

# Human Rights and Constitutional Law: Balancing Security and Freedom

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## Abstract

In 2024, the global struggle to balance national security imperatives with the protection of individual freedoms has intensified, reflecting a broader constitutional challenge facing both democratic and authoritarian regimes. From expanded digital surveillance frameworks in the United States under a renewed Section 702 FISA debate, to Nigeria's controversial Anti-Terrorism Amendment Bill, and the European Union's contentious AI Security Directive, states have increasingly invoked national security to justify limitations on civil liberties. While constitutional law traditionally provides mechanisms such as judicial review, proportionality tests, and rights-based derogation clauses to check executive overreach, recent developments have exposed the fragility of these safeguards under political and technological pressures.

This article examines how constitutional frameworks across jurisdictions have been tested in 2024, particularly in the face of post-pandemic governance shifts, civic unrest, and emergent cyber threats. Drawing on comparative case studies from the United States, Nigeria, India, and the European Union, it critically explores how national security measures often justified by governments as necessary for stability can lead to a gradual erosion of core democratic principles such as freedom of expression, privacy, and due process. Furthermore, it evaluates the role of civil society, media, and international human rights watchdogs in advocating for transparency and accountability.

The article concludes by emphasizing the need for recalibrated constitutional safeguards that reflect 21st-century security realities without undermining fundamental rights. It calls for policy reforms such as time-bound emergency powers, strengthened legislative oversight, and the institutionalization of digital rights protections. As 2024 draws to a close, the question remains urgent: how can states secure their populations without sacrificing the very liberties they seek to defend?

## INTRODUCTION

The enduring tension between individual liberty and collective security remains one of the most pressing legal and ethical dilemmas of modern constitutional governance. Throughout history, societies have grappled with how best to protect citizens from internal and external threats while upholding the fundamental rights enshrined in their constitutions. In 2024, this debate has been reinvigorated by a wave of political volatility, technological transformation,

and global security threats that have tested the resilience of democratic institutions and the rule of law.

The global landscape this year has been marked by an increase in state-led efforts to centralize power in the name of national security. Governments across both developed and developing nations have introduced or expanded emergency powers, tightened control over digital communications, and recalibrated their national security frameworks. In some cases, these measures have followed episodes of civil unrest, contested elections, or public health emergencies; in others, they reflect long-term shifts toward authoritarian governance under the guise of security enforcement. At the same time, civil society actors, legal scholars, and human rights advocates have raised concerns over the erosion of constitutional guarantees, including the right to privacy, freedom of expression, and protection from arbitrary detention.

The legal justification for many of these measures lies in the interpretation of constitutional provisions that allow for the suspension or limitation of rights during states of emergency. However, the operationalization of these provisions has often lacked transparency, judicial oversight, or time-bound constraints, raising questions about their legitimacy and long-term impact. In countries with weaker institutional checks and balances, the line between constitutional pragmatism and authoritarian overreach has become increasingly blurred.

Moreover, advancements in surveillance technology, artificial intelligence, and data analytics have further complicated the landscape. These tools, while enhancing the state's capacity to preempt and respond to security threats, also raise profound ethical and legal concerns regarding mass data collection, profiling, and algorithmic governance. As the digital and physical realms of security increasingly converge, constitutional law must adapt to address novel forms of state power and their implications for human rights.

This article seeks to explore how states have navigated the complex interplay between protecting national security and upholding constitutional freedoms in 2024. By analyzing legal frameworks,

policy decisions, and real-world case studies, it interrogates the extent to which contemporary security strategies align with constitutional values. The broader aim is to assess whether existing legal safeguards are sufficient to maintain democratic accountability in an era of rapid change, or whether new jurisprudential and policy models are required to recalibrate the balance between liberty and security in the twenty-first century.

## **The Constitutional Basis of Rights and Security**

The constitutional foundation of modern governance rests upon a delicate equilibrium between safeguarding the rights of individuals and preserving the security and integrity of the state. As various nations faced security challenges in 2024 including terrorism, cyber threats, civil unrest, and contested elections, constitutional provisions related to both human rights and state security were placed under unprecedented scrutiny. This section explores the dual constitutional mandates: the guarantee of fundamental rights and the state's authority to impose limitations in the name of national security.

