

Citizenship, Human Right for Social Development

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ABSTRACT

The work was examined in order to analyze citizenship, as a human right, the legal link between Human Rights and Citizenship was investigated, considering from the legal point of view, citizenship as a political right; The human right, such as the free development of the human being, in which people can develop their potential and have a productive life according to their needs and interests, the research was bibliographic, documentary, since the different documents were used, different instruments were selected and analyzed. The results obtained, referring to citizenship as a human right, as a set of essential prerogatives of every man, considered individually or collectively, by the mere fact of belonging to the human species, which must enjoy, to achieve its full development and have a dignified life and that, consequently, the State is obliged to recognize, protect, guarantee and as a political right is embodied in the various international documents among them, the International Covenant on Civil and Political Rights, second article, which establishes that all citizens may, without distinction, participate in public affairs, vote and be elected to the elections in their country.

KEYWORDS: Human Rights, Human Dignity, Citizenship, Social Development

INTRODUCTION

In this paper, issues related to human rights and citizenship were addressed, taking into account the link that exists between the two, in the first stage the antecedents were approached beginning with ancient Greece, where rights began until they reached the universal declaration of human rights.

In the second stage within the theoretical framework, the different theories that exist of human rights and citizenship were addressed, since they are intimately linked, which is composed of rights necessary for individual freedom; freedom of the person, of expression, of thought and religion, property right. To establish valid contracts and the right to justice, as well as social development as a human right.

In the third stage, a result was reached, which was the thin line that exists, the intimate relationship between citizenship and human rights, since the first one is part of a human right, it is the political right that the member has of a country for the simple fact of being born in it, respecting the legal exceptions. Therefore, these two rights cannot be separated from each other, protected by the different national and international regulations.

Citizenship and Rights

From the legal point of view, citizenship is the recognition of membership as an active member in front of their State, "Civitas" in Latin means a member of the city, City-State, this goes back to ancient Greece, which implies being able to participate In the political life of a country, this recognition

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involves having rights and obligations. Addressing citizenship would necessarily come to analyze who or who are citizens, also which rights and obligations are had as citizens, for this it would be necessary to move to the history of Greece.

The Greek cities called Polis, were small spaces, of great scientific and artistic development, where few people lived. Each Polis had its own government, the most important cities were Athens and Sparta; the first the cradle of democracy, Greek society was organized into citizens and non-citizens, in Athens the citizens were boys, sons of an Athenian mother and father, they could have money or not have it, farmers, merchants, soldiers, nobles, rulers, priests, professionals; only they participated in politics, held public office, owned property, accessed justice, practiced worship, exercised the priesthood, attended parties, but also had obligations to pay taxes and serve the militia [1].

Universal suffrage is achieved, with the possibility of materializing the will of men to define the political path of their country. Born with the French Revolution and the American Independence, but its consolidation will gradually take place in the nineteenth century. Citizen means the person who has rights and obligations in relation to political power and the rest of society. Its constitution as a historical subject in the nations of the world, as it has been the incorporation of human rights in the laws of each country, has taken a long historical stretch and has cost many human lives. In general, it can be said that citizenship in its origins

could be determined by the availability of wealth, or of agricultural property, or of enlightenment, until it reaches its modern definition in which these criteria do not count, but the birth in a country, or the acquisition of this characteristic through legal procedures for foreigners, in addition to other requirements such as age, for example. The most typical expression of citizenship is associated with universal suffrage, whose definition has changed over the past two centuries. At first it was a right of men who possessed certain attributes such as wealth, illustration and age. Subsequently, as a result of social struggles, the census criterion was eliminated and the age limit was lowered until reaching the age of 18, which exists in many countries such as Mexico [2].

However, in its original concept, universal suffrage did not include half of the population: women. It would be until the first decades of the twentieth century, after struggles by them, that this could be achieved. In the case of Mexico, however, the role they had in the revolutionary struggle of the beginning of the last century and that since those years sought access to suffrage, it would be until the early 1950s that such a right was their recognized in the fundamental letter. This first human rights group emerged as individual freedoms. These are rights that highlight the individualistic character of society, because in their origin they seek to break with a society that favors estates rather than specific individuals. It is the type of rights that exist in the declarations of the eighteenth century that some call the pre-constitutional period [3].

Human rights have had throughout history have had a great evolution, considering that they were not able to possess political rights, but other rights, in a restricted way, starting with Ciro the Great, the first king of Persia, who freed the slaves of Babylon, in 539 a. C. In the year 539 a. C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon, where he freed the slaves, declared that all people had the right to choose their own religion and established racial equality. These and other decrees were engraved in a clay cylinder cooked in Acadian language with cuneiform writing.

