and radio broadcasters in November 1992. The initial round of licensing raised some controversy, as the NAC allegedly denied licenses and frequencies to some existing broadcasters in favor of newly created organizations with evident partisan ties. According to the U.S. State Department, however, after opposition groups accused the NAC of bowing to political pressure in its distribution of licenses, the NAC compromised in subsequent rulings, directing frequency sharing by various stations to allow the independent stations to continue operations. By September 1993, more than 40 television licenses had been issued and 14 stations were already broadcasting. Private stations have limited broadcast range, however, and most are limited by their dependence on state-owned transmitters to broadcasting during the late night hours when RTV is off the air.

The leadership of RTV has remained a source of political contention. Theodorescu's replacement, Paul Everac, was a playwright whose works reflected anti-Semitic, anti-Roma, and anti-Hungarian views; his government appointment was condemned by liberal and minority groups. Everac resigned under pressure in January 1994, following the airing of a documentary clip alleging that former King Michael was responsible for the execution of Romania's wartime leader Marshal Ion Antonescu. Secretary of State for Information Dumitru Popa was appointed as Everac's successor one day later -- an indication perhaps that the ruling party had come to see Everac as a liability, and was not distressed to see him go.

MINORITIES

According to the results of the 1992 census, there are more than 20 ethnic minority groups in Romania, forming between 10-15 percent of a population of some 23 million. The Romanian constitution "recognizes and guarantees to everyone belonging to an ethnic minority the right to preserve, develop and express one's ethnic, cultural, linguistic and religious identity;" guarantees "the right to learn and be educated in [one's] mother tongue;" and entitles individuals to the use of an interpreter in court.

The election law makes special provisions for representatives of legally established ethnic minority organizations to obtain one seat in the Chamber of Deputies if they win at least five percent of the average number of votes needed to elect a single Deputy. Through this arrangement, representatives of 13 ethnic minority groups obtained seats in the Chamber in 1992.

The Romanian government provides at least some level of mother-tongue education in a number of minority languages. It also subsidizes a number of cultural institutions, including theaters, folk ensembles, museums and libraries. Romanian Radio and Television include minority-language programming, although the directors of RTV have at times attempted to inhibit such broadcasts, whether by cutting back their hours, reducing their range, or limiting their subject material. There are also minority-language publishing houses and periodicals.

Despite these institutional means for safeguarding the rights of minorities, however, inter-ethnic relations in Romania remain tense. The government's dependence on the extremist parties in the parliament heightens the feeling of vulnerability among minority groups, particularly the two largest communities, ethnic Hungarians and Roma (Gypsies). Despite a number of public statements from President Iliescu condemning xenophobia, and Romania's oft-repeated adherence to the minority rights provisions of the CSCE and other international fora, allegations of discrimination persist.

Ethnic Hungarians

The most prominent of Romania's minorities are the ethnic Hungarians, numbering close to 2 million and concentrated in the western part of the country known as Transylvania. Transylvania is roughly three-fifths ethnic Romanian, and in most of the region's counties ethnic Hungarians are clearly a minority -- albeit a substantial one. They are joined by a German minority as well as smaller groups of Serbs, Ukrainians, Bulgarians, Czechs, Slovaks, and others, plus an unspecified number of Roma (Gypsies). In several counties, however, such as Satu Mare and Mures, ethnic Hungarians approach roughly half the population. In the counties of Covasna and Harghita they form a considerable majority.

The post-WW II communist leadership, despite its professed commitment to minority rights, gradually carved away at expressions of Hungarian culture. Hungarian-language

educational opportunities were reduced and Hungarian-language publishing houses saw their budgets sharply cut, while minority theaters, houses of culture, and folklore groups were forced to merge with Romanian organizations. Because the government assigned graduates places of work and residence, Hungarian-speaking professionals often found themselves transferred to overwhelmingly Romanian areas, while Romanians were placed in what once were homogeneous minority areas. This encouragement of assimilation grew increasingly aggressive as Ceausescu tried to enhance his support as a Romanian nationalist.

The solidarity of ethnic Hungarians and Romanians in the tense stand-off in Timisoara that precipitated the revolution of 1989 raised hopes about the future of inter-ethnic relations. The euphoria that followed Ceausescu's demise was captured by the words of Karoly Kiraly, a leading advocate of minority rights: "We are going to be free Hungarians in a free Romania!"

Indeed, the initial outlook was promising. The National Salvation Front that took power after Ceausescu's fall declared its commitment to guaranteeing minority rights and began a process of reintroducing Hungarian-language education, including through appointing an ethnic Hungarian as Deputy Education Minister responsible for minority schools. The process of reorganizing schools, however, was at times handled in a manner that antagonized ethnic Romanians in Transylvania. In Cluj and Tirgu Mures, for example, Romanian pupils were barred without notice from certain schools, despite the fact that it was the middle of the academic year. Complaints from the Romanian community led the government to back away from some of its more ambitious promises; the delay rankled the ethnic Hungarian community, however, and it began holding demonstrations calling for the separation of schools.

A series of clashes took place throughout Transylvania in the early months of 1990. On February 8, several people were injured in Cluj during a confrontation between rival groups. Several days later some 40,000 ethnic Hungarians marched through Tirgu Mures, demanding the return of a Hungarian-language school. These events helped spark the emergence of *Vatra Romaneasca* ("Romanian Hearth"), a nationalist organization that aimed to promote Romanian cultural values and accused the Hungarian minority of attempting to garner privileges and rights at the expense of ethnic Romanians.

