
IMPACT OF GLOBALIZATION ON HUMAN RIGHTS: AN OVERVIEW

Gopika S Gopan, LLM (Intellectual Property and Trade Law), School of Law, Christ
(Deemed to be University), Bangalore

ABSTRACT

Human rights law has evolved in response to globalisation, and nothing in the international system interdict additional safeguards. Globalization has also been addressed by a number of United Nations specialized agencies. This worldwide development is sometimes blamed for exploitation and other types of human rights violations. Human rights advancements, on the other hand, are sometimes linked to the spread of liberal ideals and movements, which is one of globalization's key features. Globalization, according to critics, has harmed human rights, such as the right to equality and other socioeconomic rights. The Universal Declaration of Human Rights reflects the United Nations' commitment to the indivisibility of human rights. Governments' first priority is to protect human rights. Though globalization comes along with many benefits, the fact that the gains and costs are spread unfairly is a feature of the process that hinders the full enjoyment of all human rights, particularly in developing nations. During this period of globalization, inequality has increased. The purpose of this study is to emphasize the impact of globalization on the human rights regime.

INTRODUCTION

This world is one family, VASUDHAIVA KUTUMBAKAM, is an old and basic aspect of Indian philosophy.¹ Surprisingly, globalization is sometimes depicted as a recent western imposition on India and the rest of the world. For a long period of time, goods and people have been transported throughout the globe in a much more effective and efficient manner than they are now. There were no passports or visas necessary, and traders, pilgrims, and explorers were free to travel anywhere they pleased. Although globalization and market liberalization have aided economic growth in certain countries, they have had numerous detrimental consequences in emerging ones.² If globalisation is envisioned as transforming the entire world into one global village in which all peoples are highly interconnected and all barriers or fences are removed, resulting in the formation of a new state of free and rapid flow of people, capital, goods, and ideas, then the world will witness unprecedented enjoyment of human rights everywhere, as globalisation brings prosperity to all corners of the globe alongside the spread of the hi-tech revolution. If, on the other hand, globalisation is envisioned as transforming the world into a global market for goods and services dominated and steered by powerful transnational corporations and governed by the profit motive, then all people's human rights, particularly those in developing countries, would be seriously jeopardised.

RESEARCH QUESTIONS

The study intends to examine the following questions:

1. How has globalization influenced the content, nature and enforcement of human rights?
2. Is it possible to maintain a balance between globalization and protection of human rights?
3. What are the challenges as to the realization of human rights in the age of globalization?

BACKGROUND

The term "globalization" is a bit of a misnomer. To various people, it signifies different things. It could imply different things to the same person. So, what exactly does globalization imply?

¹ Rajendra Prasad.N.L ,*An Overview and its Impact on Globalization and Human Rights* , 6 IJCRT 799, (2018)

² *Id.* at 803

Globalization is described in a variety of ways, encompassing political, economic, social, cultural, and technological components. The 4-Ds: deregulation, denationalization, disinvestment, and digitalization ensure this movement. With the advent of Japan and Germany as major economic powers in the early 1960s, academics began to treat the term as solely an economic phenomenon. However, with Communism's "withering" and the end of the Cold War, the term became a "buzzword" of our time, and its meaning is still a mystery. It is no longer an economic phenomenon or merely a mental state as it was perceived during the Cold War, but rather a movement that is being strengthened by focusing on:

- (a) growing interdependence between states, and
- (b) unprecedented information technology revolution.

Many facets of human life are affected by the quantitative and qualitative effects of this process. Globalization, from various perspectives, globalizes certain ideals such as free trade, production, consumption, and distribution; cultural patterns such as entity, language, and lifestyle; and political patterns such as democratic process and human rights.

Human Rights are the guiding principles that guide the construction of the sacred house for human dignity. Human rights are a requirement of reason and a mandate of conscience.

METHODOLOGY

In order to meet the study's objectives, the exploratory research design was adopted. Exploratory research is a sort of study that focuses on the analysis and interpretation of current and available data, as well as the use of secondary data. The data came from a number of places, including magazines, journals, published books, and government websites. These are also referred to for the purposes of this study. The data collected for the study is reviewed rationally and meaningfully in order to arrive at meaningful conclusions.