### ***Fundamental Rights as Constitutional Guarantees***

Most contemporary constitutions enshrine a bill of rights or similar charter that affirms the inviolability of key civil and political freedoms. These often include the right to life, freedom of expression, association, movement, privacy, and protection against arbitrary detention. In democratic systems, such guarantees are integral to the social contract, and their enforcement serves as a bulwark against authoritarianism.

For instance, the United States Constitution's Bill of Rights affirms individual liberties while limiting governmental interference. Similarly, the Constitution of the Federal Republic of Nigeria (1999, as amended) guarantees fundamental rights under Chapter IV, affirming the dignity and freedom of individuals. In the European Union, the Charter of Fundamental Rights codifies human rights protections for all EU citizens and residents, supplementing national constitutional frameworks.

Despite these formal protections, constitutions often embed exceptions that permit the state to



restrict certain rights under specific conditions such as in times of emergency, national threat, or public disorder.

**Derogation Clauses and Security Exceptions**

Constitutions typically incorporate derogation or limitation clauses that empower the state to suspend or restrict rights under extraordinary circumstances. These clauses serve as a legal gateway through which governments may respond swiftly to emergencies. However, the potential for abuse remains high, particularly in contexts where judicial independence or parliamentary oversight is weak.

In 2024, several states invoked or considered invoking constitutional emergency powers. India's government drew upon its broad security mandate to justify internet shutdowns and limits on public assembly during electoral periods. Nigeria's 2024 Anti-Terrorism Amendment Bill prompted constitutional questions concerning the permissible scope of national security powers, especially regarding press freedom and due process rights. In the United Kingdom, debates over the compatibility of the Public Order Act with the European Convention on Human Rights (which retains influence post-Brexit) persisted throughout the year.

**Judicial Interpretation and Constitutional Balancing Tests**

Courts play a critical role in mediating the tension between security and freedom. Constitutional courts, supreme courts, and regional human rights tribunals interpret the legality and proportionality of state actions, often employing balancing tests. These tests assess whether the restriction of a right is lawful, necessary, and proportionate to the threat posed.

In 2024, several high-profile judicial interventions reflected this balancing act. The U.S. Supreme Court heard arguments over the constitutionality of warrantless digital surveillance under Section 702 of the Foreign Intelligence Surveillance Act. In Europe, the Court of Justice of the European Union (CJEU) ruled on cases involving algorithmic profiling and the use of biometric data in public security regimes. Meanwhile, the Nigerian judiciary faced growing calls to assert its independence in reviewing the legality of executive actions justified under the guise of anti-terrorism.

Where courts have maintained strong institutional integrity, constitutional jurisprudence has functioned as a corrective mechanism to excessive state action. However, in jurisdictions where judicial capture or political intimidation exists,

**Table 1:** Comparative Overview of Constitutional Security Clauses and Rights Protections (2024)

Country	Fundamental Rights Enshrined	Emergency Powers Provision	Oversight Mechanism	Notable 2024 Legal Challenge
United States	Bill of Rights (Amendments I–X)	Presidential emergency powers under National Emergencies Act; FISA	Congressional review; judicial checks (SCOTUS)	Constitutional challenge to Section 702 FISA surveillance renewals
Nigeria	Chapter IV of 1999 Constitution	Section 305: President may declare a state of emergency	National Assembly approval; judicial interpretation	Human rights review of the 2024 Anti-Terrorism Amendment Bill
India	Part III – Fundamental Rights	Article 352–360: Emergency provisions for war/internal disturbances	Parliamentary approval; Supreme Court review	Election-period restrictions and internet shutdowns
European Union	Charter of Fundamental Rights of the EU	National governments invoke exceptions; EU law must be proportional	European Court of Justice; Data Protection Authorities	Lawsuits over AI biometric surveillance under new EU Security Directive
Brazil	1988 Constitution – Articles 5–17	Federal Constitution allows state of siege or defense	Judicial review by Supreme Federal Court	Executive decree limiting protest rights in major cities reviewed for constitutionality

constitutional checks have often failed to prevent erosion of rights.

### **Theoretical Foundations and Contemporary Challenges**

Constitutional theorists have long debated the proper balance between liberty and security. Classical liberal thought emphasizes the preeminence of individual rights, whereas realist and communitarian perspectives stress the primacy of collective security. In practice, constitutions reflect a hybrid of these traditions aspiring to universal rights while accommodating political realities.

