

Perspectives on the backsliding impact of Helsinki Accords on Romania's human rights policies

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Rezumat: Acordurile de la Helsinki și dispozițiile lor privind drepturile omului au fost considerate esențiale în promovarea rețelelor dizidente și îmbunătățirea drepturilor omului în Europa Centrală-Est. În România, cultura politică s-a caracterizat printr-un accent pe securitate în detrimentul libertăților individuale. În timp ce Acordurile de la Helsinki au fost menite să promoveze drepturile omului și cooperarea în Europa de Est, efectul lor în România a fost contraproductiv. Interpretarea Acordurilor de către regim i-a permis să mențină o poziție represivă, care, la rândul său, a izolat țara pe plan internațional. Conducerea comunistă română a văzut Acordurile de la Helsinki în primul rând ca pe un mijloc de a se proteja de interferența externă, eliminând în totalitate angajamentele privind drepturile omului conturate în acord. Această interpretare a permis regimului comunist să-și justifice politicile opresive, prezentând în același timp o fațadă de conformitate cu normele internaționale. Drept urmare, mai degrabă decât să favorizeze schimbări pozitive, Acordurile au contribuit la izolarea României pe scena internațională, mai ales că țara a devenit singura din Blocul de Est în care s-a observat o deteriorare a condițiilor drepturilor omului după semnare.

Cuvinte cheie: drepturile omului, Acordurile Helsinki, politici de protecție ale drepturilor omului

Abstract: The Helsinki Accords and their human rights provisions have been seen as pivotal in fostering dissident networks and improving human rights in East-Central Europe. In Romania, the political culture was characterized by a focus on security over individual liberties. While the Helsinki Accords were intended to promote human rights and cooperation in Eastern Europe, their effect in Romania

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was counterproductive. The regime's interpretation of the Accords allowed it to maintain a repressive stance, which, in turn, isolated the country internationally. The Romanian communist leadership viewed the Helsinki Accords primarily as a means to shield itself from external interference, entirely sidelining the human rights commitments outlined in the agreement. This interpretation allowed the communist regime to justify its oppressive policies while presenting a façade of compliance with international norms. As a result, rather than fostering positive change, the Accords contributed to Romania's isolation on the international stage, particularly as the country became the only one in the Eastern Bloc to see a deterioration in human rights conditions post-signing.

Keywords: human rights, the Helsinki Agreements, human rights protection policies

The need for Helsinki Accords

The Helsinki Accords reflected a new fundamental principle of international relations and state sovereignty in the modern world, proclaiming that states have the legitimate right to define and defend their policies concerning their own citizens, including how they manage their internal affairs and govern the relationship between the state and its people. However, it also acknowledged a shift in the traditional concept of national sovereignty. In the past, sovereignty was primarily understood in terms of territorial integrity and the protection of a state's population from external threats. Or sovereignty was increasingly seen as involving a broader responsibility for upholding the rights and freedoms of citizens. Through the principles of the Accords, the state was tasked with defending its borders but also with ensuring that its citizens' basic human rights are respected and protected. This evolving view of sovereignty reflected the growing importance of international human rights standards and agreements, which have placed pressure on states to guarantee the civil, political, economic, and social rights of individuals within their borders. While states retained the right to manage their domestic affairs, the modern concept of sovereignty also require them to be accountable for safeguarding the rights and freedoms of their citizens, aligning with the broader principles of international human rights law¹.

¹ Mihai Alexandrescu, *Cetățenia Uniunii Europene și avatururile sale*, în *Cetățenia Uniunii Europene, Statut, Identitate și Perspective*, coord. Mihai Alexandrescu Edit. Presa Clujană Univarsitară, 2024, p. 13.