The education question had been the primary source of conflict, but the celebration of March 15 -- Hungary's national holiday commemorating the day in 1848 on which serfdom and privileges were abolished and the union of Transylvania with Hungary was proclaimed -- fueled a frightening increase in rhetoric and violence. Several thousand Hungarian citizens crossed the Romanian border to help celebrate the anniversary by draping Hungarian flags on city buildings -- a gesture many Romanians viewed as a deliberate provocation. Over the next few days tensions grew between the two communities as *Vatra* supporters jostled ethnic Hungarians in the streets and a drunken ethnic Hungarian drove his car into a group of Romanians.

On the morning of March 19, several hundred Romanians marched in Tirgu Mures to protest the March 15 celebrations. Later that day, some 1,000 villagers armed with clubs and pitchforks were bussed in from surrounding areas; the mob then stormed the headquarters of the Democratic Union of Hungarians in Romania (UDMR), ravaging the building and attacking the party officials inside, including the well-known writer Andras Suto who was blinded in one eye.

The next day a predominantly Hungarian crowd of roughly 15,000 gathered in the center of town to protest the violence and demand an official inquiry. Ethnic Romanians again assembled, once more bolstered by ranks of villagers brought in from outside, and once again the rally degenerated into violence. This time the Hungarian groups counterattacked, however, and by midnight when the police and Army finally arrived to break up the clashes, atrocities had been committed by both sides: At least five people were dead and several hundred injured.

The bloodshed in Tirgu Mures shocked both sides. While it weakened faith in inter-ethnic reconciliation, it also showed the dangerous result of continued hostility. No similar violence has occurred between ethnic Romanians and Hungarians since that time, although the extremist press often resorts to inflammatory rhetoric.

The UDMR has fared consistently well in Romania's elections, and currently holds 28 seats in the Chamber of Deputies and 12 seats in the Senate. Over time, a combination of public pressure, legislative development, and government action has helped to improve the overall situation of Romania's ethnic Hungarians.

Despite these advances, many ethnic Hungarians remain concerned that a climate of intolerance and xenophobia pervades much of Romanian political life. As recently as March 1994, the UDMR presented a list of specific complaints to representatives of the Council of Europe investigating human rights in Romania. Among their concerns were local actions taken by the Mayor of Cluj, Gheorghe Funar, that clearly discriminate against ethnic Hungarians; certain laws passed by parliament; and bias in the administration of justice.

Education remains a contentious issue, with ethnic Hungarians demanding equal opportunities in education and the return or creation of certain Hungarian schools. Much of the debate has focused on the Hungarian Bolyai University in Cluj, which was forcibly merged with the Romanian Babes University in 1959 under the personal supervision of Ceausescu. Ethnic Hungarians are seeking to restore this university as a state-financed, Hungarian-language institution; Romanian officials have rejected the idea, arguing, for example, that the purpose of higher education is to become useful to Romanian society. Though the current leadership of the Babes-Bolyai University has promoted a significant broadening of courses offered in Hungarian, ethnic Hungarians fear that the situation could change.

Below the university level, the possibility generally exists for Hungarian-language education. According to the government-sponsored Romanian Institute for Human Rights, Hungarian-language education was organized for 2,336 units and sections of pre-, primary, secondary, high and vocational school in 1992-93, serving more than 200,000 children. A 1993 report by Helsinki Watch entitled *Ethnic Hungarians in Post Ceausescu Romania* raised concerns, however, about inadequate training and insufficient numbers of Hungarian teachers, restrictions on the courses taught in Hungarian, inadequate supply of textbooks in Hungarian, and local interference with minority education. Some leaders of the UDMR believe that the continued failure to pass a law on education prevents them from resolving such concerns.¹¹

Ethnic Hungarian representatives have also protested discriminatory actions taken against them at the local level. In May 1990 and February 1992, there were several cases of candidates sympathetic to ethnic Hungarian concerns being disqualified from running in the elections; assessments by human rights organizations found that the disqualifications were politically motivated and legally untenable.

Currently, most attention is focused on the city of Cluj, where ultra-nationalist Gheorghe Funar was elected Mayor in February 1992. Funar has taken a number of aggressive actions against members of the ethnic Hungarian community, including ordering the eviction of certain ethnic Hungarian organizations and publications from their premises, and banning the use of bilingual signs. According to the U.S. Department of State, the government, acting through its local representative the prefect, "declared several of Funar's actions null and void, but the municipality continued to use local statutes and regulations to harass local Hungarians."¹²

The appointment of prefects is another issue that has rankled the ethnic Hungarian community. In July 1992, bowing to pressure from Romanian nationalists, Prime Minister Stolojan dismissed the ethnic Hungarian prefects of the only two majority-Hungarian counties, replacing them with ethnic Romanians. Following a series of street demonstrations and protests, Stolojan compromised by appointing joint prefects -- one Hungarian, one Romanian -- to the counties in question. In March 1994, however, Prime Minister Vacaroiu ended the multi-ethnic arrangement and appointed ethnic Romanians in each county. The UDMR protested this change strenuously and refused the government's offer to name ethnic Hungarians as deputies. While most observers recognize that the government has the right to nominate its own representatives, many also feel that removing ethnic Hungarian prefects in favor of ethnic Romanians reflects a lack of commitment to inter-ethnic harmony.