In 2024, these tensions were sharpened by the proliferation of new security technologies (e.g., predictive policing, AI-driven surveillance) and the enduring impacts of the COVID-era governance model, which normalized states of exception. The constitutional basis of rights and security is no longer just a textual issue; it is a lived question of whether the rule of law can withstand the pressures of populism, fear, and geopolitical instability.

### **Case Studies and 2024 Developments**

In 2024, the intersection of national security policies and human rights norms produced notable legal and political developments across multiple jurisdictions. While each country navigated this balance within its unique constitutional tradition, a common pattern emerged: the expansion of state power often in the name of counterterrorism, cybersecurity, or public order provoked legal, civic, and ethical debates on the limits of freedom in a democratic society. This section explores the most consequential developments in the United States, Nigeria, India, Brazil, and the European Union, offering a comparative lens on how constitutional frameworks adapted (or failed to adapt) to evolving security concerns.

#### **United States: Surveillance, Protest, and the Constitution**

In early 2024, the U.S. Congress faced heated debates over the reauthorization and potential reform of Section 702 of the Foreign Intelligence Surveillance Act (FISA), which permits warrantless

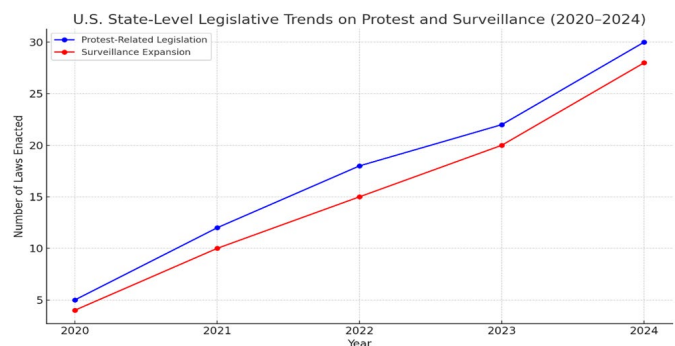
surveillance of non-U.S. citizens but has come under scrutiny for incidental data collection on Americans. The Biden administration defended its necessity amid rising cyberattacks and foreign disinformation campaigns, while civil liberties groups warned of unchecked executive overreach.

Simultaneously, the right to peaceful assembly faced new pressures in several states. Following a resurgence of nationwide protests surrounding racial justice and labor rights, legislation in states such as Florida and Texas sought to increase penalties for protest-related disruptions, raising constitutional concerns regarding the First Amendment.

#### **Nigeria: The Anti-Terrorism Amendment and Shrinking Civic Space**

In Nigeria, the introduction of the Anti-Terrorism Amendment Bill in mid-2024 marked a critical inflection point in the country's security-versus-freedom debate. The bill broadened the definition of terrorism to include the "disruption of public infrastructure" and allowed for extended detention without trial. Although justified by the government as a necessary response to persistent insurgencies in the North-East and rising separatist tensions in the South-East, human rights organizations condemned the law as overly broad and prone to abuse.

Journalists, protest organizers, and civil society actors reported increased intimidation under the pretext of national security, particularly during the February 2024 general elections. The Nigerian Bar Association and several constitutional scholars questioned the compatibility of the law with fundamental rights enshrined in Chapter IV of the



**Fig. 1:** U.S. state-level legislative trends on protest and surveillance from 2020 to 2024.

1999 Constitution, particularly freedom of expression and association.

### **India: Sedition Laws and Electoral Tensions**

India's constitutional framework once again came under strain in 2024, as national and state governments invoked sedition and anti-terror laws during a highly contentious general election season. The controversial Unlawful Activities (Prevention) Act (UAPA) was employed to detain political dissidents and journalists under ambiguous allegations of "anti-national activity." In several instances, courts intervened to issue stays or release detainees, but the slow pace of judicial redress underscored structural weaknesses in safeguarding liberties during politically charged periods.

Furthermore, widespread internet shutdowns were reported in key electoral districts, especially in Jammu & Kashmir and parts of northeastern India, with official explanations citing public order concerns. Critics viewed these blackouts as disproportionate and unconstitutional, lacking sufficient judicial or legislative oversight.

