

# PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF GLOBALIZATION PROCESSES

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**Abstract.** In the context of globalization, significant changes are taking place in the system of international relations, socio-economic processes and the legal sphere, which directly affects the implementation and protection of human rights. Globalization creates both new opportunities for the development of democracy, the rule of law and international cooperation, and significant challenges associated with increasing inequality, migration crises, information threats and the weakening of national sovereignty. In this context, the improvement of international legal mechanisms for the protection of human rights and their effective integration into national legal systems is of particular importance. Research into this issue contributes to the formation of a holistic approach to ensuring the rights and freedoms of the individual in the context of growing global interdependence.

The article is devoted to the theoretical study of the main directions of the impact of globalization on the problems of protecting human rights in the modern, democratic and humane world. The study of international legal mechanisms for the protection of human rights, which are designed to play a unique role in responding to the challenges of globalization and using the opportunities it opens up for equality for all in the international community, is carried out. The article identifies the main regulatory and legal acts that are decisive for the formation of both international and domestic policies of each state that regulate the sphere of human rights protection.

**Keywords:** human rights, globalization, mechanisms for the protection of human rights, international law, international organizations

## INTRODUCTION

The process of legal globalization has a direct or indirect impact on the sphere of human rights regulation both at the global level and at the level of regional legal systems. Intensive globalization processes that began in the second half of the last century are increasingly affecting the implementation of human rights within non-European continents. However, this process is ambiguous and is accompanied by certain collisions and even the emergence of conflict situations. In many cases, it is due to civilizational features, stable traditions and customs that deny or hinder the process of perception of values unknown to a specific socio-cultural system, which are generally recognized at the international level as standards of human rights, thus undermining the idea and principle of the universality of human rights.

The phenomenon of globalization of human rights has been studied quite fully in the doctrine of international law. In this regard, it should be mentioned that at the current stage of the formation and development of modern society, globalization encompasses not only legal aspects that have an impact on the full implementation of all human rights, but these processes are also influenced by the economic development of the state, which has its own social, political, environmental and cultural features, which also play an important role. Many scientific works have been devoted to the problem of human rights and their protection, and it has become an interdisciplinary topic. Such a general interest in these issues lies at the very foundation of the existence of the entire human community. In this regard, there is a need to study the problems of protecting human rights in the process of globalization.

**The object of the research** – protection human rights in the processes of globalization.

**The aim of the research** – to analyse the protection of human rights in the context of globalization processes and identify gaps in the main international legal documents in the field of human rights protection.

**Methodology of the research:** a search in the available methodological and scientific literature with an analysis of the material found, induction and deduction, clarification of cause-and-effect relationships, systematization, abstraction and concretization, analysis of documentation.

## THE IMPACT OF GLOBALIZATION ON HUMAN RIGHTS

After the world entered the new millennium, any scientific and research investigations begin with the question of what modern globalization is, what forms it takes today, whether it is really such an extremely necessary component of the effective protection of human rights in the modern, democratic and humane world, whether it still has a negative impact on social life, which must be avoided at all costs, whether it can be avoided or even bypassed (Brysk, A., 2002).

The intensive process of globalization, which has been observed over the past decades, has caused much discussion among scientists from various fields. Many modern studies are devoted to the problems of globalization and its consequences (Zheng, Y., 2023).

Scientists dwell in detail on such aspects of globalization as: geopolitical changes in the modern environment; global transformations and the security of the development of political, economic, and social systems; the evolution of

international relations; the relationship between global and national factors; problems of global transformations; international economic security, international terrorism, and others (Tanner, E., 2011).

Today a state that adheres to international standards in the field of human rights from the point of view of the world community has a more legitimate position in the international arena (Brysk, A., 2002). As a result, an individual who considers himself a citizen of a particular country, at the same time feels himself a citizen of the whole world, since what happens in the whole world or even in one part of the globe has consequences for him as an individual.

Many people see “globalization” as an inevitable process driven by new technologies in electronic communications and transportation, enabling information, people, capital, and goods to cross borders and reach the most remote corners of our planet with extraordinary speed. Globalization is transforming our world into a global community and bringing with it legal, political, and economic changes that are opening up unprecedented opportunities for the prosperity and protection of rights for all its inhabitants (Tanner, E., 2011).