Romania's complicated bilateral relationship with Hungary has undoubtedly exacerbated tensions within Romania itself. The accusation of Romanian extremists that ethnic Hungarians are disloyal to the Romanian state or seek to reunite with Hungary has not been mollified by Hungary's unwillingness to codify respect for current borders in a bilateral treaty; at the same time, Romania's reluctance to include specific minority rights guarantees in the same treaty arouses suspicions on the Hungarian side. A breakthrough

appears to have occurred, however, in the aftermath of Hungary's May 1994 elections. Gyula Horn, Hungary's new prime minister, has indicated that he will seek "historic rapprochement" with Romania by explicitly endorsing Hungary's present-day borders in exchange for minority rights guarantees. Such a rapprochement between the two countries would certainly be a step forward.

Roma (Gypsies)

Estimates of the number of Roma (Gypsies) in Romania vary widely, from 427,000 (in the 1992 census) to several million (according to some Roma representatives). The situation of Roma is clearly difficult; it is also extremely problematic, as Roma face discrimination even among public officials, and as they lack a unified political voice of their own or a mother-country to speak on their behalf. Violence against Roma communities continues to occur, occasionally with the tacit support of local authorities. In numerous incidents since December 1989, crimes committed by individual Roma have sparked vigilante retaliation against entire Roma villages, including arson, destruction of their homes and property, lynching, and expulsion.

The Romanian government has frequently sought to portray violence against Roma as socially, rather than ethnically, motivated. It is certainly apparent that the feelings of many Romanians toward Roma are tinged with social resentment and distaste. Roma are popularly viewed as unscrupulous thieves and blackmarketeers who profit from the country's economic dislocation. In July 1991, following a number of arson attacks against Roma villages, a well-known member of the Senate Committee on Human Rights confidently assured a Helsinki Commission staffer that "even the poorest Gypsy is richer than the wealthiest Romanian." It is also clear that in a number of incidents, crimes committed by Roma were the catalyst of violent retribution. At the same time, the similarities among the various attacks against Roma and their property suggest an alarming pattern of aggressive discrimination.

Nicolae Gheorghe of the Romani International Union has suggested that the social character of the attacks does not diminish but rather embraces their ethnic character. He has sought to persuade Romanian authorities and society to acknowledge the reality of ethnic hatred and to find appropriate solutions. A number of non-governmental organizations (NGOs) active in human rights have taken an interest in the special concerns of Roma; the government, as well, has launched some initiatives to improve the situation of Roma. These include job training programs for Roma, as well as experimental classes in the Roma language for Roma children. The government has also promised to help rebuild Roma homes destroyed in various arson attacks, though in most cases, relief measures have been incomplete or nonexistent.

Following a September 1993 vigilante-style assault on a Roma community in Hadareni, the government for the first time issued a strong statement condemning such acts and warning that retaliatory vigilantism was intolerable and would be punished.

Investigations were immediately undertaken by the police and the prosecutor's office, and the commander of the county police was dismissed. Roma representatives, however, complained that the government statement reflected a tendency on the part of Romanian officials to insinuate that the Roma themselves were to blame for the attacks made against them. Most important to the Roma community was to see those responsible for the lynching of three Roms and the destruction of 13 homes brought to justice. More than seven months later, only one house has been rebuilt and not a single arrest has been made.

In fact, the justice system has repeatedly failed to punish those responsible for crimes against Roma. According to the Lawyers' Committee for Human Rights, there have been more than two dozen attacks against Roma communities in Romania, with more than 200 homes destroyed as well as individual attacks on Roma. Many pre-1993 incidents of vigilante violence against Roma remain unresolved, or have failed to result in prosecutions. Among these incidents is a July 1992 attack on a group of Roma in a Bucharest open air market, allegedly committed by a group of masked policemen. At the same time, Roma have been singled out for punishment in other incidents of street violence, such as the Tirgu Mures clashes between ethnic Romanians and ethnic Hungarians in March 1990. According to a Romanian lawyer who frequently represents Roma in court:

Gypsies are much more frequently arrested and the presumption of guilt is much stronger. During the investigative stage, Gypsies are frequently abused and there is no chance to present evidence of innocence. Police and prosecutors view them in a very distorted way.¹³

Roma have also been disproportionately affected by the overall pain of economic restructuring in Romania. A 1991 report by the International Labor Organization (ILO) commission found that Roma suffered both direct and indirect discrimination in the workplace, and were excluded from educational or work opportunities that might lead to higher paying or skilled jobs. A June 1993 ILO report found that the situation had improved somewhat, though a recent press report cited a study by teachers and sociologists at Bucharest University showing 80 percent of adult Roma have no professional training and only 22 percent are employed.¹⁴

The Council for National Minorities

In April 1993, following negotiations brokered by an American organization devoted to inter-ethnic relations (the Project on Ethnic Relations), the government created a consultative Council for National Minorities. The Council is mandated, *inter alia*, to monitor the specific problems of persons belonging to ethnic minorities, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities and the government, and to investigate complaints.

