

# **The Right to Security in the Arab Region: Between Normative Frameworks and Practical Constraints**

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## **Abstract**

This paper examines the state of the right to security in the Arab region through an analytical approach that bridges the normative legal framework established in international and regional instruments with the political, security, and socio-economic constraints that hinder its effective implementation. The study is grounded in the assumption that a significant gap persists between legal provisions and actual practice in many Arab states. It argues that strengthening the protection of the right to security requires institutional and legislative reforms, the activation of regional mechanisms, and the achievement of a genuine balance between security imperatives and human rights obligations.

**Keywords:** Right to security, human rights, Arab region, rule of law, national security.

## **Introduction**

The right to security constitutes a foundational pillar of the human rights system, as the effective enjoyment of other rights and freedoms is inconceivable in the absence of safety and stability. This right encompasses protection against physical and psychological threats and guarantees personal, legal, and social security.

Although international and regional legal frameworks explicitly recognize this right, the Arab context reveals complex challenges that hinder its effective realization. These challenges include armed conflicts, the rise of terrorism, weak rule of law, and, in certain contexts, the instrumentalization of security discourse to justify restrictions on civil liberties. Against this backdrop, this article seeks to address the following research question: *To what extent have Arab states succeeded in reconciling their normative commitments to the right to security with the political and security constraints they face?*

## **I. Conceptual and Legal Framework of the Right to Security**

### **1. Conceptualizing the Right to Security**

The right to security is defined as a fundamental entitlement that guarantees individuals protection from various forms of threat, whether emanating from state authorities or non-state actors. It is a multidimensional right encompassing several interrelated dimensions:

- Personal security: Protection against violence and physical harm.
- Legal security: Protection against arbitrary arrest and the guarantee of fair trial rights.
- Socio-economic security: Assurance of minimum living conditions and social stability.
- Psychological security: Freedom from fear and persistent insecurity.

This multidimensional understanding reflects a shift from a state-centered conception of security toward the broader paradigm of human security, which places the individual at the core of security policies.

## **2. International Legal Framework**

The right to security is firmly enshrined in international human rights law. Article 3 of the Universal Declaration of Human Rights (1948) affirms that “Everyone has the right to life, liberty and security of person.” Similarly, Article 9 of the International Covenant on Civil and Political Rights (1966) guarantees the right to liberty and security of person and prohibits arbitrary arrest or detention.

Moreover, international humanitarian law, particularly the Geneva Conventions, provides specific protections for civilians during armed conflicts, reinforcing the centrality of security as a core human entitlement.

## **3. Regional Arab Framework**

At the regional level, the Arab Charter on Human Rights (2004) affirms the right to liberty and personal security and prohibits torture and cruel, inhuman, or degrading treatment. Most Arab constitutions also enshrine provisions safeguarding personal security.

However, the absence of binding enforcement mechanisms at the regional level, coupled with the fact that the Arab Court of Human Rights has not yet entered into force, limits the institutional effectiveness of these normative guarantees.

Most national constitutions in Arab countries guarantee the right to personal security. For example, Article 21 of the Moroccan Constitution, Article 23 of the Tunisian Constitution, and Article 23 of the Jordanian Constitution explicitly uphold this right. However, despite this formal recognition, its practical

implementation faces numerous challenges. In some cases, the concept of security is used as a political tool to justify repression rather than as a means of protecting the nation.

## **II. Constraints on the Implementation of the Right to Security in the Arab Region**

### **1. Armed Conflicts and Political Instability**

Several Arab states have experienced internal armed conflicts that have led to the collapse of state institutions and weakened judicial and security structures. This institutional fragility has resulted in widespread violence, arbitrary detention, forced displacement, and severe human rights violations, constituting direct infringements of the right to security.

### **2. The Dilemma of Counterterrorism and Human Rights**

The escalation of terrorist threats has prompted the adoption of exceptional security legislation in certain Arab countries. While combating terrorism is a legitimate objective, some measures raise concerns regarding proportionality and due process guarantees. The central challenge thus lies in maintaining an appropriate balance between safeguarding national security and upholding fundamental rights.

