

## Normative and Judicial Impact of Human Rights on Citizenship Rights

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### Abstract

Human rights, grounded in the protection of human dignity, have a normative nature transformed the traditional structure of citizenship rights. This transformation has extended citizenship rights into the realm of international law. Consequently, citizenship rights and their associated concepts are now defined more by universal human rights laws than by the national interests of states. This process suggests that human rights serve as a primary principle, governing over citizenship rights. It also implies that, through developments in the theoretical foundations of citizenship, there may be a need to revise state constitutions or demand narrow or broad interpretations of constitutional laws. The procedures of the International Court of Justice, including its efforts to redefine nationality and citizenship and to identify the customary law of international law in terms of human rights requirements, reflect this transformation. Accordingly, the traditional definitions of citizenship and related concepts, such as nationality, are evolving, highlighting the need for new interpretations. A reinterpretation of citizenship rights, informed by human rights values, suggests a shift in the legal principles that govern the traditional perspective on citizenship.

**Keywords:** Citizenship rights, Citizenship, State Affiliation, Nationality, Human rights.

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## 1. Introduction

In modern law, citizens are members of states, and membership is explained in terms of the notions of nationality and citizenship. The nature of citizenship rights, just like other rights created for individuals, is formed in alignment with a set of concepts. Thus, to analyze citizenship rights, we should first explain the relationship between citizenship and other related concepts, and then specify the relationship between citizenship rights and other rights such as constitutional rights as well as first-order and second-order rights. The primary question of this article concerns constitutional and first-order rights. To illustrate, as a consequence of the paradigmatic shift in international law and the impact of human rights on the laws of states, today governments are no longer recognized as the only actors that legislate citizenship laws and broaden or narrow its scope. Consequently, citizenship rights are no longer defined merely in terms of legislated governmental laws, as states are obligated to observe human rights in their legislations of citizenship laws.

The problem stems from the fact that, before the end of the Cold War, human rights were defined in normative terms, and the rulings of international courts were largely confined to inter-state relationships, without intervening in the internal positive law of states. However, after World War II, and especially following the conclusion of the Cold War, human rights were not only recognized in organized relations among states as an institution under international law, but they were also considered in state legislation when these laws contradicted human rights. A prominent example of this intervention of human rights in the internal laws of states is in the area of citizenship rights. Previously, citizenship laws were solely legislated by the legitimate governments of each country. Today, however, these laws must align with human rights standards. I argue that the extent of human rights intervention in citizenship laws is most evident at the level of constitutional rights, leading to a shift in the foundational principles of such rights. This marks a new formative era in international law, challenging the notion of governmental power as the sole legal authority and holding it accountable to the laws it enacts.

The main issue concerning the relationship between human rights and citizenship rights is that international humanitarian law now extends beyond interstate relations to apply to citizenship laws as well. Human rights are enforced through legal action at the level of constitutional laws of states and, from this perspective, serve as fundamental principles and overarching frameworks for citizenship rights.

The main question of this article is how human rights, as principles governing the constitutional laws of states, relate to citizenship rights. A subsidiary question is whether there is a clear guarantee for enforcing the rule of human rights over citizenship rights, with well-defined criteria established by the International Court of Justice.

The answer is presented as a hypothesis through a conceptual analysis. It is important to note that the first question is normative, while the second deals with legal documents and facts.

The relationship between citizenship rights and human rights is rooted in their connection within international law. While citizenship rights are primarily linked to the notions of nationality and state affiliation, they also have an international dimension. Although citizenship rights *prima facie* pertain to the relationship between individuals and their respective governments, they also describe a set of reciprocal rights that characterize humans as such. In contrast, human rights define universal normative principles that apply to all individuals, irrespective of nationality or any other status, thereby naturally relating to international law. The relationship between human rights and citizenship rights lies in the fact that human rights, as a foundational principle, establish rights that take precedence over those attributed to individuals based on specific designations, such as being a citizen or being affiliated to a particular government. Consequently, human rights can lead to changes in or new interpretations of citizenship rights and their associated concepts within constitutional law.

The answer to the second question is that human rights legally overrules citizenship rights. This interaction can be understood through a new definition of nationality established by the International Court of Justice and the court's role in shaping the customary law of international law.

The theory presented in this article is that human rights take precedence over, or override, citizenship rights not only in normative terms but also from a judicial perspective. This establishes a new legal status that, as a rule, will influence the foundational principles of constitutional laws in various states.

