

Threats to human rights in a globalized world

ЗАГРОЗИ ПРАВАМ ЛЮДИНИ У ГЛОБАЛІЗОВАНОМУ СВІТІ

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Abstract

The purpose of the article is to investigate the human rights threats associated with globalization, to identify the consequences of the transformation of human rights under the influence of globalization and to prevent them. The following issues were considered to achieve the research objectives: the essence of globalization, its positive and negative consequences were determined; the existing threats to human rights were identified; the main factors of crime in the age of globalization are described; crime is considered as a form of violation of human rights. The system of philosophical, general-scientific and special-scientific methods was applied to obtain reliable results, in particular: formal-logical, systemic, structural-functional, formal-legal methods and the method of comparison. The following statements have been established in the research process: certain democratic values, including rights and freedoms, can be used as a means of geopolitical influence under the influence of globalization processes; such negative phenomena as extremism, terrorism, poverty are the causes of human rights violations; criminal threats cannot be considered outside the context

Анотація

Метою статті є дослідження загроз правам людини, що пов'язані з глобалізацією, встановлення наслідків трансформації прав людини під впливом глобалізації та можливості їх попередження. Для досягнення поставленої мети виконано завдання: визначено сутність глобалізації, її позитивні і негативні наслідки; встановлено наявні загрози для прав людини; охарактеризовано основні фактори злочинності в епоху глобалізації; розглянуто злочинність як різновид порушення прав людини. Для одержання достовірних результатів застосовано систему філософсько-світоглядних, загальнонаукових та спеціально-наукових методів, зокрема: формально-логічний, системний, структурно-функціональний, формально-юридичний, порівняння. У процесі дослідження зазначеної проблеми доведено наступне: під впливом процесів глобалізації певні демократичні цінності, у тому числі права та свободи, можуть використовуватися як засіб геополітичного впливу; такі негативні явища як екстремізм, тероризм, бідність є однією з причин порушення прав людини; кримінальні загрози у глобалізованому суспільстві не можуть

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of globalizing and humanitarian processes in a globalizing society; crime is one of the factors that affects social life and violates human rights, especially the right to life, liberty and personal integrity.

Keywords: human rights; globalization; crime; state; society; freedom; threat; security.

Introduction

Human rights are one of the factors in the sustainable development of society, the most important feature of a democratic, social and legal state. The idea of human rights had emerged in Western countries, had been enshrined in several international instruments and had spread throughout the world. Nowadays it is now difficult to find a country that has not established a vision of human rights and freedoms inherent in its population at the legislative level. These rights and freedoms have become a dimension of democracy, a testimony to the recognition of universal values, liberalism, the progressiveness of states and the possibility of international cooperation with these states. However, the fact that we live in a globalized world makes its own adjustments both to the essence of human rights and to the possibilities for their realization. Therefore, it is an important task of the international community and each state to achieve a common understanding of human rights, to adopt them in legal and regulatory instruments, and to establish mechanisms for their implementation and protection against all kinds of threats. We agree with A. V. Yakovlev's opinion that the imperative of globalization should be human security and the importance of the right to protect its rights and freedoms (Yakovlev, 2007).

Methodology

Using the formal-logical method, the terms "human rights", the object of crimes, the essence of globalization and the threats associated with it are defined.

The system method made it possible to consider criminal threats in a globalized world not as a set of components, but as a holistic entity, a system. The focus was on the study of the structure and functions of various threats, the set of factors that lead to them, in particular the factors of crime that threaten human rights. The system approach made it possible to consider threats not only in

розглядатися поза контекстом глобалізаційних і гуманітарних процесів; злочинність є одним із факторів, що впливають на соціальну життєдіяльність, порушують права людини, у першу чергу право на життя, свободу, особисту недоторканність.

Ключові слова: права людини; глобалізація; злочинність; держава; суспільство; свобода; загроза; безпека.

static form, but also in dynamics and development.

Using the structural-functional method, it was possible to isolate in the object of study, which are criminal threats in a globalized world, stable elements, to determine their structural relationships and functional dependencies. It is established that the common object of crimes is a set of social relations that ensure the realization of the individual's rights and freedoms.

Using the method of comparison, the authors compared single-order legal concepts, phenomena, processes and found similarities (similarities) and differences between them, made inferences by analogy, based primarily on similar features of the facts, transferred features from one phenomenon to another. In particular, it was found that globalization can both contribute to the realization of human rights and create obstacles to their realization.

