Marko Krtolica, PhD[*]

THE INFLUENCE OF THE LUSTRATION PROCESSES ON THE POST-COMMUNIST TRANSITIONS IN EUROPE

Abstract.

The fall of the Berlin Wall opened the gate to democracy for the post-communist countries in Europe. However the road towards democracy in all post-communist countries in Europe proved to be very difficult. One of the main questions on the road towards democracy in these countries was the question what to do with the problematic communist totalitarian past: to forgive and forget or to punish and remember. Most of the post-communist countries in Europe decided to punish and remember their communist past. That is why 14 post-communist countries in Europe decided to implement the process of lustration in order to confront this communist past. It is noticeable that there is a huge diversity in the way and the time lustration is enforced in post-communist countries. Some countries decided to implement this controversial mechanism immediately after the fall of the Berlin Wall, while other countries decided to do this many years after the start of transition. Some countries decided to create lustration processes on the grounds of retributive justice while other countries decided to connect lustration with restorative justice. Beside the diversity in the way and the time lustration was enforced, even the effects of the implementation are highly divergent. In some countries the process of lustration has improved the democracy but in others has split the county and has had negative impact on democracy. That is why the subject of this paper will be the way and the time lustration was implemented in post-communist countries in Europe and the effects of the implementation on democratic consolidation of post-communist countries in Europe. The main methods that are used are the following: method of analysis, historical, normative and political method. The overall conclusion is that although the process of lustration leaves plenty of space for manipulation, well implemented and well regulated lustration, which follows the recommendations of the Council of Europe, has had positive impact on the democratic consolidation of post-communist countries in Europe.

Key words: *politics*, *political system*, *democracy*, *transition*, *lustration, post-communist countries*.

Introduction

The fall of the Berlin Wall has led to enormous changes on Europe's grounds. The collapse of the communist regimes paved the road from transition towards democracy and

[*] Assistant Professor at the Faculty of Law "Iustinianus Primus" – Skopje.

market economy in post-communist countries in Europe. On such a path, inevitably imposed is the question of what to do with the problematic communist past: whether to forget or to punish. Most of the post-communist countries in Europe have decided to face its communist past by implementing the mechanism of lustration. The mechanism, that derives from the Latin words *lustratio* and *lustratum* which means purification[1] and means a reform of an institution's personnel by removing or excluding abusive, corrupt or unqualified employees[2] was one of the most used mechanism of transitional justice in the process of facing Europe's communist past. Data shows that out of 22 post-communist countries in Europe, 14 of them have had certain experience with the mechanism of lustration. However, there are drastically variable experiences with the process of lustration in post-communist countries in Europe. In certain post-communist countries, the process of lustration came immediately after the fall of the Berlin Wall, while in other post-communist countries in Europe the processes of lustration came with a long time delay. In some countries, the processes of lustration were associated with the retributive justice, in others with the restorative justice, in third countries they were informally conducted, while in fourth post-communist countries the lustration laws remained deaf letters on paper. In addition, the processes of lustration in post-communist world in Europe varied both in terms of the legal grounds for lustration and in terms of which working position should be subjected protected to lustration and protected by lustration. All this has led towards different effects from the processes of lustration in post-communist world in Europe. However, before we look at the effects of the processes of lustration, let us first look at the basic characteristics of the processes of lustration in post-communist countries in Europe.

1. Timeline when lustration processes were undertaken in post-communist countries in Europe

A basic historical overview of the events in post-communist countries in Europe could reveal us that in certain post-communist countries the implementation of lustration began immediately after the fall of the communist regimes, while, in other post-communist countries the desire to implement lustration came years after the fall of the communist regime. In this regard, the first lustration law among post-communist countries in Europe was passed in 1991,

[1] Dariusz Grzyzlo, *Lustration. The Case of Poland* (Krakow: Instytut Filozofii, 2007), 1.
[2] United States Institute of Peace,"Transitional Justice: Information Handbook," 12 https://www.usip.org/sites/default/files/ROL/Transitional_justice_final.pdf

while the last experience with passing of such a law in post-communist countries in Europe can be noticed in 2014. If we make a detailed overview then we can notice that the first lustration law in post-communist world in Europe was passed in Czechoslovakia. Therefore, the Czech and Slovak Republic pioneered post-communist lustration, passing a tough and wide-ranging law in 1991.[3] However, it should be immediately noted that the actual implementation of the mechanism of lustration occurred only in Czech society. Although Slovakian society had a Law on lustration, as part of the Czechoslovakia, still did not accede towards its implementation in reality. Following the example of Czechoslovakia, East German society quickly entered the process of formal enforcement of lustration. First of all, the German Reunification Treaty provided the possibility for extraordinary dismissal when the employee had violated the principles of humanity or the rule of law or had worked for the secret service Stasi.[4] Thus, the Reunification Treaty laid down the groundwork for implementing the process of lustration, and later this issue was also dealt by the Stasi Files Act. The Stasi Files Act came into force on 1.1.1992 when practically is the moment of the official start of the lustration process within East German society. After the initial experiences with lustration in Czechoslovakia (Czech Republic) and Germany (East Germany), there was a certain break, in the post-communist countries, in passing of special lustration laws that were supposed to envisage systematic and formal lustration. This break was interrupted in 1994 when, Hungarian lustration law was adopted after a long hesitation.[5] After that Albania and Estonia joined the group of countries which had experience with the lustration processes in 1995. Thus, Estonia reduced the political influence of former KGB secret agents and Soviet Communist Party leaders with the help of citizenship and lustration laws.[6] The same year, Albania entered the process of lustration. Such a start of the lustration process in Albania came towards the end of 1995 when the Albanian Parliament passed the first two lustration laws: Law on Genocide (22.09.1995) and Law on Verification

[3] Nadya Nedelsky,"Czechoslovakia, and the Czech and Slovak Republic," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past,* ed. Lavinia Stan (New York: Routledge, 2009), 37.
[4] Sanja Romajke, *Prigodni rad br. 1:Tranziciona Pravda u Nemackoj posle 1945 i posle 1990* (Nirnberg: International Nuremberg Principles Academy, 2016), 45.
[5] Gabor Halmai,"The Role of Constitutionalism in Transitional Justice Processes in Central Europe," 29 https://www.eui.eu/Documents/DepartmentsCentres/Law/Professors/Halmai/Constitutions-and-TJ.pdf
[6] Lavinia Stan,"The former Soviet Union," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past,* ed. Lavinia Stan (New York: Routledge, 2009), 235.

