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THE EFFECT OF GLOBALISATION ON HUMAN RIGHTS LAW

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ABSTRACT

Globalisation has emerged as one of the strongest forces reshaping the new world order with tremendous influence on the scope, content, and enforcement of human rights law. The following paper critically examines the complex and at times contradictory impact of globalisation upon the protection of human rights. Conversely, globalisation has facilitated transnational diffusion of human rights norms, induced more international cooperation, and created new channels of influence through non-governmental agencies, international institutions, and cyberspace. Soft-law mechanisms such as the UN Guiding Principles on Business and Human Rights have appeared to fill regulatory gaps following the trail of transnational corporate activities, while domestic courts and international treaties increasingly interact with each other to move forward protection of rights. But globalisation also poses significant challenges. Financial and trade liberalisation has circumscribed the regulatory powers of states, eroded welfare structures, and extended socio-economic inequalities, further destabilising the realisation of social and economic rights. The rise of influential transnational companies has resulted in accountability deficits, since their victims barely get effective redress across various jurisdictions. In addition, cyber globalisation, by empowering and enabling activists, has also opened the gateways to mass surveillance, disinformation, and censorship that threaten civil and political rights.

Through combining doctrinal deconstruction, interdisciplinary research, and symbolic case studies on labour rights, corporate accountability, and digital freedoms, this research argues that globalisation is a double-edged sword. It simultaneously increases the visibility and universality of human rights while venturing into major governance and enforcement lacunae. The author concludes that the future of human rights during the age of globalisation depends on reorienting legal architecture to fit the realities of interdependence. Among the central recommendations are the application of binding obligations against corporations, the protection of state policy space for socio-economic rights, the reinforcement of transnational

accountability mechanisms, and the regulation of digital platforms based on human-rights standards. It is only through such reforms that globalisation may be harmonised with the universality, indivisibility, and effectiveness of human rights law.

1. INTRODUCTION

Globalisation has been the defining feature of our era, reshaping economic, political, social, and legal institutions. Since as much as it is commonly linked with liberalisation of markets and borders, its reach goes far beyond economies. Human rights law developed after World War II as statements such as the Universal Declaration of Human Rights (1948) and subsequent UN covenants has been completely influenced by globalisation.

On the other hand, globalisation has extended human rights standards to every nook and corner of the world. International institutions, transnational non-governmental organisations (NGOs), and international media have pushed states and businesses to be held accountable for abuses and brought abuses into the international spotlight.

Establishment of regional human rights courts and soft-law mechanisms, including the UN Guiding Principles on Business and Human Rights (2011), indicates the potential of international cooperation to render rights more secure. New communication and information technologies have also democratized activists, providing new arenas for mobilisation and cross-border solidarity.

But globalisation also poses threats. Structural adjustment and economic liberalisation disempowered the ability of most states to provide welfare and gain socio-economic rights¹. Multinationals opt to operate across borders, and it is difficult to compel them to account for how they treat workers or ruin the environment. Digital globalisation, in contrast, creates new threats in the form of surveillance, control of the internet, and the spreading of misinformation that all diminish civil and political rights².

The thesis of this essay is that globalisation is a double-edged sword for human rights law. It holds open new horizons of promise for right protection, but reveals gaps in enforcement. Opportunities and limitations will be surveyed, illustrating how the prospects of human rights

¹ Joseph E. Stiglitz, *Globalization and Its Discontents* (W.W. Norton 2002).

² Shoshana Zuboff, *The Age of Surveillance Capitalism* (PublicAffairs 2019).

depend on harmonisation between legal and institutional frameworks and the exigencies of a fast globalising world.

2. Research problem, questions and objectives

Research problem. Globalisation changes the institutional and practical context for human rights — sometimes reinforcing rights through transnational diffusion and oversight, sometimes diluting them through market pressures, undermined social protections, and diffuse corporate structures that resist oversight

Research questions.

How do mechanisms of globalisation shape the development and content of human rights law? Does globalisation enhance or undermine the application of human rights norms? Under what circumstances?

How have global and domestic legal reactions evolved (or not) to human-rights harms engendered by globalisation?

Objectives.