Literature Review

The issue of human rights has attracted the attention of researchers for a long time. It is difficult to name all the authors who have considered this issue. We would have to mention many famous philosophers, lawyers, political and legal thinkers who have analyzed certain concepts of human rights or have putted forward their own ideas on this issue. The need to protect life and health, ensure the individual's security, freedom and property turns the objectives of this problem into an integral part of the life cycle of man and society, the functioning and development of political and legal systems. In addition, human rights are described as a cultural phenomenon that reflects a system of individual values and is rooted in a specific historical era in the scientific literature (Zhuleva & Lazutina, 2017).

The consequences of globalization were investigated by V. Sh. Ayupova, Ya. I. Gilinskiy, I. M. Klyemenov, D. A. Ponomarev, E. M. Rakhmanova, A. V. Yakovlev and many others. Thus, E. N. Rakhmanova draw attention to the issue of threat of criminalization in public relations in a globalized society and the need to increase the effectiveness of the existing criminological and criminal-legal mechanism of protection of human rights against criminal threats (Rakhmanova, 2010). D. A. Ponomarev focused on determining the criminological parameters of the phenomenon of organized crime and corruption in the context of globalization (Ponomarev, 2005). Ya. I. Gilinskiy considered the positive and negative consequences of globalization and investigated the globalization (internationalization) of various forms of deviance (Gilinskiy, 2008). These researches conducted a criminological analysis of the purpose, means, concepts, mechanisms and consequences of globalization in economic, political, cultural and legal spheres. However, all of these authors did not focus on the threats that affect an individual and his rights in the globalized world, did not consider human rights as an object of globalization, and therefore, did not recognize the deterministic impact of changing the parameters of social reality on political and legal categories that is very important for both the theory of state and law and criminology. This fact determines the relevance of the topic of the article.

Results and Discussion

The Universal Declaration of Human Rights has proclaimed the following recommendations to be followed by states: the right of equality of all persons without any discrimination; the right to life, liberty and privacy; the right to respect of honour, reputation and home; the right to a fair trial, etc. (United Nations, 1948). The principles of the Declaration form the basis of several international legal instruments. Thus, the International Covenant on Civil and Political Rights is an international treaty that obliges States parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights, the right to liberty of person and the right to personal integrity (United Nations, 1966a). A number of vital human rights are defined by the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966b).

In the broad sense, human rights can be considered as specific individual's claims to certain material or spiritual benefits, the ability of which depends on the potential of society and the state (Ruiz, 2014). Human rights have a pronounced social nature and are characterized by certain substantive links to the changing conditions of social reality. This universal human value has gone beyond human relations with the state, has become a constructive element of democratic political and legal systems, and has contributed to the integration of social and legal relations and the formation of a person whose activities become the determining factor of social development in a globalized world. Human rights can be defined as "the requirements of dignity, preservation and development of every individual in the State, society and the world" (Glukhareva, 2004). However, understanding of the essence of human rights, as well as the possibilities of their realization, depends significantly on various factors and circumstances. Globalization is one such circumstance.

Nowadays the world has entered a qualitatively new stage of its development, connected with the influence of universal regularities of the process of social transformation. Economic globalization and integration of States into a single world system is a manifestation of this transformation. Globalization leads to the establishment of a single global socio-economic, political and legal space, the formation of a unified information system, the solution of common problems in the field of ecology, socio-economic development, the preservation of peace and the fight against terrorism in all its manifestations and so on. In a meaningful sense, globalization is an extension of the achievements of developed cultures to the whole world, especially to low-level cultures, in order to raise them to the level of advanced countries. In addition, globalization is the perception and total dissemination of the market values of Western civilization, transnational flows of goods, services, capital, technology, information, knowledge and labour across national borders, and the enhancement of the role of international financial and economic organizations. Political globalization is a consequence of the economic component of globalization. Moreover, legal globalization is distinguished (Shchyrba, 2016). However, according to V. Popko, "globalization creates numerous problems, including the issue of ensuring peace and security of humanity, overcoming the risk of proliferation of nuclear, biological and chemical weapons, viruses, environmental conservation, global challenges

related to health, culture, science, communications, etc." (Popko, 2019). Accordingly, globalization creates new dangerous challenges and threats for the individual, often creating conditions for the violation of his or her rights. It has been proven that "the transformational changes caused by the process of globalization occurring in all spheres of human activity make their adjustments to the understanding of human rights in the modern world... Globalization leads not only to the emergence of new generations of human rights, but also to the transformation of existing ones" (Adashys, 2018). "Globalization leads to inequality, injustice, destruction of many well-established forms of existence, erosion of traditional values of society, forms a state of uncertainty and uncertainty of the person in the face of possible challenges" (Tymoshenko et al, 2020).