### **Brazil: Constitutional Courts and Executive Overreach**

Brazil's Supreme Federal Court (STF) in 2024 emerged as a bulwark against the resurgence of executive overreach under President Jair Bolsonaro's second-term influence. Following a series of mass demonstrations criticizing electoral reforms and environmental policies, the executive

branch authorized increased military deployment in urban centers and attempted to bypass legislative channels through executive orders.

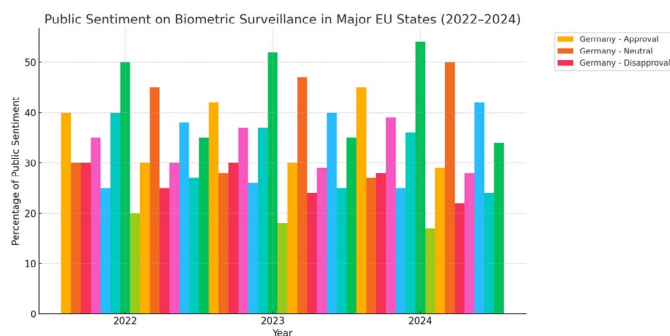
In response, the STF invalidated several such orders, citing constitutional violations of due process and separation of powers. The Court's assertiveness highlighted the judiciary's role in maintaining democratic equilibrium, even amid political polarization. However, critics warned that overreliance on the judiciary could bypass participatory democratic processes, raising deeper questions about institutional balance.

### **European Union: Biometric Surveillance and AI Regulation**

The European Union, traditionally regarded as a champion of human rights law, found itself navigating uncharted territory with the passage of the AI Security Directive in May 2024. The directive, while advancing the Union's digital sovereignty and counterterrorism capabilities, permitted expanded use of real-time biometric surveillance in public spaces under "exceptional security circumstances."

While member states like France and Hungary swiftly adopted the directive with minimal opposition, others such as Germany, the Netherlands, and Sweden voiced concern over its implications for privacy and data protection under the General Data Protection Regulation (GDPR). Protests erupted in Berlin and Amsterdam in June 2024, leading the European Parliament to propose the addition of mandatory oversight bodies and sunset clauses by year-end.

In sum, the year 2024 witnessed a global recalibration of the balance between human rights and state security across diverse constitutional systems. From legal reforms and mass protests to judicial interventions and international scrutiny, each case study underscores the enduring tension between liberty and control. While some states upheld democratic checks and balances, others veered toward securitized governance with diminished transparency. The comparative evidence reveals not only the elasticity of constitutional law under pressure, but also the critical role of civic vigilance and institutional integrity in preserving fundamental freedoms.



**Fig. 2:** Graph illustrating public sentiment on biometric surveillance in five major EU countries (Germany, France, Italy, Spain, Netherlands) from 2022 to 2024.



## Security vs. Freedom: Legal and Ethical Tensions

The intersection of national security and individual freedom has emerged as one of the most contested terrains in constitutional law. In 2024, the legal and ethical tension between preserving civil liberties and ensuring state security was especially pronounced amid global technological expansion, political polarization, and resurgent authoritarian tendencies. While states justify extraordinary measures in the name of national safety, such actions often blur constitutional boundaries, raising critical ethical dilemmas about the legitimacy, proportionality, and long-term impact of such restrictions.

### *The Legal Dilemma: Proportionality, Necessity, and Constitutional Safeguards*

Constitutional systems typically provide frameworks for limiting rights under strict conditions most commonly through emergency provisions or national security exceptions. However, the principle of proportionality, which demands that any limitation of rights be necessary and the least restrictive means available, is frequently tested. In 2024, numerous governments invoked this justification to expand surveillance, detain suspects preventively, and censor digital platforms under