IMPACT OF GLOBALIZATION ON HUMAN RIGHTS

Human rights violations (whether of individual civil/political, economic/social, or minority rights) due to destructive social change brought on by globalization may result in radical shifts in a society's cultural values and norms, reshaping the substance of traditional or historic

notions of human rights in some cases³. This quest for a renewed sense of self and significance has yet to bear fruit. There might be a tightening of communal bonds and an increase in individual demands based on class, or a loosening of communal ties and an increase in individual demands based on class.⁴ Both sides of the debate have evidence to support them. Globalization has definitely harmed the entire human rights complex, resulting in significant changes in the behavior and values of broad groups of people all over the world. Some of the advantages of globalization contribute to the growth of human rights⁵. Increasing trade benefits emerging countries and hence aids in poverty alleviation; increased contact allows countries to learn from one another. Email communication has allowed local human rights defenders to communicate with other human rights campaigners all around the world in the field of human rights. On the other hand, globalization has certain negative consequences for human rights. Migrant labor, indigenous peoples, and migratory women have all suffered as a result of the emphasis on competitiveness and economic development. Globalization has been criticized in many countries for violations of the right to life, the right to health protection, the right to safe and healthy working conditions, and the right to associational freedom.⁶

The major factors of the globalization process that influences human rights jurisprudence are:

The Changing Role and Position of States:

The traditional notion of state sovereignty is directly impacted by globalization. Given the fluid nature of sovereignty, it is risky to assume that nations or their sovereignty are diminishing, or that globalization is stripping them of authorities such as taxes. States retain the authority to regulate and interfere in theory, but it is assumed that this power will be used to promote the interests of global capital, even if it means damaging local populations. Given this condition, it is doubtful whether states can be trusted to respect the human rights of their populations.

The Rise in Number and Influence of MNCs:

While it is plausible to argue that multinational firms benefit consumers and have a positive impact on human rights when they operate in local markets, this has not always been the case. The role of multinational corporations in human rights violations and environmental risks is

³ Carleton, D. and Stohl, M., *The foreign policy of human rights: rhetoric and reality from Jimmy Carter to Ronald Reagan*, 7 HRQ, 205 (1985)

⁴ Prasad, Supra note .1 at 801

⁵ VIJAPUR, A P, INTERNATIONAL RELATION AND HUMAN RIGHTS 256 (Manak Publication 2010)

⁶ KAPOOR. S K , INTERNATIONAL LAW AND HUMAN RIGHTS 126 (Central Law Agency 2006)

extensively documented. Corporations obviously generate income, but they also pose a threat to humans and the environment. Globalization has made it easier to export risks to countries that are least prepared to deal with them.

Governance by Regional or International Treaties:

Globalization necessitates tight cooperation among governments, particularly in sectors where foreign investment and free trade are encouraged: "International regulations on the protection of foreign investment act as a catalyst for international capital flows. They are a driving force towards economic globalization." Since, "in today's world,'sole source' decision-making is unworkable in light of global economic realities," regional or global treaties are increasingly regulating and governing issues. Even if it was required by its Constitution, a WTO member state could no longer act in violation of the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the Doha Declaration. Second, the process operates in an undemocratic manner; Amman calls this "the worldwide democracy issue. "So the hundreds of investment-protection treaties which Britain has entered into over the last three decades [1960s to 1990s] have never been evaluated by an elected, democratic body," Professor Philippe Sands observes with regard to the United Kingdom.⁷

Reliance on Free Markets:

Globalization is strongly reliant on free markets, market forces, and the economic efficiency principle. These could help to advance human rights in a variety of ways, but they could also act against them. In fact, given the deep normative contradiction that exists between trade law, which underlies the market, and human rights law, it is impossible to predict whether free market ideology would offer enough room for human rights to develop.

The Culture of Consumerism:

Another major aspect of globalization is consumerism, which aids in the creation and maintenance of marketplaces for products and services. Corporations work hard and compete fiercely in order to increase profits and market share. Consumer interests are evident casualties as consumerism becomes more widely employed as a tool for "market-creation." Consumers' decisions are shaped, often at the expense of their health and safety, through the use of

⁷ Prasad, Supra note .1 at 803

celebrities or women in sexually explicit commercials, for example.

The Role of the Media and NGOs:

The media, civil society groups such as NGOs, and public spirited people have all played a growing role in global governance. At both the local and international levels, they have an effect on policy and legislative choices.