The modern period of development of society is characterized by a qualitatively new state, which is defined as the process of globalization – a worldwide process that unites national formations into a single system. Modern globalization processes seek to bring national legal systems closer together, to create unified legal standards, primarily in the field of human rights (Sitek, M., 2016). And that is why, in the conditions of globalization, human rights, freedoms, and obligations occupy a primary place in importance compared to other legal phenomena.

Globalization is an objective phenomenon that affects all peoples and all countries. Globalization is understood as an objectively existing period of development of human civilization, which is caused by the emergence and awareness of global problems, the search for new ways and methods of solving them.

Thus, the globalization of human rights, on the one hand, is an objective phenomenon that takes place in the activities of the world level, and on the other hand, it is revealed as a set of processes such as unification, universality and standardization. At the same time, as scientists rightly point out, these processes did not arise today, but were prepared by all levels of the previous development of humanity and man. This is also an intensification of global social ties, which cover the most remote corners of the globe and events that occur in one place affect the situation in another.

Nowadays, the process of unification of humanity overcomes not only national and regional borders, but has entered the world arena and is reflected in the globalization of world development (Bartolomei, M. L., 1997). Since the natural tendencies towards the unity of humanity are realized not only directly, but also through the process of production, exchange, information, and spiritual ties between peoples, it is precisely industrial civilization with its significant increase in production that has significantly intensified this process.

In general, the trend towards the unity of humanity is progressive and is reflected in the strengthening of ties between representatives of different nations and nationalities, in the internationalization of production and exchange, in the use of experience in building political structures, protecting human rights, in the growth of information, the exchange of spiritual values, the emergence of supranational and suprastate structures, etc. Globalization is becoming an obvious dominant factor that shapes general human interests and values, and on this basis, the need to create universal rights that are common to all humanity objectively arises (Sitek, M., 2016).

It should be recognized that the universal nature of global problems of human rights protection requires multilateral solutions. The impact of globalization on the economic, political, legal and social life of states and peoples occurs in various forms and by various methods. As for the results of such action, their strength and direction depend on many factors, among which the legal sphere occupies a special place (Cinelli, C., 2017).

Today, international human rights organizations, in their activities, are guided by various forms of control and protection of human rights, including the adoption of universally binding international legal acts, reports from participating states, holding conferences, special sessions, and the introduction of international human rights days (Brysk, A., 2002). In addition, various economic and educational programs have been introduced to establish dialogue between nations and explain the essence of the universal nature of human rights.

Thus, the international community is trying to do everything possible to implement the idea of protecting the rights of every person. But still, there are problems that individuals face in the sphere of protecting their rights. One of the ways to protect human rights is the agreement of states when concluding international treaties on human rights. And the states that have joined are obliged to take the necessary measures to protect (with the help of competent authorities) the violated right of any legal subject (Zheng, Y., 2023).

In the current conditions of globalization, it is necessary to create effective mechanisms for investigating and prosecuting crimes committed by members of one's own military forces and for protecting the victims of such offenses.

Analysing a number of cases related to the protection of human rights, one can conclude that the guarantees of protection and security of human rights defenders and human rights organizations are decreasing. It is necessary that crimes committed against human rights defenders do not remain unsolved, and the guilty persons do not go unpunished (Bartolomei, M. L., 1997).

Important conditions of state policy in the sphere of protection of human and civil rights of democratic states are that it is formed in accordance with modern challenges and needs of society, taking into account international standards enshrined in international normative and legal acts. Therefore, every civilized, modern and democratic state undertakes to protect people's rights through its state authorities, and such an obligation is imposed on the entire civil society, private structures, enterprises and each individual citizen.

Because of this, it is important that the basis of the state policy of a modern democratic state should also be the task of increasing the level of legal consciousness and legal awareness of society. And only strong effective cooperation

and bilateral relations between the state and civil society are able to ensure effective regulation of the sphere of protection of human and citizen rights. All this lays a strong and effective ideological foundation, as well as the basic legal principles of the relationship between man and the state (Cinelli, C., 2017).

The current process of globalization is inevitable, it is the result of the decisions of the people who make it. It can and should be redirected in such a way as to transform it into a democratic process, the central place in which people would occupy as participants. Therefore, every person has dignity, value and deserves recognition, respect and protection of all the human rights that belong to him (Zheng, Y., 2023).

