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HUMAN RIGHTS IN THE AGE OF GLOBALIZATION

Abstract:

Human rights have been on the international arrangement of things since the conclusion of the World War II, yet their violation as outcome of globalization hasn't been sufficiently examined. On the off chance that globalization is imagined as transforming the entire world into one global village where all people are progressively interrelated and all the walls or hindrances are evacuated, so that the world observers a new condition of quick and free flow of individuals, capital, goods and thoughts then the world would be observing unparalleled satisfaction in human rights wherever on the grounds that globalization is bringing success to all the sides of the globe together with the spread of the exceptionally cherished estimations of democracy, freedom, justice and equity. On the contrast, if globalization is considered as transforming the world into a worldwide market for goods and services overwhelmed and guided by the powerful colossal transnational organizations and administered by the standard of benefit then all the human rights of the people in the world, especially in the southern part, would truly be threatened. The connection between globalization, development and human rights brings up policy and legal queries. One such inquiry is whether globalization of market-oriented economic framework is fundamental for advancement and assurance of human rights? This article thus attempts to draw an interrelationship between both the concepts and make a rational analysis of the impact of globalization on human rights.

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INTRODUCTION

The term 'globalization' is currently utilized widely to summarize the present world order. It implies the world is progressively integrated into one capitalist political economy working under a neo-liberal free market philosophy. Economic globalization as observed in the world today is certifiably not a newly discovered phenomenon. It has been developing for the past few years and picking up momentum every day. The pattern, at present, is a transition from a world economy dependent on national market economies to a boundless global market economy progressively represented by one set of rules. In this relation, globalization implies global economic advancement, building up a global monetary system and a transnational generation framework which depends on a homogenized worldwide law of significant worth.² The downfall of the Cold War helped the development of a new vigorous fierce global economic order. This was conceivable basically because of the incorporation of the recently industrialized nations and a great part of the developing countries. Despite the fact that globalization and market liberalization have gained some progression as far as economic development in specific nations, it has likewise had many negative effects in developing societies.

Territorial trading alliances, for example, the European Union and the North American Free Trade Agreement (NAFTA) and the Asia Pacific Economic Co-operation (APEC) encourage trade liberalization and progression. The foundation of the World Trade Organization improving and aiding the General Agreement on Tariffs and Trade (GATT) and furthermore other agreements adopted at the conclusion of the Uruguay Round has additionally added to the trade advancement. Going past the liberalization of trade in

²Mohameden Ould-Mey, Global Adjustment: Implications for Peripheral States, Third World Quarterly, 1994.

goods, the Uruguay Round appended concerns of agriculture and intellectual property to the more conventional GATT issues.³

On the off chance that globalization is imagined as transforming the entire world into one global village where all people are progressively interrelated and all the walls or hindrances are evacuated, so that the world observers a new condition of quick and free flow of individuals, capital, goods and thoughts then the world would be observing unparalleled satisfaction in human rights wherever on the grounds that globalization is bringing success to all the sides of the globe together with the spread of the exceptionally cherished estimations of democracy, freedom, justice and equity.⁴ On the contrast, if globalization is considered as transforming the world into a worldwide market for goods and services overwhelmed and guided by the powerful colossal transnational organizations and administered by the standard of benefit then all the human rights of the people in the world, especially in the southern part, would truly be threatened.⁵

All in all, globalization is what which is influencing the lives of all – with no discrimination of caste, creed, colour, sex, race, religion, etc.⁶ Globalization inclusive of its different dimensions – from political to economic, social, cultural, and even technological – is characterized in numerous ways. Dunning clarifies globalization as “connectivity of individuals and institutions across the globe”.⁷ The focal fundamental of globalization is about manoeuvre across the natural and/or (for the most part) man-made borders/ boundaries in a quick, proficient path and with least limitations. This movement is guaranteed through the 4-Ds: deregulation, denationalization, disinvestment and digitalization.⁸

³M. D. Nault & S. L. England, *Globalization and Human Rights in the Developing World*, London: Palgrave Macmillan, 2011.