(30.11.1995).[7] During 1996 the parliaments of the post-communist countries in Europe were inactive and in 1997 Polish Sejm adopted the lustration bill (April 1997).[8] Such a Law was subsequently confirmed by the Upper House of the Polish Parliament and with that, starting from 1997 the Polish society entered the process of lustration. In November 1998, a Lithuanian Parliament not controlled by former communists adopted the the Law on Registration, Recognition, Reporting and Protection of identified persons who secretly collaborated with the former special services of the USSR.[9] It is a law that began to be implemented since January 1999 and also, it is a country that enforced certain lustration processes even before the adoption of the law through government decrees. That same year, in Romania, Law 187/1999, Regarding the Access to the Personal File and the Disclosure of the Securitate as Political Police, was passed, creating the National Council for the Study of the Securitate Archives (CNSAS) after six years of political wrangling.[10] Although it was not originally a lustration law but a law which should have led towards the opening of the Romanian secret police Securitate' archives, still, this law also led to certain lustration processes in Romanian society. Thus, Romania was the last communist country which began the lustration process in the XX century. The first decade of the XXI century was marked by the passing of Laws on Lustration in two post-Yugoslav countries. In 2003, a special Law on lustration was passed in Serbia, immediately after the assassination of the Prime Minister Zoran Djindzic. It is a Law on responsibility for violation of human rights, which was adopted by the Serbian Parliament on 30.05.2003.[11] However, the implementation of the lustration process in Serbia did not happen at all. As a consequence of this Law, there was not any Serbian citizen who was lustrated. Therefore, often in transitional-justice l literature, we come across the opinion that the Law on lustration in Serbia remained only dead letter.[12] Unlike Serbia, in Macedonia the lustration process was not only dead letters on paper, but envisaged a radical lustration in which even dead people were lustrated. Since 2006, in the Macedonian

---

[7] Robert C. Austin and Jonathan Ellison,"Post-Communist Transitional Justice in Albania," *East European Politics and Societies* Vol.22 No.2 (2008): 383.
[8] Maciej Chielewski," Lustration Systems in Poland and the Czech Republic Post-1989" (Master thesis.,Palacky University , 2010), 29.
[9] Stan,"The former Soviet Union,"232.
[10] Cynthia Horne," "Silent Lustration": Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania," *Problems of Post-Communism* (2015): 134.
[11] Milan Cakic,"Lustracija u Evropi I Srbiji: Motivacija za Donosenje Zakona o Lustraciji I Njihove Drustvene Funkcije," *Sociologija* Vol. 52 (2010): 300.
[12] Andjelko Milardovic,"Elites in the Waves of Democratization and the Lustration," in *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe,* ed. Vladimira Dvorakova and Andjelko Milardovic (Zagreb: Political Science Research, 2007), 91.

society there were more intense talks about the implementation of the lustration process. The legal grounds for implementing such a process came in 2008 when the first lustration law was passed, known as the Law on Determining Additional Condition for Holding a Public Function. While considering the experiences from the Balkan countries, we should add the fact that in 2006 following Romania's example, Bulgaria passed a special law whose main aim was access to secret services archives, but such a law also allowed conducting certain lustration processes. Herewith, we should bear in mind that certain lustration processes have been conducted through different legal solutions even before the passing of this law. The last on the list of post-communist countries which has experience with processes of lustration is Ukraine. Namely, in 2014 immediately after the end of the Ukrainian Revolution and the fall of Yanukovych in Ukrainian society, there was significant bottom up support for lustration, with social groups riding a post-Maidan wave of popular calls for reforms under the "Pure Government" slogan.[13] Such calls became reality when on 25.09.2014 the Ukrainian parliament passed the law for lustration known as Law on Government cleansing. With that, Ukraine has become the last post-communist country in Europe, which by passing a special law on lustration tried to face its communist past.

However, when we speak about the legal basis for conducting the lustration processes in post-communist countries in Europe, we should bear in mind that in certain post-communist countries, the lustration processes have been conducted or are being conducted according to other legal acts and not strictly according to the special lustration laws. We have seen that already in Romania and Bulgaria. Additionally, in Lithuania although a special lustration law was passed in 1999, still certain lustration processes have been initiated since 1991. Thus, on 12.10.1991 the Lithuanian government banned former KGB officers and collaborators from holding positions in the local and national government for five years, while on 17.12.1991 parliament asked candidates to disclose their past connections to the KGB and the Communist Party.[14] Moreover, in Estonia before passing the Law on lustration, certain lustration processes were conducted according to the Law on citizenship. Unlike Lithuania, Romania and Estonia,

[13] Cynthia M. Horne,"Lustration:Temporal, Scope and Implementation Consideration," in *Transitional Justice and the Former Soviet Union,* ed. Cynthia M. Horne and Lavinia Stan (Cambridge: Cambridge University Press, 2018), 181.
[14] Stan,"The former Soviet Union," 231.

Latvia effected lustration primarily through its electoral laws.[15] In fact, in this country by introducing lustration provisions within the election laws, the former KGB agents and collaborators, as well as the members of the Communist party were forbidden to take part on the local and national elections. Such a model for implementation of lustration can also be noticed in other post-communist countries. Here we can point out that in Bulgaria, the first attempts for lustration were made precisely by implementing lustration provisions in several substantive pieces of legislation.[16] Thus, by intervening in the Law on banks, several former agents and collaborators of the Bulgarian communist secret services as well as former senior communist officials were denied access to large number of positions in the banking sector. Moreover, Article 26 of the Law on Public Radio and Television of 1998 read that former secret agents and collaborators could not sit on the newly created Media Regulatory Council.[17] It should be noted that in Bulgaria, a special place in the attempts for lustration in Bulgarian society has the 1992 Panev's Law, which envisaged lustration of individuals employed with Bulgarian scientific and academic institutions. Under this Law, the leading positions in scientific and academic institutions were supposed to be closed for the individuals, who in the past held specific positions within communist party, the state security or party educational institutions, or taught courses in certain communist-related areas of history and the social sciences.[18]

In this regard, it should be taken into consideration that post-communist countries in Europe began the processes of lustration in their societies in different time and in different manner. Most of the post-communist countries in Europe began its lustration processes by passing special lustration laws, but often the lustration processes in the post-communist countries in Europe were regulated by decrees or by inserting lustration provisions in existing laws. Such a reality contributed to different approaches and models of lustration in post-communist countries in Europe. Let us have more detailed overview.

