IMPACT OF GLOBALISATION ON HUMAN RIGHTS

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Abstract
The paper looks at the positive and negative sides of globalisation and figure out how to deal with the challenges it presents. According to the study, even as globalisation is a system wherein capital, goods, services, and labour throughout countrywide borders and gathers a transnational character, it's miles regularly followed via way of means of the go with the drift of associated lifestyles, tastes, ideas, or even values throughout borders, which facilitates reshape nearby political institutions, cultural patterns, and social relations. It also opens up new options for many individuals to raise their money and succeed. Globalisation is becoming a prominent topic of discussion among academics, non-governmental organisations (NGOs), and policymakers. It has a significant influence. Despite the ongoing emphasis on boosting global wealth and attaining a more “fair society,” negative effects of globalisation continue to plague our planet. Poverty, inequality, injustices, famine, backwardness, and marginalization are all important issues that many countries continue to face.

Research Question
1. How the rising globalisation in the world impacts human rights?
2. What is the positive and negative impact of globalisation on human rights?
3. What is the role of the judiciary, legislature and executive?
4. What is the role of the interplay between human rights and globalisation in the time of pandemics?

Methodology
The research relies on secondary data. The information was gathered from a variety of sources, including publications, journals, published books, and government websites. These are also mentioned in the current study. To get meaningful findings, the data acquired for the study is examined rationally and meaningfully.

Scope of the Study
Globalization may be described simply as the interaction of humans in terms of ideas and cultures that transcends geographical borders. This study examines the connections between globalization and human rights. It gives specific examples of how globalization has resulted in human rights breaches in Africa and other third-world nations, owing mostly to the fast rise of huge multinational companies (MNCs). The advantages of liberalization are undeniable, but there are certain drawbacks, since firms enter with a single goal in mind: profit maximization.

The objective of the Study
1. To determine if globalisation as a process and human rights are allies or opponents,
2. To show that globalisation has had and will continue to have a mixed influence on the fulfilment of human rights.

Introduction
Human rights can generally be defined as “those rights, which are our nature and without them, we cannot live as human beings”. Human Rights is a human claim for such conditions which are essential to the full realization of the natural element given to us.
as human beings. In other words, it means that there are certainly involved and indivisible rights available to all people because they are human beings and they are required to ensure the dignity of everyone as a person, regardless of race, religion, nationality or any other factor. However, all claims of a person to live his own life or to do as he pleases, cannot be treated as a human right. Only those claims that are relevant to the development of human dignity and so-known as the 'Organization' constitute human rights.¹

The concept of human rights emerges as a concept that often emphasizes the value of a person and sees his or her rights as a violation of their society. As commonly used today, the term human rights encompass a series of commonly divided rights and freedoms that many insist are universally accepted and are an essential requirement for human enjoyment of life in terms of human dignity. Human rights activists view them as natural, inseparable and universal, who are born with the idea that they are the natural birth right of all human beings and that humans enjoy them simply because of their human existence and, as such, do not have to be given any supreme or sovereign authority. People who cannot agree to donate or be taken from them; and generally in the sense that they do not apply to individuals as citizens or groups but to all people regardless of who they are².

Humans are intelligent people. In terms of their human capacity, they have fundamental and undeniable rights that are often referred to as human rights. Since these rights belong to them because of their very existence, they came into force through their birth. Human rights, which are a birth right, therefore, are available to all people regardless of nationality, religion, religion, or nationality.³

These rights are fundamental to all human beings as they are fundamental to their freedom and dignity and are conducive to physical, moral, social and emotional well-being. They are also needed as they provide appropriate conditions for the promotion of material things. Human rights are also known as basic rights, fundamental rights, environmental rights, environmental rights, and birth right rights due to their high human significance. Human rights are a broad concept that encompasses civil rights, civil freedoms, as well as social, economic, and cultural rights. Human rights, on the other hand, might be regarded to be responsible for all people's rights. These are rights that no one may be denied without breaching the rule of law.⁴

Impact of Globalisation on Human Rights

Globalization has affected the human rights complex as a whole. The emphasis on competitiveness and economic expansion has hurt vulnerable communities such as migratory workers, indigenous peoples, and migrating women disproportionately. There may be a strengthening of exclusive communalism with restricted personal liberty, or there could be a relaxing of


4 Dr. H.O. Aggrawal, "International Law and Human Rights in constitutional Law" (2003) p. 8
community links and an increase in class-based individual demands. Economic rights, labour rights, cultural rights, social and political rights, and so on are all examples of "human rights." Globalisation is wary of influencing the following rights:

