

# The contradictory relationship between security and human rights

■ **La contradictoria relación entre seguridad y derechos humanos**

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## Abstract

Security and human rights have a contradictory relationship. The crux of the problem lies in the tension that exists between the different approaches to security and the protection of human rights in different contexts and periods, in which fear plays a fundamental role. This review article describes how the public security, citizen security and human security perspectives can be manipulated so that they do not fulfil the objective of guaranteeing human rights and citizen freedoms and actually end up promoting the violation or limitation of these. In other words, these approaches exhibit the oppositional logic that states that what is gained in security is lost in rights, a perspective which ignores the dynamics that should accompany democratic regimes, where security is not an end in itself, but rather a means by which the state and its institutions can guarantee the effective enjoyment of human rights and civil liberties.

## Keywords:

Human rights, state security, human security, communication strategy, manipulation (source: Thesaurus of the United Nations Educational, Scientific and Cultural Organisation - UNESCO), citizen security (source: author).

## Resumen

Entre seguridad y derechos humanos existe una contradictoria relación. El quid del problema radica en la tensión manifiesta entre los enfoques de seguridad –con el miedo como un elemento fundamental– y la protección de los derechos humanos en diferentes contextos y periodos. Este artículo de revisión describe cómo la seguridad pública, la seguridad ciudadana y la seguridad humana son perspectivas que pueden ser manipuladas de tal forma que no cumplen con el objetivo de garantizar los derechos humanos y las libertades ciudadanas, sino que terminan promoviendo la violación o limitación de estos. Es decir, se deja en evidencia la lógica contrapuesta que afirma que lo que se gana en seguridad se pierde en derechos, lo que implica ignorar la dinámica que debería acompañar a los regímenes democráticos, donde la seguridad no es un fin en sí misma, sino un medio con el

cual el Estado y sus instituciones pueden garantizar el goce efectivo de los derechos humanos y de las libertades ciudadanas.

**Palabras clave:**

Derechos humanos, seguridad del Estado, seguridad humana, estrategia de comunicación, manipulación (fuente: Tesoro de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura – UNESCO), seguridad ciudadana (fuente: autor).

**Resumo**

Existe uma relação contraditória entre segurança e direitos humanos. O cerne do problema está na tensão manifesta entre as abordagens de segurança - com o medo como elemento fundamental - e a proteção dos direitos humanos em diferentes contextos e períodos. Este artigo de revisão descreve como a segurança pública, a segurança cidadã e a segurança humana são perspectivas que podem ser manipuladas de tal forma que não cumprem o objetivo de garantir os direitos humanos e as liberdades do cidadão, mas acabam promovendo a violação ou a limitação desses direitos. Em outras palavras, evidencia-se a lógica oposta que afirma que o que se ganha em segurança se perde em direitos, o que implica ignorar a dinâmica que deve acompanhar os regimes democráticos, nos quais a segurança não é um fim em si mesma, mas um meio pelo qual o Estado e suas instituições podem garantir o gozo efetivo dos direitos humanos e das liberdades civis.

**Palabras clave:**

Direitos humanos, segurança do Estado, segurança humana, estratégia de comunicação, manipulação (fonte: Tesoro da Unesco -Organização das Nações Unidas para a Educação, a Ciência e a Cultura), segurança cidadã (fonte: autor).

**Introduction**

This article analyses the contrasts between the provision of security, through the lens of public, citizen, and human security approaches, and the guarantee and protection of human rights. Numerous cases illustrate how the application of each security approach—depending on the intentions of the state and the government implementing it—has led to the creation of social control networks that do not protect human rights and civil liberties, in fact, they have ultimately limited them. The text is divided into three main parts: the first provides a general overview of each security approach, setting out their main objectives, and the means and mechanisms by which certain values or rights are protected in the face of determined and identifiable threats or dangers. The second part describes the relationship between security approaches and human rights. The aim is to show how the materialisation of the

premises and principles of these security perspectives can challenge and threaten people’s rights. Finally, the third section will show how the management of fear is the key element upholding the tension between security and human rights. Additionally, this section will examine the dynamics of the objective and subjective factors related to citizens’ perceptions of insecurity and the real level of threat.

Regarding the methodology, this article is the result of qualitative research. Using a method typical of a literature review, the sources that support the hypotheses developed were selected and analysed after a thorough search process, in which they were identified, read and catalogued. The search covered the consultation of bibliographic databases as well as institutional repositories and library catalogues. It is important to note that, while the results of the search were satisfactory, there is still more information to be gathered. This means that it is likely that some sources

have been left out of this review article, which is to be expected in research conducted from a desk.

## Approaches to security: public, citizen and human security

Security is a difficult concept to define. There have been many theoretical and epistemological efforts to construct a general idea of what security can be; however, there is no univocal definition of the concept. In this sense, and bearing this difficulty in mind, this article will start from two broad notions. I will then respond to both of these, outlining the different elements and particularities of the concept and the meanings it embodies as a phenomenon.

The Dictionary of the Royal Academy of Spanish (RAE) defines security as a situation of public tranquillity and the unhindered exercise of rights. Others, such as Jean Delumeau (2002b, p. 74), approaches the concept from a more general or “common sense” perspective, defining security as tranquillity, peace, calmness and rest. However, the notion that best fits the analysis of this article is Baldwin’s notion of security which defines it as “a low probability of harm to acquired values” (1997, p. 13). This definition provides a general framework that underpins the concept’s multiplicity of applications. For example, in the specific case of human security, Muñoz-Tejada (2018, 2019) highlights the elasticity of the concept, and an ambiguity which allows for a range of interpretations. Muñoz-Tejada, however, does emphasize two important elements in the constitution of the concept: fear and need.

In order to reduce the level of abstraction in the discussion, it will be necessary to refer to elements or particularities that respond to specific situations and diverse actors. This will enable identification of the types of values being protected, and the threats from and means by which they are safeguarded (Mesa, 2015). In this regard, it is important to note that, within the framework of security, there are three distinct approaches to managing and materializing responses to that which may be considered a threat. These three traditional approaches to security are public security, citizen security and human security. Each has different objectives in terms of the object of protection, the way in which it is protected, and the kind of dangers and risks that necessitate protection.