2. Overview of the different approaches and models of lustration in post-communist countries in Europe

[15] Stan,"The former Soviet Union," 234.
[16] Helsinki Watch, "Purge Laws," in *Transitional Justice Volume 2 General Consideration*, ed. Neil J. Kritz (Washington: United States Institute of Peace,1995), 699.
[17] Momcil Metodiev,"Bulgaria," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past,* ed. Lavinia Stan (New York: Routledge, 2009), 166.
[18] Mary Albon, *Democracy and Decommunization: Disqualification Measures in Eastern and Central Europe and the Former Soviet Union* (Venice: The Project on Justice in Times of Transition, 1993), 5.

From all of the abovementioned, we can conclude that the timeframe of implementation of the lustration process in post-communist countries in Europe varied dramatically. Moreover, it should be taken into consideration that the overall general approach of the lustration process in post-communist countries in Europe was indeed very different. In this regard, according to the approach towards the lustration process, the countries in post-communist world in Europe can be divided in five groups in total.

In the first group, we can place the lustration processes in Czech Republic, Germany (East Germany), Lithuania, Estonia, Latvia, Albania, Macedonia and Ukraine. It is a very strict lustration model, which relies on the principles of retributive justice. Such a model stipulates that the positions listed in the lustration laws or provisions cannot be held by the lustrated individuals. Thus, according to this model, the lustrated individuals cannot be employed on positions listed in lustration laws (or other legal acts) or if they are employed on such positions have to be dismissed. This kind of model is inspired by the Czech lustration model, in which, once the fact of collaboration was established, the law did not provide any space for discretion or mitigating circumstances.[19] The head of the lustrated individual has to accede to his/hers dismissal or reassignment to another position which is not subject of the lustration law without the right to further decide or explain the reason for lustration of the individual. Such a strict model can also be noticed in Lithuania, Latvia, Estonia, Albania, Macedonia and Ukraine. Although, in this group we can include the process of lustration in Germany (East Germany), still it should be noted that the East German lustration model predicts a softer approach towards sanctioning the lustrated individuals. Namely, when we speak about the East German lustration model we should bear in mind that it is a decentralized and flexible lustration model, which does not have one central institution in charge of conducting the lustration process, but the implementation of the lustration process is done by each institution separately. This kind of decentralized and flexible lustration model in German society enables the lustration commissions in different institutions to have an individual approach towards each case of lustration. In that direction, the lustration commissions in Germany, within their work, they analyze the nature of the collaboration for each employee, the degree of the violation of the democratic values and the nature of the position for which the employee is lustrated. Thus, some forms of misconduct can

[19] Susanne Y.P Choi and Roman David,"Lustration System and Trust: Evidence from Survey Experiments in the Czech Republic, Hungary and Poland," *American Journal of Sociology* Vol. 117 No. 4 (2012): 1177.

be acceptable for accountants but not for police officers or teachers.[20] Therefore, it is often the case that lustration commissions in United Germany do not suggest certain employees to be dismissed even though it has been determined that they have been collaborators of the Stasi secret service. However, this kind of milder and individual approach in the case of East Germany should not mislead us regarding its position related to the sanctioning of the lustrated individuals. The fact that until 1996, between 60 000 and 100 000 individuals in United Germany were banned[21] and have lost their jobs as a consequence to the lustration process, tells us that the lustration process in this country relied on and still relies on the principles of retributive justice as was the case in Czech Republic, Lithuania, Macedonia, Albania etc.

Poland and Hungary can be placed in the second group. It is a lustration model that relies more on the principles of restorative justice rather than the principles of retributive justice. This lustration model is dominated by the desire to seek the truth and not justice and responsibility. That means that sharing the truth for the past activities helps to avoid lustration sanctions. Thus, the individuals who previously were known to be collaborators of the secret services or were holding certain job positions which according to lustration rules are grounds for lustration, may retain their jobs only if when submitting the personal lustration statements decide to share their past with the institution in charge of implementing the process. In such a situation the concerned individuals may retain their job positions, but usually their name and surname is made public. The dismissal of the abovementioned individuals is effective only if those individuals when submitting their lustration statement decide to lie about their past. Herewith, we can point out the Polish example where the lustration process only penalizes the telling of a "lustration lie" rather than the actual act of collaboration.[22] This means that in Poland, the former collaborators of the secret police SB could have retained their own job positions if such a collaboration has been stated in their lustration statement. In that direction, the polish lustration model has been sanctioning only those individuals who have been agents or collaborators of the secret service SB and such an information has not been stated in their statement. This same lustration model can be found in Hungary as well.

---

[20] Christiane Wilke,"The Shield, the Sword, and the Party: Vetting the East German Public Sector," in *Justice as Prevention: Vetting Public Employees in Transitional Societies,* ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: ICTJ, 2007), 361.

[21] Petar Rozic,"Lustration and Democracy: The Politics of Transitional Justice in the Post-Communist World" (PhD diss. Georgetown University, 2012), 292.

[22] Ethan Thompson," Transitional Justice in Context: The Historical Roots of Lustration Law in Post-Communist Poland" (Master thesis.,Central European University, 2015), 16.

Bulgaria and Romania can be placed in the third group. Those are countries which do not have special lustration laws but still certain lustration processes have been conducted. Actually, these countries have been conducting the lustration process in an informal way by opening up the former secret services archives. Thus, in Bulgaria and Romania the bodies implementing the administration and the access to the former secret services archives (CNSAS – Romania and Komisija Dosie – Bulgaria) at the same time function as informal lustration agencies.[23] Such informal lustration bodies have the authorization to publically announce the names and surnames of the agents and collaborators of the former communist secret services. By publically announcing the information of the former secret services archives and by publically announcing which individuals have been agents or collaborators of the communist secret services, these informal bodies in Bulgaria and Romania contribute to destroying the reputation of these individuals and contribute to the pressure made over them hoping that they will force them to voluntarily resign from their public functions and positions. This means that in these countries the withdrawal of the former agents and collaborators of the communist secret services from the public functions and positions depends only on their own will and not on the lustration provisions which envisage sanctions.

Slovakia and Serbia can be placed in the fourth group. These are countries in which special lustration laws were passed formally, but still those laws have never been practically implemented. In practice, the lustration laws in these countries remained to be dead letters on paper. Thus, in Slovakia, in 1996 the lustration law went quietly in history without any individual being lustrated, while in Serbia this same scenario happened in 2013.