The Council is headed by the Secretary General of the government, Victor Hrebenciuc, and comprised of 60 delegates: 48 representing the 16 officially recognized minorities and 12 representing various government ministries. The 12 ministries together are entitled to one vote, while each minority is also entitled to one vote; decisions require a two-thirds majority and may be vetoed by the government representatives or by any minority directly affected. Government approval is necessary for a Council decision to be enacted.

At the time of the Council's creation, some believed that it demonstrated increased political will on the part of the government to resolve inter-ethnic disputes. Skeptics, however, including representatives of some minority groups, suspected that the Council was merely a sop to the West, particularly as Romania was soon to be considered for membership in the Council of Europe. Less than six months later, the delegates of the UDMR withdrew from the Council, claiming that it had failed to make any substantive progress. While the Council has approved decisions on such contentious issues as bilingual signs, and language of instruction for Romanian history and geography, the government has retreated from implementing them in the face of opposition from nationalist groups.

TOLERANCE AND NON-DISCRIMINATION

Religion

The Romanian constitution provides for freedom of religion. There are 15 officially recognized religions whose clergy may receive state financial support, and another 120 faiths and denominations that have received licenses entitling them to juridical status as well as certain tax exemptions. According to the U.S. Department of State, the government does not impede the observance of religious belief, but approval of new applications for official registrations is very slow due to bureaucratic problems. Approximately 86 percent of the population belongs to the Romanian Orthodox Church, which occupies pride of place in Romanian social and political life. Members of minority religions have occasionally complained of harassment and discrimination.

The longstanding controversy between the Orthodox Church and the Uniate Church is still unresolved. The Uniate Church, which was founded in 1700, was declared illegal by the Romanian communist authorities in 1948. All of the Uniate bishops were arrested, as well as many priests and other religious leaders. Uniate followers were forced to convert to Orthodoxy, and all Uniate property was confiscated by the state. Much of the property, however, was granted to the Orthodox Church, which over time absorbed many of the Uniates' former congregations. A few hundred renegade Uniate priests managed to escape prison and survive, and they conducted clandestine services as best they could through the years of communist repression.

Following the revolution of 1989, the law banning the Uniate Church was officially repealed, and the Uniates hoped they would soon be compensated for their material and emotional losses. Since then, however, the government has maintained that the return of property is an issue for the Uniate Church to negotiate privately with the Orthodox Church. These negotiations have failed to produce any result, and indeed, seem hopelessly stalemated. Consequently, Uniate priests have resorted to extreme measures to practice their faith, whether by holding services in the woods or in sports stadiums, or by retaking churches unilaterally -- which has sometimes resulted in violence.

Uniate properties in state possession have in many cases been returned, pending recommendation from a governmental commission. Progress, however, has been extremely slow, and the Uniates claim the government has favored the Orthodox Church on the property issues in dispute. Leaders of the Romanian Reformed Church have also complained of foot-dragging in this area, noting in a November 1993 communique:

Our Governing Council condemns the ownership right policy of the Romanian government.... As far as our confiscated properties -- our land holdings, our buildings, our schools and our historical monuments -- have not been returned into our possession, the religious freedom declared in the Constitution will remain a pure illusion.¹⁵

Romania's Jewish community now numbers less than 18,000 and is mostly concentrated in Bucharest. As in a number of other countries in the region, anti-Semitism has a cadre of vocal supporters in Romania. The extremist press frequently publishes anti-Semitic propaganda. There were a few incidents of anti-Semitic vandalism in 1990, but Jewish individuals have not been attacked.

On several occasions since 1991, Romanian government officials have publicly condemned anti-Semitism and have attempted to distance themselves from the extremist press. In April 1993, President Iliescu annoyed extremist political leaders by attending the opening of the U.S. Holocaust Memorial Museum, and by delivering a message at the April 1994 commemoration of Holocaust Day at the Bucharest synagogue. There are 69 synagogues in use in Romania, and Jewish choirs and music groups are sponsored in a number of communities. According to the government-sponsored Romanian Institute for Human Rights, the Jewish State Theater in Bucharest is the only Yiddish language theater in Europe. The Jewish publication *Revista Cultului Mozaic* is issued twice a month in Romanian, Hebrew, Yiddish and English, and 22 communities have at least one Talmud Torah class.¹⁶

Despite official public statements and various forms of state support, many Jews feel that the government has failed to match its rhetoric with active restraint or marginalization of the extremist forces. While President Iliescu has publicly condemned anti-Semitism, he accepted the endorsement of the extremist parties and their spokesmen in his re-election campaign, and has been willing to accept their collaboration when it serves him.

Recent attempts to rehabilitate Marshal Ion Antonescu, Romania's wartime leader, have angered members of the Jewish community and damaged Romania's image abroad. Antonescu is glorified in Romania as an anti-Soviet hero, but most Romanians remain ignorant of his role in the deportations and deaths of hundreds of thousands of Bessarabian and Ukrainian Jews. In 1991, the parliament observed a minute of silence in tribute to Antonescu; in June 1992, members of the Marshal Antonescu League asked the Prosecutor General to initiate an extraordinary appeal to retry the executed leader. In October 1993, a statue of Antonescu was unveiled in front of the local police headquarters in Slobozia; the ceremony, attended by members of the local police force, extremist members of parliament, and a secretary of state from the Ministry of Culture aroused international criticism and concern. Following the incident, the government took pains to emphasize that it had played no part in the erection of the statue, and when a second statue was proposed for the town of Pitesti, presidential spokesman Traian Chebeleu publicly denounced the initiative.