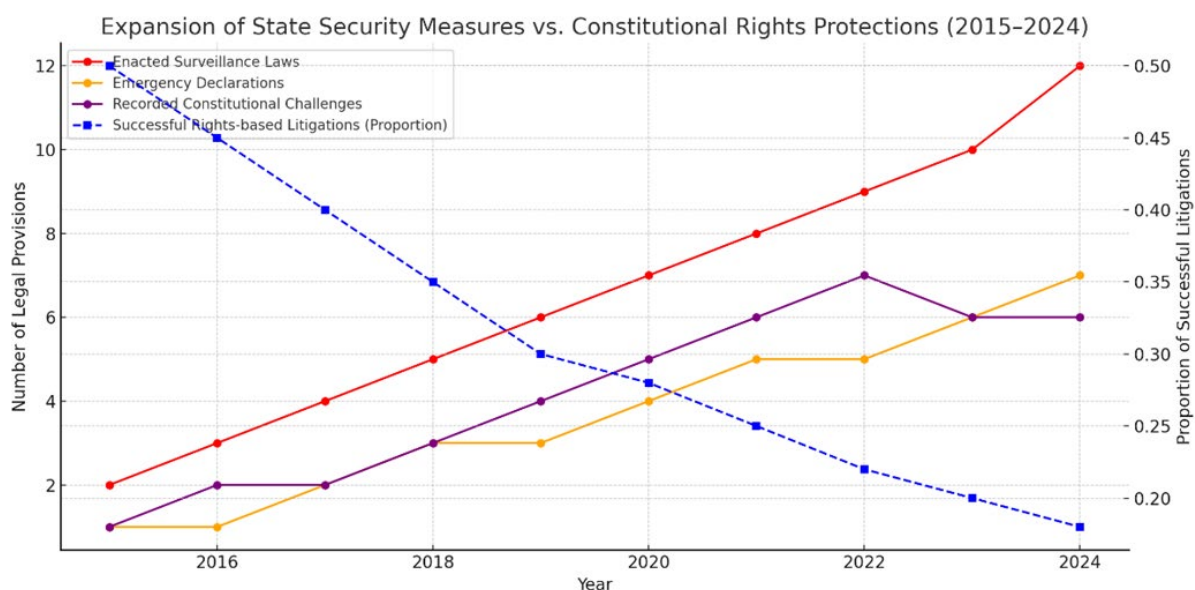
the guise of public safety. Yet, these actions often lacked robust legislative or judicial scrutiny, exposing weaknesses in constitutional oversight.

In countries such as India and Egypt, preemptive arrests during protest seasons and sweeping bans on online content were legally challenged but largely upheld in courts citing public order. Meanwhile, in advanced democracies like the United States and the United Kingdom, counterterrorism measures increasingly encroached on Fourth Amendment-type protections, leading to criticisms about the normalization of exceptional powers.

### *Ethical Quandaries: Can Freedom Be Sacrificed for Security?*

Beyond legality lies the deeper ethical question: can a society claim to uphold democratic values while compromising freedoms for presumed security? In 2024, global ethical debates intensified following revelations of biometric data misuse in African border control systems and AI-powered surveillance in Chinese diaspora communities abroad. These developments reignited concerns about surveillance capitalism, algorithmic bias, and the racialized application of security laws.

Philosophically, the dilemma pits utilitarian logics of “greater good” against deontological commitments to inviolable rights. The ethical



**Fig. 3:** Expansion of State Security Measures vs. Constitutional Rights Protections (2015–2024)

critique highlights that rights once suspended in emergencies often fail to be restored, leading to a “ratchet effect” in authoritarian governance. Furthermore, the disproportionate targeting of marginalized communities under security laws raises serious justice concerns, questioning who truly benefits from state-proclaimed safety.

### ***The Role of Judiciary: Arbiter or Accomplice?***

Judiciaries are traditionally tasked with maintaining a balance between state power and individual rights. In 2024, however, their independence and capacity to resist executive overreach were uneven across jurisdictions. In Poland and Hungary, constitutional courts appeared increasingly aligned with nationalist governments, while in Brazil and South Africa, courts took bolder steps in invalidating executive decisions that lacked constitutional backing.

Yet, the burden on courts is often reactive, with few proactive mechanisms to prevent rights violations before they occur. Critics argue that post-facto judicial remedies cannot substitute for robust institutional checks or participatory governance models. Furthermore, courts often defer to the political branches in matters of national security, adopting a stance of judicial minimalism that leaves vulnerable populations exposed.