The revolution in information technology has assisted their efforts even more. NGOs and the media have both played key roles in the promotion of human rights, but there is considerable doubt regarding their efficiency.

Working women and Globalization:

Despite the fact that all unskilled workers are victims of globalization, the condition of women workers demands special attention. On the one hand, globalization has expanded women's opportunities. Their job has made a substantial contribution to family income as well as women's sense of independence and freedom. However, these employment have resulted in family social disturbance and have exposed women to exploitation, assault, and sexual abuse. Human rights are regularly infringed by a faction of society that lacks authority and prestige in society. Women migrant workers are frequently chosen from the lower sections of society in their own countries, putting them in a vulnerable position.

Worker's Rights and Globalization:

The new world economy's competitive pressures have had a severe impact on employees' rights. Poor labor costs and low labor standards are crucial factors in deciding where to locate transnational firms' branches or subsidiaries, as well as which suppliers to use for industrial development. Textiles and other items produced in poor countries at a lower cost are capturing market share in rich countries. As a result, governments have almost no incentive to enhance working conditions, inspite of the fact that their economic advantage is dependent on them.

Implementation of Human Rights in the Era of Globalization

Judiciary:

During the previous three to four decades, the Indian judiciary has done an exceptional job en forcing human rights in India. In actuality, even before the establishment of liberal economic

policies in 1991, the Supreme Court of India projected the impact of liberalisation, privatisation, and globalisation on the Indian Constitution's fundamental rights.

The judiciary was well aware that liberal economic policies may have a significant impact on the fundamental rights of society's poorer members, and that they could not exist under such policies.

The Indian Supreme Court has specified certain human rights violations on a regular basis, including the constitutionality of privatisation programmes, disinvestment, river pollution, famine deaths, the right to strike and prohibit, child labour in dangerous industries, and the right to health, among many other issues that directly or indirectly concern basic human rights.

In the vast majority of these instances, the Supreme Court was able to win justice for victims of human rights breaches brought about by globalization. Apart from that, India's Supreme Court has attempted to strike a balance between the necessity for growth and the protection of human rights.

Legislature:

In terms of the legislative branch's role, the Government of India established significant economic policies in 1991 to lure international firms to invest in India. From 1991, there have been debates over not just the constitutionality but also the repercussions of such measures. Despite the necessity of the liberalisation plan, it appears that the government was unable to assure that the realisation of human rights, particularly those of the poor, remains a significant component in the formulation of laws and decisions. For example, the government was unable to maintain appropriate control over the flow of foreign investment, resulting in multiple bad investment priority policy decisions. Villagers, for example, have soft beverages but no safe drinking water, food, or other necessities. Furthermore, the government's planned changes to legislation controlling foreign investment, trade unions, and contract work look to have a substantial impact on human rights, particularly in the context of contract labour for workers and women.

Executive:

The government, on the other hand, has made attempts to safeguard human rights by establishing regulations such as environmental corporate social responsibility, a social security progra

mme for the unorganised sector, and minimum environmental criteria for large-scale urban developments, among other things.

Overall, all levels of the government are reported to have met their duty to protect and defend human rights in the face of global economic challenges. But still in terms of fully implementing human rights, there is still a significant gap to be filled.

The state has demonstrated its desire for economic growth by stating that it will naturally lead to the realisation of human rights on all levels, but they have fallen prey to global corporate behemoths in the process. As a result, India's economic policies must be reconsidered in order to protect human rights from the harmful effects of globalization.

RESULTS

The fight for human rights has gotten more complicated and difficult in the age of globalization. The realisation of human rights, particularly economic and social rights, is becoming increasingly challenging. Gaining a greater knowledge of the expanding socio-economic processes and forms of globalisation, adapting them to fit our needs, and successfully responding to their negative repercussions is one of the most critical challenges we face as a community of countries. Within a just international legal framework, human rights can counteract the effects of globalization. Maintaining a healthy balance between globalization and human rights protection should be a top focus. Human rights distinguishes us as human beings. They are the guiding principles that guide the construction of the sacred house for human dignity. Human rights are a requirement of reason and a mandate of conscience.

Suggestions

- A worldwide watchdog should be formed to monitor and report unethical transactions between governments of poor countries and big corporations.
- Developing-country governments should not continue to enrich themselves by selling their production factors (land and labor) to multinational firms.
- Revise the requirements for becoming a free trading nation. Many developing countries are currently unable to meet current requirements.
- Developed countries must do more to aid developing countries by making it simpler for them to profit from trade and investments.

