

THE MISUSE OF THE LUSTRATION PROCESSES IN THE POST-COMMUNIST TRANSITIONS IN EUROPE

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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. Taking that into consideration, we can say that the lustration processes were frequently used in the process of facing the communist past in Europe. However, very often in theory is stressed out that the process of lustration is one the most controversial mechanism of transitional justice. Many authors warn that lustration hides the danger of political discredit and revenge. These types of claims during the post-communist transition have become reality in a several post-communist countries in Europe (Albania, Poland, Macedonia). In these post-communist countries the process of lustration was used as a weapon in the hands of the ruling political elites against their political opponents, a weapon that needed to strengthen the position of the ruling political parties and marginalize their political opponents. At the end, the process of lustration has had very negative impact at the democratic consolidation of these countries instead of a positive one. That is why the subject of this paper will be the way the lustration processes were misused in the 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 the process of lustration was very often misused by creating lustration laws that covered positions in the private sector too, by creating lustration laws that covered periods after the fall of the communist regimes and by creating lustration laws that violated the basic human rights of lustrated individuals (the right to a fair trial, the right to respect of private and family life etc)

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I. INTRODUCTION

The fall of the Berlin Wall and the fall of the communism opened up a number of changes on Europe's ground, which should have led towards creating democratic societies in Central, East and Southeastern Europe. However, the creation of democratic societies following the collapse of the communist regimes in Central, East and Southeastern Europe has not proven to be a simple process at all. The process of transition and democratic consolidation in all post-communist countries was and still is a long and tedious process. Enabling political pluralism, guaranteeing and protection of human rights and freedoms, building democratic institutions based on the principle of the rule of law, establishing a civil society and transformation from planned to market economy, were one of the foundations of the transitions towards democratic societies in these countries. Even today, such processes in many post-communist countries in Europe are far from completed. The totalitarian communist legacy is often to be blamed for this condition of the post-communist countries. In this regard, it should be noted that, the desire, determination and the way the new democratic political elites faced or are still facing their problematic communist past were an inevitable problem on the road towards democratic consolidation. Thirty years after the fall of the Berlin Wall, reality speaks that in the post-communist Europe, there was a great deal of diversity regarding the time and the manner of implementing the mechanisms of transitional justice and facing the communist past. Certain countries began to implement the mechanisms of transitional justice immediately after the fall of the communist regime, in other post-communist countries, the mechanisms of transitional justice were implemented gradually throughout the process of transition, while, in third post-communist countries the transitional justice mechanisms came with a big time delay and were implemented after the formal completion of the process of transition. In some countries, there was not any kind of process of facing the problematic communist past at all. Additionally, besides the time frame, we can freely say that the way of facing the problematic communist past in Europe drastically varied from one country to another. Some post-communist countries implemented only one mechanism of transitional justice, while other post-communist countries used more mechanisms of transitional justice. In some countries, more emphasis was placed on lustration and the opening of the communist secret service archives, while, in other countries emphasis was placed on criminal trials, reparations, the truth commissions etc. However, it seems that out of all these mechanisms of transitional justice, lustration is mostly related to facing the communist past in Europe and is a symbol of all this processes in the post-communist area in Europe. In this regard, we will first look at what this mechanism really is and further we will go over the basic features of the application of this mechanism in the post-communist countries in Europe.

II. DEFINING THE TERM *LUSTRATION* AND GENERAL ASPECTS FOR ITS USE IN THE PROCESS OF FACING THE COMMUNIST PAST IN EUROPE

The process of lustration is one of the most used and at the same time most controversial mechanism of transitional justice. The term comes from the Latin word *lustratio* and *lustratum* which means purification¹ and different definitions for it can be found in legal and political theory. Thus, certain definitions claim that lustration (or vetting) refers to ‘the procedures for screening persons seeking selected public positions for their involvement with the previous undemocratic regime.’² Often, in legal-political theory the definitions for this mechanism includes official state policies to purge individuals from positions they currently hold or to ban them from holding specific positions in the future.³ Taking into account the aforementioned definitions, we can freely conclude that lustration represents a small, but maybe most significant, and at the same time, controversial step for facing the totalitarian past in the process of creating democratic institutions, in order to establish institutions based upon democracy and the rule of law.⁴

The awareness of the meaning and the role of the lustration processes in the building of democratic society were also recognized by the post-communist countries in Europe. Data shows that out of 22 post-communist countries in Europe in total, even 14 of them had certain experience with the mechanism of lustration. Certain experiences with the process of lustration could be noticed in East Germany, Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Poland, Hungary, Albania, Bulgaria, Romania, Macedonia and Serbia.

