



Human rights and Business rights in the time of Globalization: With Special reference to women rights

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Abstracts

Economic globalization and its correlate, trade liberalization, offer women opportunities for employment and entrepreneurship. In parts of the world where seclusion of women or male guardianship over women have been norms, women's entry into the labor force and their growing visibility in public places often has been met by conservative backlashes, intense national debates on women's roles, and feminist activism. Globalization has only served to intensify such debates and reactions, because of the accelerated nature of the social changes it engenders. This paper focuses on theoretical perspectives of rights of women since the birth of the concept of human rights. The human rights demanded cultural, social and economic rights. However, the notion of human rights in its initial days excluded women from demanding such rights. The paper makes an attempt to analyze the works on human rights that neither recognized the rights of women nor considered the intellect and rationality of women noteworthy. The process of globalization nevertheless has raised the demand for workforce and the focus of any program is to include women in the economic process of development with the ultimate objective of bringing about equality. In spite of recognizing the rights of women, the paper observes that violence against women has not ended and there are reports of such incidents: How have globalization processes affected women's social rights and economic citizenship? This paper shows how state strategies for integration into the global economy have been affecting women's economic participation and social rights and have been met by women's collective action for legal equality and socio-economic rights. A discussion of recent reforms of family codes and labor laws will elucidate the contradictory effects of globalization and the complicated relations between states and feminists in the region.

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Introduction:

In recent years, there has been growing awareness of the environmental, social and human impacts of worldwide extractivism on the lives and rights of rural and indigenous peoples. Yet, the specific impacts on women from these communities remain largely unaddressed. In the run-up to the UN Annual

Forum on Business and Human Rights, and drawing on the UN Guiding Principles on Business and Human Rights (UNGPR), Beyond Good Business will explore the big-picture and the day-to-day challenges faced by women impacted by extractivism worldwide, offer concrete solutions that seek to fully integrate women's rights into the implementation of the



UN Guiding Principles to support women in accessing remedy from adverse human rights impacts, and to promote women's rights and empowerment. Global supply chains, which are increasingly prevalent, employ large numbers of women in low paid, precarious jobs. For instance, 80% of the world's garment workers are women. They commonly endure poor and hazardous working conditions and a lack of adequate safeguards as labour standards or human rights laws are rarely enforced. The UK government has made a strong commitment to women's rights in its development policies, but these are currently not strongly reflected in its Business and Human Rights commitments.

The sexual division of labor and its correlate, the public/private divide, has allocated to women secondary and subordinate roles in the economy, the polity, and various social institutions. Even where women have been long involved in economic activities – whether formal or informal, agricultural or industrial, household or market – gender ideology has placed a lower value on the work that women do. In parts of the world where seclusion of women or male guardianship over women have been norms, women's entry into the labor force and their growing visibility in public places often has been met by conservative backlashes, intense national debates on women's roles, and feminist activism. Globalization has only served to intensify such debates and reactions, because of the accelerated nature of the social changes it engenders. In the

Middle East and North Africa region, for example, trade liberalization, Islamization, and demands for women's participation and rights have occurred in tandem, and often in conflict with each other. As a result, the protection or expansion of women's socio-economic rights confront at least two barriers: aspects of economic globalization and in particular the growth of precarious employment with little or no social protection; and the persistence of a gender ideology that has rendered women marginal in trade unions, government bodies, and other influential societal organizations.

Women's collective action, therefore, has centered on the expansion of women's organizations, which engage in advocacy, lobbying, and coalition-building to enhance women's participation and rights. Though largely constituted by women of the elite social groups, women's organizations in the Maghreb evince a kind of social feminism that calls for the enhancement of social rights as well as civil and political rights. Calls for legal and policy reform center on both family law and labor legislation, and to achieve these goals, women's organizations have built coalitions with trade unions, human rights groups, and government agencies. Concepts of economic citizenship and of social rights have been elaborated in a number of international conventions as well as in historical and sociological studies. Following Alice Kessler-Harris (2001), I define economic citizenship as the right to equal opportunity in employment and income, or (as recommended by the ILO), decent wages for decent work. Social rights, as defined by T.H. Marshall (1964), are part of the panoply of the rights of citizenship, and entail rights to employment, fair wages, trade unions, collective bargaining, and welfare. These concepts have been elaborated in the International Labor Organization's core labor standards, as well as in the International Covenant on Economic, Cultural, and Social Rights (ICESCR). For women, economic citizenship and social rights are also defined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and especially in the Beijing Platform for Action, as well as in the Charter of Women Workers Rights of the International Confederation of Free Trade Unions (ICFTU). This paper