The mutual influence on the protection of human rights of all states governed by the rule of law is part of the common heritage of all mankind, and it is necessary to be aware of the danger that globalization may pose a threat to the legal sphere in the protection of fundamental human rights and freedoms. Globalization, penetrating all spheres of public life, actively influences law and creates new trends in the legal regulation of human rights. Multilateral mechanisms are called upon to play a unique role in responding to the challenges of globalization and using the opportunities it opens up (Tanner, E., 2011).

## PROBLEMS OF HUMAN RIGHT PROTECTION IN THE PROCESS OF GLOBALIZATION

The process of globalization is accompanied by a wide-ranging breaking of borders between states in the sphere of social, political and economic relations, large-scale integration in the economic sphere through the expansion of trade and investment and production ties, the opening and expansion of trade and economic markets, and an increase in migration, which often takes on uncontrolled proportions. This contributes to the liberalization of relations between various subjects of international relations (groups of states, states, peoples, nations) to create a single economic market for the sake of the internationalization of the world economy. Of course, this is a positive direction of world evolution, since it overcomes the borders between individual units of world development.

The means of achieving progress on this issue has become large-scale scientific, technical and organizational progress, in particular the development of information technologies and communication systems, which has strengthened the possibilities of coordinating international relations and cooperation.

In general, the positive goal of global unification in ensuring peace and achieving international security is often achieved by negative means, in particular, with the use of violent means of economic and civilizational development, which gives rise to many political, economic and legal problems, which are connected by a cause-and-effect relationship. Here local overpopulation, the threat to the environment, the spread of epidemics and socially dangerous diseases (drug, alcohol and other addictions), terrorism, the growth of crime, etc. can be noted.

Along with the need for global unification to achieve global goals in ensuring sustainable development, peace, democracy and security and creating a common concept of international development, it is also necessary to have a developed domestic policy of each state towards preserving national identity and respecting human and citizen rights.

Thus, each state, on the one hand, taking domestic interests as a basis, and on the other hand, keeping a reference point on global unification processes, should pay special attention to the protection of human rights. The state is the main instrument for ensuring human rights, and significant obligations are imposed on it in this area. This is confirmed by all international legal acts on human rights.

The development of mechanisms for the protection of human rights in international law was initiated in the 19th century. However, at that time there was no systematized procedure for the protection of human rights, which would be provided by international law, that is, comprehensive mechanisms for the protection of human rights had not yet been developed.

Important steps towards achieving the goal of regulating the protection of human rights were the signing of the United Nations Declaration by representatives of 26 states during the Washington Conference, which took place on December 22, 1941 – January 14, 1942, and the creation of the United Nations during the conference in San Francisco on October 24, 1945 on the basis of the United Nations Charter.

The basis for the development of universal and regional mechanisms for the protection of human rights was laid in the concept of the United Nations Charter (R. Kužniar, 2000). Among the main regulatory legal acts that are decisive for the formation of both international and national policies of each state that regulate the sphere of human rights protection are the Charter of the United Nations (dated 06/26/1945), the Universal Declaration of Human Rights (dated 12/10/1948), the European Convention for the Protection of Human Rights and Fundamental Freedoms (dated 11/04/1950), the International Covenant on Civil and Political Rights (1966), etc.

In general, the history of international legal codification of the system of human rights protection should begin approximately after the end of World War II, from the moment of the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations on December 10, 1948. This Declaration became an important document in international law, which defined for the UN Member States the international standards of the legal system, which was to become a benchmark for national positive legal systems. This is stated in the preamble of the document: "The General Assembly proclaims this Universal Declaration of Human Rights as a common goal for all peoples and all States, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by education to promote respect for these rights and freedoms and by progressive measures, national and international, to

secure their universal and effective recognition and observance both among the peoples of Member States and among the peoples of territories under their jurisdiction" (Universal Declaration of Human Rights, 1948).

According to the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948, "All human beings are born free and equal in dignity and rights" (Article 1), and "everyone is entitled to all rights and freedoms, <...> without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2) (Universal Declaration of Human Rights, 1948).

Thus, as early as 1949, the Council of Europe decided to develop international standards in the field of respect for human rights, the rule of law and pluralistic democracy. Given the agreement of all countries to normatively fix at the international level the problem of regulating the protection of human rights, which is evidenced in the Universal Declaration of Human Rights, and the development of specific preventive measures to ensure the protection of human rights, the Universal Declaration did not become a catalogue of human rights. That is, this document opened the way to broad cooperation in the field of promoting human rights in the world. The Universal Declaration of Human Rights only initiated the process of codification and development of international law in resolving the issue of defining human rights.