Trace principal mechanisms through which globalisation impacts on human rights law.

Assess empirical and doctrine-based evidence (literature+cases) of benefits and detriments.

Recommended legal and policy measures to maximize benefits and minimize harms.

3. Literature review

The literature lists three general strands:

- 1. Normative diffusion / empowerment thesis:** Scholarship and reports have argued globalisation spreads human-rights norms via NGOs, media, courts, and transnational networks, enabling local actors to mobilise and assist international pressure. David Held and others discuss how global-governance institutions can imprint rights outside the nation-state.
- 2. Critical / restructuring thesis:** Critics highlight the manner in which neoliberal economic globalisation can undermine social and economic rights through austerity, undermining labour protection and moving policy-making to non-accountable international sites (e.g., investor-state dispute settlement).³ Regional scholars' studies

³ Joseph E. Stiglitz, *Globalization and Its Discontents* (Penguin 2002).

report mixed results for economic equality and welfare rights.

- 3. Institutional adaptation / governance responses:** More scholarship speaks to the ways in which international law and soft-law instruments (i.e., UN Guiding Principles on Business and Human Rights) operate to respond to transnational business activity creating governance deficits and cross-border harms. These studies evaluate boundaries and implementation shortcomings.⁴

Empirical reviews (journal articles, UN reports) emphasize the "double-edged" character of globalisation — both facilitating rights campaigning and creating new barriers to rights realisation.

4. Theoretical framework and methodology

Theoretical framework: The paper uses a multi-level governance lens: human rights outcomes result from interactions among global, transnational, national and local actors and institutions. Key mechanisms include norm diffusion, legal transplants, economic incentives, regulatory competition, and non-state actor behaviour (particularly corporations and NGOs).

Methodology: This is interdisciplinary doctrinal and qualitative research:

- Doctrinal analysis of primary international instruments (UDHR, ICCPR, ICESCR) and prominent soft-law instruments (UN Guiding Principles).
- Literature synthesis from academic articles, NGO reports and policy papers.
- Illustrative case studies selected to show varied mechanisms (trade and labour; transnational corporations; information flows and digital rights). Case selection is purposive to illustrate pathway variety rather than statistical generalisation.

5. How Globalisation Affects Human Rights Law — Pathways And Mechanisms

- 1. Norm diffusion and transnational advocacy:** Transnational advocacy networks and international organisations and global media carry human rights norms across borders.⁵ transnational networks of activists pressure corporations and states, leading to

⁴ John Ruggie, "Business and Human Rights: The Evolving International Agenda" (2007) 101 *American Journal of International Law* 819

⁵ Margaret E. Keck & Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press 1998).

enforcement and legal reform (e.g., incorporation of international standards domestically, domestic lawsuits referencing international law). This increases visibility and provides reputational costs for violators.

2. **Institutional layering and soft law:** When binding international law is behind, soft-law instruments step in (Guiding Principles on Business and Human Rights) to influence governments and companies. Soft law has the ability to trigger norms and corporate practices, but without mechanisms of enforcement, it remains bounded.
3. **Regulatory competition and economic integration:** Investment regimes and trade liberalisation may limit policy space for social protections of states (e.g., liberalisation conditions on loans, reductions in fiscal capacity), and thus influence socio-economic rights. Investor-state dispute settlement (ISDS) may chill regulation.
4. **Corporate organization and impunity:** Transnational companies can transfer activities between jurisdictions to avoid labor and environmental responsibilities, rendering accountability hard to achieve. Intricate supply chains diffuse responsibility and hinder remedial access for victims.
5. **Information flows, surveillance, and civil-political rights:** The global digital platforms facilitate mass information flows and rights mobilization but also give rise to new forms of surveillance, misinformation, and censorship dynamics that compromise civil and political rights. States and corporations now possess potent instruments impacting privacy, expression, and assembly.

6. Case studies

Case Study A — Liberalisation of trade and workers' rights

Trade agreements and international supply chains have raised incomes in some areas but frequently at the expense of poor labour standards. There are many examples where export-led growth is coupled with insecure work, child work and workplace dangers. International labour standards (ILO conventions) do exist, but enforcement is uneven; private certification programmes partly fill gaps but have limitations. Labour law reform in domestic legislation tends to fall behind market pressures and creates rights deficits.

