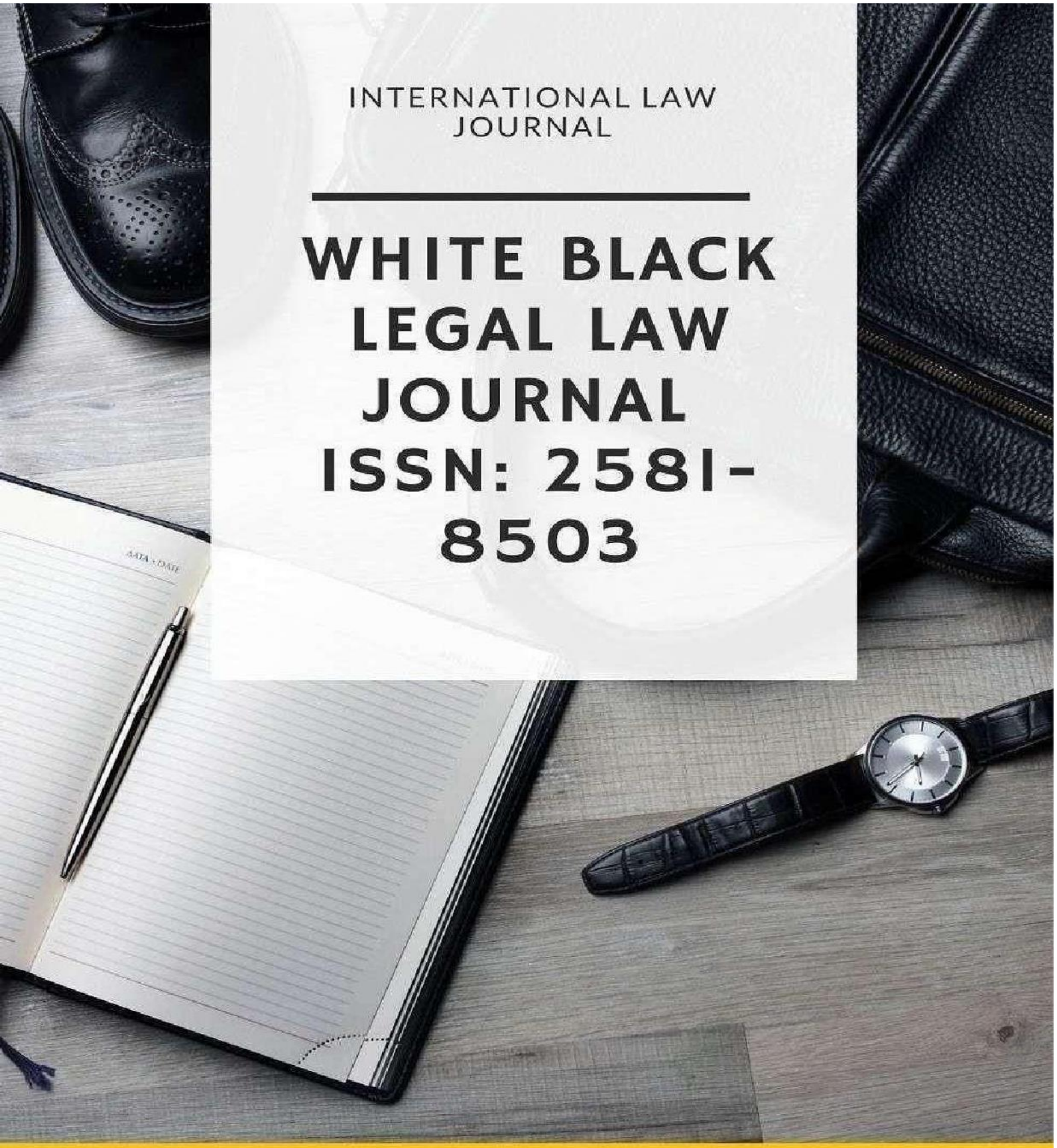


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"HUMAN RIGHTS IN THE CORPORATE RIGHTS"

AUTHORED BY - DR. USHA PALHOEYA

Introduction

Abstract

When humans lived in forests, they enjoyed all rights bestowed by nature; they could sustain themselves anywhere without formalities. As time passed, they became dependent on specific activities for their livelihood. Today, people must engage in some form of employment to sustain themselves.

