

# Challenges to Human Rights

Dr B.Saroja

Co-ordinator

Department of PG Studies in Political Science

SSA Govt First Grade College.

S.N.Pet – Ballari

## Abstract:

The purpose of this paper is to examine the positive and negative aspects of globalization and realize how one could successfully deal with the challenge it poses. The study shows that though globalization is a process by which capital, goods, services and labor cross national borders, and acquire a transnational character, it is often accompanied by the flow of related lifestyles, tastes, ideas, and even values across boundaries which help reshape local political institutions, cultural patterns and social relations. It also creates new opportunities for many peoples to increase their wealth and enhance their prosperities. Globalization has today become a major sort of debate among academicians, policy makers and NGOs. Its impact is profound. Despite the continuing emphasis on promoting global prosperity and achieving a more “just world,” negative aspects of globalization remain rife in our globe. Poverties, inequalities, injustices, starvations, backwards and marginalization’s are all serious problems many societies are still experiencing.

**Keywords: Globalisation. Major, sort debate, academication, policy.**

## Introduction:

globalization is conceived as turning the whole world into one global village in which all peoples are increasingly interconnected and all the fences or barriers are removed, so that the world witnesses a new state of fast and free flow of people , capital , goods and ideas then the world would be witnessing unprecedented enjoyment of human rights everywhere because globalization is bringing prosperity to all the corners of the globe together with the spread of the highly cherished values of democracy , freedom and justice. On the other hand if globalization is conceived as turning the world into a global market for goods and services dominated and steered by the powerful gigantic transnational corporations and governed by the rule of profit then all the human rights of the people in the world, particularly in the southern part of the World would seriously be threatened. *VASUDHAIVA KUTUMBAKAM*, this world is one family, is an ancient and core part of Indian philosophy. Strange, that globalization is often portrayed as a recent western imposition on India and the world. Goods and people have moved across the globe for centuries, in fact, far more easily than now. Neither passports nor visas were required, and traders, pilgrims and adventurers moved around without let or hindrance. Although globalization and market liberalization have made some progress in terms of economic growth in certain countries, it has also had many negative impacts in developing societies.

## The Concept of Globalization Human Rights:

Globalization is an ambiguous term. It means different things to different people. It may mean different things to the same person. So what does globalization mean? Globalization including its various dimensions – from political, economic, social, cultural, and technological – is defined in varied ways. This movement is ensured through the 4-Ds: deregulation, denationalization, disinvestment and digitalization. With the rise of Japan and Germany as main economic powers in the beginning of 1960s, scholars started to deal with the term as a merely economic phenomenon. But after the “withering” of Communism and the end of the Cold War, the term becomes the ‘buzzword’ of our time and its meaning remains elusive. It is now no more an economic phenomenon or a merely mental state as perceived during the Cold War, but it transforms into a movement being enhanced through concentrating on (a) global common principles such as democracy and human rights, (b) growing interdependence between states, and (c) unprecedented revolution in information technology. The quantitative and qualitative effects of this process are seen in many aspects of human life. Within these perspectives, globalization globalizing certain values which include economic patterns related to free trade, production, consumption and distribution; cultural patterns related to entity, language, and lifestyle; and political patterns related to democratic process and human rights. Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. Human rights are what reason requires and conscience commands.

### Objective:

1. To find out whether the globalization as a process and human rights is one of friends or foes,
2. To demonstrate, that globalization has, and will have, a mixed impact on the realization of human rights.

### Research Methodology:

**Research Design:** In view of the objectives of the study listed above, exploratory research design has been adopted. Exploratory research is one, which largely interprets the already available information, and it lays particular emphasis on analysis and interpretation of the existing and available information and it makes use of secondary data.

**Sources of data:** The study is based on secondary data. The data has been collected from various other reports like magazines, journals, published books and official websites. These are also referred to for the present study.

**Tools of analysis:** The data collected for the study is analyzed logically and meaningfully to arrive at meaningful conclusions.

## Globalization and Human Rights: Friends or Foes?

There are group of “human rights” in the form of economic rights, labor rights, cultural rights, civil and political rights etc. Globalization has, undoubtedly, influenced not only the content, nature and realization of human rights but also the mechanism for their enforcement. This being the case, one should ask a more fundamental question first: what is the nature of globalization, both as a concept and as a process? Is it pro or anti-human rights or is it a neutral phenomenon? In my view, globalization as a concept is neither pro nor anti-human rights; conceptually, globalization could offer opportunities both for the promotion and abridgment of human rights, at the national level as well as internationally. What is, however, critical is the way in which this conception is operationalized, i.e., the process of globalization.