- The rights of governments that violate human rights to join the WTO eliminate prospects for severe fines to deter such breaches.
- Unlocking commerce causes creation to migrate to regions where environmental restrictions are lax, resulting in environmental poverty. Similarly, the ready-to-act pressure caused by open deals causes regulators to lose control of local limited topics, resulting in a race to the bottom on issues like social benefits standards, environmental principles, and labour defence legislation.
- Liberty from severe, cruel, or humiliating treatment, liberty from slavery, the right to equal opportunity, and non-discrimination are all exacerbated by open commerce.
- The correct path to a suitable standard of living (including the right to sufficient food, clothing and housing),
- The right to preserve good bodily and mental health,
- The right to work is accompanied by the right to decent and equitable working conditions.
- The freedom to associate and assemble, as well as the right to collective bargaining, have been seriously harmed.

Globalisation and the Future of Human Rights

Human rights advancements include increased speed, access to knowledge, and social media, all of which increase an individual's ability to mobilise others and establish massive popular movements. Individual and political rights, as well as collective social, economic, and cultural rights, are likely to appear in new frontiers. However, a new development has agents that have emerged throughout this transitory period that have the potential to improve future human rights prospects. These players include global and national civil society, as well as a sensitised private sector economy, which has a more direct impact on human rights outcomes than any other segment of a globalised society.5

To start with, basic liberties requests by individuals and collectivizes will presently don't be pointed distinctly at states, since they, as well, will be moved by globalization processes and the uncertainty regarding what will shape state constructions and powers is obscure. Besides, when legislatures' abilities decrease in the period of globalization, there is no unmistakable globalized same or independent system to supplant the state. Power and direction are bound to be appropriated in an overall society than in a Western state-based framework because, simultaneously, states have lost a critical piece of their capacity to oversee.

Globalization of the global economy, financial systems, and communication techniques has also resulted in unprecedented ways to violate individual human rights. This

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includes multinational corporations' oppressive economic and financial strategies, control over the right to information, breaches of privacy, and environmental issues. In actuality, governments' powers are eroding throughout the globalisation transition period, partly owing to a transfer in decision-making authority to new international institutions and practices, and partly due to modern societies' increasing governability. In the absence of a collective exertion of parallel power by the international community in the current field of international relations and international legal systems, governments' diminished capacity to protect, retain, and implement human rights has not been overtaken by anything new that globalization may begin offering. The first and second generations of human rights were intended to apply to countries whose national fora gave the possibility to evaluate a human rights abuse and get redress. Human rights' third generation has proved ineffectual. In this moment of transition to a global society, the fourth generation of human rights is unlikely to provide better achievements than the preceding one.6

Globalisation isn't generally an equation for a quieter world or one that is bound to protect all-inclusive and non-prejudicial basic liberties. It is achieving new real factors in the existences of individuals whose customary family support structures have disappeared or have been essentially debilitated. As has been seen over the past 200 years or more, the state has been not able to make a substitute for these help structures by some other means than offering social types of assistance without the human perspective that is so urgent in individuals' lives.

Is Globalisation Good or Bad for Human Rights

There is a raging debate over whether globalisation is good for human rights. According to one school of thinking, globalisation advances human rights by delivering economic benefits and, as a result, political freedom. The benefits of globalisation have even led to the proposal that it be recognised as a new human right. In essence, the trade hypothesis assumes that globalisation will result in a significant increase in global happiness, indirectly increasing the accomplishment of economic necessary conditions for economic and social rights. Many people believe that market processes and liberalised commerce will improve everyone's living standards. Some say that free economic and trade freedom are essential requirements for political freedom, or that they are at the very least equivalent to the rule of law, which is an important aspect of human rights.7

Globalisation, without a doubt, encourages worldwide contacts that transcend the boundaries of a particular nation or culture, allowing involvement in a global society. There is also the prospect that economic power can be used to more effectively discipline human rights offenders. The movement of people, products, and services is made easier. Increased resource availability and more effective resource allocation, more open and competitive production, and stronger governance might

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result in quicker growth and more rights. Globalisation opponents see it as a danger to human rights in a variety of ways. First, when international corporations, the World Bank, and the IMF establish national economic and social policies, they weaken local decision-making and democratic involvement. Second, uncontrolled market forces endanger economic, social, and cultural rights such as the right to health, particularly when structural adjustment programmes cut public spending on health and education. Third, the concentration of power and money in the hands of foreign multinational corporations worsens unemployment, poverty, and marginalization of vulnerable people.