In modern times, these activities have evolved into large corporate organizations where thousands of people work for their livelihoods. This is where human rights violations in the corporate world begin. This chapter details which rights are protected within this corporate environment and the extent to which they are being violated. The primary objective of human rights protection, supported by the United Nations (UN), is to safeguard individuals against the arbitrary actions of states and their governments. By issuing a declaration on human rights against the state in 1929, an international legal body conveyed a significant message regarding human rights values. The UN Charter accords a prominent place to human rights; its Preamble and Article 76 contain provisions promoting human rights and fundamental freedoms. Today, human rights violations within labor policies pose a major challenge, as there is no comprehensive mechanism to ensure the protection of human rights during corporate operations. UN Principle 15 mandates the inclusion of human rights responsibilities within corporate policies. There is an urgent need for a corporate human rights policy that encompasses economic, political and workplace-related rights—such as non-discrimination, the prohibition of child labor, occupational health and safety, quality standards, and maternity benefits.

This chapter sheds light on the issue of human rights violations in the corporate sector and offers relevant suggestions. It also attempts to explain the challenges involved in implementing human rights in the corporate world and discusses the future landscape of human rights.

Keywords: Human Rights, declaration, corporate world, protected Principle.

Meaning of human rights.

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as Human Right. Thus human rights are those rights which every individual are entitled by virtue of being Human. Since these rights belong to them because of their very existence. They become operative with their birth. Human Rights being the birth right. Are therefore. Inherent in all the individuals irrespective of their caste. Creed. Religion. Sex and nationality. Human Rights being inherent they cannot live as human beings without them. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical. Moral, coal and spiritual welfare.

They are also necessary as they create an environment in which people can develop their full potential and lead productive and creative lives in accordance with their needs and provide suitable conditions for the material and moral uplift of the people.[1]J.S. Vera has Rights stated that Human dignity is the quintessence of Human Rights[2]All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent may be termed human rights. However, dignity has never been precisely defined on the basis of consensus. But it accords roughly with justice and good society.[3]Dignity can no longer survive where human beings are humiliated. The world conference on human right derives frame the dignity and worth inherent in the human person. And that the umanperson is the central subject of human rights and fundamental freedoms. D.D. Base defines human rights as those minimum rights which every individual must have against the state or other public authority by virtue of his being a member of human family. Irrespective of any other consideration.[4]

Meaning and Concept of Human Rights

International law wisely concerned with states in the classical period which was influenced by the theory of state sovereignty. The view was based on the thesis that only states create rules v of International law. And as such, rules are valid for them alone.

[1]Human Rightsdr.h.o.Agarwal edition-2007
[2]The new universe of human right p.3.
[3]Davip.Forrsythe: the Internatnal human Rights: p.1.
[4]Human rights in constitutional law (1994.p.5 According to Bennett "of human rights include those areas of individual or group freedom that are immune from governmental interference or that. Because of their basic contribution to human dignity or welfare .are subject to governmental guarantee. Protections. Or promotion" (Internatnal organizations. third edition.p.258).

Types of Human Rights[5]

Human rights are indivisible and interdependent, and therefore precisely there cannot be different kinds of human rights. All human rights are equal in importance and are inherent in all human beings. The universal declaration of human right therefore did not categorize the different kinds of human rights. It simply enumerated them in different articles. However, the subsequent developments made in the human rights field under the United Nations system make it clear that human rights are of two kinds, United Nations system makes it clear that human rights are of two kind's .civil and political rights, and 2. Economic. Social and cultural rights.

Civil Rights

Civil and political rights (first generation right)

Civil rights or liberties are referred to those rights which are related to the protection of the rights to life and personal liberty, they are essential for a person so that he may live a dignified life. Such rights include of rights to life liberty and security of persons. Rights to privacy, home and correspondence. Rights to own property, freedom from torture, inhuman and degrading treatment. Freedom of thought. Conscience and religion and freedom of movement.[6]

Economic and cultural rights (second generation rights[7])

Economic, social and cultural rights (so called'freedopmto') are related to the guarantee of minimum necessities of the life to human being .in the to the guarantee of minimum necessities of the life to human beings. In the absence of these rights the existence of human being is likely to be endangered. Right to adequate food ,clothing, housing and adequate standard of living and freedom from hunger, right to work, right to social security, right to physical and mental health and right to education are included in this category of rights. This right is included in the international covenant on economic, social and cultural rights[8].