### ***Technological Expansion and the Legal Vacuum***

The rapid integration of artificial intelligence, biometric surveillance, and predictive policing technologies in 2024 further complicated the legal landscape. Many jurisdictions lacked comprehensive legal frameworks to regulate the use of such tools, leading to unaccountable deployments in public spaces and border regions. The absence of specific data protection laws in many African and Asian states allowed for the unchecked expansion of facial recognition systems and mobile surveillance units, often funded by private or foreign security contractors.

In democratic systems, the failure to update legal doctrines in pace with technological change creates a vacuum that authoritarian actors exploit. Even when courts attempt to apply constitutional reasoning, the opacity of algorithmic systems

and the cross-border nature of data complicate enforcement. As a result, traditional legal safeguards struggle to contain new modes of surveillance, nudging societies toward what some critics call a “post-constitutional” era of governance.

In sum, in 2024, the legal and ethical tensions between security and freedom reached a critical inflection point. While constitutional frameworks offer tools to mediate these tensions, they are increasingly undermined by political expediency, technological opacity, and judicial deference. The erosion of rights in the name of security often occurs incrementally, making it all the more difficult to reverse. As technological capacities outpace legal responses, the challenge remains to build resilient constitutional orders that protect both safety and liberty without compromise.

### ***Public Trust and Democratic Accountability.***

The preservation of civil liberties under constitutional law is not only a legal concern but a foundational element in the maintenance of public trust. In 2024, a series of security-driven legislative actions and executive decisions across various jurisdictions tested the relationship between governments and the governed. In contexts where democratic accountability mechanisms have weakened or been bypassed, citizens’ trust in public institutions has declined markedly. This section explores the structural and normative connections between trust, democratic accountability, and the perceived legitimacy of security policies in constitutional democracies.

### ***The Fragility of Trust in Security-First Governance***

Public trust in government is inherently linked to perceptions of transparency, fairness, and inclusion. In 2024, countries grappling with security crises—ranging from electoral unrest to cyberattacks have adopted increasingly opaque and top-down governance approaches. For instance, the expansion of surveillance infrastructures without meaningful public debate or judicial oversight has led to public skepticism, particularly among marginalized groups who are often disproportionately targeted

by security policies. Where governments fail to justify extraordinary powers or refuse to engage in open consultations, citizens begin to perceive legal protections as hollow formalities.

The erosion of trust is particularly pronounced in societies where security operations have been militarized or politicized. This development undermines not only the legitimacy of law enforcement but also the broader democratic fabric. The principle of proportionality—central to constitutional law—is often overshadowed by narratives of exceptionalism and emergency, which are difficult to independently verify in the absence of transparent institutional processes.

**Mechanisms of Democratic Accountability in 2024**

Democratic accountability refers to the ability of citizens and institutions to hold power-wielders responsible through formal and informal mechanisms. In 2024, these mechanisms have come under strain. Parliamentary oversight committees, judicial review bodies, and independent human rights commissions have often lacked the resources or autonomy to effectively scrutinize security actions. However, variations exist among jurisdictions.

The table illustrates that countries with institutionalized accountability mechanisms and vibrant civil societies such as Germany have fared better in maintaining public trust, even when implementing controversial security measures. Conversely, in contexts like Nigeria or India, where oversight bodies are either politically captured or structurally weak, state actions have frequently lacked legitimacy in the eyes of the public.

**The Role of Civil Society and Media**

Civil society organizations (CSOs) and independent media remain critical actors in bridging the gap between the state and its citizens. In 2024, digital rights organizations, whistleblowers, investigative journalists, and civic tech groups played a pivotal role in uncovering government overreach and pressuring for reforms. Nevertheless, their impact has been uneven. In authoritarian-leaning or hybrid regimes, CSOs have faced intimidation, arrests, and restrictive legislation.

Despite these challenges, civic watchdogs have continued to innovate, using blockchain transparency tools, open data initiatives, and strategic litigation to hold governments accountable. The rise of regional coalitions such as transnational journalist networks in Africa and Latin America has also amplified citizen voices across borders.

**Technological Mediation and the Trust Deficit**

Technology has served both as a vehicle for enhanced state surveillance and as a tool for accountability. Governments have employed biometric ID systems, facial recognition software, and predictive policing tools with limited public scrutiny, leading to concerns about data misuse and systemic bias. Conversely, civic actors have leveraged the same technologies through data analysis, leaks, and citizen monitoring platforms to challenge unchecked state power.