The last, i.e. the fifth group consists of countries which do not have any experience with the lustration process at all. This group includes countries in which there were not any special lustration laws nor had any kind of experience with implementing the lustration provisions. These are kinds of societies in which the lustration processes have been completely absent. In this group we can place the following countries: Russia, Belarus, Moldavia, Slovenia, Croatia, Bosnia and Herzegovina, Monte Negro and Kosovo.

According to the aforementioned, we can conclude that only the countries from the first two groups have experience with the formally regulated lustration systems. The division of the post-communist countries, which formally have experience with lustration of both groups, tells

[23] Horne," "Silent Lustration"," 135.

us that these countries have had different approach towards the formal regulation of the lustration process. Primarily, we could notice different approach towards the lustration sanctions, but have to take into consideration that there are other things, which make the main difference from one post-communist country to another in terms of conducting the formal lustration process. Let us have a detailed overview.

2.1. A different approach towards the regulation of the lustration period in the post-communist countries in Europe

At the very beginning, we should bear in mind that the post-communist countries in Europe have different approach towards the timeline that has to undergo lustration. It is completely to be expected that in the fight against the communist past most of the post-communist countries decided to lustrate only the timeline related to the communist regime. Accordingly, within the group of post-communist countries, which while fighting the communist past decided to lustrate only the period of the communist regime the following countries can be placed: Czech Republic, East Germany, Poland, Albania, Lithuania. In this regard, in the Czech Republic, the Lustration Law is applied precisely on the period from 25.02.1948 until 17.11.1989.[24] The lustration process in Albania was limited to the period from 28.02.1944 until 31.03.1991.[25] In East Germany, as well, the lustration is referred only to the lives of the individuals during the Democratic Republic of Germany. In Lithuania, the lustration legal frame covered 1940-1990 period,[26] i.e. from the moment when the territory of Lithuania was occupied by the USSR military troops until the fall of the communism and the declaration of independence in Lithuania. In Poland, the lustration legal frame covers not only the period of the communist regime but also the period of activities before the enforcement of the communist regime. Therefore, the Polish lustration timeframe is between 1944 and 1990.[27] Regardless of the different dates in all these cases, the lustration frame is dedicated to activities connected to the establishment and functioning of the communist regime in these countries. Given that it is a fight against the communist past it is completely to be expected that the lustration period is connected

[24] Nadya Nedelsky,"Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *The Sphere of Politics* (2010): 49.
[25] Robert C. Austin and Jonathan Ellison,"Albania," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past,* ed. Lavinia Stan (New York: Routledge, 2009), 187
[26] Stan,"The former Soviet Union," 233.
[27] Halmai,"The Role of Constitutionalism in Transitional Justice Processes," 32.

only to the communist regime. However, it is interesting to note that certain post-communist countries in Europe while fighting its communist past decided not to limit the lustration process only to the communist period but to also lustrate the period of the Nazi occupation. Thus, in Estonia restrictions were introduced by the lustration law, which required people who collaborated with the Nazi and Soviet security services or the Communist Party to register with the Estonian security service within a year.[28] Certain focuses on the collaboration with the Nazi regime can also be noted in the Hungarian Lustration Law. In that regard, besides the main focus of the lustration process in post-communist Hungary being placed on the period of the communist regime, still the 1994 Lustration Law also affected those who had belonged to the Crossed Arrow party, which ruled during German occupation in 1944.[29] With this kind of solution Hungary as well as Estonia extends the lustration period for the Nazi occupation and not only for the communist regime. However, the most interesting are the examples of the post-communist countries in Europe, which besides the lustration of the communist regime period decided to also lustrate the period after the fall of the communist regime. In that regard, quite interesting is the example of Republic of Macedonia where the lustration rules applied for the period from 02.08.1944 until 2008, according to the first lustration law, i.e. 2006 according to the second lustration law. That means that in Republic of Macedonia the lustration process covers also the period, which not only is connected to the communist regime but it is a period in which the democratic system of this country is built. A similar tendency can be noticed in Latvia as well, where the election rules in 1995 barred candidates who had remained active Communist Party members after 13.01.1991 from running in general and local elections..[30] In addition to Republic of Macedonia and Latvia, certain extensions of the lustration laws for the period after the communist regime can be noticed in Ukraine as well. This country, included more proximate wrongdoings, lustrating individuals in public office from the 25.2.2010 to 22.2.2014 to address wrongs committed under President Yanukovych.[31] Additionally, anyone who took action to punish Euromaidan protestors between 21.11.2013 to 23.2.2014 would also be lustrated.[32] If in the case of Ukraine there is certain justification for the validity of the lustration laws for the

[28] Stan,"The former Soviet Union," 235.
[29] Alexandra Barahona De Brito, Carmen Gonzalez Enriquez and Paloma Aguilar,"De-Communization and Political Justice in Central and Eastern Europe," *The Politics of Memory and Democratization* (2001): 20.
[30] Stan,"The former Soviet Union," 234.
[31] Horne,"Lustration:Temporal, Scope and Implementation Consideration," 186.
[32] Ibid.

period after the communist regime (due to the nature of the Ukrainian revolution in 2014), such a justification in the case of Macedonia and Latvia is very difficult to find. These are countries which after the fall of the communist regime began to establish a democratic order based on the rule of law, protection of human rights and division of authority. The implementation of the lustration law for a period based upon these values is extremely problematic step because it can create an alternative legal system. The European human rights court detected a problem within the validity of the lustration decisions after the fall of the communist regime and in several verdicts directly ruled that the validity of the lustration laws after the fall of the communist regime constitutes a violation of the European Human Rights Convention.