Fundamental Rights of the Constitution:[9]

[5] Dr. H.O.Agarwal, Human rights (edition 2018)
[6] Dr. H.O.Agarwal, Human rights (edition 2018)

[7] Dr. H.O.Agarwal, Human rights (edition 2018)
[8] Dr. H.O.Agarwal, Human rights (edition 2018)
[9] IJCRT2202534 International Journal of Creative Research Thoughts (IJCRT) www.ijcrt.org

The fundamental rights are similar to the provisions of the Universal Declaration of Human Rights (1948). Right to Equality: Article 14: Equality before law and equal protection of law to all persons within the territory of India. Article 15: Prohibition of Discrimination Article 16: Equality of opportunity in matters of public appointments or public services. Article 17: Abolition of untouchability. Article 18: Abolition of titles (other than military and academic). Right to Freedom: Article 19: All citizen shall have to – a) Freedom of speech and expression b) Freedom to assemble peacefully and without arms c) Freedom to from associations and unions d) Freedom to move freely throughout the territory of India e) Freedom to reside and settle in any part of India f) Freedom to practice any profession or to carry on any occupation, trade or business. Article 20: Protection in respect of conviction for an offence. Article 21: Protection of life and personal Liberty. Article 21(A): Right to Education. Article 22: Protection against Arrest and Detention in Certain Cases. Right against Exploitation: Article 23: Prohibition of traffic in human being, beggar and forced labour. Article 24: Prohibition of Employment of Children in dangerous employment areas. Right to Freedom of Religion: Article 25: Freedom of conscience and free profession, practice and propagation of religion. Article 26: Freedom to manage religious affairs. Article 27: Freedom as to payment of taxes for promotion of any particular religion. Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions. Cultural and Educational Rights: Article 29: Protection of interests of minorities. Article 30: Right of minorities to establish and administer educational institutions. Right to Constitutional Remedies: Article 32 provides effective provisions for the protection and enforcement of Fundamental Rights. Citizen of India can file a writ petition in the Honourable Supreme Court. It empowers the Supreme Court to issue writs for this purpose. The writs are of five kinds: Habeas Corpus, Mandamus, Prohibition, Quo-Warranto and Certiorari. The Right to life and Personal Liberty cannot be suspended at any circumstances. Under Article 226, the people can even move High Courts for the enforcement of Fundamental Rights.[10]

Directive Principles of State Policy:[11]

The Directive Principles of State Policy, as contained in Part IV of the Constitution covering Articles from 36 to 51, underline the philosophy of democratic socialism with a touch of Gandhian idealism as incorporated into the fundamental law of our country. The Directive

[10] IJCRT2202534 International Journal of Creative Research Thoughts (IJCRT) www.ijcrt.org
[11] IJCRT2202534 International Journal of Creative Research Thoughts (IJCRT) www.ijcrt.org

Principles of State Policy are similar to the provisions of International Covenant on Economic, Social and Cultural Rights in1966. Article 37 provides that the Directive Principles are 'fundamental in the governance of the country' and that 'it shall be the duty of the state to apply these principles in making laws.' These constitutional directives were not intended to be merely principles but were to be treated as positive mandates and part and parcel of the human rights provisions of the Constitution. The Directive Principles of State Policy provide socioeconomic justice, and also works as guiding principle for state. These Principles can be classified into four broad categories - (i) Socialist or Economic Principles, (ii) Liberal Principles, (iii) Gandhian Principles and (iv) General Principles.[12]

Human Rights in the Corporate World:

The Importance of 'Human Rights' in the Corporate World

Corporate Human Rights Policy: Why Is It Important and Where to Start?[13]

Business impacts all spheres of human life—from the relationship between employer and employee to that between producer and consumer, and the business's relationship with the local community (the people living in the area where the enterprise operates). Therefore, companies should conduct their operations in a manner that does not violate or adversely affect the human rights of employees, community members, consumers, or others.

