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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS THE RIGHT FOR FREEDOM OF EXPRESSION AND ITS PROTECTION

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The Foreunners of the Declaration between 1940 - 1950[1]

It is well known that, in general, human rights had suffered significant blows during the period between the two World Wars.

After the end of World War II, however, individual rights begun to be strengthened and protected, both on the level of national Constiutions, as well as on international level.

Some of the notable positive actions towards that direction have been:

- The public address of President F. Roosevelt to the US Congress of 6/1/1941, in which he declared four basic civil liberties, with the freedom of speech and expression being pre-eminent.
- The Atlantic Charter of 14/8/1941.
- The text of the Washington Conference of 1942.
- The text of Philadelphia Declaration of May 1944.
- The texts of Dumbarton Oaks Deliberations of 1944.
- Chapter I of the Charter of the United Nations of 24/10/1945, where the aims and principles of the new Organisation are set as follows:

Chapter, I, Aims and Principles

Article 1

The aims of the United Nations Organisation are:

...

2. To build friendly relations among Nations, that will be based on the respect of the principle of equal rights...

3. To seek international co-operation for resolving international problems.. and for the strengthening and encouragement of respect for human rights and the basic liberties of all men, without discrimination.

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1. The present text contains the basic parts of an address at a meeting, which is referred to in issue 15/1999 of the REVIEW OF REGION DEC., LOC. GOV., REGION. DEVELOPMENT.

The Universal Declaration of the United Nations for Human Rights of 10/12/1948

The General Assembly of the UN, based on the aforementioned provisions of Article 1, has adopted on 10/12/1948 the Universal Declaration of Human Rights. and its Article 19 reads as follows:

Every individual has the right for freedom of speech and expression, whice includes the right not to be harassed for his opinion, as well as the right of seeking, getting and disseminating information and ideas through borders by whatever means.

The Aftermath of the Universal Declaration

The first prositive affermath of the Universal Declaration of 10/12/1948 is the European Treaty on Human Rights signed in Rome in 1950 and its annexed Protocola signed in Paris in 1952.

Article 10 of the Treaty read a follows:

Every person has the right of freedom of expression. The right includes the freedom for opinion and the freedom of receiving and transmitting information or ideas through borders, withour interference by the Authorities.

Moreover, the Conference for security and co-operation in Europe signed in Helsinki, Finland, in 1975 -25 years after the Treaty- provides for measures for the facilitation of information dissemination, of Mass Media product's circulation, etc...

Furthermore, the European Communities Council has issued a Directive on 3/10/1989 concurrent with the dissemination of information among Member States.

Finally, the right of freedom of expression and information has been consolidated with specific provisions in national Constitutions and laws.

The content of freedom of expression

The human right of freedom of expression must be seen as a part of the right of freedom of information in general, and bears the following characteristics:

It is a right universally accepted, and hence protected on an international level.

It is a right reserved for every individual, regardless of sex, race, religion, borders or nationaltiy.

It is a multifold right, which includes: the right of freedom of thought and opinion, of seeking and receiving information through borders, of freely transmitting, information by any means, and of freedom not subjected, except from certain cases, to State control.

According to a view shared by many, the subject-matter of the freedom of expression could be:

Any idea, opinion or view of the individual on whatever matter.

Any judgement about facts, recent or not.

Any view on matters of public behaviour of others, and particularly persons exercising public duties.

Anyone's cultural and artistic creation that does not offend public morals and the public feeling of justice.

Any dissemination of current events that does not involve a deliberate distortion of facts, or a wrongful act on others that is without justification or is not legally founded.

Given that the content of the right fo freedom of expression has previously been defined, what comes next is the inexorable question of the existence, or non-existence, of reasons for which this nationally and internationally protected right should be reaslised.

I fear that the realisation of the individual right of freedom of expression is today, more than ever, not only feasible but also absolutely necessary.

It is known that contemporary life has acquired a new, insofar unknown, pace whic dictates, or even causes, a shrinkage in social relations, a decline in direct communication between people, a tendency to lead an isolated life, etc...

Thus, there is a growing need for every individual to be given the opportunity to express himself, not only through interpersonal relations which are constantly shrinking, but also within larger frameworks which constitute the meaning of mass communication. What tis required for the latter to be realised is a series of prerequisites, such as:

The existence of technical means within reach.

The existence of laws, morals and ethics that would govern the use of such technical means.

The existence of procedures and of peolpe to implement them so as to facilitate the dissemination of messages.

Once the above prerequisites are fulfilled, one should then answer the vital question of how, whlie exercising the right of expression, could it be possible to render the sent messages of any kind accessible to large number of people, unknown to each other.

Should one take as a given that the individual, through freedom of expression, wishes, among other thinge, to disperes information, to seek vocational activities, to fine ways of escaping from everyday life, to long for acquiring social status, and to «prolong» himself in time, then the approach of others through his free expression if feasible, provided that he uses traits shared by all.

Such shared by all characteristics, regardless of sex, race, religion, are:

Hunger, in the sense of a potential deprivation of goods.

Fear of death and of cosmic powers.

Sexual desire (whether satisfied, suppressed, or elevated).

Family instinct.

However, even if all the above come into place, it sis still possible the individual right of freedom of expression not to be realised, due to a variety of reasons, such as:

The State intervention, often realised through pre-emptive censorship.

Financial reasons, that hinder the exercise of the said right, especially in its mass dimension.

Religious reasons.

A subjective difficulty of the individual, such a illiteracy.