2.2. A different approach regarding the basis for lustration in the post-communist countries in Europe

Regarding the positions and the actions which are grounds for lustration when the term lustration process is mentioned in the post-communist world in Europe it is often referred to the process intended to detect agents and collaborators of the former communist secret services. And, it is indeed true that in all lustration cases in the post-communist world in Europe, the agents and the collaborators of the former secret services of the communist regimes were subject of lustration. However, in the post-communist world in Europe there is rarely a situation in which the grounds for lustration is kept only to themselves. The lustration processes were strictly directed towards former agents and collaborators of the secret communist services only in Poland and Lithuania. Only in these two countries, the lustration process was limited only to former agents and collaborators of the secret services of the communist regime. In all other post-communist countries in Europe, besides the lustration of the former agents and collaborators of the secret services, lustration of former holders of high party and state positions and functions during the communist regime was also predicted. This kind of broad basis for lustration is a product of the opinion that the former high political and state officials from the communist era are as dangerous for the democratic order as the former agents and collaborators of the regular and secret communist police. This position can be found in the first lustration law in the post-communist world in Europe, i.e. in the 1991 Czechoslovak (and later the Czech) Lustration Law. Thus, the Czechoslovak (and later the Czech) Lustration Law was applied to persons who between 25.2.1948 and 17.11.1989 were StB members and agents, owners of conspirator

apartments, knowing StB collaborators, members of the People/s Militia, students at KGB schools for more than three months, Communist Party officials from the district level up, political officers in the Corps of National Security, and/or members of committees that conducted purges in 1948 or after 21.08.1968.[33] The political elites in Albania had stricter and wider approach towards this issue. Using the 1995 Lustration Laws, besides lustration of former agents and collaborators of the secret services of the communist regime, they predicted lustration on individuals who have been members of the Politburo, the Central Committee, the government, the Presidential Council and the Supreme Court, officers, agents and collaborators of the state security apparatuses and foreign investigative services, officers of camps and prisons, and denouncers, investigators, prosecutors, and judges in political trials.[34] In Latvia and Estonia the lustration provisions envisaged lustration of former KGB agents and collaborators, but also lustration for formers members of the Communist Party. In Ukraine besides the lustration of the former agents and collaborators of the KGB, the Lustration Law envisaged lustration of former high officials of the communist party and their youth organization KOMSOMOL.[35] In Germany, the Reunification Treaty provided the possibility for extraordinary dismissal when the employee had violated the principles of humanity or the rule of law or had worked for the secret service Stasi [36] Practically, using the possibility for extraordinary dismissal of individuals due to violations of human rights and the rule of law, within the German society there is space for lustration of high party and state officials of former East Germany. Moreover, it is good to note the example coming from Hungary where lustration was not only limited to former agents and collaborators of the secret service of the communist regime, but the envisaged basis for lustration was laid very tightly. In the fight with the communist past, besides lustrating former agents and collaborators of the secret services of the communist regime, the lustration rules from this country predicted lustration of individuals who had been in a position in which they received information collected by III/III (communist secret service).[37] This kind of decision left room for lustration of former high communist Hungarian officials, but still such a space seems to be really

---

[33] Nedelsky,"Responses to a Common Past," 49-50.
[34] Austin and Ellison,"Post-Communist Transitional Justice in Albania," 386-387.
[35] Venice Commission,"Opinion on the Law on Government (Lustration Law) of Ukraine," 6 https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2014)046-e
[36] Romajke, *Prigodni rad br. 1:Tranziciona Pravda u Nemackoj posle 1945 i posle 1990*, 45.
[37] Elizabeth Barrett, Peter Hack and Agnes Munkacsi,"Lustration as Political Competition: Vetting in Hungary," in *Justice as Prevention: Vetting Public Employees in Transitional Societies,* ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: ICTJ, 2007), 269.

minimal. In addition to this, the Hungarian model of lustration called only for screening past involvement with division III/III of the former secret service of the communist regime,[38] i.e. only for individuals who have been part of the division that was in charge of the domestic repression. That means that the former agents and collaborators of all other secret service divisions of communist Hungary were released of the lustration process in this country. Such a solution enabled many former agents and collaborators of the secret services of the Hungarian communist regime to avoid the lustration process. Such a narrow lustration grounds led to a huge scandal in 2002 when the Prime Minister Petar Medgyessy was accused of being former collaborator of the secret service of the communist regime, but due to bad lustration rules managed to avoid the lustration process. Similar narrow lustration grounds can be found in Republic of Macedonia. Thus, although the lustration processes in Macedonia were primarily aimed at the collaborators of the former communist secret services, still we should bear in mind that the lustration rules in Macedonia, by lustrating individuals who ordered violation of human rights and freedoms, individually opened up the gate for lustration of individuals who were holders of high political and party positions. It is a narrow laid grounds but still as such it opened up the gate for lustration of holders of high state and party functions.

However, it seems that most of the lustration processes in post-communist countries in Europe were directed towards the former collaborators and agents of the communist secret services even in conditions when the legal grounds for lustration was broader. Thus, the first association for the lustration processes in post-communist world in Europe is lustration and facing the hits from the fists of the communist regime – the communist secret polices and services.

2.3. A different approach towards the regulation of which positions have to be protected by lustration in post-communist countries in Europe

In addition to the diversity of determining the grounds for lustration, the post-communist countries in Europe differentiate also in determining which positions in the new democratic order should be subject to lustration rules, i.e. which positions have to be protected by the lustration provisions. Commonly, the lustration processes in the post-communist countries

[38] Lavinia Stan,"Hungary," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past,* ed. Lavinia Stan (New York: Routledge, 2009), 113.

in Europe were focusing on the highest political functions and positions, positions in the state and public administration, the judicial system (judges, prosecutors, lawyers, and notaries), as well as on the management structures in the media and scientific and educational structures. Thus, in Poland, the 1997 Lustration Law provided the lustration process for: the President of the Republic, the members of the Polish Parliament, higher public officials appointed by the President, the Prime Minister, parliamentary bodies, prosecutors, judges, chief officers in ministries and central or regional offices and major figures in the public media.[39] The Hungarian society was headed in the similar direction. By using the 1994 Lustration Law, it envisaged lustration of the following positions: President of the Republic, government members, members of the Parliament, constitutional judges, ordinary court judges, some journalists, people who held high posts in state universities or state-owned companies, as well as a specified list of other high government officials.[40] In Hungary, the range of the positions being lustrated during the years was changing (in 1996, 2000 and 2002), but still the decisions revolved around the aforementioned positions. Within that group, we can place the Estonian lustration experience, according to which those who did not comply were banned from holding high public office until 2002.[41] Similar solutions but way stricter and wider can be found in the Albanian 1995 Lustration Law. According to this Law, in the Albanian society, the following positions were supposed to be lustrated: member of Parliament, president, member of central government, leaders of local governmental bodies, manager of banking, financial and insurance institutions, army officers, member of the secret services, chief of police, judge or state prosecutor, member of the diplomatic corps, director or rector of a school of higher education, or a director or editor in Albanian state radio or television.[42] Such a widespread lustration in the Albanian society is already becoming problematic within the transitional-justice literature, because it predicts lustration among the private and semi-private sector (managers of banks, financial and insurance institutions). The transitional-justice literature is rigorously against lustration of the private and semi-private sector. Such a lustration gives the impression that the whole society is being lustrated, which is not the aim of the lustration at all as a mechanism of transitional justice.