Known today as the Cyrus Cylinder, this ancient document has been recognized today as the first human rights document in the world. It is translated into the six official languages of the United Nations and its provisions are analogous to the first four articles of the Universal Declaration of Human Rights.

From Babylon, the idea of human rights spread rapidly through India, Greece and finally to Rome. There the concept of "natural law" was born, in the observation of the fact that people tended to follow, in the course of life, certain laws that were not written, and Roman law was based on rational ideas derived from nature of things [4].

The Magna Carta, or "Great Letter", signed by the King of England in 1215, was a turning point in human rights. It could be said that the Magna Carta or the "Great Letter" was the most significant primitive influence in the extensive historical process that led to the current constitutional law in the English-speaking world. In 1215, after King John of England violated a number of ancient laws and traditions with which England had ruled, his subjects forced him to sign the Magna Carta, which lists what later came to be

considered as human rights. Among them was the right of the church to be free from government intervention, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to decide not to remarry, and establishes principles of legal guarantees and equality before the law [5].

In 1628 the English Parliament sent this declaration of civil liberties to King Carlos I. The Petition of Rights, drawn up in 1628 by the English Parliament and sent to Carlos I as a declaration of civil liberties. The rejection of Parliament to finance the unpopular foreign policy of the king, caused his government to demand forced loans and that they had to quartered the troops in the homes of the subjects as an economic measure.

On July 4, 1776, the United States Congress approved the Declaration of Independence. Its lead author, Thomas Jefferson, wrote the Declaration as a formal explanation of why Congress had voted on July 2 to declare independence from Britain, more than a year after the outbreak of the United States Revolutionary War, and how the statement announced that the thirteen American colonies were no longer part of the British Empire.

The Constitution of the United States of America (1787) The Bill of Rights of the US Constitution protects the basic freedoms of United States citizens.

After the French Revolution in 1789, the Declaration of the Rights of Man and Citizen granted specific freedoms against oppression, as "an expression of the general will." In 1789, the people of France caused the abolition of an absolute monarchy and created the platform for the establishment of the first French Republic. Only six weeks after the sudden attack on the Bastille, and just three weeks after the abolition of feudalism, the National Constituent Assembly adopted the Declaration of the Rights of Man and Citizens [5].

The United Nations (1945) Fifty nations met in San Francisco in 1945 and founded the United Nations Organization to protect and promote peace. World War II had been fought violently from 1939 to 1945, and as the end approached, cities across Europe and Asia lay in smoking ruins. Millions of people died, millions more were left homeless or starving. Russian forces were approaching, surrounding the remains of German resistance in the bombed capital of Germany, Berlin. In the Pacific, U.S. Marines were still fighting with entrenched Japanese forces on islands like Okinawa.

The Universal Declaration of Human Rights has inspired many other human rights laws and treaties throughout the world. By 1948, the new United Nations Human Rights Commission had taken over the world's attention. Under the dynamic presidency of Eleanor Roosevelt (widow of President Franklin Roosevelt, defender of human rights in her own right and delegate of the United States to the UN), the Commission set out to draft the document that became the Universal Declaration of Rights Humans. Roosevelt, to whom the inspiration of the document was attributed, referred to the Declaration as the international Magna Carta for all mankind. It was adopted by the United Nations on December 10, 1948 [5].

THEORY and METHODS

A. Link between human rights and citizenship

Human rights and citizenship are closely linked, Marshall mentions, the civil element of citizenship, is composed of two rights necessary for individual liberty; freedom of the person, of expression, of thought and religion, right to property and establish valid contracts and right to justice, by political element means the right to participate in the exercise of political power as a member of a body invested in political authority, or as a reader of its members.

He continues to mention, the social element encompasses, from the right to security and a minimum of economic well-being, to fully share the social heritage and live the life of a civilized being, in accordance with the prevailing standards of society. It defines citizenship as the status granted to its full members of their community and their aspirations for equal rights [6].

B. Human rights and the dignity of the person

Human rights revolve around the dignity of the person, important legal consequences were derived from the principle of dignity; If man belongs to the kingdom of God it is evident that he has certain rights of which he cannot be deprived of any human community, in this doctrine is the root of the affirmation that man possesses unconditional, inviolable, opposable rights to any social organization or national and even international politics [7].

C. Human rights are inherent to the human being

For Navarrete Montes de Oca these rights can be considered "as the set of attributes and powers inherent in the nature of the human person recognized or not by law, which requires for their full personal and social development" [8].

Mireille Roccatti conceives them as "those powers and prerogatives inherent to the human person, which correspond by their own nature, essential to ensure their full development within an organized society, which must be recognized and respected by the public power or authority, must be guaranteed by the positive legal order" [9].

