

Citizenship and human rights protection

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Abstract:

Human rights and citizenship are two main variables in the construction of the modern nation-state, a state based on the principles of equality among various social groups and segments guaranteed by the constitution and respected, and their role in social integration in building a strong state founded on true citizenship where various forms of conflict that could negatively affect the state disappear.

Keywords: Human Rights; Citizenship; protection .

1. INTRODUCTION

In recent years, the concept of citizenship has witnessed significant evolution and noticeable change. It has come to dominate many research areas within the framework of Public International Law and Constitutional Law. The intellectual foundations that attempted to delineate this concept clearly and establish its firm rules through its dedication in legal studies have crystallized.

For this reason, most political systems have been keen to enshrine citizenship and incorporate it into constitutional documents as a foundation for the political system of states. Based on the development of economic, social, and political circumstances, including the spread of democracy, citizenship has undergone radical transformations through several diverse stages, under legal systems, and reflected the construction of the state on the constitution as the nominal law.

The importance of citizenship appears as it and human rights are two sides of the same coin. Citizenship, being a collective life based on legislative, political, cultural, and human bonds, and a framework through which political, economic, social, and cultural rights necessary for equality and justice are realized, can only become effective and constructive through its application.

This is achieved by every individual's participation in managing their society by expressing opinions, initiating actions aimed at public benefit, and participating as a voter or

candidate in choosing the type of authority that the community should be subject to. This participation solidifies democracy.

Citizenship aims to move towards democracy, which some societies experience, remains limited without the full protection of human rights. This involves promoting these rights, enhancing them, and spreading their culture, as protecting these rights strongly propels reform, democratic transformation, or development.

Activating the principle of citizenship within society can protect democracy and respect the principles of the rule of law, such as the peaceful transfer of power, equality, among other principles included in national constitutions and international charters.

Based on the foregoing, we pose the following problem:

- What are the most important principles of human rights legally and internationally enshrined in the field of citizenship?

To answer this problem, the plan is divided into two parts:

- **The First Section: The Constitutional and International Consecration of Citizenship**
- **The Second Section: The Reality of Citizenship Internationally and Locally**

The First Section: The Constitutional and International Consecration of Citizenship

The concept of citizenship, which is considered the basis of human rights and one of its most important values from which the values of democracy emerge, the democratic realization of any state does not straighten without manifesting the spirit of citizenship through the individual's relationship as a citizen with the state institutions which are fundamentally aimed at serving him and fulfilling his needs such as maintaining security.

In return, this citizen is linked by loyalty to this state, as citizenship as an organic belonging to the state does not interact without a democratic incubator granting it recognition.

Subsection One: Definition of Citizenship

The concept of citizenship has undergone significant evolution in recent years and has come to dominate many research areas both in international public law and domestic law, such as constitutional law, with intellectual foundations crystallizing through its dedication in legal studies.

Citizenship, human rights, and democracy are considered facets of the same coin. Citizenship constitutes a collective life based on legislative, political, cultural, and human foundations. Human rights provide a framework through which political, economic, social, and cultural rights necessary for equality and justice are realized.

Democracy does not thrive without manifesting the spirit of citizenship, which is achieved through the individual's relationship as a citizen with state institutions, which primarily exist to serve him.

In fact, the term "citizenship" is a translation of the French word "Citoyenneté," the German "Staatsbürgerschaft," and the English "citizenship." According to the Larousse dictionary, an individual has the status of a citizen, which requires certain procedures for one to acquire citizenship. A citizen is officially registered as a member of a political community of a state, either by birth in that state or through naturalization. (Larousse, 1998, p. 34)

The Cambridge dictionary defines citizenship as when a citizen is a member of the political community, enjoying rights and fulfilling his membership duties. (Procter, 1996, p. 234)

Oommen insists that the term has no meaning except that it is based on the state, and these concepts of universality or the world, as citizenship cannot be legitimate as long as we have a world or a global state. (Hoffman, 2004, p. 17)

Generally, Arabic dictionaries focus mainly on the citizen and the homeland, with no mention of citizenship. If we consider the term citizenship as derived from the pattern of participation, it means several individuals sharing living together on a specific land or in one homeland, forming a particular society or state in the modern sense. (Arous, 2009, p. 249)

The homeland is defined in the Arabic language as the place of a person's residence and his place of return, the birthplace of a man, and the country where he was born. Thus, citizenship in the language is derived from the homeland, which is the place of residence.