President Iliescu has also publicly condemned the efforts to rehabilitate the legacy of the Legionnaires. His message on Holocaust Day emphasized:

I have taken other opportunities, too, to state my concern about the growing number of activities exalting fascism and the Legionnaires' movement such as the publishing of booklets and books, the dissemination of false historical data,

the issuance of statements or press releases or the foundation of extremist groups and organizations. Therefore, I reaffirm my belief that a stronger action is required from all Government institutions, in order to remove and prevent such actions before they grow into threatening the state of law, the country's stability and the good existence of all citizens.¹⁷

Despite the very prominent actions of the extremist leadership, the depth of anti-Semitic sentiment in Romania is not clear. What is clear, and troubling, is the government's inability or unwillingness to break its political dependence on the extremist parties. As long as individuals such as Corneliu Vadim Tudor and Adrian Paunescu (former Ceausescu propagandists, now members of parliament and party leaders with close ties to the extremist press) retain political influence, the Jewish community is likely to feel at risk.

Sexual Orientation

Although sexual orientation is not explicitly mentioned in CSCE documents, it is steadily being discussed as part of the CSCE human dimension. A number of national delegations and NGOs called for heightened attention to sexual orientation at the 1992 Helsinki Follow-Up Meeting, and it was among the subjects of discussion at length at the 1993 Implementation Meeting on the Human Dimension. As the rapporteur's summary of that meeting noted: "It was pointed out that CSCE commitments in the area of non-discrimination cover homosexuals as well. Suggestions were made that discriminatory State policies against homosexuals, and criminalizing legislation, should be eliminated."

The human rights of gays and lesbians in Romania acquired particular political significance in late 1993, when Romania was granted full membership in the Council of Europe (CoE). At that time, the CoE made clear its expectation that Article 200 of the Romanian Penal Code would be revised in conformity with CoE standards. Article 200, Paragraph 1, in its original form, imposed a total ban on gay and lesbian relations with a prison sentence of one to five years. According to the Romanian Helsinki Committee, there are currently 57 individuals imprisoned under Article 200, of whom three were convicted solely for having consensual same sex relations with another adult.

The Romanian Independent Society for Human Rights (SIRDO) was the first domestic non-governmental organization to address the human rights of gays and lesbians in Romania, establishing a Commission for Gay and Lesbian Rights in May 1993. Since that time, other NGOs including the Romanian Helsinki Committee and Grup 200 have adopted sexual orientation as a focus of their work. International human rights organizations like Amnesty International and the International Human Rights Law Group have also expressed concern about the human rights of gays and lesbians in Romania.

Pressured by domestic and international human rights and gay and lesbian associations, the Senate amended Article 200 in February 1994. The amendments failed to satisfy human rights concerns, however; according to the International Gay and Lesbian

Human Rights Commission, the "much touted reform is only a cosmetic change that will not end or lessen the Romanian government's ongoing juridical persecution of gays and lesbians."¹⁸

The Senate's version of the text now states that sexual relations between individuals of the same gender are punishable with jail sentences of one to five years if such relations result in "public scandal," though what constitutes a public scandal is not defined in the statute. The age of consent for homosexual relations is higher than that established for heterosexual relations; similarly, criminal penalties for homosexual conduct are more rigorous than those imposed for crimes involving analogous forms of heterosexual conduct.¹⁹ In addition, the Senate added prison terms of one to five years for "[e]ncouragement or allurement of individuals, with a view to the perpetration of the deeds described in the above paragraphs, as well as propaganda actions, associations, or any other proselytizing actions carried out in view of the same purpose...." -- a restriction that human rights activists fear could be used against gay publications, organizations, or establishments.

The amended text was passed to the Chamber of Deputies for consideration, and in late April 1994, the Juridical Committee of the Chamber of Deputies passed a modified version of the article. In the view of a number of human rights organizations, the changes were quite favorable: changing "causing a public scandal" to "perpetrated in public;" striking the paragraph that would have criminalized "propaganda," "proselytizing," and associations; and reducing some of the jail terms.

There has not been any further action on Article 200 in the Romanian parliament since that Committee decision. Article 200 is being considered along with amendments to the entire Penal Code, and, as of this writing, deliberation about the amendments in the Chamber's Juridical Committee has been temporarily suspended. The amendments will be reported out by the Committee as a whole once the article-by-article deliberation has been completed. Then the package will be scheduled for floor debate and, if the Committee's recommendations on Article 200 are confirmed, it and any other article inconsistent with the Senate package will go to a Mediation Committee. If the Mediation Committee fails to reach agreement, there will be a joint session of the parliament to vote on it line-by-line.

For the time being, Romania's gay community lives under the threat and stigma of the current legislation and hostile social attitudes. Credible allegations of police entrapment and abuse of homosexuals have been recorded by international and domestic NGOs, and a number of gay Romanians have claimed that the police use blackmail or extortion tactics -- threatening to reveal their sexual orientation -- to force them to "out" other members of the gay community. There have also been credible reports of physical and psychological harassment of homosexuals detained by the police. As long as homosexual activity by consenting adults retains criminal status, Romania's gay men and women will continue to suffer persecution.