⁴ Thomas L. Friedman, *The Lexus and the Olive Tree: Understanding Globalization*, Cairo International Publishers, 1999.

⁵ S.J. Paul, *Education for Globalization*, America Press, 2002.

⁶ Surya Deva, *Globalization and its Impact on the Realization of Human Rights*, New Delhi: Oxford University Press, 2007 at pg. 239.

⁷ John H. Dunning, *The Moral Imperatives of Global Capitalism: An Overview*, Oxford University Press, 2003.

⁸ *Supra* note 4, at pg. 240.

GLOBALIZATION, DEVELOPMENT AND HUMAN RIGHTS

The connection between globalization, development and human rights brings up policy and legal queries. One such inquiry is whether globalization of market-oriented economic framework is fundamental for advancement and assurance of human rights? While scanning for an answer to this inquiry we ought to break down how we see the idea of development and human rights, particularly with regards to developing countries. Human rights have become a vital part of the procedure of globalization from multiple points of view. The Western nations are progressively utilizing their perspective on human rights idea as a measuring stick to judge developing nations and to manage economic and exchange relations to broaden advancement assistance. Simultaneously globalization strengthens impoverishment by expanding the poverty, insecurity, discontinuity of society and therefore damages human rights and human nobility of millions of people.

Development or financial improvement is generally seen as a historical procedure that happens in practically all social orders described by economic development and expanded production and utilization of goods and services. The Preamble of the Declaration of the Right to Development, embraced by the UN General Assembly in 1986⁹, portrays development as a “comprehensive economic, social, cultural and political process that focuses on the steady improvement of the prosperity of the whole population and of all people based on their active, free and meaningful cooperation in development and in the reasonable distribution of resulting advantages”. The 1990 UN Global Consultation on the Right to Development as a Human Right, expressed that the right to development is an inalienable human right with the human being as the focal subject of right and that all the facets of the right to development put forth in the Declaration of the Right to Development are unified and dependent on each other, and these incorporate civil, political, economic, social, and cultural rights. It was additionally kept up that the right to development is the right of individuals, groups and peoples to partake in, add to, and enjoy continuous economic, social, cultural and political improvement, in which every single human right and fundamental freedoms can be completely figured it out.

⁹Preliminary Report of the Secretary General, U.N. GAOR, Globalization and its impact on the full enjoyment of all Human Rights, U.N., 2000.

IMPACT OF GLOBALIZATION ON HUMAN RIGHTS

Human rights have been on the international arrangement of things since the conclusion of the World War II, unquestionably since 1948, yet their violation as outcome of globalization hasn't been sufficiently examined.¹⁰ The "international bill of human rights" considers states responsible for acknowledgment of human rights. However, in the contemporary epoch it is the private global actors that are every now and again the most intolerable violators of rights and to the extent their responsibility is concerned, they are responsible to none. Strikes and shows protesting exacerbating labour conditions have become omnipresent, involving in communally based social orders where individual political activity has been uncommon. Political specialists frequently respond to this conflict by expanding limitations on civil and political rights and, now and again, terribly violating basic rights, for example, the right to life, with an end goal to control the labour force. Human rights NGOs have broadly recorded the expansion in labour activism, especially in such low-wage regions as Malaysia, Indonesia, and even China, and the concomitant increment in state repression.¹¹

Human rights infringement (regardless of whether of individual civil/political, economic/social, or minority rights) as a outcome of ruinous social change res coming out from globalization might result, at least in certain occasions, in radical transitions in a society's cultural values and standards that, thusly, may prompt to a reconfiguration of the substance of conventional or historic ideas of human rights. The result of this quest for a rejuvenated character and significance is capricious. There might be a reinforcement of an absolute communalism with minimal individual autonomy or there might be an extricating of communal ties and an extension of individual demands dependent on class. The proof focuses in both courses. Unmistakably globalization has deleteriously affected the whole complex of human rights, bringing about critical transformations in the conduct and values of masses of humanity over the globe. The negative stun of globalization has, it ought to be noted, influenced not only non-Western societies, but those of cutting edge, industrialized Western Europe, the United States, and Japan. The results of globalization

¹⁰S. Arafat, Globalization and Human Rights: An overview of its impact, American Journal of humanities and social sciences, 2013, pg. 18-24.