The concept of citizenship has been in continuous evolution over the past centuries, from the end of the 18th century to our present time, with its development increasingly recognized as the people being the source of powers and sovereignty. The existence of fundamental human rights has made the concept of citizenship an undisputed right.

It has extended to include citizens who were previously not entitled to citizenship rights, such as women, who then gained the right to political participation in collective decision-making. However, this was not achieved until the 20th century; in Britain, women did not obtain the right to vote until 1929, and in France, it was in 1945.

The dimensions of the concept of citizenship have diversified to include economic, social, and environmental aspects, not limited to political and legal aspects. (Starkey, 2002, p. 7)

Citizenship is an organic bond that transforms an individual from merely a person striving to satisfy their needs and achieve their goals, contending with circumstances, conditions, and others, into a member of a society.

This member feels secure in their affiliation with this society and strives to achieve the goals of this society,

cooperating with others within a system guaranteed by the constitution of this society. Ultimately, it is a mutual contract between the individual and the state to which they belong, aimed at achieving the interest of both. (Qutaishat, 2023)

According to Banks, citizenship "represents the status or position of an individual in society as a citizen," and it is also defined as a set of rights, duties, and hobbies that link citizens to their national state. (Banks, 2008)

Citizenship is understood as the complete membership within a state or various governing bodies, bestowing upon individuals specific rights such as voting and holding public offices, alongside obligations including tax contributions and national defense. (Kanyinga, 2000, pp. 3-4)

The highest concept of a citizen coincides with the highest concept of a human being, thus transitioning the concept of a citizen to a broader concept, that is, citizenship, which shares the contents of homeland and citizen. (Al-Karawi, 2004, p. 98)

Furthermore, citizenship is characterized by an individual's access to rights and responsibilities within a clearly demarcated territorial space, recognized today as the contemporary nation-state governed by the rule of law. This ensures that within the realm of citizenship, all individuals are treated equally in terms of rights and responsibilities, devoid of discrimination on the grounds of religious beliefs, gender,

linguistic differences, or geographical location. (Jendeya, p. 25)

The use of citizenship predominates in domestic law in the field of rights guaranteed by the domestic legal system to individuals, while nationality is used in the international legal framework where the individual becomes a subject of a relationship between two or more states under international law. (Rubenstein & Alder, 2000, p. 521)

Thus, citizenship here emerged with its new global concept, replacing a unique new identity instead of the various intertwined identities that arise based on religion, gender, race, and type.

This civil identity confirms that it is the only identity that possesses equality for all citizens in the state, based on the free commitment to the principles of democracy, which dissolves all differences in a single political system. (Cgan & Derricott, 1999, pp. 103-107)

Subsection Two: The Legal Basis for Citizenship Rights According to International Conventions

Within the framework of international norms, the terms "nationality" and "citizenship" are often used interchangeably to denote the legal bond recognized by the state between itself and an individual. This bond is a political and legal affiliation that incorporates the individual as a member of the state. (Lochak, 2002, p. 61)

The significance of having a nationality lies in its substantial influence on individuals' day-to-day existence across all nations. Being acknowledged as a citizen of a country grants one numerous legal entitlements. Although the criteria for citizenship and the associated rights and duties are defined by each nation, international human rights frameworks place certain limitations on states' policies concerning the imposition of citizenship restrictions. (Universal Declaration of Human Rights, Article 15)

The absence of citizenship was among the reasons for the lack of respect for the law, the spread of indifference, and the lack of interest in public affairs and political participation.

This means that spreading the values of citizenship will be one of the ways to establish democratic culture and enhance human rights, which will inevitably pass through enhancing the role of the human being by supporting human relations and providing cultural, political, social, and economic atmospheres stipulated internationally.