There are numerous examples where companies have suffered severe reputational damage due to the absence of a corporate human rights policy and a lack of processes to assess the company's impact on human rights.

"Nazi Chic" and Hugo Boss[14]

In the mid-1990s, press reports emerged stating that Hugo Boss had supplied Nazi uniforms during World War II, utilizing forced labor from concentration camp prisoners. This article appeared in *The New York Times*. The company did not deny these allegations.

However, due to the lack of precise records regarding its history, the company was unable to provide a detailed comment. To overcome the reputational crisis, a decision was made to hire a historian to investigate events from fifty years prior. Roman Foster, an economic historian from the Bundeswehr University (Munich) commissioned by the company for the study, was tasked with investigating the use of forced labor in the company's factories, the company's loyalty to the Nazi regime, and rumors regarding whether its founder, Hugo Ferdinand Boss,

[12] IJCRT2202534 International Journal of Creative Research Thoughts (IJCRT) www.ijcrt.org
[13] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[14] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start

was indeed Hitler's "personal tailor."

In 2011, following the publication of the study—which confirmed many of the reported facts and revealed all the details—the company issued a formal apology. A statement posted on the company's website expressed deep regret for the suffering endured by those who worked in the factory during the war years. This serves as an example of how a company's direct violation of human rights (utilizing laborers from torture camps) and its contribution to crimes committed by the Nazi regime (sewing uniforms for soldiers) resulted in negative consequences for the company, even decades after the violations occurred.[15]

In today's world, human rights violations by companies—whether through facilitating violations by third parties or profiting from such abuses—rapidly lead to negative repercussions. These consequences can include reputational damage, consumer boycotts, a refusal by partners and investors to cooperate, an inability to attract talented employees, lawsuits seeking compensation, state-imposed fines and other sanctions, and even criminal prosecution of company executives. For instance, Adidas and Nike have faced allegations of paying extremely low wages (between $80 and $200 per month) to supply chain workers manufacturing apparel for the World Cup.[16]

To mitigate the risk of adverse human rights impacts—whether at the corporate level or within their subsidiaries and supply chains—companies adopt human rights policies and exercise human rights due diligence.[17]

Proposals Regarding Labor Rights

The human rights policy should include provisions regarding labor rights. While these issues may already be covered in existing employee codes of conduct, giving them specific attention is a crucial component.

The level of detail provided by the company in this section will vary. Some policies may simply include a statement acknowledging their commitment to key conventions on labor rights, while others may provide more detailed codes of conduct.

More detailed specifications may be required if the company operates in a country where specific rights are at risk, or if the industry faces particular human rights challenges. For instance, in Kyrgyzstan, there is a high proportion of informal labor; a corporation operating there would need to include more detailed measures regarding the use of informal labor in its

[15] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[16] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[17] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start

operations.[18]

Key areas to be included in a company's policy are:

• Non-discrimination and equal opportunity

• Child labor / minimum age for employment / core principles regarding child labor

• Forced labor and protection against modern slavery

• Freedom of association / collective bargaining

• Health and safety

• Working conditions

• Wages / compensation

• Absence of harassment or abusive behavior

• Grievance mechanisms

• Maternity protection

• Right to strike

Pillar 3: Human Rights Priorities

Each company must determine which internationally recognized human rights are most relevant to its operations.

For example:

Given the nature of our business, we pay special attention to labor rights. We also focus specifically on women's rights and the right to water, as these areas is critical to our industry. However, the company recognizes that other rights may become relevant over time, and we will regularly review our areas of focus. The company strives to adhere to internationally recognized standards—such as those of the United Nations—in the regions where it operates. In doing so, we focus on the following key principles:[19]

Respecting the rights of our employees and promoting these principles throughout our supply chain—specifically by preventing child labor, ensuring non-discrimination, upholding workers' rights, and respecting freedom of expression;

Addressing the impact of our operations on local communities—particularly regarding the right to an adequate standard of living (such as access to water and housing)—and providing access to remedy should our activities negatively affect these living standards.

