
Editorial

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Biographical notes: Christina M. Akrivopoulou holds the post of Committee President in the Greek Refugee Appeals Authority. She received her PhD in Constitutional Law and has been a Postdoctoral Researcher in the Greek Scholarship Foundation and the Aristotle University Research Committee. Her main research interests concern human and constitutional rights, the protection of the right to privacy, data protection, the private-public distinction, asylum and citizenship. She has lectured in the Faculty of Political Sciences of Democritus University of Thrace, in Hellenic Open University, in Aristotle University of Thessaloniki and in the EMA Unesco Chair Inter-University Master class. She also works as an Attorney-at-Law at the Thessaloniki Law Bar Association. She is collaborating with several Greek law reviews and she is an active member of many non-governmental human rights organisations in Greece and abroad.

1 The Paris terrorist attack, the Brussels terror and the importance of protecting security

Traditionally, in the general theory of fundamental rights two axioms stand. The state and its authorities, police forces, the army and public officials are opponents to freedoms of rights. It is the judicial that safeguards fundamental rights and freedoms against the state power and its abusive or oppressive use, along with a strong constitutional order that acknowledges the primacy of freedom, of private and political autonomy over the core of state power. Accordingly, the notion and principle of public and social security is considered as colliding to the enjoyment of fundamental rights. Security can lead to public surveillance, to the state control of privacy and personal data, to restrictions in public movement or public demonstration. Security is often connected to a form of a suppressive state, where the public interest prevails over the enjoyment of freedom and autonomy and thus it can coexist with the enjoyment of fundamental rights only when it is reasonably limited.

The most recent 13 November 2015 Paris terrorist attacks in Saint-Denis, in the Bataclan Theater, in bar and restaurants of the area around the Stade de France and the following Brussels lock out nevertheless forces us to revisit the notion of security and its complex relation to fundamental rights. The uniqueness of this terrorist attack which comes to sadly be added to many others, such as the 9/11 tragedy and the Madrid train bombings (11-M) of 11 March of 2014, is the environment and framework in which it has occurred. The terrorist attacks took place in the city of light, in the capital of the freedom of expression in all of its forms, in the city who gave birth to all the fundamental principles of humanism and in a framework which someone could describe as the perfect

illustration of the enjoyment of private autonomy. People gathered together, among friends to enjoy their free time either by watching a sports game, or by peacefully enjoying a drink, dinner or a concert. One cannot begin to enlist the rights violated by the terrorist attacks that night. The right to life and human value, the right to dignity, the right to personality, freedom of expression and freedom of speech were severely violated during the terrorist attacks and also afterwards. The Brussels lock out and the Paris adoption of extreme measures of public safe (L' État d' urgence) also restrained many rights and freedoms, as the freedom of movement, economic freedoms, freedoms to education and work since public organisations, schools, means of public transportation and private enterprises remained closed and measures regarding free movement in public spaces were taken. Bottom line, the terrorist attacks in Paris hit the very heart and core of individual autonomy and freedom.

After the 9/11, the enhanced security measures adopted in the USA, mainly reflected in the introduction of the Patriot Act (2001) were severely criticised as extremely limiting for individual freedom and autonomy. In many cases, the criticism went even further in stating that in fact the 9/11 gave the excuse for the adoption of extreme military in character measures, such as the function of Guantanamo, as a prison where no human rights or rule of law principles applied, a no man's land. In this framework, also the notorious – originated in George W. Bush governance – 'war against terror' gave to the notion of public security a 'bad name'. The Snowden scandal and the disclosure of information regarding large scale surveillances that led to exchange of data between the USA and Germany intelligence also reflect the serious threats that such policies may pose for human rights. Public security cannot be seen as a principle or tool of public in itself but as a democratic, common value which is extremely useful for the protection of individual freedom and public autonomy and as such it should be transparent, lawful and in tuned with all the basic principles deriving from the rule of law and human rights.

The recent terrorist attacks in Paris set forward the need to rethink and recapture security not as the main characteristic of a suppressive for the human rights form of governance but as a social value of a democratic polity and community. Security can contribute to the public welfare in times of crisis or emergency but in needs to be justified, meaning that the means applied by the public authorities should be legitimate and proportional as the rule of law and the protection of human rights dictates. Security cannot lead or be based on the stigmatisation of citizens, in their discrimination between 'good' and 'bad' or raise racism, xenophobia and thus setting at risk social coherence and solidarity. Security can only be one of the many values that a democratic polity guarantees in order to provide not societies that resemble well guarded, isolated fortitudes but save havens and homes where fear and terror cannot exist.