RULE OF LAW

Independence of the Judiciary

The 1992 law on the reorganization of the judiciary officially took effect on July 1, 1993. The law established a four-tiered system, including the reintroduction of appellate courts, which had ceased to exist under communist rule in 1952. Due to shortages in personnel and material resources, however, these provisions were not implemented in 1993. A three-tiered military court system is used for cases involving military personnel, criminal acts against the state, and acts committed by police. Human rights organizations have charged that the military courts block proper investigation of police abuses.

The selection and promotion of judges is controlled by the Ministry of Justice. Judges receive life tenure and, according to the terms of the 1992 law, are independent of the executive branch. In practice, however, the administrative hierarchy of the magistrature permits higher-ups to exert pressure on junior judges.

In the aftermath of Ceausescu's regime, some judges whose impartiality was compromised by past collaboration were removed or retired. Establishing a fully-staffed and independent judicial corps has proven difficult, however, as training and retraining takes time, and as many talented young professionals have been attracted to the better paid practice of private law. According to the Lawyers' Association for the Defense of Human Rights (APADO):

Underpaying judges has become a tradition in Romania. The low pay has attracted people of limited professional ability to become magistrates and has encouraged corruption, thereby harming the prestige of the institution and minimizing the professional conscience.²⁰

APADO has also expressed concerns that the current program for training judges is poorly organized, underfunded, and incapable of turning out enough qualified professionals to meet demand.

The Prosecutor General is responsible for the administration of the law and for criminal prosecutions. While appointed by the President, he or she reports to the Minister of Justice. Following a recommendation from the Council of Europe that military personnel not hold this office, Vasile Manea Dragulin, a former prosecutor and judge on the Supreme Court of Justice, was named to the post in May 1993.

According to the law, rulings concerning promotions, transfers, suspension or dismissal of judges are made by the 15-member Superior Council of the Magistrature. The Superior Council of the Magistrature is made up of Supreme Court judges, prosecutors from the Prosecutor General's Office, court of appeals judges, and prosecutors with the prosecutor's office at the Bucharest Court of Appeals. APADO has protested this arrangement, arguing

that by granting prosecutors influence over the promotion and discipline of judges, the law compromises the independence of the judiciary.

A July 1993 survey commissioned by the U.S. Information Agency found that 48 percent of Romanians voice little or no confidence in the Romanian judiciary -- a figure roughly comparable to that in other East-Central European countries. Forty-six percent believed that they would not get a fair trial if "wrongly accused of a crime," and 47 percent questioned the objectivity and fairness of judges themselves. The survey also found, however, that 96 percent of Romanians say that "a system of justice that treats everyone equally" is "essential" or "important" to a democracy. As the U.S. Information Agency concluded: "The process of instituting the rule of law will undoubtedly be a slow but essential step in the consolidation of democracy in Romania. But it is one step that the vast majority of the Romanian public fully support."²¹

Legislative Transparency

While the Romanian constitution stipulates that the sessions of both chambers of parliament shall be public, access is limited in practice. Until very recently, only journalists and representatives of certain groups were permitted to attend plenary sessions, and then, only with accreditation (in December 1993, President of the Senate Ovidiu Gherman invited the non-governmental Pro Democracy Association to organize groups of up to 30 citizens to observe plenary debates). Commission meetings, where pieces of draft legislation are discussed and amended, are closed to the public unless the commission decides otherwise. Matters under debate in parliamentary commissions are not publicly announced, and copies of draft legislation, while generally distributed to the press, are not available to the general public. There is no library or other resource center with publicly available copies of draft legislation on file. Votes are generally unrecorded, diminishing the accountability of elected representatives.

Since the September 1992 elections, a number of Romanian human rights NGOs have become actively engaged in efforts to open the legislative process. A February 1993 declaration in favor of legislative transparency received the support of NGOs, trade unions, and newspapers representing more than three million people. It called for: granting access to the parliamentary debates to all citizens, with restrictions only on the basis of security and space, or in the case of debates on national security; making the legislative agenda accessible to the press and interested persons in a timely manner; making public pieces of draft legislation, as well as the names of their authors; and recording and making public votes on bills and amendments.

The Romanian Helsinki Committee (APADOR-CH) has placed permanent representatives in each chamber, and has thus managed to obtain pieces of draft legislation in a timely manner. APADOR-CH then analyzes the bills from the perspective of constitutional law, international human rights law, and comparative law, and submits the analyses to the parliamentary commissions and the leaders of the parliamentary parties.

The Pro Democracy Association (PDA) has focused on civic education. PDA prepared a video that was shown at town meetings throughout the country, introducing their work and highlighting the need for greater public participation in the legislative process. They also designed a poster, displayed around the country by PDA's local chapters, depicting the parliament behind a half-closed door with a caption explaining that citizens can gain access to the legislative process by opening the door. Finally, a mass-produced flyer described the structure of the parliament and the various stages of the legislative process, explaining how citizens can contact their parliamentarian and their local party office.