The 1975 Helsinki Accords, signed by representatives from 35 European states, the US, and Canada, aimed to improve relations between the Free World and the Communist Bloc, particularly regarding human rights. Although the Accords did not legally bind the signatories, they significantly influenced human rights discourse, enabling Eastern European societies, to leverage international norms. The Soviet Bloc, while accepting the principle of non-intervention in borders, viewed the humanitarian aspects as non-mandatory, fearing Western interference. The inclusion of human rights in Western foreign policy, particularly by the US under Presidents Carter and Reagan, invigorated dissident movements in Eastern Europe, leading to organized opposition groups such as Poland's Solidarity and others in Czechoslovakia, East Germany, and Hungary.²

The preparatory talks in Helsinki marked a pivotal moment in East-West relations during the Cold War, revealing deep-seated tensions over issues of freedom of movement and state sovereignty. Western representatives advocated for increased people-to-people contact, arguing it was essential for meaningful détente. They believed that fostering connections among ordinary citizens was crucial to advancing international peace and cooperation.³ As the European Communities (the precursor to the European Union) evolved, Western states recognized the increasing importance of establishing legal and political frameworks to protect the rights of their citizens. This realization stemmed from the growing understanding that, as integration deepened and cross-border cooperation expanded, citizens' rights needed robust protection against potential discrimination or unfair treatment. A key goal was to ensure that citizens of member states were treated equally and fairly, regardless of their nationality or status within the community. Ultimately, the idea was not just to prevent discriminatory practices but to foster a sense of security and trust among citizens, thus, the commitment to non-discrimination and the protection of rights became foundational to the broader European project, helping to build a sense of shared citizenship and solidarity among the peoples of Europe⁴.

² Jakub Tyszkiewicz, Human rights and political dissent in Central Europe: between the Helsinki Accords and the fall of the Berlin wall, pp. 1-6, in *Human Rights and Political Dissent in Central Europe Between the Helsinki Accords and the Fall of the Berlin Wall*, Edited by Jakub Tyszkiewicz, Routledge, 2022.

³ Michael Cotey Morgan, The Helsinki Accords and the Transformation of the Cold War- The Final Act Princeton University Press, pp. 178-183.

⁴ Mihai Alexandrescu, *The role of The European Parliament Member: between elections and Parliamentary Duties*, in *European Parliament: Between Elections and Actions*, Edited b Mihai Alexandrescu, Presa Clujana Universitara, 2024, pp. 9-13.

This represented a desiderate addressed also for the eastern citizens from the communist bloc, as necessity for the internationalization of the human rights policies agenda.

However, the Soviet Union and its Eastern bloc allies vehemently opposed this notion, asserting that peace must come first and that increased contact would undermine state sovereignty. As negotiations progressed, Western allies faced a dual challenge: pushing for freer movement while countering Soviet attempts to reassert control over the narrative. The Soviets agreed to a compromise that acknowledged some aspects of freer movement but included strict limitations on what could be discussed. The eventual agreement reflected a balance of interests but left both sides with mechanisms to justify their respective positions. Throughout the negotiations, Soviet leaders remained determined to protect their domestic policies, warning that any perceived Western interference would not be tolerated. Ultimately, after extensive negotiations and strategic maneuvering, a compromise was reached in Basket III that emphasized both state sovereignty and a commitment to freer movement. This agreement, although seen as a concession by the Soviets, allowed them to maintain a degree of control over how these freedoms were expressed within their sphere. The process demonstrated the complex interplay of diplomacy, ideology, and the struggle for influence during a critical period of the Cold War.⁵

The "Helsinki effect"

The Helsinki Final Act, resulting from the CSCE negotiations, was a landmark agreement that sought to address the complex landscape of East-West relations during the Cold War. It established a framework centered around four key "baskets" of issues, with the first basket outlining ten principles intended to guide interactions between states. These principles emphasized sovereign equality, refraining from force, inviolability of frontiers, peaceful dispute settlement, nonintervention, self-determination, cooperation among states, good faith fulfillment of obligations. One of the most important and debated principle was related to *Human Rights and Fundamental Freedoms*. This principle specifically highlighted the need for respect for human rights, encompassing freedoms of thought, conscience, and belief.⁶

⁵ Michael Cotey Morgan, *op. cit.*

⁶ Sarah B. Snyder, *Human Rights Activism and the End of the Cold War, A Transnational History of the Helsinki Network*, Cambridge University Press, pp. 16-33.