Section Two: The Role of Citizenship in Enhancing Human Rights

Citizenship is not just a label assigned to a group of individuals as citizens; it is more than that. It expresses the effectiveness and participation of individuals, and a set of foundations can be identified. (Kanyinga, 2000, pp. 3-4)

Citizens are endowed with certain entitlements, including the ability to participate in elections and assume public roles, along with specific responsibilities. Given that the foundation of all legitimate authority rests with the collective populace, the citizens within a political framework, they inherently possess sovereign rights. Consequently, a citizen stands as a complete and equitable participant within this political structure. (Mouffe, 1995, pp. 217-221)

The First Requirement: Dimensions of Citizenship According to International Agreements, Legislative Texts, and Their Applications

Citizenship rights are natural rights that every human being should enjoy, and they should be provided and adhered to by the governing authority, which derives its legitimacy from managing its citizens.

In the relationship between the individual and society, we can distinguish four dimensions. These four dimensions of citizenship are realized through socialization processes in schools, families, civil organizations, and political parties, as well as through associations, media, and community committees.

Within the dynamic between an individual and society, four distinct dimensions can be identified. These aspects of citizenship come to fruition via socialization in various settings, including educational institutions, familial units, civic

organizations, and political entities, in addition to engagement with associations, media outlets, and community-based groups.

Similar to how a table relies on the equal strength of its four legs for balance, individuals must engage with the four dimensions of citizenship in a harmonized and equitable manner to achieve a complete state of citizenship. (Universal Declaration of Human Rights, Article 21)

Firstly, the Political Dimension:

This dimension encompasses the rights and duties individuals hold within the political framework. Its cultivation is achieved through a deep understanding of the political system, fostering democratic values, and enhancing skills for active participation.

Citizenship embodies an individual's recognition of their integral role within a politically cohesive community, attainable only within the confines of a constitutionally founded state. This aspect entails active engagement in the political process, enabling individuals to freely and persuasively shape their future and actively engage in the discourse surrounding public matters.

The right to engage in the political and cultural spheres is a core human right affirmed by numerous international treaties, beginning with the Universal Declaration of Human Rights. This document asserts the rights to participate in governance,

access to free elections, involvement in communal cultural activities, assembly peacefully, form associations, and affiliate with trade unions.

Thus, active participation not only underpins human rights but also serves as an essential foundation for the realization of dynamic democratic citizenship accessible to all. (Universal Declaration of Human Rights, Article 20)

Political participation itself is a political activity that refers to the contribution of citizens and their role within the state's political system. Citizenship is not complete without the pillar of participation, one of its essential pillars, as it is the true expression of practicing democracy, which is considered the essence of civil life. Through the rule of the people, as the source of power, it is realized. (Aliwa, 2008)

Secondly, the Economic and Social Dimension:

The social dimension of citizenship is centered on interpersonal behaviors within society, necessitating a sense of loyalty and solidarity. To nurture this dimension, social competencies and an understanding of societal relationships are crucial.

The economic dimension of citizenship pertains to the individual's interaction with the labor market and consumerism. It encompasses the right to employment and to a sufficient standard of living. Economic competencies, encompassing

work-related activities, economic endeavors, and professional training, are pivotal for realizing this dimension.

Achieving this necessitates the implementation of justice and the rectification of disparities in the allocation of wealth and power, while also ensuring that vulnerable social groups are not excluded.

This is facilitated by guaranteeing a range of rights, which include: the right to employment and protection against unemployment, the right to equitable wages and a living standard that secures a dignified existence with access to housing, clothing, food, education, adequate healthcare, leisure, and paid vacation, the right to affiliate with unions, and the right to social security and insurance against unemployment, illness, disability, and old age.

Thirdly, the Cultural Dimension:

The cultural dimension of citizenship refers to awareness of the shared cultural heritage, protection of the cultural and civilizational peculiarities of individuals and groups, especially in countries inhabited by multiple customs, religions, and sects.

It prevents any group or sect from dominating other groups and sects and allows them to practice their religious rites and rituals freely, preserving the rights of all and enabling them to practice the right to difference within a framework that

ensures the unity of the countries. (Universal Declaration of Human Rights, Article 27)

John Rawls also argued that the growth of cultural and ethnic plurality conflicts and the emergence of a highly related issue to citizenship concerning minorities, to the possibility that different and conflicting doctrines of individuals can coexist and come together in a single political concept, that is, democratic citizenship. (PRTAT & SIGAL, 2006, p. 159)

Although a proposed definition of citizenship education was developed within the political tradition of the Greek and Roman era, it was much addressed to meet the needs of modern democratic society.