In turn, the National Human Rights Commission defines them as "the set of prerogatives inherent in the nature of the person, whose effective realization is indispensable for the integral development of the individual living in a legally organized society", and adds that "These rights, established in the Constitution and laws, must be recognized and guaranteed by the State" [10].

D. Human rights recognized as a human species

Finally, the Judicial Branch of the Federation has indicated that human rights should be seen as the "set of powers, freedoms and claims of a civil, political, economic, social and cultural nature, including the resources and guarantee mechanisms of all of them, which they recognize the human being, considered individually and collectively" [11].

In this way, the Supreme Court of Justice of the Nation conceptualizes human rights as: "The set of essential prerogatives that every man, considered individually or collectively, by the mere fact of belonging to the human species, must enjoy, to achieve full development and have a decent life and that, consequently, the State is obliged to recognize and guarantee. It continues to establish a series of elements which, in turn, constitute attributes of human rights:

- They are a set of prerogatives. They constitute a series of attributes, privileges, claims and freedoms of a civil, political, economic, social and cultural nature.
- They are characterized by being essential. These are the minimum or basic rights that man must have insured, to meet his most basic needs, both moral and material, which gives them the character of irreducible.
- Every man, just because he is, must enjoy them. They are rights inherent to the human person, and that is why all men, by their very nature, and regardless of their particular conditions - nationality, place of residence, sex, ethnicity, color, religion, language, etc. - are holders of those.
- The person, considered both individually and collectively, is the owner. Human rights protect the interests of the person as an individual, but also as a social being, and that is why the groups of which they are part have, in turn, recognized essential rights.
- They are necessary for the person to have a decent life and reach their full development. They specify the requirements of dignity of the person, since it requires to enjoy them effectively to achieve their goals and have an integral development, as an individual and as a member of a society.

Therefore, "human dignity is the origin, essence and purpose of all human rights", as recognized in the isolated criterion issued by the High Court operating in plenary, which is transcribed below:

HUMAN DIGNITY. THE MEXICAN LEGAL ORDER RECOGNIZES IT AS THE CONDITION AND BASE OF THE OTHER FUNDAMENTAL RIGHTS. Article 1 of the Political Constitution of the United Mexican States establishes that all persons are equal before the law, without any discrimination based on ethnicity or nationality, race, sex, religion or any other personal or social condition or circumstance that threatens against human dignity and that, together with the international human rights instruments signed by Mexico, recognize the superior value of human dignity, that is, that in the human being there is a dignity that must be respected in any case, constituting itself as an absolutely fundamental right, basis and condition of all others, the right to be recognized and to live in and with the dignity of the human person, and from which all other rights are derived, as they are necessary for individuals to fully develop his personality, among those who are, among others, the right to life, to physical and psychic integrity, to honor, privacy, name, self-image, free development of personality, marital status and the right to personal dignity. In addition, even though these very personal rights are not expressly stated in the General Constitution of the Republic, they are implicit in the international treaties signed by Mexico and, in any case, they should be understood as rights derived from the recognition of the right to human dignity, since only Through his full respect, one can speak of a human being in all his dignity [12].

According to the National Human Rights Commission, they are the set of prerogatives based on human dignity, whose effective realization is indispensable for the integral development of the person. This set of prerogatives is established within the national legal order, in our Political Constitution, International treaties and laws [13].

Respect for the human rights of each person is a duty of all, all authorities within the scope of their powers have the obligation to promote, respect, protect and guarantee the human rights consigned in favor of the individual, which are governed by the principles of universality, interdependence, indivisibility and progressivity.

E. Citizenship

The Legal Encyclopedia establishes that citizenship is a quality that the inhabitant of a certain state possesses by virtue of which he enjoys the effective exercise of political rights and supports the fulfillment of obligations of the same nature.

Without prejudice to the above, the issue itself offers a series of difficulties that are currently not resolved; This is due to the lack of unity of criteria in the internal laws of each of the states that make up the international community. The conference on codification of international law, which was held in the Hague in the year 1930, attempted through a collective agreement to unify the criteria, until then dispersed, on the subject.

The only thing that could be achieved was the voting of a convention to solve the conflicts of laws that arise for this reason, a protocol referring to the fulfillment of military obligations in case of dual citizenship and two others of the same nature referring to the stateless state [14].

Cortina mentions in his book, he is a citizen, who in a political community enjoys not only civil (liberal) or only political (republican) rights, but also social rights. Only the welfare state has been in his opinion, capable of recognizing the social citizenship of its members. However, this Welfare State has confused "justice, which is an ideal of reason, with well-being, which is of imagination" and that would be "a mistake for which a high price can be paid [15].