To foster awareness within the company that risks may evolve as situations change, the policy explicitly states that it will be subject to periodic review.

[18] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[19] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start

The human rights policy also outlines the company's commitment to respecting its stakeholders.

Next Steps – The Path to Impact[20]

Developing a human rights policy is merely the first step in demonstrating respect for human rights. To ensure a meaningful impact, the policy must be integrated into the company's operations and procedures.

An effective implementation strategy includes the following elements:

a) Assessing the company's impact on human rights;

b) Effectively preventing and mitigating actual or potential adverse human rights impacts associated with the company's operations;

c) Monitoring and responding to actual or potential adverse human rights impacts;

d) Being prepared to engage in dialogue regarding human rights issues; and

e) Providing for or cooperating in the remediation of adverse impacts caused or contributed to by the company.

Most importantly, we must ensure that the human rights policy does not remain merely a piece of paper that is ignored. Formulating and implementing a policy poorly can be worse than having no policy at all. Inaction or improper action contrary to policy can expose a company to criticism from various sources—not only based on standard non-governmental principles but also from others.[21]

Internatnal legal framework[22]

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol) is a major international agreement addressing these illicit activities.

It is the only legally binding international instrument that criminalizes these activities on a global scale.[23]

From a criminal justice perspective, the Firearms Protocol guides global efforts to address the transnational nature of firearms trafficking and its links to organized crime.

[20] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[21] https://www.undp.org/kyrgyzstan/stories/corporate-human-rights-policy-why-it-important-and-where-start
[22] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.html
[23] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.html

It supports countries in controlling and regulating the flow of firearms, preventing their diversion into illicit markets, and investigating and prosecuting traffickers. It also fosters strong international cooperation against illicit firearms.[24]

The Protocol was adopted by Resolution 55/255 at the fifty-fifth session of the United Nations General Assembly on May 31, 2001, and entered into force on July 3, 2005.

Currently, 126 countries have become parties to this Protocol. By ratifying it, countries commit to taking and implementing the following measures:

- Criminalizing firearms trafficking in accordance with the Protocol's requirements and definitions[25]
- Adopting effective control and security measures—including regarding disposal—to prevent the theft and diversion of firearms into the black market
- Establishing systems for government authorization and licensing for the manufacture or transport of firearms
- Ensuring proper marking, record-keeping, and tracing of firearms, as well as effective international cooperation for this purpose[26]

The Firearms Protocol is one of three protocols supporting the United Nations Convention against Transnational Organized Crime (Organized Crime Convention). The other two are:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Protocol against the Smuggling of Migrants by Land, Sea and Air

This convention outlines fundamental measures to combat transnational organized crime. The three protocols specify particular measures to address three distinct crimes: firearms trafficking, human trafficking, and migrant smuggling. The protocols are to be interpreted in conjunction with the Organized Crime Convention.

States Parties to the Firearms Protocol commit to adopting and implementing—in accordance with their national legal systems—robust laws to prevent, investigate, and prosecute crimes involving illicit firearms.[27]

Key measures include:

- Seizing, confiscating, and destroying illicitly manufactured or trafficked firearms

[24] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.html
[25] https://www.unodc.org/unodc/firearms-protocol/the-firearms-proto
[26] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.
[27] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.

- Maintaining records of firearms for at least ten years to facilitate their identification and tracing
- Issuing licenses for the import and export of firearms and authorizing their transit
- Marking firearms to identify the manufacturer, country of origin, and year of import.

States also pledge to cooperate extensively at bilateral, regional, and international levels by providing training and technical assistance to other nations.

Finally, parties to the protocol commit to sharing case-specific information regarding authorized firearms producers, dealers, importers, exporters, and carriers. They also agree to share information about organized criminal groups involved in the illicit manufacture of and trafficking in firearms. In accordance with Article 32 of the Organized Crime Convention, a Conference of the Parties (COP) was established to improve the capacity of countries to combat transnational organized crime and to promote and review the implementation of the Convention and its protocols. The COP meets biennially.[28]

Pursuant to Resolution 5/4 adopted at the fifth session of the COP, an open-ended intergovernmental working group on firearms was established to advise and assist the COP in fulfilling its mandate regarding the Firearms Protocol.[29]

The working group facilitates the implementation of the Protocol by enabling the exchange of experiences and practices among national and international experts.