- A treaty-based framework focusing on the responsibility of multilaterals as well as private actors in preserving human rights is a big step forward in the current economic situation.
- State efforts to set investment norms must be scrutinized and assessed through the lens of human rights discourse.⁸

CONCLUSION

There are winners and losers in the globalization process. It both aids and hinders the implementation of human rights. With the growth of commerce, markets, and foreign investment, emerging countries' disparities have widened. The need to liberalize has necessitated a reduction in state engagement in national life, resulting in a wave of privatization, job cuts, and cuts to health, education, and food subsidies, among other things, all of which have a negative impact on the poor. Liberalization has often been accompanied by increased inequality, trapping many in abject poverty. The collapse of the Asian giants' economies is an example of this. According to the Human Development Report of 1997, poverty-stricken nations and poor people's issues are all too frequently disregarded as a result of globalisation. Globalization has resulted in greater poverty, socioeconomic disparity, and human rights violations, despite its presentation as a locomotive for productivity, opportunity, technological advancement, and global togetherness.

Globalisation has had and will continue to have a mixed influence on human rights success. Human rights advocates must remember, however, that their criticism is focused at the "means" rather than globalisation itself, because the wrong, in my opinion, lies not in globalisation but in how it is managed. In truth, globalisation may aid in the fulfilment of human rights. As proponents or opponents of globalisation; individuals or groups; NGOs or governments, it is our moral obligation to reinvent the process in a way that maximises its advantages while reducing or eliminating its counteracts. Globalization "cannot be halted" since it is a natural process that occurs throughout time. To ask if globalization is "good" or "bad"? "Are you friends or foes?" "Is it a boon or a bane?" is unimportant. Globalization as a concept is neither pro- nor anti-human rights; has the ability to both progress and limit human rights. Today, international organizations, multinational enterprises, and national corporations all have a significant impact on governance. According to this viewpoint, globalisation creates markets,

⁸ Shabina Arfat, *Globalization and Human Rights: An Overview of its Impact*, 1 AJHSS 18, (2013)

which are the cornerstone of the liberal economic system, democracy, and human rights. Globalization has turned the globe into a "global pillage rather than a global village".

REFERENCES

1. Sikender Mohsen Din Mohammad, *Streamlining Devops Automation for Cloud Applications*, 6 IJCRT. 955, 955-959 (2018)
2. HANS-PETER MARTIN & HERALD SCHUMANN, THE GLOBAL TRAP: GLOBALIZATION AND THE ASSAULT ON PROSPERITY AND DEMOCRACY 117 (New York: Zed Books 1998)
3. Carleton, D. and Stohl, M., *The foreign policy of human rights: rhetoric and reality from Jimmy Carter to Ronald Reagan*, 7 HRQ, 205 (1985)
4. Fariss, C.J. and Dancy, G., *Measuring the impact of human rights: conceptual and methodological debates*, 13 ARLSS, 273-294 (2017)
5. Friedman, T.L, *The Lexus and the Olive Tree: Understanding Globalization*, 22 JPR, 961-967 (2000)
6. Howard-Hassmann R.E, *The second great transformation: human rights leapfrogging in the era of globalization*, 27 HRQ, 1 (2005)
7. Mousseau, M. and Mousseau, D.Y., *The contracting roots of human rights*, 45 JPR, 327-344 (2008)
8. Smith, J., Bolyard, M. and Ippolito A., *Human rights and the global economy: a response to Meyer*, 21 HRQ, 207-219 (1999)
9. Poe, S.C. and Tate, C.N., *Repression of human rights to personal integrity in the 1980s: a global analysis*, 88 APSR, 853-872 (1994)
10. Shabina Arfat, *Globalization and Human Rights: An Overview of its Impact*, 1 AJHSS 18, 18-24 (2013)
11. Rajendra Prasad.N.L, *An Overview and its Impact on Globalization and Human Rights*, 6 IJCRT 799, 799-805 (2018)
12. KAPOOR. S K, INTERNATIONAL LAW AND HUMAN RIGHTS 126-130 (Central Law Agency 2006)
13. VIJAPUR, A P, INTERNATIONAL RELATION AND HUMAN RIGHTS 256 (Manak Publication 2010)