The need for lustration in the process of transition towards democracy in post-communist countries in Europe was also detected by the Council of Europe. Namely, in 1996 the Council of Europe passed a Resolution for dealing with the legacy from the communist totalitarian regimes⁵ and besides the need for implementing the processes of lustration, the Resolution has set out the basic guidelines as to how the lustrational processes should be implemented in post-communist countries in Europe. In its Resolution, the Council of Europe set out detailed and clear guidelines for implementing the processes of lustration because even at that time it was clear that the process of lustration was known to be highly controversial process, which could be misused for revenge and political-party goals. In that direction, the Resolution of the Council of Europe was the cornerstone and guide for implementing the processes of lustration in post-communist countries in Europe.

However, despite such clear and detailed guidelines by the Council of Europe, the process of lustration in many post-communist countries in Europe was ultimately marked as highly controversial process. Controversial process because on the one hand it was often misused for political-party points and revenge while on the other hand, in certain post-communist countries it was created in a far softer way in order to avoid the actual application of this mechanism, and yet show to the public that certain steps have been taken towards the fight against the communist past. Having that into consideration, let us first have a detailed overview of the ways through which this mechanism of transitional justice in post-communist countries in Europe was misused

¹ Dariusz Grzyzlo, *Lustration. The Case of Poland*, Krakow: Instytut Filozofii, 2007, 1.

² Paola Cesarina, “Transitional Justice,” in *The SAGE Handbook of Comparative Politics* ed. Todd Landman and Neil Robinson (London: SAGE Publications, 2009), 506.

³ Tricia D. Olsen et. Al., *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington: United States Institute of Peace, 2010), 38.

⁴ Adam Czarnota, “Lustration, Decommunisation and rule of law”, *Hague Journal of Rule of Law*. Hague: Cambridge University Press, 2008, 310.

⁵ Council of Europe. Parliamentary assembly. *Resolution 1096 on measures to dismantle the heritage of former communist totalitarian system*. Strasbourg, 1996.

for revenge and political-party points, and then go over the processes of how certain post-communist countries in Europe subtly avoided the actual implementation of this mechanism.

III. MISUSE OF THE PROCESS OF LUSTRATION FOR REVENGE AND POLITICAL-PARTY POINTS IN POST-COMMUNIST COUNTRIES IN EUROPE

Within the legal-political theory it can easily be noticed that there are a number of divergent views regarding the impact the process of lustration has over one transitional society. For some theoreticians, lustration is a necessary step to cleans the new regime from the past sins⁶ and a key step towards democratic consolidation. For them, well-implemented and regulated lustration has a positive impact on all five arenas of democracy.⁷ On the other hand, there are theoreticians who claim that the ruling parties often know to misuse the process of lustration for revenge, discreditations and political-party points. The lustration process can be a strong weapon for the fight against the political opponents, because it is a process that influences not only the election result of the political candidates, but also their entire political career.⁸ A weapon that can lead to strengthening the position of the ruling political parties and marginalize their political opponents.⁹

Such theoretical debates about the positive and the negative sides of the process of lustration gained their practical realization in the processes of transition in post-communist countries in Europe. Often, when using this mechanism, the post-communist countries in Europe decided to use it as a weapon against their political opponents and not as a mechanism to protect and promote the democratic values. Unfortunately, in post-communist countries in Europe the processes of lustration often has been misused for revenge and political-party points. Such misuse could be seen through the following reasons.

First of all, the mechanism of lustration in post-communist countries in Europe was misused for revenge and political-party points by predicting a broad list of positions which in the new democratic system should be subjected to lustration. The danger of conducting widespread lustration was noted in 1996 in the guidelines provided by the Council of Europe. Therefore, the Council of Europe, in its 1996 Resolution gave clear guidelines that lustration should be limited to positions in which there is good reason to believe that the subject would pose a significant danger to human rights or democracy, that is to say appointed state offices involving significant responsibility for making or executing governmental policies and practices relating to internal security, or appointed state offices where human rights abuses may be ordered and/or perpetrated, such as law enforcement, security and intelligence services, the judiciary

⁶ Cynthia Horne and Margaret Levi, *Does Lustration Promote Trustworthy Governance? An Exploration of the Experience of Central and Eastern Europe*, Budapest: Budapest Collegium /Trust and Honesty Project, 2002, 4.