[39] Michal Krotoszynski,"Polish Lustration and the Models of Transitional Justice," *Adam Mickiewicz University Law Review* (2014): 205-206.
[40] Halmai,"The Role of Constitutionalism in Transitional Justice Processes," 29.
[41] Stan,"The former Soviet Union," 235.
[42] Robert C. Austin and Jonathan Ellison,"Post-Communist Transitional Justice in Albania," *East European Politics and Societies* Vol.22 No.2 (2008): 386.

Therefore, in the transitional-justice literature often there are criticisms for such an approach of the Albanian political elites towards the lustration process. Similar criticisms can also be found for the Lithuanian and Macedonian experience, as well as for the polish experience after the changes within the lustration framework after 2006. Thus, in Lithuania, in addition to the protection of the positions in the state and local government, the lustration law barred former secret agents from practicing law, from working in the security services, the banking system, education, mass media, and private detective agencies, or from assuming management positions in state-owned firms for a ten year period.[43] Poland's 2006 Lustration Law required the screening of 53 categories of workers or persons in positions of public trust, including teachers, academics, journalists, state company executives, school principals, diplomats, lawyers, police, and other broadly defined civil servants.[44] In this regard, it is interesting to note that Poland's 2016 Lustration Law was requiring up to an estimated 700 000 individuals to declare if they were communist security service informants.[45] Similar solutions could be found in the Macedonian legal framework for conducting the lustration process. According to the second Lustration Law in Republic of Macedonia, 143 categories of public functions were placed under the scrutiny of the lustrators.[46] As in Lithuania and Poland, in Republic of Macedonia as well the lustration process covered certain positions in the private and semi-private sector. It is interesting to know that lustration of positions from the private and semi-private sector can be found in the German lustration model. Still, the German lustration model in the transitional-justice literature is not criticized due to this kind of solution because the lustration of positions from the private and semi-private sector in Germany is only feasible upon request of the subjects themselves from the private and semi-private sector (facultative lustration).

Rigorous lustration with wide range of positions, but without entering the private and semi-private sector can be noticed in Czech Republic and Ukraine. Thus, in the Czech Republic under the jurisdiction of the 1991 Lustration Law the following positions can be found: federal or republican governments, the army, the police, the court system, the Academy of Sciences,

---

[43] Stan,"The former Soviet Union," 232.
[44] Cynthia M. Horne,"Late Lustration Programms in Romania and Poland: supporting or undermining democratic transitions?," *Democratization* (2009): 353.
[45] Szczerbiak, *Explaining patterns of lustration*, 14.
[46] Жарко Трајановски et al, *Македонската луструација (1999 – 2012)* (Скопје: Фондација отворено општество - Македонија, 2006), 187.

senior positions in the media, the universities, or state owned businesses.[47] In Ukraine, the main lustration law included an expansive array of public positions: the Prime Minister and Vice Prime Ministers, the National Bank, and the Chairman of the State Committee for Television and Radio, the Prosecutor General, and the Heads of the Foreign Intelligence Service, the State Guard, and the Tax Police and related positions, military officers, heads of state-owned enterprises related to the military-industrial complex, and officers of the Interior Ministry.[48] In addition, by passing a special law, the legal framework for lustration in Ukraine predicts lustration in the judicial system of this country. Still, it is easily noticeable that these two countries (Czech Republic and Hungary) unlike all previously stated countries do not predict lustration of positions which are directly elected on elections by the people. It is a solution which is related to the Czechoslovakian lustration model, in which democratic legitimacy took precedence over lustration procedures.[49] This kind of preference of the democratic legitimacy can be found in the Resolution of the Council of Europe, which emphasizes that there is no need for lustration to be applied on the political positions elected directly by the citizens unless the candidates request that for themselves. According to the Resolution of the Council of Europe, the final choice for the directly elected candidates should be left to the citizens themselves in the spirit of democracy. However, in transitional-justice literature such a solution is often being criticized. Such a solution caused a situation in which a certain employee in the parliament must be lustrated, but not the MP from that parliament. This gives the impression that the lustration process is more focused towards small rather than big fish. This impression has led the most of the political parties in Czech society individually to impose self-regulatory lustration. In this respect, the overwhelming majority of political parties in Czech Republic introduced a self-regulatory policy demanding all candidates to submit the negative lustration certificate before being listed in the parliamentary elections.[50] However, this practice can only be connected to the Czech society, but not to the Ukrainian society. Therefore, one of the most common criticisms of the lustration process in Ukraine is related to the fact that the positions which were directly

[47] Michele Harrison,"Choosing a Past: Choosing a Future. Lustration and Transition in the Czech Republic," *Slovak Foreign Policy Affairs* (2003): 56.
[48] Horne,"Lustration: Temporal, Scope and Implementation Consideration," 184.
[49] David Kosar,"Lustration and lapse of time: Dealing with the past in the Czech Republic," *European Constitutional Law Review* (2008): 464.
[50] Halmai,"The Role of Constitutionalism in Transitional Justice Processes," 28.

elected by the Ukrainian people remain to be far from the magnifying glass of the Ukrainian lustrators.

Having all that into consideration, we can freely conclude that in the post-communist world in Europe we can find criticisms for excessive lustration and for insufficient lustration as well. There will be various solutions, which within the legal-political literature will constantly stir up debates for the best model and approach towards regulating the lustration processes in one transitional society. Debates in which always the first and the final point are the effects from the lustration processes. So, let us take a look at them in the post-communist countries in Europe.

