



Status quo of "Lustration" in SEE

As of 31 January 2008

Country	Law on Lustration?	Discussion in the Parliament/ Legislative Developments?	Discussion in general?
Bosnia and Herzegovina (BiH)	No.	No. "Lustration" is not on the parliamentary agenda.	In BiH the focus of the discussion on reconciliation/coping with the past lies on dealing with the more recent civil war past. A discussion on "lustration" takes place only within some NGOs. There was an attempt in 2005 to initiate a debate on "lustration" by the <i>Center for Democracy and Reconciliation in Southeast Europe</i> . In BiH, among the people involved was Mr. Jacob Finci, who is among other things, President of the Jewish Community of BiH.
Bulgaria	No.	There were two "Lustration Laws" passed in Bulgaria in early 1992. Paragraph 9 of the Law on Banking and Crediting promulgated on 27 March 1992 which dealt with "lustration" was declared unconstitutional by the	"Lustration" in Bulgaria showed very few results because of the lack of adequate institutional conditions (technical and spatial equipment) and insufficient public awareness, which reflect the lack



		<p>Constitutional Court on 31 July 1992 following the appeal by 49 Members of Parliament from the Socialist Party. They held its provisions to be unconstitutional and in contradiction with several international agreements.</p> <p>The Law on the Implementation of Some Additional Requirements to the Members of Governing Bodies of Scientific Organizations and High Attestation Committee – the so-called “Panev-Law” of 24 December 1992 - provided for “lustration” with regard to governing and high administrative positions in academic and scientific institutions. It was in force until 30 March 1995 at which point it was abolished by an Act of Parliament dominated by the Socialist majority.</p> <p>After 1997 there were several laws which included “lustration” provisions with respect to conditions for membership in the particular new bodies established by these laws. Such laws are the Law on Radio and TV (in respect of the Council of Electronic Media), the Law on Political and Civil Rehabilitation of Persons who Suffered Repressions (initially adopted in 1991, but amended several times afterwards), and the law adopted on 6 December 2006, which regulates the Access to and Disclosure of Documents of the State Security and Intelligence Services of the Bulgarian People’s Army. Membership in the Committee which has been established by this law is also conditioned by “lustration” requirements. This law requires the</p>	<p>of willingness to cooperate. There seems to be no political will to pass such a law (according to Alexander Kashunov, President of <i>Access to Information</i>).</p>
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Croatia	No.	<p>A Draft Law on Removing the Consequences of the Totalitarian Communist Regime was submitted to the Parliament in 1998 and again in 1999 by the Croatian Party of Rights. This draft-law was intended to prevent high-ranking party and state officials of the former regime from holding offices in the new state. The draft-law did not, however, receive any support from other parties. On the contrary, it was removed from the parliamentary agenda in an overwhelming majority.</p>	<p>There are no broad public debates on the necessity of adopting "lustration" legislation.</p>



<p>Macedonia</p>	<p>Yes.</p>	<p>A law on "lustration" was enacted by the Parliament on 22 January 2008.</p> <p>According to this law, each candidate must submit a statement that he/she has not collaborated with the secret services. The statement should then be validated by a special commission appointed by two thirds of the Parliament. Those found to have been informers will be prohibited from holding senior official positions. In addition to civil servants, the law will apply to judges, religious dignitaries, journalists, university professors, and NGO activists.</p>	<p>The law was supported by all the parties in Parliament and was approved unanimously. However, people do not show a large interest in this subject. Moreover, a large amount of files have been destroyed.</p>
<p>Montenegro</p>	<p>No. Draft Law on Lustration.</p>	<p>A draft-law on "lustration" has been submitted to the Parliament by the Liberal Party, but it is not under any parliamentary procedure yet. The Liberal Party began negotiations with the other parties and NGOs, but there has been no concrete result.</p>	<p>The issue of "lustration" benefits from public attention especially in the media, since it envisages not only the communist times, but also the period of Milosević.</p>
<p>Romania</p>	<p>No. Draft Law on Lustration.</p>	<p>Until now, there have been several attempts to pass a Lustration Law: in 1996, 1999 and 2005. However, none have been successful. In June 2005 a new draft Law on Lustration was forwarded to the Parliament by four liberal parliamentarians. The Senate adopted the draft law on 10 April 2006. However, the Chamber of Deputies, which has the final say, has shelved the document indefinitely.</p> <p>A Law on the Access to Personal Files and the</p>	<p>Since the early 1990s, the NGO sector in Romania has been an active supporter of the lustration process and the necessity to have a lustration law. The political parties, on the other hand, are still divided on the issue.</p> <p>In December 2006, the President of Romania, Traian Basescu, condemned the communist regime (in its entirety)</p>



		<p>Disclosure of the Secret Police (“Securitate”) as Political Police was adopted in December 1999. It also established a special body called the <i>National Council for the Study of the Securitate Archives (CNSAS)</i> which is in charge with the process of disclosing upon request the files of public figures, officials, politicians or regular citizens. <i>CNSAS</i> can also give a verdict of collaboration with the Securitate which can be contested at the Court of Appeals by the respective person. The Law on the <i>CNSAS</i> was, in part, declared unconstitutional by the Romanian Constitutional Court on January 31, 2008.</p>	<p>as illegitimate and criminal based in the report of a special presidential commission for the investigation of communist crimes established in April 2006.</p> <p>The Romanian Government’s Decree No. 1724/ 21.12.2005 established the <i>Institute for the Investigation of the Communist Crimes in Romania</i> whose main attributions are the gathering of data, documents and testimonies regarding all oppressive actions exerted by the system, as well as the notification of the state’s criminal investigation departments.</p>
Serbia	Yes.	<p>The Serbian Parliament passed a Lustration Law in 2003 (“Accountability for Human Rights Violations Act”), but its implementation remains unsatisfactory.</p>	<p>The Serbian Radical Party and the Social Party of Serbia are against the implementation of the Lustration Law, while the liberal Democratic Party continues to be in its favor. As for the general public, the debate on “lustration” is only conducted within the NGO sector.</p>