⁷ Natalia Letki, „The Consequences of Lustration for Democratization: The Experience of East Central Europe“, *Past and Present: Consequences for Democratisation*, Thessaloniki: Center for Democracy and Reconciliation in Southeast Europe, 2004, 6.

⁸ Tomas Besak, „An Explanation of the Adoption Timing and Severity of Lustration in Central and Eastern Europe“, *Rational choice theory and applications to political science*, Dublin: European Consortium of Political Research, 2010, 10.

⁹ Arolda Elbasani and Artur Lipinski, *Public Contestation and Politics of Transitional Justice: Poland and Albania*, Florence: European University Institute, 2011, 4.

and the prosecutor's office.¹⁰ Additionally, the Council of Europe in its Resolution emphasized that lustration shall not apply to positions in private or semi-private organisations, since there are few, if any, positions in such organisations with the capacity to undermine or threaten fundamental human rights and the democratic process.¹¹

Unfortunately, quite contrary to the Resolution of the Council of Europe, the post-communist countries in Europe often predicted widespread lustrations which extended to positions in the private and semi-private sector. This kind of misuse of lustration is easily noticeable in Albania, Lithuania, Poland after 2006, Macedonia. Thus, according to the Albanian 1995 Lustration Law, 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.¹² According to this, we can easily notice that in Albania the lustration process predicted widespread lustration in the private and the semi-private sector (bank managers, financial and insurance institutions). 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.¹³ Also, 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.¹⁴ In this regard, it is interesting to note that Poland's 2006 Lustration Law was requiring up to an estimated 700 000 individuals to declare if they were communist security service informants.¹⁵ Similar solutions could be found in the Macedonian legal framework for conducting the lustration process. According to the second Lustration Law in the Republic of Macedonia, 143 categories of public functions were placed under the scrutiny of the lustrators.¹⁶ In all of the above examples, it can be easily noticed that the processes of lustration do not follow the recommendations of the Council of Europe and envisage lustration of almost the whole society, which is not the aim of lustration as a mechanism of transitional justice at all. Such widespread lustrations were intended to increase the volume of individuals who should pass the process of lustration, and thereby to increase the possibility to label and discredit their political opponents and at the same time to exert

¹⁰ Council of Europe. Parliamentary assembly. *Resolution 1096 on measures to dismantle the heritage of former communist totalitarian system*. Strasbourg, 1996.

¹¹ Ibid.

¹² Robert C. Austin and Jonathan Ellison, "Post-Communist Transitional Justice in Albania," *East European Politics and Societies* Vol.22 No.2 (2008): 386.

¹³ 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), 232.

¹⁴ Cynthia M. Horne, "Late Lustration Programms in Romania and Poland: supporting or undermining democratic transitions?," *Democratization* (2009): 353.

¹⁵ Aleks Szczerbiak, *Explaining patterns of lustration and communist security service file access* (Sussex: University of Sussex, 2014), 14.

¹⁶ Жарко Трајановски et al, *Македонската лустрација (1999 – 2012)* (Скопје: Фондација отворено општество - Македонија, 2006), 187.

additional influence over the private and semi-private sector of their societies. In this determination it seems that Macedonia has gone the furthest by opening the possibility for the process of lustration to include persons who held public positions but have already retired or are deceased. Herewith, we should emphasize that if the purpose of lustration is protection of democracy from holders of public positions, who have serious possibility to influence the democratic processes in the country, then the question that arises is how people who have retired or are not among the living, can influence future democratic processes in one country?

Second, the processes of lustration in post-communist countries in Europe were misused for revenge and political-party points by manipulating with the period that needs to be lustrated. The guidelines of the Resolution of the Council of Europe again are very clear in terms of this question. According to the Resolution, lustration shall be imposed only with respect to acts, employment or membership occurring from 1 January 1980 until the fall of the communist dictatorship, because it is unlikely that anyone who has not committed a human rights violation in the last ten years will now do so (this time-limit does not, of course, apply to human rights violations prosecuted on the basis of criminal laws).¹⁷ When analysing the processes of lustration in post-communist countries in Europe, it can be easily noticed that all post-communist countries had decided to increase the lustration period and to extend it to the whole period of the communist regime. In addition, certain post-communist countries decided to extend the lustration period to the Nazi occupation, and not only to the communist regime. 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.¹⁸ In Hungary, the 1994 Lustration Law also affected those who had belonged to the Crossed Arrow party, which ruled during German occupation in 1944.¹⁹ Such solutions were opening up certain dilemmas for the processes of lustration in Hungary and Estonia, but still the most controversial were the examples of post-communist countries in Europe, which besides lustration of the period of the communist regime made decisions the process of lustration to refer to 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 the Republic of Macedonia the lustration process covered 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..²⁰ In addition to the 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

