

Role of Human Rights in Trade Law

Ms. Naish Zameer, Dept. of Law
Rabindranath Tagore University, Bhopal

ABSTRACT

UN's sustainable development goals are that the member states have to achieve gender equality and empower girls by 2030. Trade can no longer be in isolation it has to be in consensus with all the trading nations. Stable economic and social progress and global peace and security on the international human rights and trade law has sprang from a coherent desire to establish the social and economic pillars which foster global peace and prosperity.

Keywords: Human rights, Trade law.

INTRODUCTION

The charter of the United Nations states that women equality to men is a foundational principle in the charter and its preamble states that the United Nations determine to save succeeding generations from the scourge of war and to reaffirm faith in the fundamental human rights, dignity and worth of the human person in equal rights of men and women.

Article 1 of the United Nations, includes the mission to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms which is without any race, sex, language or religion.

Article 55 of the charter entitles "International Economic and Social Co-operations which is reiterated in the goal of creating conditions of stability and wellbeing which is necessary for peaceful and friendly relations among the nations. The United Nations shall promote a higher standard of living, full employment and conditions of economic and social progress & development, the solution of international economic, solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal

respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The UN charter's preamble language on "the equal rights of men and women" was reiterated in the 1948 Universal Declaration of Human Rights. Article 1 proclaims that "all human beings are born free and equal in dignity and rights", and article 2 declares that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as...sex."

Subsequently, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights completed the International Bill of Human Rights, which came into force in 1976. Sanctions, conditional on the severity of the coercion, might cause significant civilian pain by worsening public health conditions, economic wellbeing. It is unlikely that every society will bear the cost of sanctions. This progression further developed the principles enunciated in the universal declaration and affirmed that the rights set forth applied to men and women.

Cold War polarization contributed to an ideological divide in international human rights. Western liberal states emphasized the importance of civil and political rights, while socialist and communist states emphasized the value of economic, social and cultural rights. The Commission on the Status of Women, which began its work in 1948, advanced women's rights through development of additional specific legal instruments, the most notable being the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

Having begun in the common, inclusive vision of the UN charter, international trade law and human rights law evolved separately and independently, allowing for the development of tailored institutions, and a deepening of understanding and expertise in each area. As the pace of globalization accelerates, however, their continued isolation from each other can be seen to be an impediment to achieving sustainable development for all.

A growing realization that mobile capital and transnational corporations may have been the biggest winners of international trade has led to questions about the legitimacy of international trade deals. Increasing frustration about who gets the benefits of trade and who is saddled with its negative effects helped fuel populist rejection of globalized trade in the Brexit referendum vote and the Trump presidential election. While the International Monetary Fund, the World Bank and the

WTO reported recently that trade leads to productivity gains and significant benefits for consumers, especially the poor, they also acknowledged that states need to do more to address the negative impacts of trade behind the border.

The extent to which trade promotes equality within a country and between countries has become a crucial question regarding the legitimacy of the international economic legal order. While the progress made separately on women's empowerment and on global economic development since they were first expressed in the UN charter is remarkable, there has been little effort to reconnect the two fields — something that is now recognized as crucial to achieving gender equality by 2030. Arguably, the Joint Declaration on Women's Economic Empowerment could be an important first step to forging greater coherence between economic and human rights law and policy.

CONCLUSION

Therefore economic sanctions do not improve the level of human rights which protect the target country, as the receiving state is not capable or willing to improve the level of rights protection. Further the conclusion is that economic sanctions do not improve the level of human rights in the sanctioned country.