The declaration's strength lay not in its legal bindingness, but rather in its moral and political weight, underscored by the signatures of participating leaders. The differing emphases on human rights between Western and Eastern states complicated its implementation, with Western nations prioritizing civil and political liberties, while Eastern countries leaned toward social and economic rights. Despite this tension, the Helsinki Final Act played a crucial role in shaping dialogue and fostering a climate conducive to the eventual end of the Cold War, illustrating the enduring impact of collective commitments to human rights and cooperation.⁷

The Accord emerged as a powerful phenomenon, influencing policymakers and activists alike in their pursuit of accountability and reform. Overall, the Helsinki Final Act's unique structure and commitment to ongoing dialogue and accountability allowed it to effectively shape human rights practices and contribute to the eventual end of the Cold War, fostering a climate in which transnational advocacy could thrive. The transnational network established around the Helsinki Final Act was crucial in promoting human rights and influencing East-West relations during the Cold War. In this sense, the Helsinki Final Act proved far more influential in advancing human rights during the Cold War than the Universal Declaration of Human Rights for several key reasons.⁸

Unlike previous declarations, the Helsinki Final Act included provisions for follow-up meetings to assess its implementation. This ongoing evaluation process established a framework for accountability and dialogue, allowing human rights issues to be addressed in international diplomatic discussions. The Act provided a basis for Western governments and organizations to apply political pressure on Eastern Bloc states regarding their human rights practices. By framing these issues within a diplomatic context, it elevated their importance on the international stage. Also, the establishment of monitoring bodies and human rights groups, particularly in the United States and Europe, highlighted violations and mobilized public opinion. This advocacy not only influenced policymakers but also helped bring attention to abuses that might otherwise have gone unnoticed.⁹

The Act explicitly allowed CSCE states to exchange views on its implementation, which facilitated the emergence of a transnational network focused on monitoring and advocating for human rights. This created a platform

⁷ *Ibidem.*

⁸ *Ibidem.*

⁹ *Ibidem.*

where activists, diplomats, and various organizations could collaborate across borders leading to a transnational network focused on human rights. Over time, a diverse coalition emerged, known as the "Helsinki network," which comprised human rights activists, ethnic nationalists and other civil society groups. This coalition worked collectively to promote adherence to human rights provisions, fostering a sense of solidarity and shared purpose. For example, Helsinki Watch was established in the aftermath of the Belgrade meeting; this NGO became a prominent organization dedicated to monitoring Helsinki compliance. It served as a crucial link between Eastern monitoring groups and Western NGOs, helping to formalize the network. Another example is the International Helsinki Federation for Human Rights (IHF) which emerged to coordinate the efforts of various groups advocating for human rights under the Helsinki framework, enhancing their collective influence.¹⁰

This network utilized a "boomerang" pattern, where domestic actors facing repression identified external allies to advocate for their concerns internationally. This approach enhanced the moral authority of activists, facilitated public shaming of violators, and framed grievances in a way that resonated globally. The effectiveness of this network was evident in its ability to shape discourse on human rights, mobilize support, and facilitate tangible changes in Eastern European practices, contributing to the eventual end of the Cold War and the transformation of Europe.¹¹

Echoes in the East

The reforms in the Soviet Union and Eastern Europe emphasize the significant impact of the Helsinki network's agenda. One of the major aspects was that it framed the Human Rights debate, successfully highlighting human rights abuses, drawing international attention to the issue and framing it within the broader context of East-West relations. The publication of the Helsinki Final Act in Eastern Europe stimulated local movements and advocacy groups. This visibility motivated a wide range of actors—including politicians, journalists, and NGOs—to engage in efforts to hold their governments accountable to the commitments outlined in the Act. The Helsinki process not only unified domestic opposition within the Soviet Union but also provided incentives for reforms in Eastern Europe.¹²

