

The individuals fragmented political autonomy: surveillance of Public Spaces, anonymity and the myth of ‘public security’

By Christina M. Akrivopoulou¹

Parliamentary legislation (Act 3625/2007) acknowledged the ability of public surveillance by the use of cameras during public demonstrations and manifestations in Greece. The scope of the legislative intervention was to protect public safety, public security and private property against acts of violence that were occurring during such public demonstrations. The legislative intervention followed an “institutional” conflict between the District Attorney of the Court of Cassation and the Council of the Data Protection Authority, which ended in a political crisis and the consequent, resign of all members of the Independent Authority. Subsequently the legislative intervention is still existing but not enacted. Nowadays and after the socking events of December 2008, which had put in flames the centre of Athens and other Greek cities a new dialogue is reopened in Greek literature about the necessity of public surveillance in order to prevent violence and protect the public sphere. The dilemma between public safety and privacy is not exclusively a Greek one. The Amann case and the consequent jurisprudence of the European Court of Human Rights have posed a series of question considering the balance between freedom and public security. In the Greek case, though, the problematic is differentiated, since the legislative intervention seems to threaten not only the freedom and autonomy of the individual to act privately even in public spaces, but also his/her political rights, his/her right to assembly, demonstrate and express his/her political opinions. It will be supported that the boundaries between public and private have shifted in modern societies. A retreat of the public space and a privatization of the public sphere are noted both in Europe and the States mainly due to the use of modern technology and the Media impact in public life. This change has given rise to arguments that are aiming more and more in understanding the public space less as a sphere for everyone to gather and coexist and more than a place *owned* by all, as a *property*. This notion gives priority to arguments of securing this space in ways that private ownership implies, arguments that mainly are based on communitarian rather than libertarian prospectives. As far as the specific threats that public surveillance poses for the individuals it will be argued that during public demonstrations is not the right to privacy that is threatened by the use of cameras, but the right of the individual to *anonymity*. This right is a precondition to the political autonomy of the individual securing and guaranteeing that he can express his public beliefs, not alone but with others, collectively, without the threat of being manipulated in his political choices or that those will be used against him, in order to cause any discriminations. The right to anonymity goes beyond the right to privacy of the individual and is tightly bonded with its freedom to enjoy his political autonomy, without pressures or interventions by the organs of the State.

¹ PhD Constitutional Law.