While the NGOs have made commendable progress in opening the legislative process in Romania, they acknowledge that, so far, much of their success depends on personal contacts with individual members of parliament. Institutionalizing reform will require continued pressure and commitment. The NGOs recognize that the parliament itself suffers financial and physical constraints; most members of parliament have no staff and few resources and are therefore, even with the best of intentions, unable to maintain extensive contact with constituents or lobby groups. At the same time, some members of parliament have actively resisted efforts by the public to become more closely involved in legislative activity. Others resist the concept of recorded votes, arguing that secret voting is necessary because it permits them and their colleagues to break rank with their parties on matters of conscience. In many cases, efforts on the part of willing members of parliament to help open the process are blocked by bureaucratic tangles, administrative foot-dragging, and lack of resources.

Police Abuses

Romanian authorities are required to inform an arrestee of the charges against him or her. The arrestee also has the right to have an attorney present at all stages of the legal process, and police must notify the defendant of this right, in a language the defendant understands, before obtaining any statement from the arrestee. According to the U.S. Department of State, however, this right is not always respected in practice -- a shortcoming the Romanian government has acknowledged.

A number of Romanian and international human rights organizations have expressed concern about beatings of detainees in police lock-ups, as well as disproportionate use of force by police, or conversely, non-intervention in cases of inter-ethnic conflict. APADOR-CH, which has organized a specific program to deal with police abuses, asserts:

The mentality of the police -- especially in the rural areas or in the small municipalities -- has remained unchanged since the old system. The idea that the police is a repressive body prevails, the presumption of innocence is ignored, inhuman or degrading treatments are used to obtain statements from the suspects arrested.²²

Legal oversight of the police is the responsibility of the office of the military prosecutor. Human rights organizations have claimed that the military prosecutor often delays investigations unnecessarily; when the military prosecutor has investigated specific cases, it has usually failed to produce an indictment. Human rights activists question the impartiality of the military prosecutor, charging that "There is a clear tendency to protect the police suspected to have perpetrated even very serious abuse."²³ These organizations point to the necessity of removing the military status of the police and placing them under civilian control, including civilian judicial jurisdiction.²⁴ A new law on the police, adopted by the parliament in April 1994, represents a first step in demilitarizing the Romanian police.

Human rights organizations have also reported abuses in Romanian prisons, including overcrowding, use of leg irons, and degrading treatment. The non-governmental Romanian Independent Society of Human Rights (SIRDO) has developed a program aimed at enforcing international standards in the Romanian penal system; in November 1993, SIRDO sponsored an international seminar in conjunction with Penal Reform International (PRI) that included participants from the Supreme Court of Justice, the Ministry of Justice, the General Prosecutor's office, and the General Inspectorate of the Police.

As in other countries in the region, the retraining and recruitment of a police force that recognizes and respects the civil rights of all citizens is bound to take time. APADOR-CH notes:

Obviously, there are also problems of a material nature, preventing the police [from carrying] out their mission: the shortage of personnel (there are municipalities including up to six villages scattered 6-7 kilometers away from the center, having only two or three police with no means of transportation for timely interventions, nor with any communications available), lack of equipment, relatively low salaries, insufficient social protection, etc.

What is more disturbing, however, is the apparent failure of the military prosecutor to thoroughly investigate and punish those police officers who abuse their authority.

CONCLUSIONS AND OUTLOOK

Romania, for decades the maverick in East-Central Europe, at last seems to be realizing its quest for normalcy. While the full extent of the economic, environmental, psychological and social damage of the Ceausescu regime will clearly take years to overcome, Romania has made tremendous progress since 1988. Its early steps were precarious, but Romania today is not far out of sync with the pace of its regional neighbors. Many of the lingering problems in Romania's journey toward democracy and a market economy are shared, to varying degrees, by other East-Central European countries: They are problems of transition, and not necessarily of Romania alone.

But Romania does face particular challenges in resolving these problems. Chief among them is the lack of political consensus that has plagued the country since the National Salvation Front first assumed control in the murky days following the revolution. President Ion Iliescu and his followers have repeatedly called for a government of "national reconciliation" with the opposition parties, but the political arena is too highly charged and political actors too mutually suspicious for real cooperation to occur. The ruling party accuses the opposition of stalling progress by refusing to support the government's policies; the opposition, which generally views democracy not as consensus but rather as a framework for open disagreement, uses condemnation of the government to bolster its own reputation. The result is a zero-sum struggle for moral and political legitimacy, which has yielded an embattled minority government, a fractured and foot-dragging parliament, and a slow pace of economic reform.

The stalemate between the ruling party and the opposition has also granted Romania's extremist forces particular prominence and leverage. Though President Iliescu has at times proven willing to contradict or defy the extremist parties, he and his Party of Social Democracy (PSDR) continue to rely on their support. Representatives of these parties hold a number of second-tier administration positions; moreover, they have been able to stall dialogue and progress on issues like inter-ethnic relations and economic reform. The continued influence of extremist forces in the government has contributed to reluctance on the part of international lending institutions and foreign investors to do business in Romania; ironically, should the devastated economy fail to improve, support for extremist forces may increase.