According to the International Covenant on Civil and Political Rights, all citizens shall enjoy, without any of the distinction mentioned in article 2, and without undue restrictions, the following rights and opportunities:

1. Participate in the direction of public affairs, directly or through freely elected representatives;
2. Vote and be elected in periodic, authentic elections, made by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the electors;
3. Have access, under general conditions of equality, to the public functions of your country

In article 2. Section I mentions each of the States Parties to the present Covenant undertakes to respect and guarantee to all individuals that are in its territory and are subject to its jurisdiction the rights recognized in this Covenant, without distinction of race, color, sex, language, religion, political or other opinion, national or social origin, economic position, birth or any other social condition.

Each State Party undertakes to adopt, in accordance with its constitutional procedures and the provisions of this Covenant, the appropriate measures to enact legislative or other provisions that are necessary to enforce the rights recognized in this Covenant and that were not already guaranteed by legislative or other provisions [16].

F. The right to development as a human right

Author James Midgley mentions that social development is "a process of promoting the well-being of people in conjunction with a dynamic process of economic development" [17]. Social development are a series of steps that, over time, lead to the improvement of the living conditions of the entire population in different areas: health, education, nutrition, housing, vulnerability, social security, employment, salaries, mainly. It also implies the reduction of poverty and income inequality. In this process, the role of the State as its promoter and coordinator is decisive, with the active participation of social, public and private actors.

For Amartya Sen, "development can be conceived as a process of expanding the real freedoms enjoyed by individuals." [18] This interpretation of development has led to giving fundamental importance to the concept of human development, as a parallel and complementary process to social development. Human development "refers to the creation of an environment in which people can display their full potential and have a productive and creative life, according to their interests and needs."

According to the Declaration on the right to development of the United Nations Organization, in its first article it states "The right to development is an inalienable human right by virtue of which every human being and all peoples are entitled to participate in a economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized, to contribute to that development and enjoy it.

The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their wealth and natural resources.

CONCEPTUAL FRAMEWORK

A. Human Rights

According to the National Human Rights Commission, he defines them as "the set of prerogatives inherent in the nature of the person, whose effective realization is indispensable for the integral development of the individual living in a legally organized society", and adds that "these rights, established in the Constitution and laws, must be recognized and guaranteed by the State" [19].

B. Human Dignity

Human Dignity is the right of each human being, to be respected and valued as individual and social, with their particular characteristics and conditions, by the mere fact of being a person. History shows us many cases in which human dignity has been overwhelmed, an example of this, the social inequality in force in the middle ages, the abuses of power, the holocaust, precisely this made the Universal Declaration of Human Rights be dictated in 1948 he declared all human beings equal and free in their rights, in their dignity [20].

C. Citizenship

From the legal point of view, citizenship is a quality that the inhabitant of a certain state possesses, by virtue of which he enjoys the effective exercise of political rights and supports the fulfillment of obligations of the same nature. This concept should not be confused with nationality, which also

implies a legal link between the inhabitant and the state in question, but unlike citizenship, it covers all inhabitants, whether or not they exercise political rights effectively. Quality of citizen of a State: political and therefore legal link, which unites an individual with the state organization.

Citizenship is that condition acquired by the human being that accredits him as part of a country. The document that certifies citizenship is nationality, which is acquired only by being born within a territory of the state. A citizen has a citizen then has rights and duties established in a code of norms or magna Carta of that country, therefore, he has to adapt to the legal and administrative political system of that nation that considers him as a citizen of that nation [21].

RESULTS and DISCUSION

According to the afore mentioned, the results obtained were binding and conceptualized between human rights and citizenship. From a legal point of view, citizenship is the recognition of belonging as an active member against their State, "Civitas" in Latin means a member of the city, city-state, which implies being able to participate in the political life of a country, this recognition involves having rights and obligations, therefore, when addressing citizenship, it would necessarily be necessary to analyze who or who are citizens of The Mexican Republic, as well as the rights and obligations that are possessed as a citizen, considering that human right is the set of prerogatives inherent in the nature of the person, based on the dignity of the person, whose effective realization is essential for integral development of the individual who lives in a legally organized society, which rests under pillars of democratization, which means that all human beings who are eighteen years old and an honest way of living, without any natural or legal impediment, can participate in the political life of a country, so that citizenship and human rights, are they find legally hand in hand, which should be respected this right, in accordance with national and international instruments, the Magna Carta of our country and the International Covenant on Civil and Political Rights, among others, considering that in enjoying their political rights, they will implicitly as a right of citizenship.

Therefore, human law and citizenship are on the same line, considering that they cannot be separated, since they would legally be violating political law, therefore, human law. While it is true that citizenship is a human right, it is also true, the right to development as an inalienable human right by virtue of which every human being and all peoples are entitled to participate in an economic, social, cultural and political development in that all human rights and fundamental freedoms can be fully realized, to contribute to that development and to enjoy that right.

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