The article is structured into three parts. The first part provides a conceptual analysis of citizenship rights and human rights, examining how developments in this area may influence the incorporation of these concepts into domestic law. The second part explores the theoretical foundations of both citizenship rights and human rights, analyzing their respective legal bases. The third part builds on the previous sections to demonstrate how human rights legally overrules citizenship rights.

The research method used in this article relies on library data and an analysis of the relationship between citizenship rights and human rights. Citizenship, nationality, and state affiliation are treated as the variables of the research, while human rights are considered the logical constant. Except in a few instances where abstract explanations of the concepts are necessary, the analysis focuses on developments in legal structures, using legal documents and facts, and employs a descriptive approach. The approach adopted in this article can also be helpful in the field of strategic legal studies.

## **2. Research Background**

The relationship between human rights and citizenship rights has been studied from various perspectives. At the international level, scholars such as Lehning and Weale (1997) and Nida-Rümelin (1997) have explored the impact of human rights on citizenship rights, particularly in the context of forming a new concept of citizenship in Europe. Others, like Spiro (2010), have examined the relationship between multiple citizenship and human rights. In Iran, human rights studies often focus on philosophical and critical analysis or are integrated into international law research. For example, Kadkhodaei and Zarneshan (2013) discuss the evolution of customary law in international law and briefly address the impact of human rights on these developments. Additionally, Ranjbarian (2005) examines the influence of human rights on laws, such as the prohibition of torture, at an international level.

While the impact of human rights on citizenship rights has been explored from various perspectives, this article contributes to the research by demonstrating that human rights function as an overruling principle. This can result in either the narrowing or broadening of citizenship rights in different contexts, ultimately transforming how citizenship and related concepts, such as nationality, are defined or interpreted within the constitutional laws of states. Unlike similar studies that focus solely on conceptual analysis, this article distinguishes itself by incorporating legal documents into its research method.

## **3. Concepts of Citizenship Rights and Human Rights**

### **3-1. Citizenship and Nationality**

Regardless of the historical background of the concept of citizenship, to understand its meaning, we must define it in relation to the concepts of nationality and state affiliation. The modern notion of nationality emerged after the Peace of Westphalia in 1648, alongside the rise of sovereign autonomous states (Edwards & van Waas 2014, p. 12). From the perspective of

international law,<sup>1</sup> citizenship serves as a means of preserving shared norms and state values within a social and political community (Edwards & van Waas 2014, p. 12). Additionally, citizenship is considered a status for a citizen, defined as a legally recognized member of a nation or state who owes loyalty to the state and, in return, receives state protection and support (Blackwell 2008, p. 79). State affiliation is a political, legal, and identitarian relationship that connects the individual to a specific state and country within the global community (Arfania, 1991, vol. 1, p. 49). These definitions are not intended to be precise or free from problems, as the developments discussed below will demonstrate the difficulty of providing an inclusive/exclusive definition. Instead, they are meant to offer a general understanding of the concepts in question, which will likely undergo changes based on certain criteria.

In the nineteenth century, under the influence of nationalism, laws concerning nationality were framed within the scope of the absolute authority of states and defined by national interests. One consequence of this perspective on nationality or state affiliation<sup>2</sup> was that most legal scholars viewed nationality as being entirely under state authority, rather than as a form of contract. However, after World War II, national rights underwent significant changes as human rights principles began to influence national legislation. This shift was driven by the recognition of the human right, leading governments to consider not only national interests but also the rights and interests of individuals (Spiro, 2010, p. 112). As a result, the concept of nationality came to define not only the connection between an individual and a state but also the individual's rights under international law (Edwards & van Waas 2014, p. 24). Reflecting this change, the International Court of Justice has often described nationality as a legal relationship grounded in social reality, life circumstances, interests, and feelings, along with reciprocal rights and duties. Thus, nationality is defined by an individual's social connection to their country, and when such a relationship is established, it entails specific rights and obligations for both the state and the affiliated citizen (Edwards & van Waas 2014, p. 24).

There is a meaningful relationship between the concepts of citizenship and nationality, which is why they are often understood in relation to each other.

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1. Since the domestic laws of many states do not make a meaningful distinction between citizenship and nationality (e.g., see: Article 976 of the Iranian Civil Code), I have adopted the perspective of international law as the criterion for defining citizenship.

2. This refers to countries like Iran, where legal provisions do not make a significant distinction between citizenship and nationality.

