Chapter 2
Globalization as a New Framework for Human Rights Protection

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ABSTRACT

Human rights protection through globalisation embraces universality by promoting the protection of human rights regardless of human differences including culture, religion, race, language and nationality. In the past however, some nations have denied to accept the key concepts of international social development and the protection of human dignity, through actioning war crimes and governmental intervention on the rights of citizens. Further, Cultural differences and intolerance of these differences, has created conflict in attempting to afford human rights to all individuals of all nations. Globalisation through encompassing various forms in the areas of political globalisation, media and communication, legal development, education, technological advancement and economic development, allows for the development of human rights protection with the consideration of vital social factors. Thus, Globalisation as a new framework for human rights protection has the potential to implement a global standard for all, in an attempt to repair the inadequacies of the past.


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INTRODUCTION

The concept of globalisation itself is one which is universal in character and practice. Though there is not one defined path in which globalisation has taken to develop, every nation in effect has evolved in particular ways in order to move forward and develop with time. Globalisation takes form in various shapes, with political, social and economic divisions, encompassing communication, religion and cultural groups worldwide. In its most simple sense, despite ‘globalisation’ often being used as contemporary buzzword, the fundamental principle behind globalisation is international social development (Mayo, 2005, p. 13).

In considering this seemingly clear societal evolution through globalisation, it would be easy to assume that a parallel line of growth has occurred in the area of human rights protection, both in the implementation of legislative instruments and the equality afforded to all individuals in practice.

However, this ‘idealistic’ model is not one which can be ideally carried out as current legislative instruments, human rights charters and ‘global standards’ are not applicable to all, despite the intention of their creation to be, a global standard of human rights afforded to each individual.

This chapter will thus examine the effectiveness of human rights measures and the impact that globalisation has had upon them, to ultimately draw a conclusion as to whether globalisation is a practical framework for human rights protection.

In doing this, this chapter will analyse both the social and legal implications of globalisation as a means of human rights protection. As such, the historical evolution of human rights will be discussed in an analysis on the effectiveness of current human rights standards on a global scale.

The chapter will explore the effectiveness of current human rights standards and discuss whether these standards are in need of a positive shift forward, to keep up with rapidly changing areas of law, in order for human rights to remain the foundation of legislative instruments.

Particular reference will be made to Refugee Law in Australia as a single example of the necessity of human rights in statute.

The second part of this chapter will consist of five case studies examining specific breaches of fundamental human rights, as set out in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights. The authors aim is to educate the reader from an insider perspective, of how significant these events are in understanding the importance of human rights protection, and in doing so will discuss the potential of curtailing human rights protection through globalisation.
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