However, the asymmetry of technological power remains stark. In most contexts, the state retains exclusive control over key surveillance infrastructure,

**Table 2:** Democratic Accountability Mechanisms in 2024 – Comparative Overview

Country	Parliamentary Oversight	Independent Judiciary	Civil Society Participation	Transparency Index (2024)
United States	Strong but politically polarized	Moderate (selective deference to executive)	Robust, tech-focused advocacy	Medium–High
Nigeria	Weak and executive-dominated	Inconsistent and underfunded	Vibrant but frequently suppressed	Low
India	Limited by majoritarian control	Subordinate in national security matters	Active but constrained by sedition laws	Low–Medium
Germany	Strong institutional oversight	Independent and assertive	Integrated into policy debate	High





leaving the public with limited recourse when abuses occur. This disparity has contributed to what many scholars now refer to as a “constitutional trust deficit” where legal norms formally exist, but public belief in their enforceability is weak or nonexistent.

In 2024, the equilibrium between public trust and democratic accountability has become increasingly fragile. As governments expand their security arsenals to confront emerging threats, they often neglect the participatory and transparent frameworks essential to constitutional legitimacy. The degree to which public trust can be sustained depends largely on the strength of institutional oversight, civic engagement, and access to information. Without these pillars, even the most well-intentioned security laws risk becoming instruments of authoritarian drift.

## **The Path Forward: Safeguards and Reforms**

As states across the globe continue to grapple with the dual imperatives of ensuring national security and upholding constitutional freedoms, it has become increasingly evident in 2024 that reform is not merely a choice but a necessity. The legal and ethical tensions examined throughout this paper underscore a pressing demand for institutional safeguards and systemic reforms that are capable of restoring the balance between state power and civil liberty. Without deliberate recalibration, democracies risk drifting toward authoritarian tendencies under the guise of security.

This section outlines key mechanisms that have emerged or gained prominence in 2024 as viable responses to growing public concerns about surveillance, executive overreach, and the erosion of constitutional protections. These reforms span across legal, technological, and institutional domains, offering a multidimensional approach to safeguarding human rights within constitutional democracies.

### ***Strengthening Legislative and Judicial Oversight***

One of the most urgent reforms identified in 2024 is the revitalization of legislative and judicial checks on executive authority, particularly concerning

emergency powers and national security legislation. Across jurisdictions, parliaments have struggled to assert their oversight role, often approving expansive laws without sufficient scrutiny. Strengthening legislative committees on security and civil rights, along with enabling constitutional courts to exercise meaningful review of security-related laws, is a fundamental safeguard.

Emerging best practices include mandating pre-legislative impact assessments on civil liberties, enforcing time-limited emergency provisions (sunset clauses), and requiring judicial warrants for intrusive surveillance measures. These initiatives provide structural barriers against the normalization of exceptional powers.

### ***Digital Rights and Technological Accountability***

Given the surge in digital surveillance technologies from facial recognition to metadata harvesting, constitutional protections must be extended to the digital realm. In 2024, several jurisdictions-initiated efforts to encode data protection rights into national constitutions or foundational legal charters.

A core recommendation involves the creation of independent data protection authorities with prosecutorial powers and technical capacity to audit government and private sector practices. Moreover, algorithmic transparency laws mandating that automated decision-making systems used by public agencies be explainable and non-discriminatory have become essential components of rights-based governance.

### ***Civil Society Participation and Whistleblower Protection***

Civil society organizations (CSOs), journalists, and whistleblowers continue to play a pivotal role in revealing abuses of power. However, in 2024, many states intensified pressure on these actors through legal harassment or public discrediting. A sustainable reform agenda must include protections for these accountability agents.

Legal reforms should explicitly protect whistleblowers in the national security domain, prohibit strategic lawsuits against public participation (SLAPPs), and institutionalize multi-stakeholder consultations in national security

polymaking. Such measures ensure that the security discourse remains pluralistic and grounded in democratic legitimacy.

### **Comparative Policy Frameworks: Learning Across Jurisdictions**

The global nature of rights erosion in 2024 calls for an internationalist perspective. Some jurisdictions have pioneered innovative mechanisms to protect rights while maintaining effective security. For instance, Germany's rigorous data protection regime, South Africa's emphasis on judicial proportionality tests, and Canada's layered oversight structures serve as policy models for others navigating similar tensions.