In general, human rights in the Declaration are divided into several groups:

- *personal rights* (fundamental), including: the right to life, liberty and security, the prohibition of slavery, torture and cruel, inhuman or degrading treatment or treatment, the right to legal recognition of a person before the law and to equal legal protection, the right to judicial protection in the event of a violation of fundamental human rights granted by domestic law, the prohibition of arbitrary deprivation of liberty, the right to a fair trial, the principle of the presumption of innocence, the right to defence, the right to privacy, respect for family life, the right to confidentiality of correspondence, the right to freedom of movement, the right to seek asylum, the right to marry, the right to property, freedom of thought, conscience and religion;

- *political rights* (civil), including: the right to citizenship, freedom of speech, freedom of assembly and association, the right to participate in the governance of the country and access to public functions and democratic elections;

- *economic, social and cultural rights*: the right to work, the right to just remuneration for work, protection against unemployment, the right to establish and enter into commercial relations, the right to rest and leisure, the right to a decent standard of living, medical care, social security, the right of mother and child, the right to education, the right to culture (Universal Declaration of Human Rights, 1948).

Thus, the general standard of the normative and legal principles and provisions set forth in the Declaration was to become a starting point for building a peaceful world society in a wide geographical space and preventing war. This importance of the Universal Declaration of Human Rights in initiating the process of accelerating the protection of human rights in a political and legal sense was emphasized by the Chairman of the UN Commission on Human Rights, E. Roosevelt, during his speech at the III session of the UN General Assembly on December 10, 1948: "In adopting the Universal Declaration of Human Rights, it is extremely important to remember the fundamental nature of the document <...> it is a declaration of fundamental principles of human rights and freedoms, which must be approved by the General Assembly by a formal vote of its members and should serve as a common standard of achievement for all peoples of all states" (Micheline Isha, 2008).

Subsequently, the content of the Universal Declaration of Human Rights was detailed in seven UN Conventions, which specified human rights standards:

- International Bill of Human Rights (initially included, in addition to the Universal Declaration of Human Rights itself, the International Covenant on Civil and Political Rights and the Optional Protocols thereto);

- International Covenant on Economic, Social and Cultural Rights (adopted by the UN General Assembly on December 16, 1966, entered into force on January 3, 1976);

- International Convention on the Elimination of All Forms of Racial Discrimination (adopted by the General Assembly on December 21, 1965, entered into force on January 4, 1969);

- Convention on the Elimination of All Forms of Discrimination against Women (adopted in 1979 by the United Nations General Assembly);

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by the UN in 1984, entered into force in 1987);

- Convention on the Rights of the Child (adopted by resolution 44/25 of the UN General Assembly of November 20, 1989).

A special role in the legal regulation of the problem of human rights protection was played by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which entered into force in 1976.

Both international documents became universally binding in matters of international law, although these documents, unlike the Universal Declaration of Human Rights, did not contain provisions on the right to property and to seek asylum.

However, these documents emphasized the right to humane treatment and respect for personal dignity, the prohibition of deprivation of liberty, the rights of the child, ethnic, religious or linguistic minorities, the right to life, the prohibition of slavery and forced labour, the right to privacy, freedom of opinion and religion, and the prohibition of discrimination.

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights contain provisions on the general principles of human rights protection, namely: granting all peoples the right to self-determination, which is expressed in the freedom to choose their political status and determine their economic development, including the right to independently dispose of their wealth (R. Kužniar, 2000).

Currently, the aforementioned International Bill of Human Rights also includes:

– International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18.12.1990);

– International Convention for the Protection of All Persons from Enforced Disappearance (UN Convention, adopted in 2006, entered into force on 23 December 2010);

– Convention on the Rights of Persons with Disabilities (UN Convention of 13.12.2006).

A number of scientists are inclined to use the concept of “human rights standards” (Micheline Isha, 2008).

The concept of “human rights standards” is associated with those legal norms that make up the content of international regulatory legal acts that consolidate the achievements of law determined by humanity.