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Literature Review:

Burkhart (2002); Huntington (1968); Marx (2002) Internal economic liberalization has also been discussed as a potentially important determinant of human rights. Internal economic freedom comprises, for instance, voluntary exchange, free competition, and



protection of persons and property within a national economy.

Chafetz and Dworkin, (1986) Gender stratification theories and sociological research on women's movements attribute collective action to socio-demographic processes such as urbanization, the expansion of women's education, and gaps between laws and policies, on the one hand, and women's social positions and aspirations on the other

Evans (1999) argues that economic integration in trade and investment generates incentives for

governments to abuse poor and disenfranchised people, so that repression, exploitation and human rights abuses arise.

Moghadam (2005a) Women in Development Europe (WIDE) and the Women's Environment and Development Organization (WEDO) – argue that the new trade agenda benefits the big corporations and rich countries, squeezing out small producers and wage earners

UNDP, (1999) Economic globalization and its correlate, trade liberalization, offer women opportunities for employment and entrepreneurship, but there are risks and social costs as well. There is little consensus among researchers about the short-term and long-term impact of liberalization. Many feel that the current neoliberal trade agenda does little to advance economies, let alone social groups such as workers and women

Objectives:

- 1.) To understand whether economic globalization affects human rights.
- 2.) To examine the impact of cultural, social and economic freedom on human rights of women.
- 3.) To analyze the works on human rights that neither recognized the rights of women nor considered the intellect and rationality of women.
- 4.) To discuss of recent reforms of family codes and labor laws will elucidate the

Contradictory effects of globalization and the complicated relations between states and feminists in particular region.

Research Hypotheses:

- 1.) This paper focuses on theoretical perspectives of rights of women since the birth of the concept of human rights. The human rights demanded cultural, social and economic rights.
- 2.) The paper observes that violence against women has not ended and there are reports of such incidents: How have globalization processes affected women's social rights and economic citizenship?
- 3.) This paper shows how state strategies for integration into the global economy have been affecting women's economic participation and social rights and have been met by women's collective action for legal equality and socio-economic rights.
- 4.) A discussion of recent reforms of family codes and labor laws will elucidate the contradictory effects of globalization and the complicated relations between states and feminists in the region.

Findings:

At the beginning of the 21st century, governments' disrespect for human rights is still evident in all regions of the world. Human rights violations continue to be the norm rather than the exception. According to Amnesty International (2006), millions of people worldwide are still denied fundamental rights. That being said, governments' respect for human rights is higher in some countries than in others and over the last few decades improvements have been visible in many of these countries. At the same time, globalization and economic freedom has had dramatic consequences on policies and outcomes around the world. In this paper, we argue that economic freedom and globalization are important determinants of governments' respect for human rights. Competition between economies has become tougher and expanded to an unprecedented worldwide level. Global



investors in financial markets exploit even marginal differences in the rates of return and thus generate pressure on local governments. This global development is sometimes viewed as being responsible for disenfranchisement, exploitation, and other forms of human rights abuses (e.g., Rabet 2009). On the other hand, improvements in human rights are sometimes attributed to the spread of liberal ideas, which is one of the key dimensions of globalization (e.g., Rosenau 2003).

