**HUMAN RIGHTS AND GLOBALIZATION
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 **Confегеnсе раrtісіраnt**

**Тhе аrtісlе іs аbоиt рroроrtionality of sисh сoпсерts аs globalization and human rights, analysis of globalist ideas of free domande quality of all people, based on natural law from the origins of the present. The author explore what happens to human rights in the context of globalization and its impact human rights, considering both advantages and threats of this process.**

**Keywords: globalization, human rights, natural law, trends globalization, international legal acts, transformation.**

Speaking of the origins of the impact of globalization processes on, human rights then we should start from the earliest times. So the globalist ideas of free domande quality of all people based on natural law emerged and developed in Ancient Greece and Ancient Rome. Ancient Greek sophists Hippias, Antiphon, Lycophron, Alcidamas and others, pointed to the universality of natural law, distinguishing it from the positive. Seneca also noted the universality cosmopolitan law, and considered people as belonging to the world citizenship.

Roman lawyers also argued the universal essence of law, arguing that the law, consists of three parts- the natural law, which spread to living beings (humans and animals), the rights of peoples (natural law, common to all peoples and the right of international relations) and their own positive national law of individual nations.

The most globalist tendencies manifested primarily in the universality of natural law. The concept of natural law, which is the core principle of equity, assumed the presence of each individual set of subjective rights of natural origin. The main requirement of this concept was to match positive and natural law, and in securing natural rights by positive law/ In addition, at the time it became apparent necessity of forming of relevant values, principles and standards based on natural law, which would become the basis for establishing cooperation between peoples.

The impetus for accelerating trends of globalization has become a process of reception of Roman law. The logical conclusion of this process was the codification that represents the enforcement of the reception of Roman law in the form of securing in codes similar rules of conduct in specific areas of public relations. The triumph of this process was the French codification process of 1804-1810 (Code Napoleon) and the logical extension – the adoption of German civil code in 1896. Meaning of codification is conspicuous, and this process spacious, and this process continues to this day, contributing to the consolidation of uniform standards in the regulation of social relations.

New period in strengthening globalist idea, in the field of international law is considered to be a concept of a prominent Dutch New Age thinker Hugo Grotius (1583-1645), who is the author of the rationalist conception of natural law. In his person combined two epochs – the middle Ages and modern times. Brought up in the spirit of humanism, Christianity, dissent, Hugo Grotius sought to resolve the conflict using legal categories, based on ethical principles. Therefore, his legal concept covers a significant range of legal issues still generally unexplored in legal literature.

During the early bourgeois epoch global ideas about law and the state, as the V.S. Nertsesyants noticed, were developed in liberal legal doctrines (G. Lock, T. Paine, T. Jefferson and others) and received consolidation of official state-legal documents (The Declaration of independence in 1776. The French Declaration of the Rights of Man and of the Citizen, 1789, eats.) as eternal and generalized universal nature (natural and inalienable) rights and freedoms. The concept of universality (globalist) of natural and inalienable rights is the basis of generally modern ideas and provisions of the universality of rights (natural and inalienable human rights as universal legal principles and universal criterion for assessing compliance or non-compliance with national law and international relations).

In conditions of globalization transformation of the national legal system causes significant changes of the most important fields as the rights and freedoms of man and citizen. In this field a number of key international legal instruments are made and aimed at its universality. There is a tendency in the substantive aspects, says P.M. Rabinovych, which finds expressions in the fact that today the vast majority of states have recognized the existence of problems of implementation and protection of inalienable natural rights and freedoms of man and of the citizens and the need to gradually solve these problems; states agreed to make a record in the Universal Declaration of Hyman rights about minimum required list of rights and freedoms; agreed on the establishment of international (supranational or international) bodies that are authorized by them to monitor the human rights situation in the relevant Member States and expose it to their control and influence, and agreed to implement the recommendations and decisions of these bodies; reached consensus on the procedures for dealing with issues related to human rights violations in different countries and identify measures of international response to such violations»

One of the main achievements in this area was the development and adoption of the «Universal Declaration of Hyman Rights» in 1948 by the General Assembly of the United Nations. It didn’t just recognize the fundamental rights and freedoms for the first time, but also contain those ideas and principles that had to do more equitable world order. Furthermore, it added fundamental human rights and universal citizen because it was signed by representatives of 58 Member States of the United Nations.

«The European Convention on Human Rights and Fundamental Freedoms» (1950) is considered one of the most advanced and effective agreements on human rights in the world and is the first legally binding normative act, which recognized the fundamental human rights contained in the «Universal Declaration of Hyman Rights». Also it created the current supranational control mechanism to consider interstate and individual complaints to the European Court of Hyman Rights, and the control system for the execution of court decisions.