¹⁷ Council of Europe. Parliamentary assembly. *Resolution 1096 on measures to dismantle the heritage of former communist totalitarian system*. Strasbourg, 1996.

¹⁸ Stan, "The former Soviet Union," 235.

¹⁹ 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.

²⁰ Stan, "The former Soviet Union," 234.

wrongs committed under President Yanukovych.²¹ Additionally, anyone who took action to punish Euromaidan protestors between 21.11.2013 to 23.2.2014 would also be lustrated.²² If in the case of Ukraine there is certain justification for the validity of the lustration laws for the 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 the countries which, in the fight with the communist past, decided to lustrate a period which is based on the principles of the rule of law, protection of human rights and separation of powers. Implementing a process of lustration which is based on these values is a very problematic step because it can represent the creation of an alternative legal system. Practically, it is a post post-communist justice that can open the vicious circle of implementing transitional justice after every change of government. Definitely, that represents a huge danger for normal functioning of one society. Thirdly, the processes of lustration in post-communist countries often involved procedural errors that put lustrated individuals in unequal position and thus violate the right to a fair trial. By doing so, the processes of lustration enabled violation of human rights and made space for labelling and discreditation. As a consequence of these procedural errors, the European Court of human rights in Strasbourg, often had many cases to consider. Noteworthy to mention are the following: *Moczulski v. Poland*, *Bobek v. Poland*, *Zablocki v. Poland*, *Zawisza v. Poland*, *Karajanov v. Macedonia* и *Ivanovski v. Macedonia*. In all these cases, the European Court for Human Rights found a violation of article 6 from the European Convention on Human Rights and therefore sent a message that if a certain country decides to adopt lustration measures, must ensure that the individuals who are involved in the process enjoy all the procedural guarantees determined with the Convention in each procedure in which such measures are applied.²³ Unfortunately, in certain post-communist countries in Europe that will not be the case. Through all these ways, the processes of lustration in the abovementioned post-communist countries in Europe were misused for revenge, discreditation and political-party points. The reality is that in all these countries the processes of lustration did not bring positive changes, but ultimately contributed to a greater internal division of their societies and instability i.e. had a negative impact on the whole process of democratic consolidation in the concerned post-communist countries.

IV. CREATING A LUSTRATION PROCESS IN FAR SOFTER WAY IN ORDER TO AVOID THE REAL IMPLEMENTATION

In addition to misusing the process of lustration for revenge and discreditation, in the post-communist world in Europe, examples of subtle avoidance of the actual implementation of this mechanism by its softer creation can be noticed. Usually, such a softer creation of the lustration processes was undertaken by the parties successors of the Communist Parties. Through that, the successors of the Communist Parties entered into creating softer lustration laws which were supposed to minimize the effects of this process (thereby, most of their members could avoid the lustration process), and yet present to the public an image that the country is fully involved in

²¹ 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), 186.

²² Ibid.

²³ Трајановски et al, *Македонската лустрација (1999 – 2012)*, 199.

implementation of lustration and facing the communist past. Practically, this way of implementing lustration should have represented a mask in front of the wider public that certain steps have been taken in the fight against the communist past, thus avoiding the actual implementation of the lustration mechanism.

In this regard, we can point out the Polish example where the lustration process only penalized the telling of a “lustration lie” rather than the actual act of collaboration.²⁴

Here we are speaking about restorative model in which 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 above mentioned individuals is effective only if those individuals when submitting their lustration statement decide to lie about their past. 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. Practically we are speaking about a very soft model of lustration in which in favor of truth the search for justice and responsibility is practically lost.