## Main objectives of security approaches

The first approach is that of public security, also known as national security. This is a perspective that privileges

the defence and protection of the values of the modern state and the market.<sup>1</sup> In this sense, the interests and values of the state are prioritized, and consist mainly of the preservation of the institutional order, sovereignty, authority and the legal system under which the state in question is constituted. Public security is categorized as a traditional approach to defence, with its origins in the Cold War era (Angarita, 2011). It understands aggressions from external or internal actors that challenge or attempt to subvert or disrupt its internal order as threats to the very existence of the state or the market. This means that the state must protect itself from those who threaten its values from within, as well as from dangers arising from conflicts and confrontations with other states. For this reason, its methods are based on reaction, force and coercion, operating on the understanding that any type of questioning is a threat, and therefore must be eliminated through the use of violence (Mesa, 2015).

The second approach is that of citizen security. This is a liberal perspective that focuses on the rights and values of the human being. In other words, it is a human-centric approach<sup>2</sup> that tasks itself the protection of the individual and, in particular, some of their rights such as: life, liberty, personal integrity and private property (Casas-Casas, 2015). It is logical then that this approach to security seeks to avert threats pertaining to dangers that affect individuals in their daily lives, such as common delinquency, crime or homicidal violence (Moriconi, 2011).

Although this security perspective focusses on the individual, due to the nature of the rights that it seeks to protect, the bulk of the actions of security and justice institutions and agencies concentrate on the use of force manifested through a traditional logic of police intervention, the judicial system and prison as modes of deterrence and control (Ruiz & Murraín, 2012). Finally, it is important to add that the adjective “citizen” does not mean that this type of security is only valid in urban areas; it is an approach that contemplates both urban and rural areas as spheres of expression of security (Mesa, 2015, p. 110).

1 In the Chilean experience under the dictatorship of Augusto Pinochet (1973-1990), security policies focused not only on the defence of the regime, but also on the protection of markets.

2 This idea includes perspectives that establish a close relationship between citizen security and national security approaches, which go so far as to understand the former approach as a doctrine that disseminates the threat posed by the existence of “internal enemies”, only given a new argumentative arsenal (Grosso, 1999).

The third and final approach is that of human security.<sup>3</sup> This is a typology of security that originated at the heart of the United Nations, specifically in the 1994 Human Development Report, with the human being at its centre. Although, like citizen security, it is also a human-centric approach, its perception and provision of security is very different from that of citizen security. It is an approach that aims to provide and protect rights that go beyond life, security, personal integrity and private property. It is closely related to the concept of human development and the protection of human rights, and all the implications derived therefrom. It encompasses a broad set of rights and a variety of security dimensions, including economy, food, health, personal integrity, community and political life (Niño Pérez et al., 2016).

Consequently, human security seeks to protect people in two ways. The first, freedom from fear, is categorized as a restricted source of insecurity, limited to physical violence (Hanlon & Christie, 2016; Muñoz-Tejada, 2018, 2019). The second, freedom from want, is a broader concept and encompasses other dimensions that can affect people's security (Niño Pérez et al., 2016), such as the economy, the environment, the economy, and policies of inclusion and gender, among others (Pérez de Armiño, 2013).

### Security approaches to human rights protection and defence

Having outlined the central objectives of traditional approaches to security, this section will examine the relationship between these perspectives and human rights. A key concept for this relationship is the way that security is closely connected to two elements that influence people's behaviour: fear and need. These elements can also influence states and specifically governments to seek to avert threats to the state and to people's rights and well-being through various instruments of planning and reaction.

The relationship between a state-centric vision of public security and human rights lies in the fact that a state without centralised power nor the institutions and policies necessary to live in peace is unlikely to be a political unit in which the effective enjoyment of rights is possible. In other words, as Fernández Rodríguez (2019, p. 92) asserts, only in a context of adequate security can rights be truly exercised. In other words, for the protection and advancement of human

rights in a territory it is crucial that the values of the state are not threatened nor endangered. This has been seen in international and non-international armed conflicts, where the violation of people's rights has been frequently justified for reasons related to the defence of sovereignty, institutional order or state authority (Gottsbacher, 2013).

Moreover, strong, consolidated states can concentrate their efforts on the formulation and subsequent implementation of policies and institutional instruments for the defence and promotion of human rights. However, it is also worth mentioning that in this scenario, there are competing interests related to obligations that states take on when entering into conventions and treaties, and to the political will that is needed to implement these types of policies.

In this context, protection is prioritized as an important asset. Thus, citizen security focuses its efforts on defending people from threats to their most fundamental rights: life being the most important, as well as others such as freedom, personal integrity and private property. The claim that this approach makes about security, and the basis of the relationship between this approach and human rights, centres on the assertion that these fundamental rights and freedoms, considered to be "the essence of life", must be protected (Angarita, 2011, p. 116).

It is worth underlining that international organizations such as the Inter-American Commission on Human Rights (IACHR) emphasize that, while citizen security is not a right within the international legal order of Human Rights, according to the Universal Declaration of Human Rights, "everyone has the right to life, liberty and the security of person" (United Nations, 1948, p. 2). This provision coincides with the first article of the American Declaration of Human Rights and Responsibilities, which similarly stipulates that "every human being has the right to life, liberty and the security of his person" (Inter-American Commission on Human Rights, 2009, p.6). This shared sentiment shows that the citizen approach to security is obligated to protect the most precious and important values of an individual.

Within the framework of this perspective, there are two ways of understanding and addressing security and threats to the individual. The first refers to the objective, verifiable sphere, and the second to the subjective sphere, where people's perceptions and feelings about a given security situation take precedence, especially when their fundamental rights are compromised. Both concepts of security are important, since they guide the action of decision makers with respect to the appropriate mechanisms for averting threats to the life, personal integrity and property of individuals.

<sup>3</sup> There are studies that indicate that this approach is a response to the two "traditional" visions of security where the use of force is privileged over the protection of a reduced core of values (Angarita, 2011).

As stipulated by the IACHR (2009, p. 7), citizen security should promote the building of “a stronger democratic citizenry, while making clear that the central objective of the policies established is the human person, and not the security of the State or a given political system”.