Globalization and Women: Employment and Social Rights

Economic globalization and its correlate, trade liberalization, offer women opportunities for employment and entrepreneurship, but there are risks and social costs as well. Many feel that the current neoliberal trade agenda does little to advance economies, let alone social groups such as workers and women (UNDP, 1999). Activists in the global justice movement – including transnational feminist networks such as the Women’s International Coalition for Economic Justice (WICEJ), the International Gender and Trade Network (IGTN), Women in Development Europe (WIDE) and the Women’s Environment and Development Organization (WEDO) – argue that the new trade agenda benefits the big corporations and rich countries, squeezing out small producers and wage earners (Moghadam 2005a). Women generally continue to receive lower wages than men for the same work, and a low-wage female labor force often becomes the preferred employee. Compounding that vulnerability, women in low-income or irregular employment, or who lack substantial financial assets, or have no say in trade unions, play no role in responding to, much less shaping, any free trade agreement. As Jane Henrici (2005) notes in her study of Peru, women experience not only a glass ceiling in employment but increasingly a glass floor as well, both of which allow discrimination in hiring and advancement and unjustified firing and displacement, with women hitting one sheet of glass or the other. Available research,

Henrici continues, suggests that trade agreements appear to expand the glass floor and encourage it to crack, while gender ideology allows women workers’ vulnerability to persist. A counterweight to this state of affairs would appear to lie in the activities of trade unions, including efforts to enhance women workers’ socio-economic rights through movement activism and the adoption or enforcement of pro-worker legislation. To be sure, the increasing involvement of women in the global economy has seen large numbers of women joining trade unions in many parts of the world economy. However, this growth in the rank and file has not been met by a corresponding growth in women’s decision-making positions in trade unions throughout the world. Both CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women) and the Beijing Platform for Action include paragraphs pertaining to the conditions and rights of working women. These are augmented by the United Nations convention on migration, and the ILO (International Labor Organization) conventions on non-discrimination and on maternity protection. In general, however, there is little systematic attention in international law to the socio-economic rights of working women. (The International Covenant on Economic, Cultural, and Social Rights, or ICESCR, which is the main international framework for economic citizenship, does not specifically refer to working women.) Socioeconomic rights are usually addressed in national laws, including labor legislation and pertinent social policies. However, in many countries, laws and policies regarding working women’s social rights are being revised or constrained in various ways.

Liberalization and Women’s Economic Citizenship

Prior research has shown that while some patterns of women’s employment in the Middle East are similar to those found in other regions, the region’s female labor force exhibits distinctive features that are rooted in both political economy and culture:

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1.) Female employment levels have been rising, but remain lower than in other regions in the world-economy.

2.) Most of the women in paid employment have been concentrated in professional jobs, showing the links between educational attainment and female employment. Thus most of the female salaried labor force has been middle-class.

3.) Working-class women gravitate to jobs in the textiles and garments sector, and to domestic labor.

4.) Certain occupations that are typically female-intensive in the world are: wholesale/retail/commerce; hotels/restaurants, and other tourism-related branches.

5.) The female labor force has become more literate and educated, and in recent years the majority of university students are women, but the mean years of schooling remain relatively low.

6.) Female unemployment rates are very high – and college-educated women are more likely to be unemployed than are college-educated men.

7.) A substantial proportion of economically active women are counted as unwaged workers (mostly in family enterprises and in agriculture).

8.) Labor legislation favors women in the government sector and large enterprises (paid maternity leaves, crèches and childcare facilities, early retirement) – but agricultural workers, domestic workers, and those in small enterprises are largely outside its purview.

9.) Women's trade union participation is limited and leadership roles nonexistent.

The privileged position of the public sector in labor markets has had important gender and education effects. The rise in female labor force participation in many countries is due primarily to the expansion of educational opportunities, the employment of educated workers by governments, and explicit government policies to facilitate the participation of women in the labor force. One consequence has been a feminization of government or civil service employment, which also reflects the absence of women-friendly policies and conditions in the private sector (Moghadam 2003, 2005; Assaad

2006). Still, variations may be found across the countries.

III. Women's social rights and collective action

Feminist collective action has focused on reform of existing family laws. These laws are seen as inhibiting women's civil, political, and social rights because they place women under the protection, or control, of male kin. The practice of male guardianship prevents women from freely choosing an occupation (because a father or husband can forbid his daughter or wife from seeking employment), making contractual arrangements for their children, or traveling without the written permission of father or husband. The injunction for men to maintain their wives and wives to obey their husbands perpetuates the patriarchal gender contract and prevents women from being seen as adult workers or breadwinners. Unequal inheritance gives women a lesser share of family assets, while the practice of *mahr* (dower from husband to wife) substitutes for a concept of shared matrimonial property. For low-income women, being divorced can mean loss of children and home, and a life of destitution.