While the International Court of Justice's definition of nationality incorporates new elements, conflicts have arisen regarding multiple citizenship due to the lack of distinction between nationality and citizenship in the laws of certain countries, such as Iran, and the presence of such a distinction in the laws of other countries, like the United States. An example of this conflict emerged in a legal dispute between Iran and the US in 1981. Iranian laws, particularly Article 976 of the Iranian Civil Code, refer to nationality (or state affiliation) but not to citizenship. In the arbitration of the Iran-US dispute, the US argued that nationality pertains to the international aspect of a country's membership and is defined by international law, while citizenship pertains to domestic laws and is thus considered more specific than nationality (Bordbar, 2005, p. 183).<sup>1</sup> To understand the concept of citizenship, it is essential to distinguish between the concept of nationality in international law and the concept of citizenship in the domestic laws of states (Edwards & van Waas 2014, p. 264). This article takes this distinction into account and examines the relationship between human rights and citizenship rights with this difference in mind. Therefore, when discussing citizenship rights, we also consider their relationship with nationality. Consequently, a citizen is regarded as a member of a state, and their rights are determined in terms of nationality. Thus, citizenship rights are analyzed independently of nationality. Further elaboration on this will be provided later.

### 3-2. Human Rights

Human rights are defined as the "basic rights to which all humans are generally considered to be entitled, which can include life, liberty, freedom of speech, freedom of religion, due process, equal rights, and dignity" (Blackwell, 2008, p. 229).

Researchers differ in their analyses of the nature of human rights (Tasioulas 2012, 353-355).<sup>2</sup> As such, categorizing diverse human rights based on axiological and subjective judgments may seem problematic, particularly if it results in distinguishing between constitutional rights and less significant

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1. Iran's argument was based on the theory of limited responsibility, while the US's position was grounded in the prevalent theory of responsibility toward nationality (see: Khalilian, 2003, p. 42).

2. Dworkin analyzes human rights from a political perspective, arguing that they belong to a broader category of political rights, which constitute more specific political rights. In his view, human rights are primarily concerned with the legitimacy of the state, rather than mere justice (Tasioulas, 2012, p. 354). Conversely, Griffin takes a theological approach, asserting that personal values directly influence human rights (Tasioulas, 2012, p. 355).

rights (Ranjbarian, 2005, p. 151). However, positive law and international documents do suggest that certain categories of human rights are distinguished, at least in terms of their enforcement. Some rights are considered fundamental and inseparable from human essence, referred to as basic human rights (Ranjbarian, 2005, p. 151). The Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948, outlines the framework for human rights and emphasizes their connection to human dignity (Tasioulas, 2012, p. 354). The UDHR underscores the relationship between human rights and human dignity, and the International Covenant on Economic, Social and Cultural Rights, approved in 1976, explicitly states that these rights are essential aspects of human existence (Tasioulas, 2012, p. 353). A review of Articles 1, 2, and 4 of the UDHR reveals that contemporary human rights are rooted in the universal notion of the human right.<sup>1</sup> Key principles of the UDHR include equality in rights, human dignity (Article 1), the prohibition of discrimination based on race, color, gender, language, religion, or political beliefs,<sup>2</sup> the prohibition of slavery,<sup>3</sup> and equality before the law.<sup>4</sup>

#### 4. Theoretical Foundations of Citizenship Rights and Human Rights

Examining the origins of citizenship rights and human rights can provide a deeper understanding of the theoretical foundations of these concepts. Nineteenth-century nationalism and the developments following World War II are two significant contexts for analyzing the relationship between citizenship rights and human rights. In the nineteenth-century nationalist framework, the focus on nationality and the absolute authority of states shaped citizenship laws, rather than citizenship rights in the contemporary sense. At this stage, citizenship rights were defined primarily by domestic laws<sup>5</sup> (Tasioulas, 2012,

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1. The justification of human rights encompasses a wide range of approaches in moral philosophy, including natural rights, Kantian deontology, and consequentialism (Tasioulas, 2012, p. 354).

2. "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ..." (Article 2 of UDHR).

3. "No one shall be held in slavery or servitude ..." (Article 4 of UDHR).

4. "All are equal before the law and are entitled without any discrimination to equal protection of the law..." (Article 7 of UDHR).