The human security approach develops in a broader and more comprehensive manner the dimensions considered imperative for the effective enjoyment of human rights and development. This perspective goes beyond others that reduce security to a matter of physical aggression, as these are limited to only one of the dimensions which affect an individual’s security, that is, personal security. Human security includes a broader set of values that are inherent to life in society. In this sense, threats to people’s security do not only come from armed confrontations and wars, but also from phenomena such as poverty, hunger, inequality and lack of opportunities (Angarita, 2011).

This security perspective is shaped by the guidelines of the United Nations Organization, which in 1994, following the Human Development Report of the United Nations Development Program, explicitly urged states to promote a Human Security agenda that prioritizes the care and promotion of minimum standards of social and economic welfare (Niño Pérez et al., 2016, p. 281). Thus, and as the Commission on Human Security also asserts, this perspective should promote institutional systems and instruments that provide people the necessary elements to build a dignified and peaceful life. The Commission also establishes a correlation between this approach and the different freedoms to which the individual has a right, including freedom from deprivation, freedom from fear and freedom to act on one’s own behalf (Comisión de la Seguridad Humana, 2003, p. 1).

## The effects on human rights of the materialisation of security approaches

The previous section showed how the three security approaches directly relate to human rights. The examination of these relationships suggests that the approaches should establish a connection between the means employed and the ends proposed for the protection of values and rights in the face of specific dangers and threats. However, the implementation of security policies and strategies employed by each of these approaches brings with it a series of consequences that, on occasions, have not achieved the objective of protecting values and rights, but on the contrary, have paradoxically promoted the systematic violation of the values and rights that they promised to protect.

Considering this, the relationship between security and human rights can be read from two different points of view. The first refers to the tension between security and freedom, in which an exacerbated concentration of efforts on one side is detrimental to the other. The second reads a complementary relationship between the two, expressed by the logic that argues that the greater the security, the better the exercise of human rights (Fernández Rodríguez, 2019, p. 91). Consequently, establishing a balance between security and human rights has become one of the most important challenges for decision makers in the field, given that the approaches to security described in this article are often prone to disproportionate reactions that overprivilege security to the detriment of freedom, that is, human rights (Fernandez Rodriguez, 2019, p.91).

In the context of a democratic rule of law, efforts should be made to find complementarity between security and freedom. This is what Baratta proposed when he referred to the security model of rights as opposed to a hypothetical and exclusive model of the right to security. The Italian intellectual argued that:

In the model of security of the rights of all, security against crime is also naturally given a legitimate place. But this not only encompasses security from crimes typically committed by individuals from marginalized groups (diffuse criminality, micro-criminality), but also from crimes typically committed by individuals belonging to powerful groups. It concerns the security of everyone’s rights against criminal or, in any case, socially harmful distortions of the capital valorization process under the conditions imposed by the neoliberal deregulation of the economy (Baratta, 2004, p. 218).<sup>4</sup>

However, political experience has shown that such a balance does not really exist. When security discourses and practices are advanced and strengthened, they generally have a negative impact on people’s rights and freedoms. It is enough to glance over the security discourses emitted from approaches such as national, citizen or democratic security to notice that, as security is strengthened, the system of guarantees and freedoms of individuals is weakened (Muñoz-Tejada, 2015). Thus, it is perceived as inevitable that some fundamental rights and freedoms will be limited for security reasons. This is the configuration of the aforementioned contradiction, in which invoking security does not imply protection, or at least implies a selective protection, while suspending and limiting rights and freedoms (Provost, 2017).

<sup>4</sup> Translation by the author

## The road to contradiction: the quest for security does not always deliver what it promises

The reading that places security and civil liberties as opposing forces also highlights the problems that can arise when different approaches are implemented without considering the principles of proportionality and exceptionality. This is important insofar as understanding how both of these principles should be applied to measures that limit or interfere with the effective enjoyment of human values and rights (Angarita, 2013; Fernández Rodríguez, 2019).

Now, as Capdeville (2009) has discussed, security issues have gained a media relevance that has positioned this topic among the public's most important concerns.<sup>5</sup> This has made it possible for security-related issues to be incorporated into the public agenda and has led to the creation of policies and strategies aimed at social control which confer the power to define norms and to label those who deviate from them, to induce conformity and to repress non-conformity, to draw the difference between normal and pathological, and to correct by punishing and to punish by correcting (Giorgi, 2005, p. 38). This has created contexts in which social control is privileged in order to pursue an ideal state of security and protection, and reinforced by the political, electoral and strategic benefits that governments can reap through the positive public opinion associated with these issues. This has given rise to the development of a logic in which security is pursued yet does not necessarily generate the protection of human rights. Furthermore, it has been argued that high levels of insecurity encourages a certain proclivity among politicians and citizens to tolerate or support abuse (Rivera, 2013, p. 42). This creates a scenario in which the state or individuals feel insecure or unprotected in the face of different phenomena that put their values or rights at risk, such as homicides, theft, terrorism or poverty, which has led the institutions and authorities responsible to take measures and develop strategies to avert these dangers (Moriconi, 2011).

From the perspective of the security approaches outlined in this text, when the state's core values or the rights of individuals are compromised by insecurity

phenomena, as previously discussed, there must be a focus on devising security strategies and alternative solutions. Nonetheless, a contradiction arises when, in seeking to provide protection, these strategies do not fulfil their objective and, instead, lead to the violation of the rights and freedoms they claim to protect. In other words, the prioritisation of security—understood as a fundamental right—should not translate into fewer rights, less freedom and less privacy for individuals (Puigpelat, 2005).

It is important to clarify that the preceding discussion does not aim to dismiss the validity of imposing limitations on the exercise of rights under specific circumstances or in particular contexts, especially when such restrictions are justified by security concerns. However, to avoid the materialization of the relationship of tension described above, the actions or strategies put in place in such situations need to be proportional to the risks and threats they seek to mitigate. Measures should meet at least the following requirements: they should be apt and capable of achieving the proposed objective, no less restrictive alternative should exist that can achieve the same purpose with equal effectiveness and, finally, it is important that the measure derive more benefits or advantages than harm for the general interest (Constitutional Court of Spain, cited in Fernández Rodríguez, 2019, p. 93). Furthermore, it is appropriate to consider that security should be understood as a public good and should be from, with and for the people. While it is not a basic human right, respect for human rights must be ineluctably ensured when implementing security policies, programmes and strategies (Gottsbacher, 2013, p. 10).