Article 66 of the Labor Law conforms to ILO conventions regarding night work, underground work, and other hazardous work to women, especially to pregnant or lactating women. New mothers may have time off to nurse their babies for up to six months. Enterprises with at least 50 women must provide a special nursing room. But the maternity leaves are not generous; nor is there a uniform policy. The public sector provides two months' leave at full pay, which may be taken along with annual leave; the private sector offers only 30 days at 2/3 pay, with a medical extension for an additional 15 days but no longer than 12 weeks (CREDIF 2002: 213-14; PNUD et UNIFEM 2003). Women's organizations have worked within civil society and with government agencies to push for legal and policy reforms toward the advancement of women's participation and rights. In aligning labor legislation with European standards



international norms, governments have instituted unemployment insurance and permitted independent trade union activity while also allowing employers more leeway in hiring and firing and in issuing temporary work contracts. At the same time, gender equity norms have been introduced, with new policies prohibiting workplace sexual harassment or employment discrimination based on sex.

Conclusion:

This paper has analyzed the interrelations of economic restructuring, women's social rights, and collective action. Women's labor force participation has increased, though as much from economic necessity and state imperatives as from women's own aspirations. In seeking integration into the global economy, governments have revised labor laws to reflect the new economic realities of flexible labor markets. The new labor laws offer unemployment insurance and legalize temporary contracts and longer periods of overtime. At the same time, they include new provisions to protect working women from discrimination and sexual harassment. Governments have financed institutions for the promotion of women's rights, and have signed on to international standards and norms pertaining to the civil, political, and social rights of citizens.

Three conclusions may be drawn regarding globalization, states, and women's social rights. The first is that the new social contracts are based on a neoliberal model; flexibilization, privatization, and targeted social assistance are hallmarks of neoliberalism. The new gender contract appears to be based on a liberal model – the human rights of working women are protected under the new anti-sexual harassment legislation. Among other things, these developments would appear to confirm arguments advanced by theorists associated with the “world culture” or “world polity” paradigm, to the effect that the adoption by countries around the world of international standards and norms, along with the observed isomorphism in institutional

arrangements, constitute a kind of “shared modernity” (Boli 2005). Critics argue that domestic legislation is similarly under-enforced or implemented. Meanwhile, feminists and trade unionists seek more expansive social rights, such as the extension of labor legislation to non-protected categories of workers.

The second conclusion pertains to the vexed relations between feminism and the state. Feminist scholars have long debated the relationship between feminist collective action and the state, and activism ranges from working outside and against the state to working within it or with particular state agencies. Feminist organizations have sought to enhance the social rights of working women, and they have succeeded in effecting legislative advances. While anti-sexual harassment legislation is a “liberal” strategy, its adoption in countries where women have long been excluded from economic participation and the labor force has been largely masculine should be seen as an achievement of women's economic citizenship. This confirms that the state still matters in an era of globalization, because it remains the guarantor of socio-economic rights and welfare. Notwithstanding the array of international conventions on social rights and economic citizenship, it is the state that is charged with implementing these instruments, and this is why feminists (and trade unionists) continue to address their criticisms and demands to the state. It is precisely employed women who have been the ones to recognize gender injustices and to mobilize for women's participation and rights. They have agitated for laws and policies to end violence against women and workplace harassment, and for autonomy and access to income and property through family law reform and women-friendly labor law. The third conclusion, therefore, is that the contradictions of globalization entail popular mobilizations as well as adverse social and gender effects. As a multi-dimensional and complex set of processes, globalization opens up new arenas for coalition-building and collective action, including struggles around gender justice. There is coalitions have been formed



across social classes and among feminists, trade unionists, human rights activists, and even governments to realize women's socio-economic rights of citizenship.

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