The pro-globalisation premise that globalisation is in the public interest and that market forces would produce widespread well-being is not widely held. Anne Oxford, for example, argues that “the trade and investment liberalization furthered by the Uruguay Round agreements entrenches a relationship between states and transnational corporations that privileges the property interests of those corporations over the human rights of local peoples and communities.” As a result, the economic and technical advances connected with globalisation may lead to a society in which multinational businesses, multilateral intergovernmental organizations, and transnational crime syndicates or organized terrorists pose greater dangers to human rights than the state. The U.N. Development Program devoted its 2000 Human Development Report to “Human Development and Human Rights” in which it pointed out that, “Global corporations can have an enormous impact on human rights—in their employment practices, in their environmental impact, in their support for corrupt regimes or their advocacy for policy changes.”

**International Responses to Globalisation and Human Rights Issues**

Globalisation has heightened awareness about the role of all international actors to promote and preserving human rights. International organisations and academics have responded with a variety of recommendations to enhance the international regime. First, human rights advocates and organisations have begun to assert that human rights legislation is supreme. According to the Committee on Economic, Social, and Cultural Rights (CESCR), "the realms of trade, finance, and investment are in no way exempt from these general principles [on respect for human rights], and that international organizations with specific responsibilities in those areas should play a positive and constructive role concerning human rights." Second, state liability for failing to supervise private parties' behaviour has received major attention in international court case law and UN activities. Third, international law is increasingly exerting direct control over non-state actors. Fourth, private market systems such as rules of ethics or consumers' purchase schemes have been used to influence corporate behaviour. Finally, improved international governance institutions are bringing a wide variety of international stakeholders together to seek similar goals.

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9 Ibid
The first general tendency has been to highlight the priority of human rights above other international legal systems, particularly among human rights proponents. According to this point of view, international economic policy cannot be exempt from international human rights law. States and international organisations have a clear obligation to protect such ideals and ensure that private economic actors operating inside their borders do not infringe such rights. In a 1998 statement on globalisation and economic, social, and cultural rights, the CESCR expressed concern about the negative impact of globalisation on the enjoyment of economic, social, and cultural rights, and called on states and multilateral institutions to pay much more attention to taking a rights-based approach to economic governance.11

Evaluating the human rights implications of economic decisions Governments should take preventative steps and conduct human rights impact assessments on economic policies that are being considered or implemented to:

a) Achieve their objectives, which should be to allow the economy and finance to benefit everyone in the country, particularly by reducing disparities, redistributing productive resources, combatting poverty, and providing a reasonable standard of living.

b) Evaluate before they are implemented circumstances to limit and analyse, where feasible, their detrimental impact on the human rights of the population, particularly those in vulnerable situations or those who may be put in vulnerable situations as a result of these choices; and

c) Set up benchmarks and indicators that will allow you to track the impact of these changes after they are implemented to see if they are achieving their goals and if they need to be readjusted or rethought.

Role of Judiciary, Legislature and Executive

In terms of human rights implementation in India, the Indian judiciary has done an admirable job during the previous three to four decades. In reality, the Supreme Court of India foresaw the impact of liberalization/privatization/globalisation on basic rights protected by the Indian Constitution well before the implementation of liberal economic policies in 1991. The judiciary was aware that liberal economic policies may have a major impact on the fundamental rights of the society's poorer segments, and that such policies would make it impossible for them to live. The Supreme Court of India repeatedly redressed specific human rights violations; issues discussed included the constitutionality of the privatization policy, deaths due to starvation, disinvestment, pollution of rivers, the right to strike and band, the right to health, the employment of children in hazardous industries, and many other issues that concerned or were directly or indirectly concerned with basic human rights. In the majority of these instances, the Supreme Court was able to win justice for victims of human rights breaches caused by globalisation. Furthermore, India's Supreme Court has attempted to strike a balance between the necessity for growth and the preservation of human rights.12

11 Ibid

In terms of the function of the state legislature, the Government of India adopted important economic policies in 1991 to entice the corporate world to India. Since 1991, there has been debate not just about the legitimacy of such programmes, but also about their implications. It is to be thought that the liberalization strategy was greatly required, but it appears that the government was unable to assure that the fulfilment of human rights, particularly of the poor, remains a critical aspect during the legislative or decision-making process. For example, the government was unable to maintain satisfactory control over the path of foreign investment and made several poor policy judgments about investment priority. People in communities, for example, have access to soft drinks but not to clean drinking water, food, or other necessities. Furthermore, it appears that the government's planned revisions to legislation governing foreign investment, trade unions, and contract labour have had a detrimental influence on human rights, particularly those of labourers and women employees.\textsuperscript{13}