Citizenship education thus reflects a grassroots approach with a broad scope, and it was established not only in schools but also reflects society and is related to politics, society, economics, and the development of people's ethics, understanding of the national and local dimension, and the global dimension. (Arthur, Davies, Wren, Haydn, & Kerr, 2001, p. 5)

Subsection One: The Reality of Citizenship as a Mechanism to Enhance and Enshrine Human Rights

The proper implementation of human rights is essential for facilitating participation. Moreover, factors such as inadequate health care, limited educational opportunities, constraints on freedom of speech, poverty, and various other

challenges hinder the accessibility of numerous human rights. Engaging in participatory processes enables us to forge a society grounded in human rights principles, allowing us to amplify our voices to shape public policy and drive societal transformation.

Despite constitutions of countries enshrining numerous rights and freedoms since their first documents post-independence, these rights and freedoms remained as texts lacking enforceability, rendering them as empty vessels devoid of impact. The drafting of constitutional documents by the governing body, the sole embodiment of national legitimacy, has impeded the building of a citizenship-based society. (Maliki, n.d)

Authoritarian regimes deliberately hinder the construction of citizenship due to fear of accountability, freedom of opinion, and the right to dissent. This fear of citizenship partly explains the stringency of Arab laws regarding the establishment of civil associations. (Benantar, 2021, p. 06)

It can be argued that the greatest sabotage of a pan-Arab renaissance project committed by ruling regimes has been the sabotage of building citizenship. The ruling elites in these countries are keen not to involve non-loyal parties in the political life, hence the issue of citizens' participation in governance remains problematic. (Qasi, 2006, p. 06)

Every citizen has the right to suitable employment, and working conditions should be decent and adhere to

international standards in the field. Additionally, the right to union freedom in terms of organization and joining, and the right to strike are fundamental.

Today, these rights are not only unavailable but also difficult to achieve due to the crippling economic crisis affecting the countries in the region. However, any improvement in political practice and expansion of public freedoms are crucial. (Ould Salek, 2021, p. 04)

Among the most important social rights are every citizen's right to social protection, healthcare, education, adequate food, housing, sustainable development, and a clean environment. The possibility of exercising these rights and ensuring equal opportunities to enjoy them is vital. However, it is clear that the political and social environment is not yet prepared for their required practice, despite the majority of countries in the region having ratified the most important international treaties on the subject. (Ould Salek, 2021, p. 05)

Essential rights that uphold human dignity include the right to life, the right to possess a nationality, the right to establish a family, and the right to be free from torture or any form of treatment that diminishes dignity. Additionally, the freedom to move and choose one's residence, the protection of one's home and correspondence from violation, and the right to refuse medical or scientific experimentation without consent, are fundamental.

Conclusion

The absence of aware and responsible citizenship was among the reasons for the lack of respect for the law, the spread of indifference, and the lack of interest in public affairs and political participation.

These factors have contributed to the backwardness, delay, and lack of integration of many countries, especially those that do not respect their laws and citizens. Spreading the values of citizenship will be one of the ways to establish a democratic culture, which will inevitably involve enhancing the role of the individual through various legal means.

This is essential for building and sustaining it, supporting human relationships, and providing cultural, political, social, and economic atmospheres that facilitate this, and strengthening it with adequate legal and institutional mechanisms.

The absence of freedom and marginalization of citizens' participation in public life and the lack of institutions specialized in their issues have led to the killing of the spirit of initiative and creativity, loss of loyalty and citizenship spirit, and an increase in internal tension.

Additionally, the tribe has played an important role in the social construction of many countries, especially developing ones, over the ages. The strong affiliation with the tribe has contributed to a return to the era of identities and the absence of a unifying and inclusive identity.

Citizenship is "more than a concept; it is indeed the principle of the modern state, its cornerstone, or rather its backbone in its formation and continuity, in its establishment and survival." Citizenship is a person's belonging to the land where they settle and carry its nationality, participating in governance, subject to its laws, and equally enjoying a set of rights and fulfilling a set of duties towards the state to which they belong.

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