¹¹ Human Rights Watch World Report, 1999, At: www.hrw.org/hrw/worldreport99/asia/malaysia.htm, Last Visited: 12.01.2020.

for the poor and middle class in the United States are huge. “The wealthiest and most productive nation in the world has...changed into the biggest low-wage economy. In 1995 four-fifths of every single male employees and workers in the United States earned 11% less an hour in genuine terms than they did in 1973”.¹²

Few of the advantages of globalization add to the improvement of human rights. Expanded trade frequently helps developing countries and therefore adds to the moderation of poverty; expanded communication grants nations to gain from one another. In the circle of human rights, communication by means of email has allowed human rights advocates in their area and to communicate with other human rights advocates through the world. However there are different less valuable consequences for human rights emerging from globalization. The accentuation on competitiveness and economic advancement has had particularly adverse consequences on such defenceless groups as migrant workers, indigenous peoples and migrant women. Globalization has been referred to as a contributing variable in infringement of the right to life, right to health, the right to safe and healthy working conditions and freedom of association in numerous nations.¹³

WORKERS' RIGHTS AND GLOBALIZATION

The competitive weights of the new worldwide economy have negatively affected the rights of workers. Low labour expenses and low labour gauges are significant components in the decision of area of branches or subsidiaries of transnational companies or selection of providers for industrial development. Textiles and other goods created all the more cheaply in developing nations are assuming control over markets in the developed world.¹⁴ Governments subsequently have almost no impetus to improve working conditions – on the contradictory; their competitive advantage relies upon these conditions. Developing countries restrict the connecting of labour standards to trade affairs, showing that such linkages would remove their competitive advantage through

¹² Hans-Peter Martin and Herald Schumann, *The Global Trap: Globalization and the Assault on Prosperity and Democracy*, New York: Zed Books, 1998 at pg. 117.

¹³ Virginia A. Leary, *Globalization and Human Rights, New Dimensions and Challenges for Human Rights*, Jaipur: Rawat Publications, 2003 at pg. 268.

¹⁴Jean-Marc Coicaud, Michael W. Doyle and Anne-Marie Gardner, *The globalization of human rights*, United Nations University Press, 2003.

low-cost labour as well as low labour standards. This contention is quiet justifiable since it is basic to increase the trade of developing countries, however in such situation, the cost falls on the most vulnerable components in the developing nations: unskilled or semi-skilled workers whose rights to organize labour unions, to take part in collective bartering or to challenge hazardous working conditions are denied.

WOMEN WORKERS

Although unskilled labourers all in all are victims of globalization, the circumstance of women workers deserves meticulous consideration. From one viewpoint, globalization has expanded opportunities for women. Women have got into the workforce through employments in export handling zones or through turning out to be migrant domestic workers, occupations that are mostly created by globalization¹⁵ Their work has fundamentally added to family income and to feeling of independence and freedom for women workers. However, these employments have additionally led to social disruption of the family and expose women to misuse and exploitation, sometimes even to savagery and sexual abuse. As a group of society which is deficit of power and status in the society, their human rights are often abused.

Women emigrant workers are frequently drawn from the more unfortunate fragments of the society of their own communities and are therefore hitherto in a circumstance of vulnerability. Their vulnerability is expanded during their stay at foreign places as they are viewed as a type of modest and exploitable labour, their passports are at times confiscated and, alone in a foreign nation whose laws and customs they don't know, they aren't able to find resort against mishandles.