This involves identifying vulnerabilities, gaps, and challenges in the fight against firearms trafficking, as well as successful practices, priorities, and key topics.

The working group is also tasked with advising the COP on how countries can better implement the provisions of the Firearms Protocol, what activities the UN Secretariat should undertake, and how technical assistance tools related to the Protocol's implementation should be developed. Articles 18(1) and (2) of the Firearms Protocol state the following:[30]

"1. This Protocol shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.[31]

[28] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.
[29] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.
[30] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.
[31] https://www.unodc.org/unodc/firearms-protocol/the-firearms-protocol.

The UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights are based on three pillars: protect, respect, and remedy. Each pillar outlines concrete and actionable steps for governments and companies to fulfill their responsibilities prevent human rights violations in business operations, and address violations when they occur. The State duty to protect:[32]

The Guiding Principles affirm that, under existing international human rights law, States have a duty to protect against human rights violations committed by all actors in society, including businesses. This means States must prevent, investigate, punish, and redress human rights violations resulting from business activities. Furthermore, the Guiding Principles suggest that States set clear expectations for companies operating within their territory or jurisdiction to respect human rights in every country and context where they operate. The Guiding Principles include provisions suggesting concrete steps for States to fulfill their duty to protect human rights in the context of business activities. This includes enacting and enforcing laws that require companies to respect human rights; creating a regulatory environment that fosters respect for human rights by businesses; and providing guidance to companies regarding their responsibilities. The Guiding Principles also establish that States should ensure policy coherence across different departments and functions, and that their participation in multilateral institutions should align with their human rights obligations. From providing protection to delivering essential services, State human rights obligations do not cease when such activities are carried out by public or private business enterprises. Given the heightened risk of severe human rights abuses (involving business enterprises) in conflict-affected areas, the Guiding Principles stipulate that States (both home and host) should provide guidance, assistance, and enforcement mechanisms to ensure that business enterprises do not become complicit in such abuses.[33]

UN Guiding Principles on Business and Human Rights – An Introduction: The corporate responsibility to respect applies to all internationally recognized human rights. The Guiding Principles state that companies should integrate the findings of their human rights due diligence processes into relevant internal policies and procedures, and allocate the necessary resources and authority accordingly. Companies must ensure they achieve this goal through continuous monitoring and evaluation of their efforts. Finally, companies should be prepared to

[32] https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf

[33] https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf

communicate how they address their human rights impacts, including providing information about the groups most likely to be affected. Where businesses identify that they have caused or contributed to adverse impacts, they should cooperate in remediation through appropriate processes.

https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf

Corporate Governance, Business and Human Rights

A report has been submitted to the UN 'Working Group on Business and Human Rights' (Working Group), which is scheduled to be presented at the 86th session of the UN General Assembly in 2026, focusing on "Corporate Governance, Business, and Human Rights."

The submission addresses three key aspects regarding the relationship between corporate governance and the corporate responsibility to respect human rights, based on inputs sought by the Working Group:[34]

1. Awareness among company directors and senior executives regarding the responsibility to respect human rights under the UN 'Guiding Principles on Business and Human Rights' (UNGPs);[35]

2. Human rights governance frameworks within companies; and

3. The influence of external stakeholders on internal corporate decisions related to human rights.

The submission draws upon extensive experience working with companies to establish effective human rights governance frameworks and processes, conduct meaningful human rights due diligence, set up effective grievance redressed mechanisms, and raise awareness at the director and executive levels regarding the business responsibility to respect human rights under the UNGPs. It also incorporates insights gained from dialogues with other stakeholders—such as investors, civil society organizations, and governments—on these issues.[36]

[34] https://www.ohchr.org/sites/default/files/documents/issues/business/cfis/ga81/subm-corporate-governance-business-priv-sect-1-pillar-2.pdf
[35] https://www.ohchr.org/sites/default/files/documents/issues/business/cfis/ga81/subm-corporate-governance-business-priv-sect-1-pillar-2.pdf
[36] https://www.ohchr.org/sites/default/files/documents/issues/business/cfis/ga81/subm-corporate-governance-business-priv-sect-1-pillar-2.pdf