This same lustration model can be found in Hungary as well. Additionally, we should keep in mind that in Hungary the softer model of lustration was additionally weakened by the fact that lustration rules from this country called only for screening past involvement with division III/III of the former secret service of the communist regime,²⁵ i.e. only for individuals who have been part of the division that was in charge of the domestic repression. This means that the former agents and collaborators of all other secret service divisions of communist Hungary were released from 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. Among them, is one former Hungarian Prime Minister (Petar Medgyessy).

The situation becomes more interesting when we analyze this question in Romania, Bulgaria and Slovakia. In these countries, a formal process of lustration does not exist and the lustration processes in these countries are carried out on an informal basis by opening the archives of the communist secret services. 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.²⁶ In Slovakia, the Institute of National Memory starting from 2002 is also acting as informal lustration agency. Such informal lustration bodies have the authorization to publicly announce the names and surnames of the agents and collaborators of the former communist secret services. By publicly announcing which individuals have been agents or collaborators of the communist secret services, these informal bodies in Bulgaria, Romania and Slovakia 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

²⁴ Ethan Thompson, “Transitional Justice in Context: The Historical Roots of Lustration Law in Post-Communist Poland” (Master thesis., Central European University, 2015), 16.

²⁵ 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.

²⁶ Cynthia Horne, “Silent Lustration”: Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania,” *Problems of Post-Communism* (2015): 135.

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.

Here we should point out that Slovakia also had experience with adoption of a formal lustration law. However this law in Slovakia remained to be dead letter on paper. Therefore, we should have in mind that in certain post-communist countries in Europe special lustration laws were passed formally, but still those laws have never been practically implemented. Beside Slovakia, such situation we can notice also in Serbia. 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.

In all these countries, the lustration processes have been created in a far softer way, thus having very little influence over the democratic processes in these countries. Data show that in all the above-mentioned countries, the number of lustrated individuals is modest indeed. We have already seen that in Serbia not a single individual was lustrated. In Romania, Bulgaria and Slovakia the implementation of the informal lustration prevents accurate numbers for the influence of the process of lustration. In Hungary, according to information provided by the Lustration Commission, 9,548 persons had been vetted by the end of 2004.²⁷ 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.²⁸ 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 revenge and political-party goals.

V. CONCLUSION

Although the lustration process is the first association of facing the communist past in Europe, we can easily conclude that the effects from the implementation of lustration processes in post-communist Europe are very limited. In almost all post-communist countries in Europe the lustration mechanism either was misused for revenge and political-party points or it was created in a far softer way with the aim to avoid its actual implementation, and thus show the wider public that certain steps have been taken in the fight against the communist past. The misuse of the lustration process for revenge and political-party points can be observed in Albania, Macedonia, Lithuania and Latvia. It should be emphasized that such a misuse was strongly expressed in Albania and Macedonia, while in Lithuania and Latvia the misuse of this mechanism

²⁷ 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), 276.

²⁸ Maciej Chielewski, "Lustration Systems in Poland and the Czech Republic Post-1989" (Master thesis, Palacký University, 2010), 30.

for revenge and political-party points was far smaller. Therefore, the misuse of this kind of mechanism has had dramatically bigger negative effects in Albania and Macedonia, rather than Lithuania and Latvia.

On the other hand, in many post-communist countries in Europe the process of lustration was created in a far softer way in order to avoid the actual implementation of this mechanism but still show the wider public that certain steps have been taken in the process of facing the communist past. Such tendencies in the implementation of the process of lustration can be observed in Hungary, Bulgaria, Romania, Slovakia and Serbia. It is to be expected that the processes of lustration in these countries had extremely limited influence.

In the end, we should mention that Poland is an interesting example, because in this country the mechanism of lustration primarily in the 90s of the XXth century was created in a far softer way and by 2006 the far softer lustration was transformed in a radical process that was supposed to encompass even 700 000 individuals. Thus, in Poland the process of lustration had both stories. During the 90s it was created in a far softer way, but as a result of the disappointment of this process' results, in 2006 in Poland under the auspices of the Kaczynski brothers the lustration process was transformed into a process for political-party goals and revenge.

Therefore, we can conclude that in small number of post-communist countries the lustration process had produced the desired effects. About positive effects from the lustration process we can refer only to East Germany, Czech Republic and Estonia. In all other countries, the lustration process had either no impact or had a negative impact over the process of democratic consolidation. Thus, we can freely conclude that the mechanism that marked the process of facing the communist past in Europe, in fact, had modest and sometimes opposite effects than expected.

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