IMPLEMENTATION OF HUMAN RIGHTS IN THE ERA OF GLOBALIZATION: LESSONS FROM INDIA

To the extent execution of human rights in India is regarded, the Indian Judiciary has been doing a praiseworthy job from last three to four decades. As a matter of fact, it was

¹⁵Upendra Baxi, Voices of Suffering and the Future of Human Rights, 1998, pg. 159-161.

the Supreme Court of India, way before the acceptance of liberal economic policies of 1991, foreseen the effect of liberalization/privatization/globalization on fundamental rights guaranteed within the Constitution of India.¹⁶ The Judiciary knew that liberal economic policies could crucially impact the fundamental rights of the weaker segments of the society and they can't sustain under such policies. The Supreme Court of India, consistently, continued redressing explicit human rights violation. The concerns which were mainly discussed were constitutionality of the approach of privatization,¹⁷ disinvestment,¹⁸ contamination of rivers,¹⁹ casualties due to starvation, right to strike²⁰ and *bandh*²¹, employment of children in hazardous industries²², right to health²³ and a lot more. These concerns were directly or indirectly involved basic rights of a human being. And in most of these cases, the Supreme has been skilful to assure justice to the victims of violations of human rights because of globalization. Simultaneously, the Apex Court of India has attempted to create a balance and harmonize the requirement for development and the insurance of human rights.

Now looking into the role played by Legislature wing of the State, the Government of India encircled vital economic policies in 1991 to allure global corporate world to India. Since 1991, there have been discourses on not just constitutionality of such approaches but also its results. It is to be accepted that the policy of liberalization was a genuinely necessary one; however, it appears that the government couldn't guarantee that acknowledgment of human rights, particularly of the poor individuals, is to stay a cardinal factor at the time of law making or decision-taking procedure. For example, individuals in villages have ingress to soft drinks however not to clean drinking water, nourishment, and so on. Additionally, it appears that the corrections proposed by the government in laws identified with foreign investment, trade union and contract labour

¹⁶M.C. Mehta v. Union of India, AIR 1987 SC 1086.

¹⁷Delhi Science Forum v. Union of India, (1996) 2 SCC 405.

¹⁸Balco Employees Union v. Union of India, AIR 2001 SC 350.

¹⁹Almitra H. Patel v. Union of India, AIR 2000 SC 1256.

²⁰Kishen Pattanayak v. State of Orissa, 1989 Supp (1) SCC 258.

²¹C. P. M. v. Bharat Kumar, AIR 1998 SC 184.

²²M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.

²³Parmanad Kataria v. Union of India, AIR 1989 SC 2039.

confront a negative impact on human rights, particularly of labourers and women workers.

On the contrary, government took some steps as well to shield human rights from being damaged by framing few policies like, corporate social responsibility to ensure protective environment, social security scheme for unorganized sector, minimum environment standards for large scale urban undertakings and numerous other plans too.

Taking all things together, it is presented that every wing of the State has done what's necessary for their obligation regarding protection and safeguarding of human rights against the global economic rate. Yet at the same time, there is a fair amount of gap that is to be topped off in absolute realization of human rights. The State, sometimes, has demonstrated its eagerness for economic flourishing by contending that it will automatically prompt to acknowledgment of human rights at all stages, but in this track they have been trapped in the snare of global corporate mammoths. In this way, India needs to re-evaluate about its economic policies so as to safeguard human rights from the negative effects of globalization.

CONCLUSION

Globalization has its victors and failures. It makes both assistance and impediment in realization of human rights. With the extension of trade and commerce, business market, foreign investment, developing nations have seen the loopholes among themselves enlarge. The essence to liberalize has called for a contracting of State inclusion in national life, delivering a wave of privatization, eliminating jobs, slicing health, education and food sponsorships, and so forth influencing the poor individuals in society. In many situations, liberalization has been joined by greater imbalance and people are left trapped in absolute destitution. Ad interim, in many industrialized nations joblessness has taken off to levels not seen for a long while and income divergence to levels not recorded since a century ago. The breakdown of the economies of the Asian goliaths is an instance of this. The Human Development Report of 1997 uncovered that poor nations and poor people too time and again discover their inclinations neglected because of globalization. Despite the fact, that globalization of the economy has been described as a locomotive for



productivity, opportunity technological advancement, and joining the world; it at last causes expanded impoverishment, social differences and violations of human rights.

Globalization as a idea is neither pro human rights nor con to human rights, it could extend an open room for encouragement of human rights and in addition abridgement of human rights, at national and international scenario. Presently we are to conclude that whether globalization is a blessing for human rights or curse!