Globalization and Its Impact on Human Rights[37]

"Globalization has accelerated the process of adopting international human rights laws. These laws transcend national borders and political systems, exerting influence on a global scale. Today, they are the subject of widespread discussion across virtually every culture. They encompass issues that affect institutions, communities, powerful figures, and marginalized populations alike. Upholding the inherent worth and dignity of every individual is essential for building a strong community, as violations of this dignity can have adverse effects on both individuals and groups. By virtue of being human, all people possess certain inherent rights that must never be violated. These are commonly referred to as "human rights," though they are also known as fundamental, natural, or basic rights. While the concept of human rights has existed since the dawn of civilization, the term itself was coined in the 20th century. Understanding the concept of human rights took time, as it evolved gradually. Drawing on experiences from the Second World War, the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. Subsequently, the United Nations approved the International Covenant on Economic, Social and Cultural Rights (1966), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966). Since then, most nations have acknowledged that individuals possess certain inalienable rights. These rights, inherent to the human experience, are known as human rights. Everyone is entitled to basic human rights regardless of gender, race, religion, nationality, or place of residence. These fundamental human rights belong to all people and cannot be denied on the basis of discrimination. These rights are indivisible, interdependent, and deeply interconnected. The United Nations General Assembly has stated that globalization is "not merely an economic process but also has social, political, environmental, cultural, and legal dimensions that affect the full enjoyment of human rights."

The principles associated with globalization are significantly influenced by international human rights standards and treaties. Their primary objective is to promote concepts such as accountability, fairness, empowerment, and active participation. These aspects of globalization can impact the legal principles of human rights: 1. Expansion and growing influence of Multinational Corporations (MNCs): Today, MNCs possess considerable economic and political power, yet they lack any formal or legally binding commitment to human rights. They exert significant influence on policymaking in key sectors; while their involvement can benefit

[37] www.ijlra.com Volume II Issue7|Sep 2024

consumers, it is also linked to human rights violations and adverse environmental impacts. 2. Changing role and status of nations: Globalization challenges national sovereignty by compelling governments to prioritize the interests of international companies over local demands. This can make it difficult for nations to uphold human rights, particularly under pressure from other governments and corporations. 3. Technology and globalization: Technology is a crucial component of globalization, affecting human rights in various ways. While it facilitates the global dissemination of knowledge and fosters cooperation, it also raises concerns regarding privacy. The economic factors driving the development and distribution of technology can influence future human rights outcomes, potentially privileging certain groups over others. 4. Consumerism: Globalization prioritizes corporate profits over consumer interests, leading to poor choices, the neglect of health and safety, and human rights violations. 5. Reliance on Free Markets: Globalization, grounded in free markets and economic efficiency, has the potential to either promote or undermine human rights. Conflicts between trade laws and human rights—along with the implications of UNGA Resolution 55/102 regarding globalization and the full enjoyment of human rights—raise the question of whether free-market ideals can benefit human rights. 6. Globalization and Women: While globalization has created new career opportunities for women—thereby increasing family income and autonomy—it has also led to increased exploitation. Issues include violence and human rights violations, particularly affecting female migrant workers who often hail from vulnerable regions and work in hazardous conditions abroad. "[38]

Human Rights Issues in the Corporate Sector

Child Labor

According to a 2000 assessment by the International Labor Organization (ILO), child labor is a major social issue. Approximately 211 million children aged 5 to 14 works in developing countries, with nearly half of them working full-time. About 61 percent of all child laborers are in Asia, while 32 percent are in Africa and 7 percent in Latin America. Another ILO survey reveals that 50 to 60 million children worldwide, aged 5 to 11 are working in hazardous conditions.