Consequently, the tension between human rights and security, in which the concentration of efforts on one is to the detriment of the other, is partly explained when security is given the status of a right. As Angarita (2011) argues, it is risky to comprehend security as a fundamental right comparable to life or freedom; there are even those who argue that it is a mandatory prerequisite for the existence of rights. Guided by this belief, discourses, actions and strategies are developed to capitalize on the public demands or the need for security, which leads to the “securitization”<sup>6</sup> of any fact or event labelled as a danger or threat. This is problematic since an excessive or exaggerated reaction in the name of security may cross the threshold of what is acceptable and become illegitimate (Fernández, 2010,

<sup>5</sup> Studies such as that by Moriconi (2011, p. 617) show that insecurity has become a fundamental issue in the political agenda of Latin America, a region considered one of the most violent in the world. Bernal Ballesteros (2019, p. 252) makes a similar argument, stating that for the citizens of 21st century societies, security has become one of the main concerns and demands, both on a personal level and in the public sphere.

<sup>6</sup> This concept is based on the idea that the definition and management of a security problem are not exclusively based on the objective conditions of the threat, and that when studying securitization processes one should question the nature of security problems and ask how an issue came to be designated as such (Muñoz-Tejada, 2019, p. 25).

p. 9). By this logic, the public security, citizen security and human security approaches each exhibit distinct characteristics in their interaction with human rights, where the privileging of security as a fundamental value does not promote the effective enjoyment of rights, but rather allows and encourages the systematic violation of these.

### **Fear and Security: State manipulation of emotions**

As discussed above, security has become one of the key needs and concerns of individuals and states. When states perceive a threat to or the endangerment of any of their values, be it sovereignty or public order, they are increasingly resorting to practices of control and repression that affect the fundamental rights and freedoms of citizens or collectives, justified by the protection, prevalence and survival of the state.

With regard to acts of insecurity or crimes that endanger life, personal integrity, private property or personal freedom, such as homicides, personal injury, theft or kidnapping—to mention just a few examples—the competent authorities and the security and justice agencies responsible for dealing with these matters are obliged to take measures and plan strategic actions aimed at averting the dangers to the aforementioned values and rights. Many of these actions or security measures have only succeeded in criminalising specific population groups and, in any case, have not managed to solve the problems and have resulted in the oppositional logic whereby the search for security encourages the limitation of freedoms and the violation of rights.

Finally, the third scenario of human security covers in a comprehensive and broad manner multiple rights and dimensions of life in society. This is an apparently well-meaning discourse, which understands that citizens' problems go beyond homicides and thefts and require comprehensive attention. According to this approach, other much more structural problems must also be recognised and addressed: inequality, inequity and poverty. However, how these problems are expressed differs depending on the country and socio-political environment, and this has been exploited by states that are better positioned economically to intervene in poorer countries with the justification of protecting human rights and citizens' freedoms. This intervention can generate questionable results, and these will be explored in the following section.

Now, within the framework of the opposition between security, freedoms and human rights, there is a catalysing element that makes analysis of the phenomenon even

more complex: fear. As Useche (2008, p. 2) asserts, fear is one of the most powerful constitutive factors of social relations and of the processes in which subjectivities are produced and that seek social homogenisation and the disappearance of differences, even at the cost of the liquidation of those who are different. This is problematic in that the particularities and factors of each approach in their quest to provide security, and the impact on human rights that they may have, are justified and legitimised by the public because of the fear and uncertainty that has been instilled in them.

Consequently, fear can turn security into a first-order need, although in fact, with respect to the system of needs, security is a secondary need, and with respect to the system of rights, security is a secondary right (Baratta, 2004, p. 200). Fear and its relationship with the variables of security and the protection of rights has traditionally been used strategically for electoral gains. It wields an important influence which allows policies to be dictated, groups to enter power and other groups to be excluded, and laws to be created or repealed. All of these actions can be driven by fear and the feeling of insecurity (Robin, 2006). Before delving into this complex relationship, the contradictory responses of security approaches to the protection of human rights are addressed, many of which result in adverse or different outcomes to those intended.

### **Security approaches and human rights violations**

The public security approach focuses on the state and its values. Consequently, any kind of threat or risk to the survival of the state model and its institutions is interpreted as a risk that must be dealt with using all possible rigour and force. This approach to national security is a hangover from the Cold War era, where the bipolar interpretation of the world under two conflicting superpowers created an atmosphere in which the security of sovereignty, public order and, in the Latin American context, the serious risk of the threat of international communism, allowed for the militarisation of international relations. This ended up particularly affecting the so-called Third World countries.

In this sense, the materialisation of the public security approach under the guidelines of protecting the state from any type of communist or Soviet expression legitimised the adoption of the concept of national security into military ideology and the acquisition of relative autonomy of the armed institutions in the management of public order (Leal-Buitrago, 2002, p. 59).

This was consolidated in a project structured by the United States, which in the case of Latin America was materialised as a system known as the National Security Doctrine.<sup>7</sup>

When examining the relationship between the public security approach and the effective enjoyment and protection of human rights and civil liberties, it is clear that the latter will only be possible in a state that has managed to build strong and inclusive political and economic institutions that are not endangered or under threat (Robinson, 2015). However, the oppositional relationship mentioned above is configured when the real or imagined risk to the state's values from an internal or external actor justifies the adoption of measures that limit, restrict or violate human rights. In the case of the Cold War and the National Security Doctrine for Latin America, the fear of communism and the seizing of power by armed groups related to communism motivated practices and actions that did not minimise the risks to the functioning of the state and its institutions, but did increase the probability of systematic human rights violations in the Latin American context.<sup>8</sup> An example of this is evident in the practices implemented between 1958 and 1964 by the National Front governments in Colombia to respond to the threat of communist guerrillas and political groups excluded from the government power-sharing pact who were mobilising and involved in social protest (Archila, 1997; Arbeláez, 2018).