Globalization leads to increased discrimination in employment on the basis of age, sex, disability, race and nationality. Changes in legislation are made to the benefit of multinational corporations. This leads to the restriction of the living standards of the population and the violation of human rights, including the right to strike, to rest and to an adequate standard of living. The growing demand for high-skilled workers instead of low-skilled ones is one of the consequences of globalization.

The criminogenic and criminological consequences of globalization are of particular importance in the structure of negative human rights impacts (Luneev, 2005). The formation of supranational financial structures that manage the global financial system and act informally, the emergence of new tax evasion schemes, including offshore, money laundering, obtained by criminal means, piracy, hostile takeovers and arms trafficking are the criminogenic consequences of globalization in the economic sphere. The regional wars, intra-State conflicts, information warfare, integrated use of methods of economic and information influence on the enemy, combined with operations of intelligence services, military threats and demonstration of military power, including threats to use nuclear weapons are the consequences of globalization in the political sphere. The destruction of national education systems, health care, social protection of the population, culture, marginalization and degradation of the population, formation of a criminal market for cultural values, popularization of the cult of violence and cruelty by mass media are the consequences of globalization in the socio-

cultural sphere. The arbitrary interpretation of some religions and distortion of their principles by extremist organizations are defined as the consequences of globalization in the religious sphere. The use of legal instruments to influence the policies of sovereign states is one of the consequences of globalization in the legal sphere (Kleymentov, 2015). The main criminogenic consequence of globalization is the globalization of crime.

Defining the impact of globalization on crime is a debating issue. The reason in this case is that the influence is rather ambiguous. Globalization minimizes and increases criminal threats simultaneously. In addition, globalization creates conditions for optimization of inter-State cooperation in the fight against crime and contributes to the development of transnational forms of criminal acts, limits the capacity of the State to control crime and imposes new obligations in this sphere, and introduces sometimes contradictory humanitarian, political, integration and disintegration aspects into international criminological and legal cooperation (Rakhmanova, 2010).

The population migration has increased dramatically in the age of globalization. It can be said that migration has become a defining feature of globalization and a huge global problem. Almost all states are involved in migration processes. People move across borders to escape from war, famine and poverty and to find a job, shelter and safe living conditions. According to the UN, forced migration caused by wars and other life-threatening circumstances continues to grow in the world. The number of international migrants reached 272 million in 2019. Nowadays migrants make up 3.5% of the world's population. Almost half of all migrants on the planet live in 10 countries only, for instance, 51 million in the United States (19% of the total number); 13 million – in Germany and Saudi Arabia; 12 million – in Russia; 10 million – in the UK; 9 million – in the UAE; 8 million for each in France, Canada and Australia and 6 million – in Italy (Journalist, 2019). Migrants tend to hold low-skilled jobs with difficult working conditions and low wages. Migrants are not always welcome in the countries they arrive, so their rights are often violated. Moreover, migrants themselves often violate the law, commit crimes, thereby violating the human rights of others. The consequences of migration often become a source of controversy and conflict.

The public authority and law enforcement officials usually draw the attention only to the human acts that affect other people. However, they do not always pay attention to actions that affect the person himself. This is clearly illustrated by the abolition of criminal responsibility in many European countries for unsuccessful suicide, prostitution, euthanasia and so on.

According to part 1, article 120 of the Criminal Code of Ukraine, "incitement to suicide, as well as other acts that facilitate suicide" is a crime. This means that euthanasia and assisted suicides are also crimes. According to several modern Ukrainian scientists, the criminalization of euthanasia "does not make it impossible to realize the natural right of a person to a decent end of life when the individual cannot do it himself due to certain circumstances" (Shklyarskaya, 2019). However, it is difficult to agree with such an idea in times of decline of moral ideals in a society, forgetting the concepts of honour and dignity and prevalence of desires for material benefits, but not spiritual ones. There is too much of a threat of abuse, including doctors whose professionalism is not always of a high standard.

There is a conflict of public and private interests in the right to death i.e. the voluntary (forced) termination of life. Public interests cover the interests of the whole society and dictate certain behaviours, in particular the protection of human life. Such interests predominate in a functional approach to the individual, based on specific benefit to society. Private interests are aimed at ensuring the free self-realization of a person, including the resolution of the question of his or her future. The fatal decision can be forced and dictated by different circumstances. This problem is particularly relevant in countries with low social protection for the elderly and ill people, who do not want to be a burden for relatives or society, and therefore, can choose to use euthanasia. This way of solving the problem seems to be rather doubtful. The efforts of the state and society should be aimed at preserving human life and health, identifying the causes and eradicating suicide among ill, healthy and "tired of life" people (Ayupov, 2009).

