

Welcoming speech by Mr. Thorsten Geissler, Director of the Rule of Law Program South East Europe, Konrad Adenauer Foundation with the occasion of the „Constitution Court, Human Rights and Mass-Media“ Conference held on 8th of December in Bucharest

Constitutional Court, Human Rights and Mass-Media

**Mr. President of the Constitutional Court,
distinguished guests,**

Ladies and Gentlemen,

It is both an honour and a great pleasure for me to welcome you today to the conference on the **Constitutional Court, human rights and mass-media** on behalf of Konrad-Adenauer-Foundation. My name is Thorsten Geissler, and since the beginning of this month, I have been the director of the Konrad-Adenauer-Foundation's "Rule of Law Program for South-East Europe." In my former life I was a state legislator and later on Deputy Mayor of my hometown, the Hanseatic City of Luebeck.

Before approaching today's topic, I would like to use this opportunity to briefly say a few words about our organization and the "Rule of Law Program". The **Konrad-Adenauer-Foundation** is an independent, German non-profit political foundation, related to the Christian Democratic movement. Its work is guided by the **same principles that inspired Konrad Adenauer's work**, in particular the promotion of processes of political democratization and of

European integration. The Foundation's work in promoting democracy is based on the belief that the rule of the law is a key to guaranteeing sustainable democracy. The Konrad-Adenauer-Foundation has always put **human dignity and the inalienable human rights and responsibilities** at the heart of its work. The protection of the freedom and human dignity by the state and vis-à-vis any form of state power is one of the core ideas of the rule of law.

Another cornerstone of our program is the development of **Constitutional law** which must always **guarantee the equality before the law, fundamental freedoms and human rights**. At the same time, I would like to stress the importance we attach in our work to **human and minority rights**, particularly the promotion and strengthening of national and international human rights protection systems as well as the encouragement of the safeguarding of fundamental rights protected not only by **the Constitution** but by every legal act. Other not minor important issues we are concerned with are the development of **procedural law**, the **fight against cor-**

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ruption, the enforcement of **anti-discrimination** acts and thus the protection of ethnic and social minorities, **illustration** that serves justice, and last, but not least, the development of the **European legal order**.

"Constitutional Court, Human Rights and Mass Media" is a topic of great relevance for the development of democracies and we have invited some excellent experts who will analyze and discuss this subject in detail. Let me therefore confine myself to making four very brief points:

1. **Free access to information** on all issues that are of political relevance is a condition for a working democracy. Especially the electronic media that are also used by the traditional print media have become a source for such information to an ever growing part of the world's population. That's why dictators try to obstruct electronic communication and why democrats must work with passion for free media and for the freedom of information. At the end of the day - I am convinced- **democracy will prevail**.
2. In democratic societies many people nowadays get more information than they can digest. **Information overload** can be a problem because responsible participation in democratic processes requires citizens who are able to evaluate, to judge, to select. Democracy and irresponsibility can easily be combined - a small and lovely Central European country which is proud of its form of direct democracy can serve as an example. I therefore strongly advocate **media teaching** already in schools.
3. More information also means more opportunities for those who don't

want to inform but to **manipulate**. I know of course that politicians always only want to inform and never to manipulate, I am not talking about them I am talking about "the others" - and they exist in abundance. In an open and democratic society you cannot limit the rights of those who want to manipulate but you have to make sure that media exist that have the obligation to provide the people with **unbiased information** - with all the imperfectionism that such an ambitious objective involves. Already in 1961, at a time when no private TV or radio stations existed, the German Constitutional Court pointed out that radio and TV stations are not only a medium of information but also a factor of opinion building. Therefore not only in Germany public radio and TV stations are not **government-controlled** but have **self-government bodies** in which different interest groups and NGOs are represented and these stations also have sufficient **public funding** by law. I defend this system because it is a corrective to the privately owned media which sometimes seem to have almost unlimited financial resources.

4. We must protect **personal rights** in the modern media world not as an excuse to legitimize censorship but to ensure that the medieval pillory remains in the museum. Freedom of information and expression are of the utmost importance - I have said that before - defamation that leads to the **destruction of a personality** is another thing. And the use or abuse of the internet can be a tool to destroy a personality not only locally but globally. It is an extremely difficult task to find

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the right **balance** between these two fundamental rights and principles but we need to discuss this subject.

I have mentioned these four points because I think they are a big challenge for lawmakers, Constitutional Court Judges, and university teachers but also for everyone who wants to get involved in the process of opinion building and decision making. I also think that in this context interdisciplinary debate is of great importance and therefore I am very happy that this conference has been arranged.

Therefore I would like to **particularly thank Constitutional Court Justice Prof. Iulia Motoc** for inviting the Konrad-Adenauer-Foundation to become a partner in this event. Our Rule of Law Program has a good cooperation with all the Constitutional Courts in the region of South-East Europe and so this conference is an excellent venue to intensify our cooperation with the Romanian Constitutional Court. But I would also like to express my gratitude to the University of Bucharest and all the representatives of the other organisations which have organized this conference or who simply take part in it. Each of you is an important partner for us and I look forward to our cooperation in the future.

The date of this conference has been carefully chosen. This very day **we are celebrating the Day of the Romanian Constitution**, to be followed on **December 10th by the 62nd anniversary of the Universal Declaration of Human Rights** as established by the United Nations General Assembly¹. A propitious moment, therefore, to reflect upon the relationship between constitutionality and human rights. In 1991, the Romanian Constitution was written em-

bodying the aspirations towards a real democracy, one promoting the values of the rule of law and a new vision regarding human rights and civil freedoms, as well as the juridical mechanisms to act as their warranty. Today we have the opportunity to observe the almost vingt-ans-après status-quo. But I shall not go further in discussing the topic, as I am certain our guests will provide us with valuable inputs to the specifics of the Romanian case.

Let me conclude with wishing us all an interesting afternoon with fruitful and inspiring talks and discussions, and let me express my hope that this is only the beginning of a series of events discussing the role of the Constitutional Court of Romania and the importance of it's work for the development of the Romanian democracy.

¹ It is the 62nd anniversary of the *Universal Declaration of Human Rights*, but the **Human Rights Day** was established in 1950