Under the pretext of protecting the state, the democratic regime and its institutions from the communists, the National Front governments adopted exceptional measures using the concept of a state under siege. This was the instrument used to repress public protests stemming from the growing apathy and rejection of the two-party hegemony in Colombia. According to García Villegas and Uprimny (2005), during the period of the National Front, the country spent approximately 88 months in a state of siege, that is to say, exceptionality was normalised and as a result, measures were implemented that violated the rights of citizens considered enemies by the regime.<sup>9</sup>

7 National security was a political category that during the Cold War reintroduced the political use of the concept of security and on which the notion of "national security state" was founded. As Leal-Buitrago (2003, p. 74) explains, the concept of national security state came to mean military defence and internal security against threats of revolution, the instability of capitalism and the destructive capacity of nuclear weapons.

8 The enemy within was not only the subversive armed actor. It was also understood as those groups and social movements that directly questioned the state and its institutions through collective action.

9 Scholars have read these events through the lens of the criminal law of the enemy theory, with authors such as Aponte (2006) highlighting that the Colombian government used this form of criminal law during decades of great social unrest, through the strategy of verbal councils of war.

In the context of the National Front, one of the practices that exemplifies the violation of human rights and the limiting of liberties under the public security approach was the power obtained by the Military Criminal Jurisdiction to put on trial civilians accused of committing crimes against the existence and security of the State. This continued until 1987, when the Supreme Court of Justice declared this power unconstitutional. As discussed by Carvajal and Guzmán (2017, p. 71), the emergency measures were also used as a mechanism to legitimise the government's actions. They sought to cloak the repression they exercised with legal justifications, such as, for example, the defence of institutions, seen as a symbol of national unity. At the same time, the government disqualified the popular demands as subversive. The case of the Colombian National Front government demonstrates how the supposed threat to state and institutional values served as a justification for decisions that limited and violated citizens' rights.

It is also important to point out that the National Front were unable to achieve their objective of security for the state and the strengthening of institutions. Colombia went through years of violence, engaged in a long armed conflict in which the state was always involved as an actor under dispute and threat. In this sense, measures such as those adopted by a bipartisan regime that only sought to exclude third forces and alternative models of politics through censorship of freedom of expression and thought, were of no use.

In the case of the citizen security approach, the opposing logic between security and human rights is also evident. As previously discussed, it is a perspective whose object of protection is the individual and their rights to life, liberty and private property. However, measures adopted by the state and its security agencies to avert threats to these rights continue to privilege the use of force and violence, which inevitably opens the door to the violation of human rights.

It is important to note that citizen security differs from national security policies because it is no longer based on the construction of an external enemy, but an internal one (Moriconi, 2011, p. 619). In this sense, organised crime and security issues such as homicide, personal injury, kidnapping and robbery are the dangers to be confronted. This problematic context promotes measures aimed at providing security at any price, which has favoured strategies of repressive, authoritarian or populist social control, translated into the creation of new criminal offences, increased penalties and prison as punishment (Carvajal, 2018, p. 98).

For Baratta (2004, p. 206), in the citizen security approach, privileging the "right to security" gives



rise to two elements that condition human rights and freedoms. The first is configured when the problem of security extends beyond actual security concerns and to the feeling of insecurity and the perception of uncivilised behaviour; the second concerns the situational prevention model that allows for the anticipation of social “problems” of delinquency. It was under these parameters that the “Zero Tolerance” strategy was implemented in New York during the Rudolph Giuliani administration (1994-2001). The city’s security agencies were reorganised in an opposite way to that of a community-based model, privileging

[...] the extreme harshness and isolation tactics of the “war on crime” operating within the framework of the protection of rights, yet showing a clear tendency towards the limitation and violation of rights and a strong emphasis on preventing criminal activity, through “situational” and repressive measures implemented on groups with a “high concentration of risk”, i.e., the excluded. (Baratta, 2004, p.216).<sup>10</sup>

Faced with increasing urban criminality, society tends to demand crime containment policies and legal reforms that punish offenders while making an example of them. This leads to the criminalisation of “problematic” phenomena such as poverty or, as Loïc Wacquant (2006) puts it, to the extreme of “punishing urban outcasts”. According to this author, policies such as that of “Zero Tolerance” promote a strategy of selective intolerance that aims to disappear the poor from the public sphere; to clean up the streets so that the dispossessed, the homeless, the beggars are not seen (2006, p. 60). This is how the citizen security approach manages to transform a structural problem of a social nature, associated with inequality and inequity in the framework of a neoliberal system, into a problem of criminality (Giorgi, 2005; Carvajal, 2010).

Consequently, the attention to certain phenomena that are perceived socially as undesirable validates and legitimises a network of measures, policies and strategies of crime control and prevention that do not pursue or confront dangerous criminals. Rather, those who suffer the consequences of this way of dealing with security problems are drug addicts, the homeless, sex workers, small-scale drug dealers, black people and immigrants (Wacquant, 2000; Capdeville, 2009). In other words, those who are easily labelled as suspicious or dangerous because of their social status.

On the other hand, the human security approach requires more caution when observing how a supposedly well-intentioned discourse can pave the way for the legitimisation of practices that openly violate human rights. As already mentioned, this approach stemmed from the United Nations Development Programme’s Human Development Report, in which all states were invited to design and implement comprehensive security policies. However, far from materialising the good intentions of improving other dimensions of life in society, such as lack of education, housing or food, on the international stage this approach has served to reproduce the relations of domination of some states over others (Muñoz-Tejada, 2019, p. 267).

The human security approach is concerned with large systems and structures such as the economy, food, the environment or gender policies, and from a theoretical point of view it has tried to break with the security practices or currents that advocate solutions to socio-economic conflicts with use of force (Angarita, 2011, p. 114). In reality, the underdevelopment of certain states and societies has been the justification for the international intervention of organisations or developed states. Consequently, human security seems to have designed a catalogue of threats based on structural problems of the global order, such as inequality and poverty (Muñoz-Tejada, 2018). As Niño Pérez et al. (2016) put it, this is a perspective that leans easily towards the securitisation of development and, with it, the strengthening of discourses that assert that the conditions of some developing countries can become serious security problems that could eventually prove contagious for better positioned states.