¹⁰ *Ibidem.*

¹¹ *Ibidem.*

¹² *Ibidem.*

Activists capitalized on the commitments outlined in the Helsinki Final Act and subsequent CSCE agreements, which emphasized the importance of human rights and allowed for periodic assessments of implementation. The Moscow Helsinki Group, formed by Soviet activists soon after the Final Act was published, aimed to monitor compliance within the USSR. Its establishment highlighted the commitment of local activists to the principles of the Helsinki agreement and spurred the creation of similar groups across Eastern Europe. It was instrumental in securing ongoing commitment from high-level political leaders, both in the West and within Eastern Europe, reinforcing the human rights agenda at the diplomatic level. The collective advocacy from the network helped shape Mikhail Gorbachev's perspective on the importance of reform. This influence was crucial in the Soviet leadership's willingness to adopt policies that aligned with international human rights standards. The pressure from the Helsinki network, combined with the political and economic challenges facing the Soviet Union, influenced Mikhail Gorbachev to adopt policies of glasnost and perestroika, leading to significant reforms in Soviet domestic and foreign policy. Overall, the Helsinki Final Act and the subsequent network of activists played a pivotal role in fostering a climate conducive to reform, it created a platform for human rights activists to advance their agendas internationally, ultimately contributing to the end of the Cold War and thereby facilitating the transition to a post-Cold War Europe.¹³

The Conference on Security and Cooperation in Europe (CSCE) was a significant diplomatic event post-World War II, with varying expectations among participants. While the U.S. approached the talks with skepticism, Romania was more optimistic. Initially, the conference featured general discussions, but from February 1974, negotiations became more intense as drafting began. The requirement for consensus among a complex agenda led to lengthy negotiations characterized by alliances, bargaining tactics, and the need for strategic deal-making to resolve conflicts.¹⁴

¹³ *Ibidem*.

¹⁴ Angela Romano, *Détente, Entente, or Linkage? The Helsinki Conference on Security and Cooperation in Europe in U.S. Relations with the Soviet Union*, *The Journal of the societies for historians of American foreign relations, Diplomatic History*, Vol. 33, No. 4 (SEPTEMBER 2009), Oxford University Press, pp. 703-722.

Romania's approach

Between 1945 and 1989, Romania's state organization was governed by the 1948, 1952, and 1965 Constitutions, which reflected the nature of the socialist political system at different times. While these Constitutions included provisions for basic civil rights, the communist regime, despite Romania's signing of the Universal Declaration of Human Rights in 1955, did not fully respect these rights. Between 1948 and 1964, the government was highly repressive. The 1965 Constitution, however, introduced a degree of liberalization in civil rights, particularly in social and economic areas, though it still excluded rights like the right to strike or a decent standard of living. Despite these constitutional guarantees, the lack of adequate protection meant the population did not truly benefit from the proclaimed rights.¹⁵

During the discussions leading to the Conference on European Security, Romania actively supported the initiative and established clear diplomatic objectives. Romanian diplomats prioritized individual state presentations over the joint proposals favored by the Soviets, advocating for a consensus-based decision-making process and a rotating presidency for future meetings. However, Romania aligned closely with Soviet positions on human rights, often sidelining these issues. As the Conference on Security and Cooperation in Europe (CSCE) progressed, misunderstandings emerged regarding cultural cooperation directives, prompting revisions to proposals to avoid contentious phrasing. The Romanian delegation promoted educational agreements and media collaborations while remaining cautious on sensitive topics like religious freedom. Despite projecting an image of openness, actual practices often contradicted this, particularly regarding family reunification requests, which were frequently denied. Overall, Romania struggled to align its internal policies with international human rights expectations, resulting in increasing scrutiny and criticism from foreign governments and NGOs. These external pressures, however, had little impact on altering the repressive practices of the regime.¹⁶ While Romania initially supported the inclusion of the principle of respect for human rights in the Helsinki Final Act, Romania's motivations were distinct and self-serving. They were not genuinely committed

¹⁵ Laura Magdalena Trocan, *The evolution of human rights in Romania*, Dny práva – 2010 – Days of Law, 1. ed. Brno : Masaryk University, 2010 <http://www.law.muni.cz/content/cs/proceedings/>, pp. 9-13.