### Impact of Globalisation on Human Rights:

Human rights violations (whether of individual civil/political, economic/social, or minority rights) as a consequence of destructive social change resulting from globalization might result, at least in some instances, in radical shifts in a society's cultural values and norms that, in turn, may lead to a reconfiguration of the substance of traditional or historic notions of human rights. The outcome of this search for a revitalized identity and meaning is unpredictable. There may be a reinforcement of an exclusive communalism with little personal autonomy or there may be a loosening of communal ties and an expansion of individual demands based on class. The evidence points in both directions. Clearly globalization has had a deleterious effect on the entire complex of human rights, resulting in significant transformations in the behavior and values of masses of humanity across the globe. Some of the benefits of globalization contribute to the enhancement of human rights. Increased trade often aids developing countries and thus contributes to the mitigation of poverty; increased communication permits countries to learn from each other. In the sphere of human rights, communication via email has permitted human rights advocates in their locality and to communicate with other human rights advocates throughout the world. However there are other less beneficent effects on human rights arising from globalization. The emphasis on competitiveness and economic development has had especially negative effects on such vulnerable groups as migrant workers, indigenous peoples and migrant women. Globalization has been cited as a contributing factor in violations of the right to life, the right to protection of health, the right to safe and healthy working conditions and freedom of association in many countries.

The following aspects of the process of globalization have a potential to influence human rights jurisprudence.

#### 1. The Changing Role and Position of States:

Globalization directly hits at the traditional notion of state sovereignty. However, in view of ever-changing notions of sovereignty, one should not lightly assume that states or their sovereignty are withering away, or that globalization robs states of powers such as that of taxation. States, in principle, still possess the power of regulation and intervention, but the expectation is that such exercise of power should suit the interests of

global **capital**, even at the cost of harming the interests of local communities. Moreover, states, even democratic ones, might not be able to take an activist position in fulfilling their human rights obligations (particularly to socio-economic rights) under pressure from external international sources or MNCs. Given this scenario, it is doubtful whether states can be trusted to promote the human rights of their populace.

## **2. The Rise in Number and Influence of MNCs**

MNCs of today dwarf many modern states in terms of economic and also political might; their activities by and large are still not subject to concrete, legally binding human rights obligations flowing from either constitutional law or international law. Not only this, MNCs are also able to influence policy and law making in key areas such as public health, child labor, workers' rights, consumer protection, foreign investment, environmental protection, women's rights, and the rights of indigenous peoples. Although it can be argued that the arrival of MNCs in local markets benefits consumers and those MNCs could also have some positive impact on human rights that has not always been the case. The involvement of MNCs in human rights violations and generating environmental hazards is well documented. Corporations undoubtedly produce wealth, but they also produce risks, both to humans and to the ecosystem. Globalization has facilitated the export of risks to those countries that are least capable to handle them.

## **3. Technology and Globalisation**

Technology is one of the most prominent of the many areas used to characterize globalization," because it enables "the 'freedom of circulation' of ideas, goods and peoples." Technology has the potential to shape the nature of human rights and could have mixed effect on their realization. The internet, for example, not only enabled the transmission of information to consumers swiftly and in a cost-effective manner, but also allowed non-government organizations (NGOs) to foster partnerships and alliances across the world to fight against the perception that globalization is against human rights. But the internet has also raised thorny issues related to, say, and the right to privacy. Similarly, other technologies, such as digitalization, biotechnology and human cloning, do have serious implications for the realization of various human rights. In sum, though technology could be used to promote human rights, there are reasons to believe, given the economic considerations involved in its production, transfer and dissemination, that the final balance-sheet might paint a gloomy picture as far as the future of human rights is concerned. This is so because it is doubtful whether technology is neutral, and it may benefit some more than the many.

## **4. Governance by Regional or International Treaties:**

Globalization demands close cooperation among states, especially in areas that facilitate foreign investment and free trade: "The international rules on the protection of foreign investment catalyze international flows of capital. They are an engine of economic globalization." Increasingly, issues are being regulated and governed by regional or international treaties because "in today's world 'sole source' decision-making is impossible in light of global economic realities." This transfer of governance matters, including human rights, from states to supra-state body's results in a blurring of the line between municipal and international

governance issues. This process, in addition to resulting in a necessary relinquishment of sovereignty on the part of states, has two other significant human rights implications. First, it limits the leeway and discretion available to states to react to their respective special human rights or environmental needs. For example, a member state of the WTO could no longer act, even if demanded by its Constitution, to tackle a health emergency in disregard to the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the Doha Declaration. Second, the process is undemocratic in operation; Amman terms this as "the democracy problem in globalization." In fact, what Professor Philippe Sands observes with reference to the United Kingdom is quite revealing: "So the dozens of investment-protection treaties which Britain has entered into over the last three decades [1960s to 1990s] have never been scrutinized by an elected, democratic body."