5. In the 1984 advisory opinion of the Inter-American Court of Human Rights, it is argued that, although nationality has traditionally been considered a matter within the discretion and authority of states, contemporary developments indicate that international laws impose certain constraints to ensure the protection of human rights. See the footnote to Report Advisory Opinion OC-4/84 of January 19, 1984, Series A No. 4, para. 32 (Edwards & van Waas, 2014, p. 25).

p. 23). Thus, domestic laws, as expressions of the national will and aligned with national interests, serve as the criteria for defining and interpreting citizenship rights.<sup>1</sup> Thus, the concept of nationality serves as the theoretical foundation of citizenship laws (Lehning & Weale, 1997, p. 8), and its nature is shaped by the concept of collective identity (Nida-Rümelin, 1997, p. 33). In this context, collective identity refers to a national state characterized by a homogeneous culture (Nida-Rümelin, 1997, p. 33). From this perspective, customary law in the traditional view of international law is determined by state precedents and the legal beliefs of states as reflected in their past practices (Fellmeth & Horwitz, 2009, p. 208-209; Den Hartogh, 1998, p. 356; see: Kadkhodaei & Zarneshan, 2013, p. 174-175).

However, after World War II and the development of the concept of human rights, individuals began to enjoy rights primarily as human beings, free from the constraints of nationality and citizenship, rather than solely as members of or affiliates with a state. Under this approach, states are constrained (Edwards & van Waas, 2014, p. 25, ft. 68), and their absolute authority is limited in relation to citizenship rights. This limitation is imposed through the interpretation of domestic constitutional laws<sup>2</sup> or through conflicts between domestic laws and certain international laws.<sup>3</sup>

By establishing universal laws, human rights transform the concept of national collective identity. This transformation can be understood through the political developments in Eastern European countries (Nida-Rümelin, 1997, p. 33). These developments suggest two competing interpretations of collective identity: the first is a nation-state with a homogeneous culture, while the second is an integrated state with a heterogeneous culture (Nida-Rümelin, 1997, p. 33). Influenced by the idea of human rights, these new developments led to the emergence of a new concept of citizenship, grounded in citizenship rights, increased freedom, and individual interests (Spiro, 2010, p. 111).

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1. See the same footnote. Also, refer to the argument of the International Court of Justice (PCIJ, Series B No. 4, 24) regarding the nationality dispute between Tunisia and Morocco in 1923. At the beginning of the twentieth century, a question arose as to whether disputes over nationality fell under the domestic laws and regulations of states or were subject to international law.

2. An example is the perspective of some Iranian legal scholars who interpreted Article 982 of the Iranian Civil Code based on the principle of narrow interpretation, limiting its exception cases to the ascertained minimum (Fadavi, 2003, p. 36).

3. This is illustrated by the contradiction between Iran's interpretation of the concept of nationality and the U.S.'s definition of citizenship and nationality in the context of multiple nationality, which will be discussed in more detail later in the text.

Petroni refers to these as liberal freedoms (Lehning & Weale, 1997, p. 8), and Nida-Rümelin describes this new notion as democratic citizenship (1997, p. 33). The new concept of citizenship has transformed not only citizenship rights by enhancing individual freedom but also the notions of nationality and state affiliation. Following the model of political development in Eastern Europe, nationality now transcends the traditional concept of "national" collective identity, redefined as integrated and aligned with the global community—in this context, the European Union.

There are two broad grounds for explaining an integrated collective identity. The first is that collective identity is shaped by participation in a general moral order, which has historical precedent (Lehning & Weale, 1997, p. 8). The second is that, while collective identity has a normative character due to universal human rights laws, it is not necessarily ethical.<sup>1</sup> In fact, it is presented in terms of equality and liberal freedoms (Lehning & Weale, 1997, p. 8), with its main tenet being the protection of interests. In this context, interest does not necessarily refer to the preservation of ownership; it can encompass the protection of all human rights. The second ground is further explained through the relationship between social justice and constitutional laws (Lehning & Weale, 1997, p. 9). In modern political systems, it is inherent that states cannot ensure their legitimacy<sup>2</sup> unless they demonstrate the connection between their policies and social justice (Lehning & Weale, 1997, p. 9).

It goes without saying that social justice here is constituted by the principles of equality and freedom. Lehning and Weale explain that modern citizenship, based on pluralism rather than the common good, follows the principles of rights (1997, p. 8). Thus, general agreement is more rooted in the consensus of individuals who seek rights than in national unity. However, it should be noted that many countries approve human rights treaties based on the moral concerns of their citizens, making moral concern the primary or usual reason for affirming such covenants. This, of course, reflects only the motivational

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1. Further clarification of this issue can be found in Hart's exploration of the possibility of moral critique of law. According to Hart, many legal scholars agree that a rule can have a legal nature without being aligned with ethical principles. This raises questions about the relationship between a "good" law, which has a moral character, and a "just" law, which has a legal character (Hart, 1968, p. 2-3). Consequently, human rights may seek to achieve legal justice, rather than moral justice.