Nowadays, widespread religious fundamentalism and extremism, which is a type of aggression, cause particular concern (Ponomarev, 2005). The ideology of religious fundamentalism, appealing to religious consciousness, draws its energy from the acute social injustice inherent in the globalized world,

and condemns corruption and lawlessness as side-effects of modernization and globalization. Extremists usually show a tendency towards extreme views and actions, a radical denial of existing norms in society, and a disregard for human rights (Volobuev, 2017). Terrorism is a form of extremism. It is an act aimed at violating public security, intimidating the population, or influencing decision-making of the authorities. Terrorists often use the benefits of globalization, emerging technologies, social, political and economic vulnerabilities. In particular, modern information and communication technologies, especially the Internet, have been used by terrorists as one of the main tools for engaging and ideologically treating youth and minors.

The activities of the state itself can also have an extremist background, including actions regarded as combating extremism. The respect for human rights becomes problematic under such conditions. These threats have the effect of limiting human rights. Thus, the ability of the population to meet their particular needs is reduced. This fact also contributes to the choice of criminal behaviour.

National Governments often adopt special regulations that establish control over the media, restrict freedom of expression and assemblies, prohibit protests, and resort to unjustified criminalization of acts that have not previously been recognized as crimes and so on. These actions can lead to the violation of human rights and to the violation of the principles of a democratic State governed by the rule of law at the same time.

Conclusions

Thus, the scientific novelty of the article lies in the fact that it draws the attention of scientists, in particular lawyers, sociologists and political scientists, as well as the general public, to the issue of the influence of social reality parameters on political and legal categories, in particular the influence of globalization on the transformation of human rights and the possibility of their realization. The following statements have been established in the research process:

- 1) certain democratic values, including rights and freedoms, can be used as a means of geopolitical influence under the influence of globalization processes. It calls into question the basis for their universalization and legitimacy;
- 2) the process of globalization is controversial; such negative phenomena as extremism,

- terrorism, poverty are the causes of human rights violations;
- 3) criminal threats cannot be considered outside the context of globalizing and humanitarian processes in a globalizing society;
 - 4) crime is one of the criminogenic factors that affects social life and violates human rights, especially the right to life, liberty and personal integrity. Crime is detrimental to human rights as a social value by the fact of its existence. In addition, crime can indicate a society's ability to respond to negative external or internal effects in ways considered as a crime;
 - 5) extremism has a destructive impact on the development of society, impedes the establishment of civic harmony, social and economic transformation, and leads to the violation of human rights. The realization of human and civil rights, freedoms and the achievement of their legitimate interests is possible only when they fully coincide with the ideology of extremism.

Human rights are considered as a measure of security and stability and an indication of human protection from various threats in the modern world.

The category of "human rights" is undergoing some changes under the influence of globalization processes. Globalization can both contribute to the realization of human rights and create obstacles to their realization. Globalization is accompanied by the intensification of traditional threats and the emergence of new threats to human rights.

Transformational processes in society are accompanied by an increase in negative phenomena in the spheres of economy, politics, spiritual life, as well as by the complication of serious human problems, including the spread of illegal behaviour and an increase in crime rates. Crime is a significant threat to human rights. Crime is defined as a type of violation of human rights, because the general object of the crimes is a set of social relations ensuring the realization of rights and freedoms. In addition, crime as a way of violating human rights is characterized by its inclusiveness, stability, magnitude and increased harmfulness.

Attitudes towards the social dangers of human acts change under the influence of globalization. There is criminalization and decriminalization of acts based on the realities not only of one

country, but also world trends are taking into account.

One of the main ways to protect human rights is to prevent crime. The crime prevention process itself cannot be accompanied by a violation of any human rights.

It is necessary to increase the level of legitimacy of the authorities, to strengthen the institutions of the state, especially all law enforcement agencies, make progress in building civil society, social harmony and promoting the principles of the rule of law in order to prevent possible violations of human rights.

The human rights problem, as an essential element of Ukrainian reality, is an issue of international significance. The social and destructive processes taking place in the world are a threat to human rights in Ukraine.

Governments should take decisive action, both within each country and internationally, to minimize the potential for human rights violations.

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