¹⁶ Paula Corpodean, *The Helsinki Accords and human rights in Romania*, Acta Musei Napocensis, 60/II, 2023, pp. 167–184.

to liberalization or human rights; rather, it aimed to manage internal pressures and maintain control, leading to a dismissive stance towards external criticisms regarding human rights abuses.¹⁷

The 1970s in Romania marked a return to more dogmatic policies with a growing cult of personality around the country's leader. This period saw an intensification of ideological control over culture, suppressing intellectual freedoms, and the erosion of many of the benefits that had previously been enjoyed by some intellectuals under the regime. During this time, the movement for human rights, which was gaining momentum in the Soviet Union and across Central Europe, provided some Romanian intellectuals with the opportunity to challenge the government's violation of citizens' rights. These intellectuals began to speak out against the state's disregard for the rights guaranteed by the Romanian Constitution and by international agreements, seeking to hold the authorities accountable for their actions. However, this was a risky endeavor, given the regime's tight control over dissent and the consequences for those who opposed the government.¹⁸

The Goma movement emphasized that the Helsinki Accords, rather than prompting genuine reforms, became a tool for the regime to negotiate its position without substantive change. The Hungarian community in Transylvania was among the first to articulate human rights violations in terms of collective cultural, educational and media rights. In contrast, the Romanian majority's approach to human rights was largely centered on individual rights, particularly freedom of expression. Many Romanian dissidents became writers who sought to navigate the restrictive cultural landscape imposed by the regime. The response to censorship was typically reactive, with writers addressing their specific professional concerns rather than engaging in broader political discourse.¹⁹

The regulations stipulated by the 1965 Constitution were maintained even after the Helsinki Accords in a very restricted approach, and in some cases even more rigorously. For example, freedom of press, of expression, of reunions were not supposed to *be used in purposes that are contrary to the socialist organization and to the interests of the working people*. The use of

¹⁷ Cristina Petrescu, *Exit, voice, duplicity Human rights in Romanian understanding (1975–1989)*, pp. 80-90, in *Human Rights and Political Dissent in Central Europe Between the Helsinki Accords and the Fall of the Berlin Wall* Edited by Jakub Tyszkiewicz, Routledge, 2022.

¹⁸ Ana-Maria Cătănuș, *A Case of Dissent in Romania in the 1970's: Paul Goma and the Movement for Human Rights*, Arhivele Totalitarismului, Volume XIX, No. 72-73, 3-4/2011, pp. 185-209.

¹⁹ Cristina Petrescu, *op, cit.*

typewriters and other means of reproduction continued to be strictly regulated ensuring that they were not used to disseminate materials deemed harmful to the state or contrary to its ideologies. The second title of the 1965 Constitution of Romania enshrined several fundamental rights for citizens, including equality regardless of nationality, the right to work, the right to rest, social insurance for old age, illness, or work incapacity, the right to education, and the use of the maternal language by national minorities. It also affirmed gender equality and freedoms such as freedom of speech, press, and assembly. Despite the constitutional guarantees, these rights were often violated through discriminatory practices in hiring, job acceptance, and college admissions. Political and social membership, along with other personal factors, were used as conditions for eligibility. Certain professions and positions were reserved for individuals who met specific criteria, which excluded those with certain political views, individuals with relatives abroad, and even divorced people. This system of discrimination effectively undermined the principle of equality, as it restricted access to opportunities based on political loyalty or social status, rather than merit or ability.²⁰