2. Here, legitimacy refers to lawfulness. The explanation of legitimacy itself and the role that elements like consent or belief play in it will be addressed on another occasion.

reasons of states rather than their legal perspectives. When the legal perspective is guided by a motivational reason, treaties are accepted, but the fundamental principles on which the treaty is based may not be fully embraced (Kim, 2015). This is why some modern European legal theories argue that as long as the constitutions of European states remain unrestricted, the individual freedoms that form the core spirit of human rights cannot be fully expanded (Lehning & Weale, 1997, p. 8).

It follows that the normative conception of the theoretical foundations of citizenship rights and human rights—namely, the "ought" perspective, rather than describing "what is/has been"<sup>1</sup> (Roberts, 2001, p. 761, 766)—creates a gap between legal facts and norms. This gap arises because norms dictate what should or should not be done, while legal facts describe what actually exists, making it difficult to harmonize a prescriptive perspective based on norms with a descriptive perspective based on facts (Roberts, 2001, p. 770).

## **5. Impact of Human Rights on Citizenship Rights in International Judicial Practices**

As noted earlier, citizenship rights are influenced by the overarching laws of human rights. Human rights laws generally impose restrictions on domestic laws to enhance individual freedoms. Legal scholars believe that the nature of human rights is closely aligned with the peremptory norms of international law (Ranjbarian, 2005, p. 165). We will now provide examples to illustrate how developments in human rights within the sphere of international law impact citizenship rights.

An example of such restrictions can be found in Article 3 of the 1949 Geneva Conventions, which limits state autonomy in matters of non-international armed conflicts by requiring governments to treat their own citizens according to humanitarian principles. Additionally, concerning the definition of nationality and its associated rights, the criterion of nationality is increasingly aligned with the enhancement of citizenship rights, emphasizing dominant and effective nationality and non-discrimination. In international disputes over multiple nationalities, the national criteria of states are influenced by this evolving definition of nationality. Let us elaborate on these concepts.

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1. The "ought" perspective is articulated through prescriptive and utopian approaches (Roberts, 2001, p. 766).

### A. Defining Citizenship Rights in Terms of Dominant and Effective Nationality

As noted earlier, the traditional perspective defines nationality based on the domestic laws of states, from which citizenship rights are derived. However, recent legal developments demonstrate that the domestic laws of states can no longer define nationality solely in terms of national interests.<sup>1</sup> Explaining this point, Spiro traces the limitations on state practices to situations where domestic laws of one state affect the interests of other countries. He cites a classic example of state intervention in nationality: a scenario where a state imposes constraints on the rights of nationals from other states. In his view, such limitations contradict the general principles of international law (Edwards & van Waas, 2014, p. 25).

The main issue here is multiple nationality. Certain countries, such as Iran, recognize the principle of *jus sanguinis*, where nationality is inherited through parents (e.g., see Article 976 of the Iranian Civil Code). Consequently, any person born to an Iranian father is considered an Iranian national, enjoying all the rights granted by the Constitution and the Civil Code. However, if this individual acquires a secondary nationality from another country, they remain recognized as an Iranian citizen. As a result, Iran can impose restrictions on them both domestically and internationally,<sup>2</sup> including on significant matters such as property ownership within Iran. This issue has been a point of contention in disputes between Iran and the US regarding dual nationality citizens. In recent international developments, the principle of dominant and effective nationality has been recognized and used as a judicial precedent by the International Court of Justice. According to this principle, the criterion for determining nationality depends on factors such as the individual's current residence, the center of their interests, their family affiliations, their participation in collective activities and life, and their expressed interest in a country (Bordbar, 2005, p. 189; Edwards & van Waas, 2014, p. 24). In the International Court of Justice's argument in the *Nottebohm* case, it was noted that nationality is a genuine link and legal obligation,<sup>3</sup> with the individual

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1. The report by the UN Secretary-General states that, given the principle prohibiting the arbitrary deprivation of nationality by states, they are obligated to observe their human rights commitments when granting nationality status to individuals. See the Secretary-General's Report to the General Assembly, titled "Human Rights and Arbitrary Deprivation of Nationality" (2009, para. 20).