### **3. Political Instrumentalization of Security Discourse**

In certain contexts, the concept of “national security” has been expansively interpreted to encompass areas related to freedom of expression and political participation. Such instrumentalization risks transforming security from a protective mechanism into a tool of political control, thereby undermining its human-centered purpose.

### **4. Weak Rule of Law and Accountability Mechanisms**

Structural challenges including limited judicial independence, insufficient oversight mechanisms, and corruption undermine the effective protection of the right to security. The absence of accountability fosters a climate of impunity and erodes public trust in state institutions.

### **5. Emerging Challenges: Digital Security and Organized Crime**

Digital transformation has generated new threats, including cybercrime, violations of privacy, and the use of surveillance technologies without clear legal safeguards. Transnational organized crime further compounds these challenges, necessitating enhanced regional cooperation and comprehensive regulatory frameworks.

### **III. Prospects for Strengthening the Protection of the Right to Security**

Enhancing the protection of this right in the Arab region requires reviewing security legislation to ensure alignment with international human rights standards, as well as strengthening judicial independence and accountability mechanisms. It also entails activating regional Arab human rights institutions, particularly the , and adopting a human security approach that prioritizes the protection of individuals over purely state-centric concerns. Additionally, promoting a culture of human rights awareness among both citizens and state institutions is essential to ensure sustainable and effective safeguarding of these rights.

#### **1- Strengthening Legal and Institutional Frameworks**

Enhancing the protection of this right in the Arab region requires a comprehensive review of security-related legislation to ensure its full alignment with international human rights standards, including principles of legality, necessity, proportionality, and non-discrimination. Laws that grant broad discretionary powers to executive authorities should be amended to prevent misuse and arbitrary application. Clear safeguards must be incorporated to protect individuals from unlawful detention, surveillance, or restrictions on fundamental freedoms.

In parallel, strengthening judicial independence is essential. This includes ensuring transparent procedures for the appointment and promotion of judges, protecting them from political interference, and providing adequate financial and administrative autonomy to judicial institutions. Effective accountability mechanisms must also be reinforced through independent oversight bodies, parliamentary monitoring, and accessible complaint procedures that allow individuals to seek redress when their rights are violated.

Moreover, national human rights institutions should be empowered in accordance with the Paris Principles, granting them sufficient authority, resources, and independence to monitor, investigate, and report on violations. Their recommendations should be taken seriously and integrated into public policy reforms.

#### **2- Activating Regional Cooperation and Adopting a Human Security Approach**

At the regional level, activating Arab human rights mechanisms is a crucial step. Greater engagement with regional institutions (particularly the Arab human rights framework) can enhance coordination, promote shared standards, and facilitate peer review among states. Strengthening cooperation between national institutions and regional bodies would contribute to harmonizing legislation and improving compliance with international obligations.

Adopting a human security approach represents a fundamental shift in perspective. Rather than focusing exclusively on state security, this approach prioritizes the protection of individuals from threats such as

violence, poverty, discrimination, and instability. It recognizes that sustainable security is achieved not merely through control measures, but through safeguarding human dignity, social justice, and equal opportunities.

Finally, promoting a culture of human rights awareness is indispensable. Educational curricula, media engagement, and public training programs for law enforcement and civil servants should integrate human rights principles. Building awareness among citizens empowers them to claim their rights responsibly, while training state institutions fosters a governance culture grounded in respect, accountability, and the rule of law. Together, these efforts ensure sustainable and effective protection of rights across the region.

## **Conclusion**

The right to security in the Arab region remains situated within a persistent tension between the imperatives of political stability and the obligations of human rights protection. While international and regional legal instruments clearly affirm the centrality of this right, practical realities reveal a significant gap between normative commitments and effective implementation.

Bridging this gap requires genuine political will, deep institutional reform, and the operationalization of regional mechanisms to ensure that security functions as a means of protecting human dignity rather than as a justification for restricting fundamental freedoms.

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