This approach has been used strategically for strong and powerful states to manipulate and intervene in states in a weak or fragile position, using arguments based on economic or developmental issues. The same discourse of human rights protection has promoted international intervention in conflicts in “problematic” states such as Somalia, Rwanda or Kosovo. The doctrine of the “Responsibility to Protect” has sponsored and promoted a redefined reading of the concept of state sovereignty, which the ONU understands as a two-way responsibility, to respect the sovereignty of other states and the human rights of a state’s own population (Añaños, 2009, p. 220). In this sense, states that fail to comply with either of these two responsibilities may be subject to intervention by the competent international authorities. This is how the then United Nations Secretary-General referred to this issue at the beginning of the century:

<sup>10</sup> Translation by the author.

Humanitarian intervention is a sensitive issue, fraught with political difficulty and not susceptible to easy answers. But surely no legal principle—not even sovereignty—can ever shield crimes against humanity. Where such crimes occur and peaceful attempts to halt them have been exhausted, the Security Council has a moral duty to act on behalf of the international community. The fact that we cannot protect people everywhere is no reason for doing nothing when we can. Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished. (Annan, 2000, p. 48).

What ultimately occurs under this kind of reading is that the real value of human rights protection is displaced in favour of a security issue. Consequently, it would seem that the political and strategic uses of the human security approach have served to fill the vacuum of Cold War-era conflict and power tensions by securitising other policy spaces—health, economy, environment—as well as human rights violations and underdevelopment (Muñoz-Tejada, 2019, p. 1 & p. 273).

### **The “voluntary” renouncing of the enjoyment of civil liberties and human rights for the need for protection and security**

Although all three perspectives on security have contradictory relationships with human rights, it is important to seek answers to the following question: why, if approaches to security do not effectively protect civil rights and freedoms, does security remain one of society’s strongest demands? There are two issues or problematic factors that provide a framework for an answer: fear and the political use or discursive manipulation of security.

According to Delumeau (2002a, p. 9), fear is an emotion of shock that is often preceded by surprise and caused by an awareness of imminent or present danger. In security-related issues, fear is part of the personal and subjective interpretation of the environment by the individual or the state. Faced with the growing demand for security by societies and the identification of possible threats by states, a scenario has been configured in which fear and the strategic use of the security discourse prevail, to the extreme point of the public voluntarily accepting limitations to freedoms or violations of rights while prioritising the protection of individual interests. As discussed by Angarita (2011),

there has never been a society in the history of humanity that has lived in a context of total security and extreme guarantees; this is related to the fact that

humanity has learned to live with a certain amount of fear and insecurity, and the way each individual has managed it and its social use have been decisive, because fear, well managed, can be highly productive, or can serve as the foundation for people who offer protection to exercise extreme control over people (Angarita, 2011, p. 91).<sup>11</sup>

From a human rights point of view, this is a dangerous scenario, given that the growing demand for protection and security, as well as the securitisation or creation of a new catalogue of threats to people and institutions, have been generating a state governed by unlimited exceptionality. This state goes as far as to question the validity and necessity of respect for rights, freedoms and human dignity, criminalising not only the armed enemy, but any form of peaceful social resistance (Useche, 2008, p. 2). Consequently, in a specific situation in which citizens demand protection and the scale of security risks and threats is heightened, the strategic political use of this context can, from an electoral point of view, represent benefits for specific power groups. That is to say, the instrumentalisation of fear and insecurity becomes a powerful political weapon.

### **Conclusions**

Questions about the relationship between security and human rights can never be overlooked. Having reviewed different bibliographical sources and contrasted hypotheses and ideas on the contradictory relationship between the approaches to public security, citizen security and human security, with respect to the defence and protection of human rights, there are at least two important elements to highlight in terms of the development and analysis of this contrasting relationship. First, traditional approaches to security set out a series of objectives depending on the focus of who they claim to protect, be it the state or citizens. Now, all three agree that security is a fundamental element in guaranteeing and defending rights and freedoms. However, measures taken within the framework of exceptionality show how any of the three approaches studied can lead to overreach and, in the process, to the systematic violation of the freedoms and rights that they claim to “protect”. In this sense, the logic in which what

<sup>11</sup> Translation by the author.

is gained in security is lost in rights and freedoms—in the manner of a zero-sum game—ultimately prevails over that which represents the ideal state of this difficult opposition, where security and other strategies for the protection of citizens guarantees and enables them to exercise, in complete freedom, the defence and vindication of their rights (Fernández Rodríguez, 2019).

The second element to highlight is the “voluntary” renunciation by citizens of the effective enjoyment of their freedoms and human rights. Fear, insecurity and lack of protection are feelings and emotions that play a fundamental role in this situation. The growing demand for security and protection has legitimised the systematic violation of human rights in different contexts, as well as being a highly profitable discursive element for politicians and public officials. Heavy-handed, zero-tolerance policies tend to employ strategies in which security problems are fabricated and the catalogue of threats expanded, in order to offer citizens that which they believe and perceive to be lacking: security that must be achieved at any cost.

The problematic aspect of this situation is that security approaches, while giving answers and solutions to security problems, do not provide protection. On the contrary, the present discussion has allowed us to recognise that, in contexts where the security discourse is very important—even to the point of considering it a fundamental right comparable to life—the systematic violation of people’s rights is justified and tolerated. However, this tolerance does not apply to all citizens, rather, it is generally the most vulnerable people who society allows to be targeted: the poor, drug addicts, sex workers, the homeless, etc. In other words, those who have been labelled and are seen as a threat to society (Wacquant, 2006).

Building upon the content presented in this article, there are other perspectives that merit attention in subsequent studies. The first has to do with the way in which the human security approach conceals interests that have nothing to do with protecting the human rights of the most vulnerable. In other words, this security perspective discursively attempts to convey “good intentions”; however, it has been recognised that developed states can have problematic interests in reproducing and sustaining their domination over states in a worse position, for which they work on the securitisation of social and economic problems associated with underdevelopment. The second

perspective lies in the strategic and political value of emotions such as fear around security-related issues. This approach promotes ideas and states of uncertainty that influence citizens’ behaviour and choices. This is an issue that has not been explored in much depth here, and one which consists of a whole thematic field to be explored.<sup>12</sup>

Finally, while this text does not pretend to answer all the questions about the complex and contradictory relationship between security and human rights; it does hope to have contributed to a reflection on the complex and contradictory relationship between them.