2. Such as being prohibited from filing a lawsuit against their affiliated state.

3. Spiro argues that the criterion for modern citizenship is based on identity and connection (Spiro, 2010, p. 118).

having stronger ties and interests with the people of the country they are a national of compared to those of other countries (Bordbar, 2005, p. 189; Khalilian, 2003, p. 45, 49).

Consequently, the principle of dominant and effective nationality implies that if a person acquires the nationality of another state and pursues their interests there, they are entitled to the support of the state that has granted them this additional nationality. This principle offers a new definition of nationality aligned with individual freedoms, including freedom of ownership, personal experiences, and political participation.

### **B. Defining Citizenship Rights in Terms of Non-Discrimination**

According to Article 9 of the 1961 Convention, which established a general principle in international law, deprivation of nationality must never be based on race, ethnicity, religion, or political matters.<sup>1</sup> Furthermore, according to the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), all forms of discrimination against women must be eliminated, including gender-based discrimination in granting nationality.<sup>2</sup> Here, once again, in line with the principles of nationality mentioned above, citizenship rights are defined by non-discrimination based on gender and race. If nationality is defined by non-discrimination while citizenship rights endorse such discrimination, a conflict arises between the rights of nationality and citizenship.

### **C. Article 3 of the Geneva Convention and the Protection of Human Rights in Armed Conflicts**

The International Court of Justice's interpretation of Article 3 of the 1949 Geneva Convention, in the context of the Nicaragua conflicts, demonstrated that human and humanitarian rights take precedence over rights derived from state sovereignty. This interpretation reflects a growing international emphasis on the strict observance of human rights. According to Article 3, in all armed conflicts not involving international parties—especially civil wars and conflicts occurring within a single state's territory—both parties are obligated to adhere to the following rules:

(1) They must treat individuals who are not directly involved in the conflict, as well as members of armed forces who have disarmed themselves or

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1. See the International Court of Justice's verdict in the South Africa case (1962, ICJ Reports 319; Edwards & van Waas, 2014, p. 26).

2. Also see Article 5 of the 1965 Convention and the 1957 Convention of the United Nations (Edwards & van Waas, 2014, p. 26-27).

are incapacitated due to illness, captivity, or other reasons, without any discrimination based on race, gender, belief, or similar factors, in accordance with humanitarian principles. Therefore, actions such as harming the life or physical integrity of these individuals—including murder, torture, and cruel treatment—are strictly forbidden. Additionally, it is prohibited to take hostages, violate personal dignity through humiliation, or carry out sentencing or executions without a verdict from a properly constituted court of law.

(2) The sick and injured should be gathered in appropriate facilities and receive adequate medical care. Additionally, a neutral international organization, such as the Red Cross, can provide medical services to the injured (Kadkhodaei & Zarneshan, 2013, p. 183; ICJ, Rep. (1996), para. 78-79).

The Geneva Convention and its enforcement in the Nicaragua case illustrate that states cannot exercise absolute sovereignty over their nationals and citizens. Instead, they must align their domestic laws with international humanitarian law. Some have described the International Court of Justice's verdict in this case as a revolution in support of human rights (Aldrich, 2000, p. 59), while others consider it a genuine legal revolution (Torreli, 1993, p. 179).

## 6. Conclusion

Human rights possess a normative character and are increasingly recognized as effective principles in international law. Citizenship rights are significantly influenced by these human rights. This influence can be examined from two perspectives. The first relates to public law and how state legislations impact citizens. While citizenship rights traditionally fall under the discretion of domestic laws, overarching human rights principles require states to define and uphold citizenship rights in accordance with these principles. Notably, this includes the right to choose one's place of residence, the expansion of options for acquiring nationality in other states, and the prohibition of racial and gender discrimination. States are thus obligated to align their citizenship rights with these human rights principles.

The second perspective addresses the transformation of citizenship rights into international norms. The normative approach to human rights, as reflected in international judicial practice and legal doctrines, has led to citizenship rights being shaped by new international standards. The rulings of the International Court of Justice and its associated bodies, including the interpretation of nationality as dominant and effective and the adjudication

of disputes over multiple nationalities based on dominant nationality, demonstrate the integration of human rights norms into international legal practice. Additionally, European legal scholars' efforts to redefine citizenship rights illustrate a doctrinal shift in understanding citizenship. These developments have altered the legal framework surrounding citizenship rights and significantly impacted legal arguments in international courts. This evolution indicates that human rights have transcended their role as an international ideal, emerging as a prevailing principle in the realm of citizenship rights.

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