### **5. Reliance on Free Markets:**

Globalization relies heavily on free markets, market forces, and the principle of economic efficiency. These could promote human rights in several ways, but markets could also work against the realization of human rights. In fact, in view of a deep normative conflict between trade law, which underpins the market, and human rights law, it cannot be said with certainty whether free market philosophy will provide enough space for human rights to flourish.

### **6. The Culture of Consumerism:**

Consumerism is another important facet of globalization, for it helps in creating and sustaining markets for goods and services. Corporations strive hard and compete fiercely to increase their profits and capture more market share. Since consumerism is increasingly used as a device for "market-creation," the interests of consumers are the obvious casualties. Consumers' choices are molded, sometimes even in total disregard to their health and safety, through, for example, the use of famous personalities or women in sexually explicit advertisements. Since the culture of consumerism, something incompatible with sustainable development, dictates life's priorities not on the basis of rational and free decision making but on corporate interests, this poses a serious challenge to the realization of human rights.

### **7. The Role of the Media and NGOs:**

Media, civil society organs such as NGOs, and public-minded citizens have all assumed a greater role in global governance. They influence policy and law-making decisions at both municipal and international levels. The revolution in information technology has further facilitated their contributions. Although both NGOs and media have played significant parts in the promotion of human rights, there is an iota of skepticism about their role. For example, NGOs' dependence on donations and lack of transparency and accountability in their functioning, as well as the polarization of media in certain corporate hands, are matters of some concern, especially if seen from the perspective of developing countries.

## 8. Working women and Globalisation

Although unskilled workers in general are victims of globalization, the situation of women workers deserves meticulous attention. On the one hand, globalization has increased opportunities for women. Women have entered the workforce through jobs in export processing zones or through becoming migrant domestic workers, jobs that are mostly produced by globalization. Their work has significantly contributed to family income and to sense of independence and freedom for women workers. But, these jobs have also led to social disruption of the family and expose women to exploitation, at times even to violence and sexual abuse. As a faction of society which lacks power and status in society, their human rights are frequently violated. Women migrant workers are often drawn from the poorer segments of the society of their own communities and are thus already in a situation of vulnerability. Their vulnerability is increased during their stay at foreign places as they are regarded as a form of cheap and exploitable labour, their passports are sometimes confiscated and, alone in a foreign country whose laws and customs they do not know, they are unable to find recourse against abuses.

## 9. Rights of Indigenous People:

The international community has become concerned over violations of the rights of indigenous peoples in recent years, after many years of neglect. The United Nations Working Group on Indigenous Peoples has drafted a declaration on the rights of indigenous peoples, which is being examined by a working group of the UN Commission on Human Rights and will eventually come before the General Assembly for adoption. The decade from 1994-2003 has been declared the UN Decade for Indigenous Peoples. The violation of the rights of the indigenous has been taking place for centuries, the recent emphasis on economic development and international competitiveness has resulted in new onslaughts on their rights. The link between the rights of indigenous peoples and globalization was demonstrated by coming into effect of North American Free Trade Agreement of 1994, for the uprising by Indians in Chiapas, Mexico, drawing attention to the violation of their economic and social rights.

## 10. Workers Rights and Globalisation

The competitive pressures of the new international economy have had negative effects on the rights of workers. Low labour costs and low labour standards are important elements in the choice of location of branches or subsidiaries of transnational corporations or choice of suppliers for industrial development. Textiles and other goods produced more cheaply in developing countries are taking over markets in the developed world. Governments thus have little or no incentive to improve working conditions – on the contrary, their competitive advantage depends on these conditions. Developing countries oppose the linking of labour standards to trade issues, pointing out that such linkages would take away their competitive advantage through cheap labour and low labour standards. This argument is quite understandable since it is essential to increase the trade of developing countries, however in such case, the cost falls on the most

vulnerable elements in the developing countries: unskilled or semi skilled labourers whose rights to organize labour unions, to engage in collective bargaining or to protest against unsafe working conditions are denied.