It should be noted that European mechanisms of human rights protection are not permanent structures. Considering new tendencies in political and legal development they are constantly exposed to upgrade in order to facilitate access for citizens and improve the making efficiency of international human rights bodies. Thus, the issues of protection of human rights are widely discussed at the Ministerial Conference of the Council of Europe «On the future of the European Court», held on 18-19 February 2010. The main problem, according to participants, is that the number of complaints received by the European Court of Hyman Rights is growing every year. Today almost 130 000 cases are pending its decision in the Court.

In the «International Covenant on Civil and Political Rights», adopted by General Assembly resolution in 1966, the most significant obligations of states are the ban on denial of right ethnic, religious and linguistic minorities, along with other groups to enjoy their own culture, practice their religion and perform their rituals , and use their own language (Article 27). Also, this document provides a number of public subjective rights, recognizing the planetary status of every person, regardless of their affiliation to any nationality and state: the prohibition of imprisonment for failure to fulfill any contractual commitments (Article 9 ) the right of all persons deprived of their liberty be treated with humanity and respect for the dignity that is inherent to the human person (Article 10), the right to liberty of movement and freedom to choose his residence regardless of nationality (Article 12).

To strengthen the regulatory framework in 1992 the UN adopted the «Declaration of the rights of persons belonging to national, ethnic, religious and linguistic minorities. » In the development of the International Institute of Human Rights, as P.M. Rabinovych notice, quite clearly reveals another – eventually opposite – general tendency, namely diversification of the specific content and scope human rights, depending on the country in which they are implemented. Numerous scientific papers are devoted to research on these tendencies, the dialectics of the universal and specific historical property rights.

This second tendency, according to scientist, often finds its expression in the process of solving the following issues: ascertaining the nature (definition) of phenomenon of rights and opportunities for its clear understanding; «dosage» of human rights, i.e. legal definition of their specific content and scope by setting certain legal restrictions regarding their implementation; interpretation of human rights as an indispensable condition for their implementation, safety and security as well as the possibility (or rather inability) to formal unification on a global or even regional (continental) levels. In the conditions of globalization, a determining in this field is the issue of guarantee of implementation and compliance of rights and freedoms of man and citizen on the national-state and global level. Therefore, the issue of human rights has ceased to be just an internal affair of the state, but mostly it is under the special protection of supranational law.

Under these conditions, increased the role and importance of international organizations, which are aimed at the formation of the relevant universal standards in the field of human rights, and creating effective mechanisms for their implementation and monitoring. Thereby, activity of the UN and its specialized agencies ( the Human Rights Council that replaced the outdated international institution – the United Nations Commission on Human Rights) becomes increasingly important.

The transformation of this field is also linked to the fact that the issue of Human Rights transcends national sovereignty and domestic jurisdiction of states. However, this does not mean, as A.V. Cholakhyan notes, that the protection of Human Rights at the national level is relegated to the background. Nowadays in conditions of globalization the role of government has become much more complex. In addition to its classic functions in protecting of fundamental rights and freedoms, public order, health, education, the government assumes increasing responsibility for providing equality, justice and elimination of poverty, maintaining a healthy environment and solving other problems.

Under the influence of globalization processes exposes to the major changes the definition and limits of rights and freedoms, because the relationship between man and the state is changing. This is due to the fact that an independent party in such relations is the international and regional associations and organizations. This is most evident in Europe, as an example the European Union.

It seems, that the development of human right take place under the influence of states integration into the international legal space. Also this, in turn, will cause limitation of state sovereignty, and spreading jurisdiction of international and regional organization. International legal cooperation and legal integration, which is part of globalization, reached a new qualitative level, moving from economic and financial, trade, industrial globalization, disassociated with negative results of this process according to some of the authors, to the cultural and legal globalization that brings many benefits to mankind. If nation-states are responsible to treat all the processes of globalization, the future will reduce their negative effects and enhance positive trends. Of course, this does not exclude the need for the development and implementation of public life in the natural and inalienable human rights and the values of civil society within national law.

In the era of globalization process of limiting of the sovereign rights of the state will lead to strengthening the sovereignty of the individual. State sovereignty can no longer act as a license to human rights violations. Many of the principles and norms of international law applicable today, take precedence over the sovereignty of states and national laws. Human rights extend beyond national borders, and at the same time are regulated by law of individual states and international law, in connection with what began to be discussed the sovereignty of the individual, namely fundamental rights and freedoms of every individual, protected by national and international standards.

Issues relating to human right, are global in nature and can be resolved only by joint efforts of states. According to many scientists, the problems of inter-state nature comes naturally to the idea of (global governance), which in many ways is similar to the proposals for the creation of world government.