3. Effects of the lustration processes in the post-communist countries in Europe

When regulating the lustration processes in post-communist countries in Europe, these kinds of different political models and approaches lead towards the question of the effects from these processes in post-communist world in Europe. In general, we can conclude that the lustration processes have had a positive effect only in Czech Republic and United Germany (East Germany). Those are countries in which the lustration process is/were implemented systematically, rigorously, immediately after the fall of the communism without being labeled as mechanism for clashing with political opponents. The fact that for the needs of lustration, in United Germany as many as 1, 8 million requests have been submitted for obtaining records from the Stasi archives tells us that the East German society was scanned in detail. However, the fact that between 25 and 45 % of the individuals who were detected as former agents and collaborators of the Stasi should have left their jobs in German public administration as a consequence of the lustration process is the fact that indicate that the commissions and administrators indeed tried to judge each case individually and did not automatically retain or dismiss employees who were listed as MfS informers..[51] A systematic and rigorous approach towards enforcement of lustration can be found in Czech Republic having in mind the fact that from 4.10.1991, the date the Lustration Law went into effect, until the beginning of November 2005, the Ministry of Interior issued 451 000 lustration certificates.[52] That means that in this period even 451 000 Czech citizens had undergone lustration. However, such a rigorous Czech system gains another image when we see the fact that those who were lustrated positively were

[51] Wilke,"The Shield, the Sword, and the Party," 361.
[52] Nedelsky,"Czechoslovakia, and the Czech and Slovak Republic," 49.

transferred to other, non-lustratable positions rather dismissed.[53] That means that the Czech model was not dominated by the desire for revenge but the desire to protect the positions which were important for the survival of one democratic society. Rigorous and timely lustration processes can also be noticed in the Baltic countries. Still, in these countries the successes of the lustration processes were drastically limited because these countries did not have access to the archives of the former secret police KGB when implementing the process (the main data are placed in the Moscow archives).

While implementing the lustration processes, all other post-communist countries in Europe either had very soft approach towards implementing this mechanism (due to the influence of the communist political elites) or the lustration process came with a big time delay and represented misused mechanism for party-political goals. Thus, in Bulgaria and Romania there were not any kind of formal lustration processes and even today, the lustration process in these societies is being implemented on an informal grounds. Therefore, the benefits of the lustration process in these countries are very limited. In Hungary and in Poland, the predicted lustration model was softer in terms of the lustration sanction and in terms of the number of individuals who were supposed to be lustrated in these societies. In Hungary, according to information provided by the Lustration Commission, 9,548 persons had been vetted by the end of 2004.[54] In Poland, the debates about the 1997 Lustration Law, suggested that there was to be more than 20 000 people in all spheres of the government that would be officially lustrated.[55] When we compare these data with the number of lustrated individuals in Czech Republic (around 451 000 individuals), it becomes quite clear that the lustration processes in Poland and in Hungary had very little influence. Such an impression contributed to the abuse of the lustration question by the Kaczynski brothers, in Poland, in 2005. Among other things, the Kaczynski brothers' Party had won the 2005 Polish Parliamentary elections thanks to the lustration rhetoric. On the wings of such an election victory the Kaczynski brothers entered into passing a new lustration law, which predicted radical lustration of Polish society expressed by the possibility for lustration of around 700 000 polish citizens. Thus, the lustration process in Poland from mechanism for protection of the democratic values was transformed into mechanism for political

[53] Jaroslaw Szafraniec,"From Totalitarianism to democracy: The Case of Poland, Controversies and Heritage of Communism" (Master thesis.,Naval Postgraduate School, 2008), 62.
[54] Barrett, Hack and Munkacsi,"Lustration as Political Competition: Vetting in Hungary," 276.
[55] Chielewski," Lustration Systems in Poland and the Czech Republic Post-1989," 30.

calculation and achievement of political-party goals. Moreover, the way of implementing the lustration process in Albania and Macedonia contributed that the lustration process to be viewed as mechanism for political processes and achievement of political-party goals. Therefore, the lustration processes in Albania and Macedonia instead of contributing to the democratic consolidation and promotion of the democratic values in the end the only thing to which they contributed was worsening the political condition in these countries. From all these countries, it remains to be seen the impression from the lustration process in Ukraine. Although it is still early to talk about the effects from the lustration process in Ukraine, still the results in this country are not to be underestimated at all. As of October 2015, the register of lustration held by the Ministry of Justice listed 772 individuals banned from holding public office for 5-10 years, and 86,730 names on register as having completed lustration reviews. Such figures are commendable but we should bear in mind that the Ukrainian lustration is dominantly directed towards the events from the 2014 Ukrainian revolution and not towards the events from the communist regime. In this regard, it is quite to be expected that most of the lustrated individuals are lustrated because of activities committed in the period between 2010 and 2014. However, regardless of that, we should have in mind that Ukraine also is placed in the group of countries which decided to face its own communist past with the mechanism for lustration.

In this regard, we can conclude that the lustration processes produced positive effects only in the post-communist countries in which the lustration processes were created immediately after the fall of the communist regimes and followed transitional-justice academia standards and criteria for creating lustration process. In the other cases, the lustration processes did not produce the desired effects or had negative influence over the democratic consolidation of the post-communist countries in Europe. It seems that, the timing of beginning of the implementation of the lustration process is of crucial importance, as well as the way it is being implemented. The post-communist experience with this mechanism of transitional justice tells that in order for the lustration process to have positive effects, it has to be implemented immediately after the change of the regime and only as a tool for protection of the democracy and not as a tool for political revenge. If this is not the case then it is better for this mechanism not to be implemented at all in the transitional societies.

Conclusion

The experience with the lustration mechanism in the post-communist world in Europe is really diversified. The manner and the time of the implementation of the lustration mechanism in the post-communist countries in Europe varies drastically. Namely, in certain post-communist countries in Europe these mechanisms were implemented immediately after the fall of the communist regime while in other countries came with a big delay. In certain communist countries, the lustration processes were formally created on the basis of retributive justice (the lustrated individuals were not able to be part of the public functions and positions which fell under the lustration rules),[56] while in other countries they were formally created on the basis of restorative justice (the lustrated individuals could have retained their own public positions and functions if they shared their past with the institutions in charge for lustration whereas their names were publically known)[57] and in third post-communist countries the lustration processes were carried out in an informal manner by opening the archives of the former secret services.[58] Additionally, the post-communist countries in Europe differed in the implementation of the lustration processes in terms of the period that should be lustrated, the basis for lustration, as well as which positions have to undergo lustration. All this has led to different experiences with the lustration process in post-communist countries in Europe. Overall, we can conclude that the most positive influence and effects from the lustration can be noticed in Czech Republic and Germany, i.e. in countries in which the lustration processes were implemented immediately after the fall of the communist regimes (Czech Republic in 1991 and Germany in 1992). In these countries, the lustration processes were thoroughly and systematically conducted without leaving the impression that it is all about revenge, retaliation and political-party tool. In the other post-communist countries, the lustration processes were very softly implemented or abused for political-party purposes, and therefore, in these countries the lustration processes neither had any influence nor any kind of negative effect over their democratic consolidation. Having that in mind, we can freely say that the post-communist experience in Europe with the lustration process is very modest. Impression, an attribute which we would not be wrong if we prescribed it to the overall confrontation with the communist past in Europe. Modest and insufficient.