## Conflict of interest

There was no conflict of interest involved in the development of this academic research. I declare that I have no financial or personal relationship that could influence the design of the experiments carried out, nor the interpretation and publication of the results obtained. I also declare that I have complied with the standards of ethics and scientific integrity at all times, in accordance with the guidelines established by the academic community and those dictated by this journal.

## References

- Angarita, P. E. (2011). *Seguridad democrática. Lo invisible de un régimen político y económico* [Democratic security. The invisible of a political and economic regime]. Siglo del Hombre.
- Angarita, P. E. (2013). Propuestas de seguridad desde organizaciones de base en contextos violentos. In A. Abello & P. E. Angarita (Eds.), *Nuevo pensamiento sobre seguridad en América Latina: hacia la seguridad como un valor democrático* (pp. 109-129). Clacso.
- Annan, K. A. (2000). *We the Peoples: The Role of the United Nations in the 21st Century*. United Nations. <https://digitallibrary.un.org/record/413745?ln=en>
- Añaños, C. (2009). La “responsabilidad de proteger” en Naciones Unidas y la doctrina de la “responsabilidad de proteger” [The “responsibility to protect” in the United Nations and the doctrine of the “responsibility to protect”]. *Anuario mexicano de derecho internacional*, 10, 199-244. <https://shorturl.at/ixxGT>

<sup>12</sup> The studies and research of the Human Security Observatory of the University of Antioquia are an important source from which, from a critical perspective, progress has been made in the study of this issue.

- Arbeláez, L. (2018). Pacto y renuncia: la estrategia del Frente Nacional y su impacto sobre la democracia y la violencia en Colombia [Pact and resignation: the National Front's strategy and its impact on democracy and violence in Colombia]. In P. Cardona-Restrepo, O. Muñoz, & F. Santamaria (Eds.), *Conflicto y paz en Colombia: análisis y perspectivas* (pp. 61-82). Universidad Pontificia Bolivariana.
- Archila, M. A. (1997). El Frente Nacional: una historia de enemistad social [The National Front: a history of social enmity]. *Anuario Colombiano de Historia Social y de la Cultura*, (24), 189-215. <https://shorturl.at/abEJ4>
- Aponte, A. (2006). Guerra y política [War and politics]. *Nuevo Foro Penal*, (69), 32-48. <https://shorturl.at/fkp24>
- Baldwin, D. (1997). The concept of security. *Review of International Studies*, 19, 5-26. <https://www.jstor.org/stable/20097464>
- Baratta, A. (2004). *Criminología crítica y sistema penal* [Critical criminology and penal system]. Editorial B de F.
- Bernal Ballesteros, M. J. (2019). La función policial desde la perspectiva de los derechos humanos y la ética pública. *Revista IUS*, 13(44), 251-280.
- Capdevielle, J. M. (2009). Miedo, (in) seguridad y violencia en el entramado social. *Question*, 1(24). <https://perio.unlp.edu.ar/ojs/index.php/question/article/view/84>
- Carvajal, J. E. (2010). Seguridad Ciudadana y política [Citizen security and politics]. *Novum Jus*, 4(1), 9-32. <https://shorturl.at/ekotT>
- Carvajal, J. E. (2018). El paradigma de la seguridad y las tensiones con los derechos humanos [The security paradigm and tensions with human rights]. *Utopía y Praxis Latinoamericana*, 23(S1), 97-111. <https://doi.org/10.5281/zenodo.1462116>
- Carvajal, J. E., & Guzmán, A. M. (2017). Autoritarismo y democracia de excepción: el constitucionalismo del estado de sitio en Colombia (1957- 1978) [Authoritarianism and democracy of exception: the constitutionalism of the state of siege in Colombia (1957-1978)]. *Prolegómenos: Derechos y Valores*, 20(40), 63-75. <https://doi.org/10.18359/prole.3041>
- Casas-Casas, A. (2015). Arquitecturas institucionales y mecanismos informales para la transformación de la seguridad y la convivencia en Medellín [Institutional architectures and informal mechanisms for the transformation of security and coexistence in Medellín]. In A. Casas-Casas, & J. Giraldo (Eds.), *Seguridad y convivencia en Medellín. Aproximaciones empíricas a sus atributos y desafíos* (pp. 26-98). Alcaldía de Medellín.
- Comisión de la Seguridad Humana. (2003). La seguridad humana, ahora. Esbozo del Informe de la Comisión de Seguridad Humana [Human Security Now. Outline of the Report of the Commission on Human Security]. CSH. <https://www.ugr.es/~fmunoz/documentos/seguridadhumana.pdf>
- Delumeau, J. (2002a). Miedos de ayer y hoy [Fears of yesterday and today]. In M. Villa (Comp.), *El miedo: reflexiones sobre su dimensión social y cultural* (pp. 9-25). Corporación región.
- Delumeau, J. (2002b). "Seguridad". Historia de una palabra y de un concepto ["Security". History of a word and a concept]. In Villa, M. (Comp.), *El miedo: reflexiones sobre su dimensión social y cultural* (pp. 71-82). Corporación región.
- Fernández, J. (2010). Seguridad y libertad: ¿equilibrio imposible?: un análisis ante la realidad de Internet [Security and freedom: an impossible balance: an analysis of the reality of the Internet]. In J. J. Fernández & D. Sansó-Rubert (Eds.), *Internet, un nuevo horizonte para la seguridad y la defensa* (pp. 9-26). Universidad de Santiago de Compostela, Servicio de Publicaciones e Intercambio Científico.
- Fernández Rodríguez, J. J. (2019). El encuentro entre seguridad y derechos humanos: actualidad y problemas [The encounter between security and human rights: topicality and problems]. *Revista de Relaciones Internacionales, Estrategia y Seguridad*, 14(1), 87-101. <https://doi.org/10.18359/ries.3697>
- García Villegas, M., y Uprimny, R. (2005). *¿Controlando la excepcionalidad permanente en Colombia? Una defensa prudente del control judicial de los Estados de Excepción* [Controlling permanent exceptionality in Colombia? A prudent defense of judicial control of states of exception]. Documentos de discusión de DJS, Documento no. 1. DJS. <https://shre.ink/lutM>

