[CZ] Validity of “Lustration Act” Confirmed

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On 5 December 2001, the Constitutional Court of the Czech Republic decided that the so-called "Lustration Act" did not contravene the Constitution, and therefore could remain in force.

The Act prohibits persons who were linked to the Communist regime from performing important civil service functions, particularly in public-service broadcasting.

The Court based its decision, inter alia, on the caselaw of the European Court of Human Rights. A democracy should be allowed to defend itself. Moreover, it was not that long since the Communist regime had been overthrown. These considerations outweighed the fundamental rights of the individuals concerned, including their right to work in the public media.

As far as Czech broadcasting is concerned, the Act applies not only to senior managers, but also to those who can influence programme content, such as producers, editors and script-writers. Nominations for these posts are subject to the internal administrative rules of the Czech broadcasting service. Applicants must possess a letter from the Ministry of the Interior, confirming that they were not linked to the Communist regime.

The "Lustration Act" will remain valid until a new Civil Service Act comes into force.

Judgement of the Constitutional Court of the Czech Republic of 5 December 2001

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