Over the last year, Romania has shown itself eager and determined to join the club of western democracies. It achieved two important foreign policy goals in the fall of 1993 when it was accepted as a full member of the Council of Europe and reaccorded Most Favored Nation trade status by the United States. Romania was the first country to join NATO's Partnership for Peace program, and has also cooperated with the U.N. sanctions against Serbia, despite traditional friendly relations with that country and tremendous economic losses at home. President Iliescu and Foreign Minister Teodor Melescanu have traveled to numerous Western countries including the United States, France, Greece and

Spain, and Romania played a role in facilitating the accord between Yasser Arafat and Yitzhak Rabin in May 1994.

These foreign policy successes have all contributed to the sense of normalcy and belonging that Romania has sought for so long. But more important than international prestige is the sense of civic engagement that is slowly beginning to take root within Romania itself. In the field of human rights and civic education, non-governmental organizations have worked diligently to promote legislative transparency, accountability of elected officials, fair administration of justice, prison reform, non-discrimination, and respect for individual human rights. In the media sphere, a broad variety of print publications reflect views across the political spectrum, and a number of independent television stations are up and running, albeit with technical limitations. Although only 1 percent of the state economy has been sold off under privatization, Romania now boasts 500,000 private enterprises.²⁵

Ceausescu's overthrow was both swift and dramatic, but the transition to democracy in Romania is an evolutionary -- not revolutionary -- process. In the areas in which progress remains to be made, such as civic education, judicial reform, police training, opening the legislative process, improving prison conditions, and promoting a climate of non-discrimination and mutual respect, more time, effort, and conviction will be necessary to spur the process forward. On the one hand, it is clear that there are many actors in Romania today, both governmental and non-governmental, devoted to that end. On the other, it is equally clear that there are very real obstacles -- structural, political, social and economic - that stand in the way. Courageous political leadership and continued civic engagement will be required to stay the difficult course ahead.

ENDNOTES

1. Mircea Dinescu, "Le desespoir de la caserne Ceausescu," *Liberation*, March 17, 1989, translated and reprinted in *Uncaptive Minds*, vol. II, No. 3 (7), May-July 1989, p. 33.
2. Dinescu, *op. cit.*, p. 34.
3. Quoted by Nestor Ratesh in *Romania: The Entangled Revolution*, CSIS Washington Paper, 1991, p. 77.
4. *Idem*.
5. A number of opposition leaders had argued strenuously that because of Romania's long isolation and unfamiliarity with democratic practices, elections should not be held before enough time had passed to encourage a process of political maturation and engagement among the electorate -- and to allow the new and historical parties to organize, in the wake of more than four decades of one-party rule. At the same time, it was unclear how long the FSN could expect to maintain control without the sanction of a popular mandate. Similarly, the reluctance of the international community to lend political and financial support to Romania until the question of legitimacy was resolved created pressure on the FSN to hold elections as swiftly as possible. An electoral law began to be discussed in late January and was adopted on March 14, 1990. The law stipulated a 60-day campaign period to begin on the day when the election date was publicly announced (March 19) and to end two days before election day itself. (For additional information on the development of the electoral law, see *The May 1990 Elections in Romania*, International Delegation Report of the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs, 1991.)
6. *Since the Revolution: Human Rights in Romania*, Helsinki Watch Report, March 1991, p. 5.
7. "Romanian Communist Leaders Sent to Jail," *Financial Times*, April 21, 1992.
8. "Iliescu's Pardon Delights Romania's Communists," *Reuters*, March 28, 1994.
9. Mihai Sturdza, "The Files of the State Security Police," *Report on Eastern Europe*, September 13, 1991.
10. *Amendments to the Romanian Penal Code and Penal Procedure Code*, News Release No. 4/94 of the Embassy of Romania, February 8, 1994.
11. In June 1994, the Chamber of Deputies passed a draft education bill by an overwhelming vote. The UDMR voted against the bill, asserting that it discriminated against ethnic minorities.
12. *U.S. Department of State Country Reports on Human Rights Practices for 1993*.
13. *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*, Helsinki Watch, September 1991, pp. 95-96.
14. "Romanian Gypsies Fall Victim to Race Attacks," *Reuters*, October 25, 1993.
15. *Memorandum*, The Governing Council of the Reformed Church of Romania, Kiralyhaomellek District, November 4, 1993.

16. *The Federation of Jewish Communities in Romania* (1990). Distributed at Temple Coral, Bucharest.
17. News Release No. 11/1994, Embassy of Romania, Washington D.C.
18. *IGLHRC Action Alert*, January-February 1994.
19. "Legal Memorandum of the International Human Rights Law Group Submitted to the Romanian Constitutional Court On the Application of International Human Rights Standards to the Constitutionality of Article 200 of the Romanian Criminal Code," May 1994, p. 14.
20. "Report on Romanian Judicial Organization Law," Lawyers' Association for the Defense of Human Rights (APADO), March 1993.
21. "Romanians Question Whether 'Judges Use their Power in a Fair and Objective Way,'" *U.S. Information Agency Opinion Research Memorandum*, July 22, 1993.
22. *Aspects of the Evolution of Human Rights in Romania and the Reactions of APADOR-CH*, Romanian Helsinki Committee 1993 Report, p. 23.
23. *Idem*.
24. On May 26, 1994, a landmark case resulted in 15-year prison sentences for two policemen found guilty of torturing and murdering a suspect in custody.
25. Chrystia Freeland and Virginia Marsh, "Twilight of the Monoliths," *Financial Times*, May 3, 1994.