Another problem is the possibility of quantitative measurement of the impact globalization on the national legal system. To answer this question, we turn to the most famous systems of quantitative and qualitative measurement of globalization and try to apply it to the subject of our research. To study the diversity of legal phenomena, including legal systems, there is a powerful tool in the arsenal of modern science- universal comparisons. Theoretically universal comparisons allow «embrace the boundless» (of course, under certain rules and procedures), but the scope of such comparisons causes researchers concertation on a limited number of parameters of comparable objects. In other words, universal comparisons allow learning about all the objects of comparison. This can be achieved, turning to quantitative data and\ or coding qualitative data. The opposite of universal comparisons allow learning about the objects comparison. Several researchers clarify that universal comparison, where the unit of comparison is the state (or the legal systems), representing global comparisons.

Swiss Research Institute for Small Business and Entrepreneurship developed the first system of quantitative and qualitative measurement of globalization, the second – by International Organization Carnegie Endowment for International peace (CEIP). Both systems can expect annual quantitative assessment – index of globalization IG. For the first system (hereinafter- system KOF) this index is calculated for 123 countries, for the second (hereinafter- system CEIP) – for 62 countries.

Index of Globalization allows evaluating the scope of integration of any country in the world space and compare different countries on this indicator. According to the systems CEIP this index is determined by four factors: economic, personal, technological and political- and calculated as the sum of these components with same weights.

The economic dimensions reflects the continuous growth of the relationship between the needs of people on the one hand and opportunities of production, distribution of goods and services through international trade, foreign investment income, development processes of trans nationalization- on the other. In booth systems it is determined by such indicators as level of trade as the sum of all types of exports and imports; straight foreign investments as the amount of inflow and outflow. The system KOF uses additional indicators: portfolio investments as the sum of the absolute value of the inflow and outflow as well as incomes of nonresidents in the form of wages or income from investments, expressed as a percentage of GDP.

The social dimension of globalization is a factor that reflects the degree of integration of the average person, his family, his life and work in international public institutions. Formally this measurement in both systems is estimated by such indicators as intensity of personal contact of person in the banking, telecommunication and tourist fields with other countries, the level of development of international tourism, the level of man coverage by the media and telecommunication. The system KOF additionally considers two following indicators: the percentage of foreign citizens in the country and the level coverage of the country by international trade networks.

The political dimension of globalization reflects the political weight and influence of any country on the world processes and allows evaluating the extent of its participation in these processes and changes. In both systems, specified dimension is quantitatively assessed by using common indicators such as membership in international organizations and country participation in the mission of the Security Council. Herewith system KOF uses additionally an indicator – the number of foreign embassies in the country and the system CEIP – the number of ratified international agreements.

Some scientists believe that the social component of globalization is estimated as negative. According to Robert McChesney, a professor at the University of Illinois (USA) «politics of globalization has led to a significant increase in social and economic inequality, to a significant deterioration of the poorest nations and peoples of the world…» In the document of the United States Command, Vision for 2020 it is noted that «globalization of the world economy continues, and the gap between the» haves «and»have-nots «is growing. » This gap is the breeding ground of crime. Under the influence of globalization occurs the devaluation of traditional legal values, reduction of moral values that leads to the loss of legal guidance and legal nihilism formations. As a result, some legal regulations and symbols lose their cultural, moral and national nature and cannot influence the legal consciousness of individuals and participants of legal activities. At the same time namely democratic values, including the rights and freedoms are used as a means of geopolitical influence, calling into question the basis for their universalization and legitimacy.

Processes of globalization significantly influence the development of international crime, which acts as a kind of response to the political and economic expansion, on the one hand, and to the progressive separation of the «rich»and «poor» not only at national level but also at the interstate- the other hand terrorism, drugs and so on. However, to correct this situation nothing is done. Furthermore, analyzing the problem of recognition of right and freedoms as the highest value in its international section, it can be noticed that the current reality is that characteristic of Western civilization is the ideas of the legal democratic state inside the country, usually combined with the dictates in international relations. At the same time namely democratic values, including the rights and freedoms as highest value become a means, rather, of geopolitical influence to «disagree» that casts serious doubt on the basis for their universalization.

In the process of globalization we see a change of the concept of human rights, and its legal foundations. The decisive in this respect is the isse of guarantees for their implementation and compliance, which are provided not only at national but also at the supranational level. The problem of human rights and freedoms is no longer just an exclusively internal affair of the state, as it acquired the status of a supranational level. It should also be noted that as a result of globalization processes the state ceases to be the sole source of protection of human right. The development of communication and transport systems has greatly reduced the government’s ability to control the flows of information, knowledge and ideas, also expanded abilities for groups of people with similar beliefs to organize themselves regardless of frontiers, which contributed to the development of international NGOs and the emergence of international or global civil society.

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