The table below summarizes some of these comparative safeguards:

### **Embedding Ethical Principles in Security Governance**

Beyond legal reforms, there is growing consensus in 2024 that ethics must serve as a foundation for security governance. State actors need to be trained in the moral dimensions of constitutional law, including human dignity, non-discrimination, and the presumption of liberty. Embedding ethics into public service curricula and operational training for security agencies fosters a culture of rights-respecting enforcement rather than repression.

Additionally, the use of human rights impact assessments (HRIAs) prior to the implementation of security measures should become standard procedure. Such assessments enable pre-emptive evaluation of potential violations and help tailor

security interventions to preserve dignity while achieving protection.

### **International Norms and Transnational Legal Instruments**

While national reforms are essential, international norms serve as a crucial backstop against domestic regression. Instruments such as the International Covenant on Civil and Political Rights (ICCPR) and evolving soft law mechanisms such as the UN Guiding Principles on Business and Human Rights continue to influence state behavior in 2024. The role of regional courts (e.g., the European Court of Human Rights, ECOWAS Court of Justice) remains pivotal in issuing binding judgments against violations, especially where domestic remedies prove inadequate.

States must recommit to these mechanisms through compliance, funding, and incorporation into domestic legal frameworks. Transnational legal cooperation should also include cross-border data governance agreements and collaborative whistleblower protection protocols.

In sum, this section has outlined a comprehensive roadmap for reforming the legal and institutional architectures that govern the intersection of security and freedom. The pathways identified ranging from judicial oversight and digital accountability to international legal instruments reflect the multifaceted nature of the crisis facing constitutional democracies in 2024. A renewed commitment to rights-based governance, grounded in transparency, accountability, and ethical reasoning, is essential to

**Table 3:** Comparative Constitutional Safeguards for Balancing Security and Freedom (2024)

Country	Reform Initiative	Safeguard Type	Impact Noted (2024)
Germany	Federal Data Protection Authority reforms	Digital Rights Oversight	Increased trust in public digital services
Canada	National Security Intelligence Review Agency (NSIRA)	Independent Oversight	Decreased reports of unlawful surveillance
South Africa	Constitutional Court's proportionality jurisprudence	Judicial Review	Struck down unlawful detention clauses
India	Civil society-led review of emergency laws	Participatory Policy-making	Delayed passage of controversial ordinances
Nigeria	Amendment proposal for National Human Rights Commission	Institutional Strengthening	Ongoing – pending legislative approval



prevent further erosion of civil liberties under the pretext of security.

## CONCLUSION

The year 2024 has underscored the enduring and complex challenge of balancing state security with the preservation of fundamental freedoms enshrined in constitutional law. As governments confront evolving threats from cyberattacks and terrorism to social unrest and misinformation there is a palpable risk that emergency measures and expansive security frameworks may progressively undermine civil liberties and the rule of law. This delicate equilibrium demands constant vigilance, robust institutional checks, and adaptive legal frameworks that can accommodate both legitimate security needs and the protection of human rights.

Throughout this article, it has been demonstrated that constitutional safeguards remain vital but are under considerable strain amid technological advancements and shifting geopolitical dynamics. The case studies from diverse jurisdictions highlight a shared tension between security and freedom, with varying approaches offering valuable lessons. Crucially, the protection of rights in times of security concerns is not antithetical to state stability; rather, it is foundational to democratic legitimacy and public trust.

Looking forward, the path to a sustainable balance requires comprehensive reforms including strengthened judicial and legislative oversight, codified digital rights, enhanced protections for civil society actors, and the incorporation of ethical principles in governance. Moreover, international human rights norms and transnational cooperation remain indispensable for reinforcing domestic efforts and holding states accountable.

As 2024 closes, the imperative is clear: safeguarding freedom and security must not be conceived as zero-sum objectives. Instead, through nuanced reforms and collective commitment, constitutional democracies can fortify their resilience and uphold the dignity and rights of all individuals. The lessons of this year serve as both a warning and a call to action for policymakers, jurists, civil society, and citizens alike to champion a balanced, rights-

respecting approach to security governance in the years ahead.

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