## **Implementation of Human Rights in the Era of Globalisation:**

### **Judiciary:**

As far as implementation of human rights in India is concerned, the Indian Judiciary has been doing a commendable job from last three to four decades. In fact, it was the Supreme Court of India, well before the adoption of liberal economic policies of 1991, foreseen the impact of liberalization/privatization/globalization on fundamental rights guaranteed under the Constitution of India. The Judiciary was aware of, that, liberal economic policies could seriously affect the fundamental rights of the weaker sections of the society and they cannot survive under such economic policies. The Supreme Court of India, time and again, kept on redressing specific human rights violation, issues discussed were constitutionality of the policy of privatization, disinvestment, pollution of rivers, deaths due to starvation, right to strike and band, employment of children in hazardous industries, right to health and many more such issues which concerned or were directly or indirectly concerned to basic rights of an human being. And in majority of these cases, the Supreme has been able to secure justice victims of violations of human rights due to globalization. Besides, the Apex Court of India has tried to create a balance between the need for development and the protection of human rights.

### **Legislature:**

Now coming to the role played by Legislature wing of the State, the Government of India framed major economic policies in 1991 to attract global corporate world to India. Since 1991, there have been discussions on not only constitutionality of such policies but also its consequences. It is to be believed that the policy of liberalization was a much needed one, but, it seems that the government could not ensure that realization of human rights, especially of the poor people, is to remain a cardinal factor at the time of law making or decision making process. For instance, the government could not satisfactorily control the course of foreign investment and made some bad policy decisions in terms of investment prioritization. Like people in villages have access to soft drinks but not to clean drinking water, food, etc. Also, it seems that the amendments proposed by the government in laws related to foreign investment, trade union and contract labour beard a negative impact on human rights, especially of labourers and women workers.

### **Executive:**

On the other hand, government took some initiatives as well to protect human rights from being violated by framing some policies like, corporate social responsibility to protect environment, social security scheme for unorganized sector, minimum environment norms for large scale urban projects and various other schemes as well.

In all, it is submitted that all the wings of the State have done enough for their responsibility for protection and safeguarding of human rights against the global economic pace. But still, there is lot of gap that is to be

filled up in absolute realization of human rights. The State, at times, has shown its greed for economic prosperity by contending that it will automatically lead to realization of human rights at all levels, but in this course they have been caught in the trap of global corporate giants. Therefore, India has to rethink about its economic policies in order to safeguard human rights from the negative impacts of globalization.

### **Conclusion:**

Globalization has its winners and losers. It creates both help and hindrance in realization of human rights. With the expansion of trade, market, foreign investment, developing countries have seen the gaps among themselves widen. The imperative to liberalize has demanded a shrinking of State involvement in national life, producing a wave of privatization, cutting jobs, slashing health, education and food subsidies, etc. affecting the poor people in society. In many cases, liberalization has been accompanied by greater inequality and people are left trapped in utter poverty. The collapse of the economies of the Asian giants is an example of this. The Human Development Report of 1997 revealed that poor countries and poor people too often find their interests neglected as a result of globalization. Although globalization of the economy has been characterized as a locomotive for productivity, opportunity technological progress, and uniting the world, it ultimately causes increased impoverishment, social disparities and violations of human rights.

In this paper I have tried to demonstrate, that globalization has, and will have, a mixed impact on the realization of human rights. The negative effects, though, seem to arise and to be experienced more strongly in developing and under-developed countries. However, as the fault, in my view, does not lie in globalization but in the way it is run, it is important for human rights activists to bear in mind that their resistance is directed towards the "way" and not toward globalization per se. Globalization could, in fact, help in the realization of human rights. However, and regardless of our attitudes toward globalization, it is our moral responsibility, as proponents or opponents; individuals or groups; NGOs or governments, to rethink the process of globalization in a manner that enhances its advantages and reduces or eradicates its negatives.

Globalization "cannot be stopped," it's a natural progression through time. Asking if Globalization is "good" or "bad"? "Friends or foes"? "Boon or bane"? is irrelevant. Globalization as a concept is neither pro human rights nor anti human rights, it could offer opportunities for promotion of human rights as well as abridgement of human rights. We are in a world that international organizations, multinational, and national corporations plays an important role in the state. In this model, Globalization opens up markets; markets are the basis of the liberal economic order; the liberal economic order is the basis of democracy; democracy is the basis of human rights a comparison would be that it's like a drug that will cause headache now, however it will cure cancer eventually. So globalization in this context changes the world to become a "global pillage instead of being a global village"



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