[56] Such a lustration model can be seen in: Czech Republic, Germany (East Germany), Lithuania, Latvia, Esthonia, Albania, Macedonia and Ukraine
[57] Such a lustration model can be seen in: Hungary and Poland
[58] Such a lustration model can be seen in: Bulgaria and Romania

Bibliography:

1. Grzyzlo, Dariusz. *Lustration. The Case of Poland.* Krakow: Instytut Filozofii, 2007.
2. United States Institute of Peace."Transitional Justice: Information Handbook." 1-22 at https://www.usip.org/sites/default/files/ROL/Transitional_justice_final.pdf
3. Nedelsky, Nadya. "Czechoslovakia, and the Czech and Slovak Republic." In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Latvinia Stan, 37 – 75. New York: Routledge, 2010.
4. Romajke, Sanja. *Prigodni rad br. 1: Tranziciona Pravda u Nemackoj posle 1945 I posle 1990*. Nirnberg: International Nuremberg Principles Academy, 2016.
5. Halmai, Gabor."The Role of Constitutionalism in Transitional Justice Processes in Central Europe." 1-44 at https://www.eui.eu/Documents/DepartmentsCentres/Law/Professors/Halmai/Constitutions-and-TJ.pdf
6. Stan, Latvinia. "The Former Soviet Union." In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Latvinia Stan, 222 - 246. New York: Routledge, 2010.
7. Austin, C. Robert, and Jonathan Ellison. "Post-Communist Transitional Justice in Albania." *East European Politics and Societies,* Vol. 22 No.2 (2008): 373 – 401.
8. Chielewski, Maciej."Lustration Systems in Poland and the Czech Republic Post-1989." Master thesis., Palacky University, 2010.
9. Horne, Cynthia." "Silent Lustration": Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania." *Problems of Post-Communism,* (2015): 131-144.
10. Cakic, Milan."Lustracija u Evropi I Srbiji: Motivacija za Donosenje Zakona o Lustraciji I Njihove Drustvene Funkcije." *Sociologija,* Vol. 52 (2010): 285-306.
11. Milardovic, Andjelko."Elites in the Waves of Democratization and the Lustration." In *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, edited by Vladimira Dvorakova and Andjelko Milardovic, 85-110. Zagreb: Political Science Research, 2007.
12. Horne, M. Cynthia."Lustration: Temporal, Scope and Implementation Consideration." In *Transitional Justice and the Former Soviet Union*, edited by Cynthia M. Horne and Lavinia Stan, 177-196. Cambridge: Cambridge University Press, 2018.

13. Helsinki Watch. ”Purge Laws.” In *Transitional Justice Volume 2 General Consideration*, edited by Neil J. Kritz, 698-705. Washington: United States Institute of Peace, 1995.
14. Metodiev, Momchil. “Bulgaria.” In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Latvinia Stan, 152 - 175. New York: Routledge, 2010.
15. Albon, Mary. *Democracy and Decommunization: Disqualification Measures in Eastern and Central Europe and the Former Soviet Union*. Venice: The Project on Justice in Times of Transition, 1993.
16. Choi, Y.P Susanne, and Roman David.“Lustration Systems and Trust: Evidence from Survey Experiments in the Czech Republic, Hungary, and Poland.” *American Journal of Sociology*, Vol. 117 No.4 (2012): 1172 – 1201.
17. Wilke, Christiane.”The Shield, the Sword and the Party: Vetting the East German Public Sector.” In *Justice as Prevention: Vetting Public Employees in Transitional Societies*, edited by Alexander Mayer-Rieckh and Pablo de Greiff, 348-400. New York: ICTJ, 2007.
18. Rozic, Petar.”Lustration and Democracy: The Politics of Transitional Justice in the Post-Communist World.” PhD diss., Georgetown University, 2012.
19. Thompson, Ethan.”Transitional Justice in Context: The Historical Roots of Lustration Law in Post-Communist Poland.” Master thesis., Central European University, 2015.
20. Nedelsky, Nadya. “Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia.” *The Sphere of Politics,* (2010): 47 – 63.
21. Austin, C. Robert, and Jonathan Ellison. ”Albania.” In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Latvinia Stan, 176 - 199. New York: Routledge, 2010.
22. Brito, B.D. Alexandra, Carmen Gonzalez Enriquez and Paloma Aguilar.“De-Communization and Political Justice in Central and Eastern Europe.” *The Politics of Memory and Democratization,* (2001): 1-25.
23. Venice Commission.”Opinion on the Law on Government (Lustration Law) of Ukraine.” 1-12 at https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2014)046-e

24. Barrett, Elizabeth, Peter Hack and Agnes Munkacsi.”Lustration as Political Competition: Vetting in Hungary.” In *Justice as Prevention: Vetting Public Employees in Transitional Societies*, edited by Alexander Mayer-Rieckh and Pablo de Greiff, 260-307. New York: ICTJ, 2007.
25. Stan, Latvinia. “Hungary.” In *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*, edited by Latvinia Stan, 102 - 127. New York: Routledge, 2010.
26. Krotoszynski, Michal.”Polish Lustration and the Models of Transitional Justice.” *Adam Mickiewicz University Law Review,* (2014): 199-211.
27. Horne, Cynthia.“Late lustration programms in Romania and Poland: supporting or undermining democratic transitions?.” *Democratization,* Vol.16 No.2 (2009): 344 – 376.
28. Трајановски, Жарко, et al. *Македонската луструација (1999 – 2012) Настани, изјави, наслови, примена на луструациските прописи.* Скопје: Фондација Отворено општество – Македонија, 2006.
29. Harrison, Michele. “Choosing a Past: Choosing a Future. Lustration and Transition in the Czech Republic.” *Slovak Foreign Policy,* (2003): 54-65.
30. Kosar, David.“Lustration and Lapse of Time: ‘Dealing with the Past’ in the Czech Republic.” *European Constitutional Law Review,* (2008): 460–487.
31. Szafraniec, Jaroslaw.”From Totalitarianism to democracy: The Case of Poland, Controversies and Heritage of Communism.” Master thesis., Naval Postgraduate School, 2008.