- Giorgi, D. (2005). *Tolerancia cero: estrategias y prácticas de la sociedad de control* [Zero tolerance: strategies and practices of the control society]. Virus.
- Gottsbacher, M. (2013). De inseguridad excluyente a la construcción de seguridad legítima [From excluding insecurity to the construction of legitimate security]. In A. Abello & P.E. Angarita (Eds.), *Nuevo pensamiento sobre seguridad en América Latina: Hacia la seguridad como un valor democrático* (pp. 1-18). Clacso.
- Grosso, M. (1999). *La reforma del sistema penal colombiano. La realidad detrás de la imagen, perspectiva político criminal* [The reform of the Colombian penal system. The reality behind the image, political and criminal perspective]. Ediciones jurídicas Gustavo Ibáñez.
- Hanlon, R. J., & Christie, K. (2016). *Freedom from fear, freedom from want: an introduction to human security*. University of Toronto Press.
- Inter-American Commission on Human Rights (IACHR). (2009). *Report on Citizen Security and Human Rights*. <https://shorturl.at/dFNW6>
- Leal-Buitrago, F. (2002). La seguridad: difícil de abordar con democracia. [Security: difficult to address with democracy]. *Análisis Político*, (46), 58-77. <https://shorturl.at/twJK3>
- Leal-Buitrago, F. (2003). La doctrina de seguridad nacional: materialización de la Guerra Fría en América del Sur [The National Security Doctrine: Materialization of the Cold War in South America]. *Revista de estudios sociales*, (15), 74-87. <https://shorturl.at/gnBHS>
- Mesa, J. (2015). El concepto de seguridad. Un análisis a partir de los enfoques de la seguridad pública, la seguridad ciudadana y la seguridad humana [The concept of security. An analysis based on the approaches of public security, citizen security and human security]. In A. Casa & J. Giraldo (Eds.), *Seguridad y convivencia en Medellín: aproximaciones empíricas a sus atributos y desafíos* (pp. 99-124). Universidad EAFIT.
- Moriconi, M. (2011). Desmitificar la violencia: crítica al discurso (técnico) de la seguridad ciudadana [Demystifying violence: a critique of the (technical) discourse on citizen security]. *Revista mexicana de sociología*, 73(4), 617-643. <https://shorturl.at/sEKQ8>
- Muñoz-Tejada, J. (2015). *Saber y poder en la política criminal de la seguridad democrática, 2002-2006* [Knowledge and power in the criminal policy of democratic security, 2002-2006]. Facultad de Derecho y Ciencias políticas de la Universidad de Antioquia.
- Muñoz-Tejada, J. (2018). Usos políticos del concepto de seguridad humana: securitización de la violación de derechos humanos y del subdesarrollo en el escenario internacional [Political uses of the concept of human security: securitization of the violation of human rights and underdevelopment in the international arena]. *Territorios*, (39), 21-46. <https://doi.org/10.12804/revistas.urosario.edu.co/territorios/a.6232>
- Muñoz-Tejada, J. (2019). Una mirada al concepto de seguridad humana en los estudios de seguridad y algunos de sus usos políticos. [A look at the concept of human security in security studies and some of its political uses.]. *Revista Criminalidad*, 61(3), 265-278. <https://shorturl.at/jpN06>
- Niño Pérez, J. J., Devia Garzón, C. A., & Ortega Avellaneda, D. (2016). Seguridad humana: securitización del desarrollo y evaluación de amenazas en el siglo XXI [Human security: securitization of development and threat assessment in the 21st century]. *Revista Facultad de Derecho y Ciencias Políticas*, (125), 275-290. <https://doi.org/10.18566/rfdcp.v46n125.a03>
- Pérez de Armiño, K. (2013). Seguridad humana y estudios críticos de seguridad: de la cooptación a la emancipación [Human security and critical security studies: from co-optation to emancipation]. In K. Pérez de Armiño, & I. Mendía (Eds.), *Seguridad Humana. Aportes críticos al debate teórico y político* (pp. 23-57). Tecnos.
- Provost, R. (2017). Derechos humanos en tiempos de inseguridad ciudadana: experiencia canadiense a la luz del derecho interamericano [Human rights in times of citizen insecurity: the Canadian experience in light of Inter-American Law]. *Derecho PUCP*, (79), 289-309. <https://doi.org/10.18800/derechopucp.201702.012>
- Puigpelat, F. (2005). Libertad y seguridad en un nuevo contrato social [Freedom and security in a new social contract]. *Anuario de filosofía del derecho*, (22), 83-112. <https://shorturl.at/cmCMU>

- Rivera, M. A. (2013). *¿ Por qué reprimen las democracias?: los determinantes de la violencia estatal en América Latina*. FLACSO Mexico.
- Ruiz, J. M., & Murraín, H. (2012). La cultura ciudadana y la agenda de políticas de seguridad [Citizen culture and the security policy agenda]. In A. Mockus, H. Murraín, & M. Villa (Coords.), *Antípodas de la violencia. Desafíos de cultura ciudadana para la crisis de (in)seguridad en América Latina* (pp. 1-21). Banco Interamericano de Desarrollo y Corprovisionarios.
- Robin, C. (2006). *Fear: History of a Political Idea*. Oxford University Press.
- Robinson, J. A. (2015). *The Misery in Colombia*. *Desarrollo y Sociedad*, (76), 9-90. <https://doi.org/10.13043/DYS.76.1>
- United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>
- Useche, O. (2008). Miedo, seguridad y resistencias: el miedo como articulación política de la negatividad [Fear, security and resistance: fear as a political articulation of negativity]. *Polis. Revista Latinoamericana*, (19). <http://journals.openedition.org/polis/3893>
- Wacquant, L. (2000). *Las cárceles de la miseria* [Prisons of misery]. Manantial.
- Wacquant, L. (2006). Castigar a los parias urbanos [Punishing urban outcasts]. *Antípoda. Revista de Antropología y Arqueología*. (2), 59-66. <https://shorturl.at/dpAJ3>