The United Nations' objectives regarding child labor include: protecting working children from exploitation and hazardous conditions that jeopardize their physical and mental development; ensuring children have access to at least basic education, nutrition, and healthcare; and

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gradually eliminating child labor. Various UN agencies have made progress toward achieving these goals, including the following:

1. Since its inception, the International Labor Organization (ILO) has been committed to protecting the rights of children and youth—a prerequisite for social justice. Over the years, the ILO has adopted 12 key conventions that either prohibit the employment of children or establish basic conditions for allowing children above a certain age to work in various sectors. In 1990, the ILO launched a major global initiative called the 'International Programmed on the Elimination of Child Labor' (IPEC). Upon request, this program provides technical advice, focusing on the worst forms of child labor: hazardous work, forced labor, and the employment of street children, girls, and children under the age of 13. 2. A crucial step was taken by the International Labor Organization (ILO) on June 17, 1999, when it adopted a historic treaty—the 'Worst Forms of Child Labor Convention' (Convention No. 182)—in Geneva. This convention entered into force on November 19, 2000. By the end of April 2012, 175 countries had joined the convention. It applies to all children under the age of 18. Countries were urged to immediately prohibit and eliminate the worst forms of child labor. The convention included provisions to ban exploitative practices such as slavery, the sale and trafficking of children, debt bondage, child prostitution, and the forced recruitment of children for armed conflict. It also required ratifying countries to assist in removing children from hazardous work and providing them with education or vocational training. 3. In 1992, the General Assembly called upon governments and the Commission on Human Rights to take action regarding the problems faced by street children. These children are increasingly becoming involved in and affected by serious crime, drug abuse, violence, and prostitution.

4. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has gathered information to address issues related to discrimination and minority protection, and has called for measures to prevent the recruitment of children into armed forces.

5. The Commission on Human Rights has appointed a Special Reporter to address cases involving the sale of children, child prostitution, child pornography, and the misuse of adoption processes for commercial purposes.

However, these measures have not succeeded in completely eradicating child labor. It is certainly commendable that there is now significant awareness regarding the need to prevent child labour, particularly its worst and most exploitative forms. It is worth noting that education is one of the most effective ways to prevent child labor: children who do not receive basic education have no alternative but to enter the labor market, where they are often forced to work in hazardous and exploitative conditions.

Child Labor in India.

Article 23 (Part I) of the Indian Constitution prohibits "beggar" and other similar forms of forced labour. The term "beggar" refers to work or service performed by an individual without any remuneration (wages). Thus, compelling a person to work without payment constitutes "begar." Article 23 (Part I) prohibits "begar" and similar forms of forced labour because they violate an individual's dignity. The Supreme Court has elaborated on the meaning of the term "forced labour" in the case of *People's Union for Democratic Rights v. Union of India*. Article 23 (Part I) also stipulates that "begar" and similar forms of forced labour shall be punishable offences under the law. To enforce this provision, the 'Bonded Labour System (Abolition) Act' was enacted in 1976—and subsequently amended in 1987—with the aim of eradicating the bonded labour system. Pursuant to a Supreme Court order dated November 17, 1997 (passed in Writ Petition No. 3222/1985); the National Human Rights Commission (NHRC) has been monitoring the implementation of this Act.

Article 24 of the Indian Constitution stipulates that no child under the age of fourteen shall be employed in a factory or mine, or engaged in any other hazardous employment. This provision was designed to protect children from exploitation and ensure they receive an education, enabling them to develop their personalities and lead a dignified life. The framers of the Constitution recognized that merely prohibiting labor was insufficient; therefore, Article 45 was included, mandating that the State endeavor to provide free and compulsory education to all children until they complete the age of fourteen. Yet, despite these constitutional prohibitions against child labor, children continue to work.

Conclusion

Human rights are a critical issue for both companies and investors. They need to be considered through the lenses of business ethics and enterprise risk management. For several reasons, human rights risks have become a key governance issue for investors (including ICGN members). These reasons include: the evolving expectations of various stakeholders regarding how companies manage human rights risks, the development of robust reporting frameworks, and direct engagement with investors under OECD principles.

The call for input from the working group preparing the report on "Governance, Business, and Human Rights" offers a timely opportunity to examine the relationship between corporate governance and respect for human rights within the framework of the UN Guiding Principles (UNGPs). As laws and stakeholder expectations regarding business and human rights evolve,

it has become essential for directors and senior executives to understand their company's human rights risks and to properly oversee human rights due diligence activities. Reports from human rights commissions consistently reveal human rights violations, a trend particularly evident within the corporate sector.

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