On the other hand, the administration has adopted some measures to protect human rights by enacting policies such as CSR initiatives for environmental protection, a social security scheme for the unorganised sector, minimum environmental standards for large-scale urban projects, and a variety of other initiatives. Overall, all arms of government are regarded to have fulfilled their duty to defend and protect human rights in the context of environmental economic difficulties. However, there is still a massive disparity in the absolute application of human rights. The state has proven its thirst for economic development at times by claiming that it will inevitably lead to the fulfilment of human rights at all levels, but in doing so, they have fallen into the trap of global corporate giants.\textsuperscript{14}

**The interplay of Human Rights and Globalisation in the Pandemic**

Potrafke (2015) provides a survey of various socio-economic effects of the KOF Globalisation Index. He identified more than 100 studies that have used this index to measure a country’s interaction with the rest of the world. His survey shows that globalisation, on average, has more positive consequences for countries in terms of economic growth, gender equality, and human rights. On the negative side, globalisation may fuel inequalities within a country. In our study, we explore a new dimension of globalisation, which is the contagion level of COVID-19 across countries. We use dimensions of globalisation from the latest reported year in 2017 by the KOF index. Under economic globalisation, we consider trade and financial dimensions. Social globalisation dimensions comprise interpersonal and information categories. Finally, political dimensions consider the degree of integration of a country in global politics. The composite nature of the index is an added value, which helps us to better capture the concept of globalisation. Earlier studies have examined the effect of some building blocks of globalisation, such as international tourism. However, these elements are not able to fully capture the concept of globalisation. This is

\textsuperscript{13} Mukul Sharma, ‘Human Rights in a Globalised World’ (Sage Publications, 2010)

\textsuperscript{14} Ibid
also mentioned by developers of the KOF Index of Globalisation.\footnote{Dr Samir Naim-Ahmed, ‘Human Rights And Globalization’ (Countercurrents, April 21, 2007) http://www.countercurrents.org/ahmed210407.htm last visited 5 January 2022}

**Conclusion**

There are winners and losers in globalisation. It both helps and hinders the implementation of human rights. With the rise of commerce, markets, and foreign investment, emerging nations' disparities have widened. The need for liberalism has necessitated a reduction in the role of the state in national life, resulting in a wave of privatization, job cuts, and reductions in health, education, and food subsidies, among other things, hurting the poor in society. In many situations, liberalization has resulted in increased inequality, trapping individuals in abject poverty. The downfall of the Asian giants' economies is an illustration of this. According to the Human Development Report of 1997, “impoverished nations and poor people's concerns are too often ignored as a result of globalisation.” Although economic globalisation has been regarded as a locomotive for productivity, opportunity, technical development, and international unity, it eventually leads to increasing destitution, social inequities, and breaches of human rights.

In this research, I attempted to show that globalisation has had and will continue to have a mixed influence on the achievement of human rights. The negative consequences, on the other hand, appear to originate and be felt more strongly in developing and underdeveloped nations. However, because the issue, in my opinion, lies not in globalisation but in how it is implemented, it is critical for human rights advocates to remember that their opposition is focused on the "method" rather than on globalisation itself. Indeed, globalisation has the potential to aid in the achievement of human rights. However, regardless of our sentiments about globalisation, it is our moral obligation, as proponents or opponents; people or groups; NGOs or governments, to reimagine the globalisation process in a way that maximises its benefits while minimising or eliminating its drawbacks.

Globalisation “cannot be halted,” as it is a natural trend through time. Is it “good” or “bad” to ask if globalisation is “good” or “bad”? “Friends or foes?” “Will it be a boon or a curse?” This meaningless. Globalisation as a concept is neither pro nor against human rights; it may provide the opportunity for both human rights advancement and abridgement. We live in a society where international organisations, multinational firms, and national corporations play a major role in the state.

As previously noted, the major international legal trends that appear to be occurring as a result of globalization appear to be as follows. First, human rights institutions and advocates believe that human rights legislation takes precedence over other areas of international law. It remains to be seen whether or not this statement will be accepted. Second, the international legal personality of inter-governmental organizations is viewed as carrying with it the need to adhere to general international law rules, in addition to the requirements of the organizations' constitutive charters or constitutions. Third, there appears to be an increase in the imposition of responsibility for human rights abuses on non-state actors.
All of this begs the question, “Does the state require strengthening?”

Power centres that coexist, if not compete, with political authority have emerged as a result of globalisation. Accountability for human rights abuses and the risk of future transgressions must involve non-state actors including the media, businesses, and international organisations such as the WTO and the World Bank today and in the future. States and their agents are no longer the exclusive, or even key, stakeholders in ensuring the preservation of human rights and freedoms. As recent international developments have shown, there are numerous approaches to this problem. The first step is to reinforce the state and hold it accountable for ensuring that non-state actors do not violate human rights.

Bibliography

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