Case Study B — Transnational companies & Business and Human Rights (BHR)

The 2011 UN Guiding Principles state the state responsibility to protect, corporate responsibility to respect, and requirement of remedy. They shaped national action plans and corporate policy, but their impact relies on implementation (legislation, obligatory corporate

due diligence, available remedies). Litigation tactics (tort actions, extraterritorial lawsuits) have achieved some accountability, but numerous victims remain obstructed.

Case Study C — Information flows, social media and civil-political rights

Platforms have facilitated mobilisation (e.g., human-rights revelations, campaign organising) but also the possibilities for state surveillance, digital repression, and rapid disinformation diffusion — all challenging free expression and privacy rights. The global nature of platforms makes regulatory jurisdiction difficult, and this creates convergent regulatory experiments (e.g., data protection regulations, platform regulation).

7. Challenges to enforcement and accountability

- 1. Jurisdictional fragmentation.** Transboundary harms tend to be located between regimes; victims encounter jurisdictional, evidentiary and cost barriers.
- 2. Power asymmetries.** States and powerful corporations can influence norms and institutions in their favour, eroding redistributive features of rights law. Recent writing identifies erosion of global human rights consensus in the context of geopolitical struggle.
- 3. Soft law limits.** Although helpful, non-binding instruments are not compelled and can be applied unevenly.
- 4. Domestic capacity limitations.** Some developing states may not have institutional capacity or political will to convert global commitments into useful domestic protections.
- 5. Declining civic space.** Increased authoritarianism and limitation of NGOs in some settings diminishes the capacity of transnational advocacy. Recent UN reports suggest dangers to the multilateral and rights architecture.

8. Policy recommendations

- 1. Deepen binding obligations on business practice:** Go beyond voluntary norms: embrace legally binding tools or obligatory corporate due diligence legislation that forces human-rights risk assessments and remediation channels. (Implementation needs to incorporate access to remedies and rules of liability.)
- 2. Safeguard policy space for socio-economic rights:** Trade/investment agreements need to be designed with clear protection of states' capacity to regulate for human rights

(health, labour, environment) and curb ISDS chilling effects.

3. **Strengthen transnational litigation instruments:** Support cross-border judicial cooperation, evidence gathering and victim standing in home-country and host- country courts; explore specialized transnational mechanisms for systemic corporate injuries.
4. **Manage digital platforms for right protection:** Set global/minimum rules for privacy, platform responsibility and content moderation transparency, managed through multistakeholder processes including human-rights protections.
5. **Support capacity-building and civil society :** Invest in local institutions - independent judiciaries, national human rights institutions, labour inspectorates - and defend civic space so transnational networks can keep playing their advocacy role.
6. **Support multilateralism and norm leadership:** Countries and global institutions need to reaffirm human rights commitments, reinforce treaty bodies and support mechanisms that bring abusers to book, resisting backsliding from shared values. Recent UN appeals highlight urgency.

9. Conclusion

Globalisation at the same time amplified the reach of human-rights norms and opened up new fault-lines threatening their implementation. Institutional reaction is the determinant of the net impact: where global and domestic law come into alignment — by making corporate obligations legally binding, safeguarding policy space for social rights, and bringing digital platforms under regulation — globalisation can promote rights. Otherwise, global forces threaten to exacerbate inequality and undermine accountability. Multilevel governance needs to be strengthened, legal instruments for transnational accountability, and domestic capacity are musts in order to make human-rights law responsive to the challenges of a globalized world.

10. Select bibliography

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- David Held, *Globalization, International Law and Human Rights* (lecture/paper).
- “Globalisation and Human Rights: An Overview of its Impact” (IJRAR / various academic overviews).

- Research articles on human-rights globalization and transnational advocacy (e.g., Sonia E. Alvarez on transnational organising).
- Recent UN commentary and reporting on threats to global human-rights consensus (news briefs reporting Volker Türk's statements, 2025).
- Academic overviews on globalization's socioeconomic impacts and legal responses (JGU/other university publications).