Other reasons, such as political discrimination, etc..

A quasi conclusion

The blood that has been spilled around the world in order for the right of freedom of expression to be «conquered» (that of Rigas Fereos' included).

The phrases of the Gospel, that read as follows:

«In the beginning was the Word, and the Word is beside God, and God is the Word», and

«After departing, Christ's disciples spoke of Him all around the Land».

These two phrases show, in the best possible way, the meaning of the right of freedom of expression which, nowadays, we live with and relish (it), in a state of democracy, often abusing, it collectively as a State and individually as citizens, each in his own way, in part, under cover, unashamedly, excessively, and invariably, operating in favour or against it, against ourselves or others, forgetting that the divine right of the Word is the sole element which diversifies Man from any other living organism on earth...

EURO: The legal point of view

By Professor **Const. GE. ATHANASSOPOULOS**

It has already become absolutely clear, and time between now and 1/1/1999 (date of its introduction) serves only too well to confirm this, that the EURO, the currency of the EU Member States that have joined (or will soon join) the Economic and Monetary Union -EMU-, has been welcomed world-widely with a feeling of contentment and success, as soon as the EU applied the relevant decisions.

The fact that, during the second month of its life, the EURO was down against the US dollar as opposed to its starting exchange rate (down from 1,14 USD in January 1999 to 1,12 USD in February 1999), cannot diminish the euphoria brought about by its introduction, and is mainly due to the increase of USA's GDP, which also increased the demand for the US dollar.

Nonetheless, the following facts are indicative:

The EUROLAND zone, that is the zone which includes the 11 Member States that have joined the EMU (Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Spain and Portugal) - Denmark, UK and Sweden have not joined in at their own volition, while Greece did not meet the criteria-, will be the second largest economic zone worldwide, with a GDP of 5,500,000,000,000 ECUs (contrary to 6,800,000,000,000 ECUs of the USA). The exports of the 11 Member States will exceed those of the USA, and will be twice as high as those of Japan. Moreover, 291,000,000 inhabitants of the EUROLAND will be using a single currency, as opposed to 269,000,000 Americans using the dollar, and 126,000,000,000 Japanese using the yen.

Furthermore, it is estimated that, with the introduction of the EURO, 30% of world trade will be conducted in EURO prices. This will directly cause the US dollar to loose some of its luster, while banks will suffer losses due to abandoned parities of exchange, money conversions, exchange commissions, etc...

Beyond the economic point of view, however, there are some legal dimensions directly related to the introduction of the EURO.

Primarily, the creation and the application of the EURO are based on two Regulations, whose draft proposals were agreed upon by the European Council in the Dublin Summit of 1996.

The said Regulations establish the status of the EURO as a single currency. As far as the currencies, which, up to 31/12/1998, had been the national currencies of the 11

countries that have joined the EMU, their status will be transitory for the period between 1/1/1999 and 31/12/2001 the latest, date in which they will seize to exist.

However, due to the fact the EURO notes and coins will not be immediately available, the 11 countries will be able to use their national moneys during the transition period, while 1 EURO under different forms will be equivalent to 1 ECU.

During the period of transition, any obligation that exists in contracts of any kind, can be freely undertaken, and credit payments can be made, either in EURO or in national currencies.

At the end of that period, however, national moneys will seize to exist and all financial obligations in contracts or legal texts will be met solely in EURO, according to parities conversion tables.

The introduction of the EURO does not permit, nor justify, the invocation of a change of conditions to be used to rescind or modify a contract.

Furthermore, as far as the introduction and use of the EURO, the European Parliament, with a special Resolution, has demanded that the unimpeded usage of the EURO be allowed in parallel with national currencies in countries which have not yet joined the EUM.

Among other things, the Resolution demands that:

a. No obstacles should be imposed by local authorities for the parallel use of the EURO in Denmark, Greece, the UK, and Sweden.

b. The European Central Bank, through a special Committee that the Bank itself will set up, should follow the parallel use of the EURO in these 4 countries.

c. The said 4 countries, in order to avoid the dangers inherent in the parallel use of the EURO, should join the EMU as soon as possible.

Greece, the country where the fable of Pandora's «compass» (box made of box-wood) was born, having fully realized the significance of the Economic and Monetary Union, has oriented its efforts towards its integration into it. Especially, in view of the recent ratification by the Greek Parliament of the Amsterdam Treaty, the country lives, works and revolves around that primal objective with passion, but also with prudence as well as audacity.

ΚΕΝΤΡΟ ΕΠΙΜΟΡΦΩΣΗΣ ΜΕΛΕΤΩΝ ΕΡΕΥΝΑΣ ΚΑΙ ΑΝΑΠΤΥΞΗΣ

Πρόγραμμα EUROFORM

ΔΗΜΟΣΙΟΤΗΤΑ ΚΑΙ ΕΥΑΙΣΘΗΤΟΠΟΙΗΣΗ ΣΤΑ ΣΥΓΧΡΟΝΑ ΜΕΣΑ ΜΑΖΙΚΗΣ ΕΠΙΚΟΙΝΩΝΙΑΣ ΓΙΑ ΘΕΜΑΤΑ ΑΝΑΠΤΥΞΗΣ ΚΑΙ ΑΠΑΣΧΟΛΗΣΗΣ

Η περίπτωση της Περιφέρειας Αττικής

Επιστημονικός Υπεύθυνος

Καθηγητής Κωνστ. ΓΕ. ΑΘΑΝΑΣΟΠΟΥΛΟΣ

Αθήναι, 1994