Moreover, various legal documents in communist Romania progressively restricted and eventually abolished individual property rights on land and housing. Law No. 59/1974, concerning the territorial fund, prohibited the sale or acquisition of land, except through inheritance, with significant limitations. Law No. 4/1972 restricted families to owning only one house and one vacation home. If they acquired a second property through any means (inheritance, purchase, donation), they were required to sell or relinquish one within a specified time frame. The property rights of those attempting to emigrate were also severely restricted. Emigrants had to surrender their personal property (homes) to the state in exchange for minimal compensation. If they left fraudulently or refused to return, their properties were automatically transferred to state ownership, and they were even required to repay the costs of their education.²¹ The systematization policies implemented in Romania during the 1970s and 1980s involved moving rural population to urban areas, dismantling some older settlements with the aim of centralizing populations and further consolidating state control over rural and urban spaces. These policies aimed to align urban

²⁰ Laura Magdalena Trocan, *op. cit.*

²¹ *Ibidem.*

development with the needs of the socialist state, often at the cost of cultural heritage and individual freedoms.²²

The late 1980s saw an increase in international criticism, especially as dissidents began to forge transnational connections, culminating in resolutions from bodies like the European Parliament condemning Romania's human rights record. Ultimately, the irony of Romania's position lies in its initial support for human rights principles without a genuine commitment to their implementation. While the Helsinki Accords provided a framework for advancing human rights, Romania's leadership failed to recognize the changing priorities of the international community, resulting in a rigid and repressive domestic policy that led to its eventual isolation and the regime's collapse in 1989. The role of the Helsinki Accords in shaping dissent in communist Romania presents a stark contrast to their impact in other Eastern Bloc countries. Traditional interpretations suggest that the Accords encouraged regimes to make concessions to dissidents, providing them with a framework to articulate their grievances and resist state violence. However, this was not the case in Romania, where the leadership, particularly under Ceaușescu, embraced the Accords mainly for their principle of non-intervention in domestic affairs rather than for genuine respect for human rights.²³

Conclusions

Helsinki Accords represented a significant moment in the Cold War, balancing state sovereignty with the increasing global demand for human rights protection. While the Accords did not immediately lead to sweeping changes in the Eastern Bloc, they laid the groundwork for future dissident movements and the eventual collapse of communist regimes. The principles of non-intervention and sovereignty were challenged by the growing importance of human rights, influencing both Eastern and Western policies for decades to come.

The 1965 Romania's Constitution introduced some liberalizing reforms, especially in social and economic rights, but the communist regime continued to curtail many fundamental freedoms. While the government outwardly

²² Laura Demeter, *Transnational activism against heritage destruction as a human rights violation in Romania before and after 1989*, *Revue d'études comparatives est-ouest* vol. 51, no. 2/3, *Transnational activism and the globalization of anti-communism after 1989* (septembre 2020), pp. 121-150, Presses universitaires de France, <https://www.jstor.org/stable/27197404>.

²³ Cristina Petrescu, *op. cit.*

engaged in human rights discussions, particularly during the Conference on European Security, these engagements were often self-serving, aimed at managing internal pressures rather than facilitating real reforms. Moreover, the 1970s marked a more dogmatic phase of Ceaușescu's rule, with a focus on reinforcing the cult of personality, intensifying ideological control, and further suppressing intellectual freedoms. Despite growing human rights movements in the Soviet Union and Central Europe, dissent within Romania was dangerous, and intellectuals who spoke out faced severe repercussions.

Romania's international stance on human rights was often at odds with its internal policies. While the regime participated in the Helsinki Accords, it viewed the principle of non-intervention as a tool to avoid external criticism rather than a commitment to reform. Although Romania outwardly supported the inclusion of human rights principles in international agreements, the government remained focused on maintaining its authoritarian control, leading to increasing international isolation and growing dissent within the country. By the late 1980s, Romania faced mounting external criticism, especially as dissidents began to form transnational networks. Despite this, the regime's repression continued unabated, and the state's failure to address human rights concerns would ultimately contribute to its collapse in 1989. The contrast between Romania's initial support for the Helsinki Accords and its actual practices exemplifies how the regime manipulated international diplomacy while maintaining a rigid and repressive internal policy ensuring that Romania remained an outlier in the broader Eastern Bloc context.

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