Since the 80s of the 20th century, the paradigm and principles of Good Governance have been promoted in the world, based on the recommendations of the World Bank, the International Monetary Fund, UNDP and the Organization for Economic Cooperation and Development.

This has become a tool for countries to achieve development goals under the conditions of globalization, rapid changes in the context, and crises of a natural, technogenic or political nature in ensuring sustainable development. Among the main goals are, in particular, the achievement of high standards of the rule of law and protection of human rights, pluralistic democracy and participatory democracy, which have become integral characteristics of modernity.

The regulatory framework for the implementation of good governance was initiated with the approval in 2005 by the 14th session of the European Conference of Ministers of the Council of Europe member states of the Budapest Declaration on ensuring good governance at local and regional levels and the Action Plan on ensuring good governance at local and regional levels. The principles of good governance were also enshrined in the Warsaw Declaration of the Third Summit of Heads of State and Government of the Council of Europe member states, adopted on 17 May 2005.

In 2007, the 15th session of the European Conference of Ministers of the Council of Europe member states responsible for local and regional governance approved the Valencia Declaration on Good Local and Regional Governance – A European Challenge and the Strategy for Innovation and Good Governance at Local Level, which was developed by the Council of Europe, including a list of 12 principles of good democratic governance. On 26 March 2008, the Committee of Ministers of the Council of Europe, at its 1022nd meeting, approved the Strategy for Innovation and Good Governance at Local Level and invited the member states of the Council of Europe to follow its provisions. In support of this document, in 2009, at the 16th session of the European Conference of Ministers of the Council of Europe member states responsible for local and regional government, the Utrecht Declaration “Good local and regional governance in unstable times: a guarantee of change” was adopted (Pollitt, C., & Bouckaert, G., 2017). On 5 February 2014, the Committee of Ministers of the Council of Europe, during its 1190th meeting, decided on the need to take action at the European, national and local levels and considered ways to promote the implementation of the 12 principles of good governance.

Thus, according to the paradigm of good governance, the rule of law and the protection of human rights are among the twelve important mechanisms that, in the realities of the 21st century, allow avoiding a significant number of risks and achieving planned results in the most acceptable time and for the most acceptable budget, thereby ensuring the optimal quality of public administration for all parties, dynamic development and positive changes in society (Pollitt, C., & Bouckaert, G., 2017).

However, it should be taken into account that international standards are only a guideline. Therefore, only general conditions for regulation in state policy are defined here, in particular in the sphere of protection of human and civil rights. Therefore, the state should be obliged to raise national standards and determine specific instruments of influence on their guarantee and observance.

The main features of state policy in the sphere of protection of human and civil rights of democratic states are that it is formed in accordance with modern challenges and needs of society, taking into account international standards enshrined in international regulatory legal acts.

The protection of human rights is an obligation to the state not only for state authorities, but also for all civil society, private structures, enterprises and each individual citizen. Therefore, the basis of the state policy of a modern democratic state should also be the task of increasing the level of legal consciousness and legal awareness. And only strong effective cooperation and bilateral relations between the state and civil society can ensure effective regulation of the sphere of protection of human and citizen rights.

The state can implement obligations in the sphere of protection of human rights thanks to the delegated managerial powers in all spheres of public life through various instruments, including political ones. This is how state policy is formed. State policy in the sphere of protection of human rights is formed in the process of conscious, purposeful activity by developing and adopting management decisions in the legislative process, organizing their implementation, regulating social processes and summing up this activity in the system of public administration.

## CONCLUSIONS

The international community should strive to achieve the unconditional rule of the principle of respect for fundamental human rights, regardless of the peculiarities of legal systems, geopolitics or any conventions. To this end, it is necessary for all international organizations to encourage and support states in implementing such a policy in the state-legal and international space.

Thus, an important element in the state policy of modern states is the legislative initiative of parliaments in order to create appropriate regulatory and legal support for the regulation of the sphere of protection of human and citizen rights and their harmonization with international standards. In the context of globalization, the attention of each state should be focused not only on the internal dimension. It is also important to have levers of influence on solving this problem at the international level. The mechanism for ensuring the implementation of these tasks is the need for consistency of domestic standards with international ones, which is achieved through the ratification of international treaties.

The direct levers for monitoring compliance with human rights at the international level are the creation of institutions and control mechanisms that should respond to violations of international norms in the sphere of human rights and introduce measures to eliminate them.

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