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Comparative Analysis of Enforcement of Human Rights on the Basis of World Report 2024: India, China and United Kingdom

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ABSTRACT

“To Deny people their human rights is to challenge their very humanity.”

~Nelson Mandela

With this very vision in mind this paper has been designed to critically examine, analyze and lay down a comparative study by taking the World Report 2024 of the United Nations (UN) as the basis for comparison. The World Reports by the UN are considered as one of the most authentic and reliable sources of data when a research analysis is the target of the paper. Nelson Mandela is considered as one of the biggest advocates or guardians of the human rights worldwide thereby his very vision brought about the idea of writing this paper and drawing out the comparison. The importance of this comparison can be understood rhetorically and for understanding the actual stance of our nation as to where India stands in terms of human rights. China is considered as one of the most technologically advanced and developed nations yet in the sphere of human rights they lag behind the most. The World Report 2024 very extensively highlights the lacunas left behind by the Chinese government and the hardships faced by their citizens. The report further lays down the basis for the comparison for this paper. Another nation that has been taken into consideration for comparison is the United Kingdom. The UK is regarded as one of the founding blocks in the array of human rights as they were the original drafters of the European Convention on Human Rights and one of the quickest nations to ratify the same. The paper further throws light on the neglected aspects by analyzing the World Report 2024 and comparing it with the status quo of human rights of India. The paper also deals with the fact to analyze as to how India is lagging on the human rights interface and how we can further progress in this race by adopting the better qualities of the developed nations and enforcing the same in our nation.

Keywords: *Human rights comparison, World Report 2024, Human rights in China, Human Rights in U.K.*

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I. INTRODUCTION

When we see from the point of view of a layman one of the most important aspects of their life is living with respect, esteem and very basic amenities of life and for that the very important and significant rights required for the citizens are the human rights or in other words the fundamental rights. Human rights can be defined as the very basic rights that must be provided to every person in this world to allow them to sustain their life and live with utter dignity. The definition is not exhaustive and it includes all the basic requirements of human beings. The basis of the human rights has been taken up from the UN Charter and Declaration on human rights. The Fundamental Rights in the Indian Constitution are provided under the Part III of the Constitution ranging from Article 12 to Article 35. There are several drastic provisions provided under this Part even remedial provisions such as Article 32 where the citizens can directly even approach the Supreme Court seeking remedy. The importance of these rights can be understood with this important saying by Eleanor Roosevelt which goes as³;

“Where, after all, do universal human rights begin?

In small places, close to home- so close and so small that they cannot be seen on any maps of the world... Such are the places where every, man, woman and child seek equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.”

II. HISTORY OF HUMAN RIGHTS⁴

The foundation for modern human rights was established by Renaissance Humanism in the early modern era, despite the belief held by many that human life is sacrosanct. As a result of the European religious conflicts and the civil wars in the seventeenth-century Kingdom of England, the liberal philosophy and the idea of natural rights were fundamental to European intellectual culture during the eighteenth-century Age of Enlightenment. The concepts of natural rights, which were developed from natural law, were at the heart of both the American and French Revolutions, which occurred towards the end of that century. The idea of human rights, however, came about later. The democratic shift of the nineteenth century made way for the implementation of universal suffrage in the twentieth century.

³BECKY LITTLE, ‘HOW ELEANOR ROOSEVELT PUSHED FOR A UNIVERSAL DECLARATION OF HUMAN RIGHTS’(HISTORY, 8 DECEMBER 2020) < [HTTPS://WWW.HISTORY.COM/NEWS/ELEANOR-ROOSEVELT-UNIVERSAL-DECLARATION-HUMAN-RIGHTS](https://www.history.com/news/eleanor-roosevelt-universal-declaration-human-rights)>

⁴ Nancy Flowers, ‘Human Rights Here And Now’ (University of Minnesota, Human Rights Resource Center) <<http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>>

The first instance of human rights dates back to 539 B.C.⁵ right into the reign of Cyrus the Great, who is attributed as the first King of Persia after conquering the city of Babylon. What gave rise to the revolutionary idea of human rights is what Cyrus did next. He freed all the slaves that were under confinement in the name of right to profess religion of one's own autonomous choice. The aim behind him freeing all the slaves was to mark this purview in the world that every human naturally by birth possesses the right to profess religion of their own choice further thereby establishing Racial equality which was one of the most critical and crucial problem back then. The decrees thus illustrated by Cyrus were recorded on a cylinder made up of clay and today that cylinder is known as the Cyrus cylinder. This unique gesture of Cyrus and his decrees thereby formed the basis of the Declaration of human rights.

The idea of human rights after Persia first traveled to Rome, Greece and India. The idea of natural law further came into existence and people started contemplating on the same. Some other relevant instances in the history of human rights are the Magna Carta (1215), the Petition of Right (1628), the US Constitution (1787), the French Declaration of the Rights of Man and of the Citizen (1789), and the US Bill of Rights (1791).

III. HUMAN RIGHTS IN INDIA

The Human Rights in India have come a long way. From the King rule to Britisher's rule to today's democratic India; it is an evident fact that human rights have travelled a long road to what the citizens are guaranteed today in India. The Constitution of India enforces several human rights under the prerogative of fundamental rights in its Part III and these rights are mandated by the Constitution and their violation is not allowed and effective remedies have also been provided to the citizens. Time and time again the Indian courts have widened the scope of these rights by delivering astonishing judgments like the Maneka Gandhi case. The Court uprightly interpreted the clauses of the Constitution in a completely new manner and widened the scope of Articles 14, 19 and 21⁶. The "Right to Life" today covers in its ambit the right to health, the right to livelihood, the right to dignity, the right to clean and healthy environment and many other rights. If any provision of any statutory law or any administrative order infringes the fundamental rights of the citizens, they are free to challenge the same in the court of law except for the reasonable restrictions. Such is the legal system of India that they promote stringent enforcement of these fundamental rights and have struck down several

⁵ 'Introduction and Background of Human Rights' (United For Human Rights- E Course) <<https://www.humanrights.com/course/lesson/background-of-human-rights/the-background-of-human-rights.html#:~:text=The%20decrees%20Cyrus%20made%20on,a%20major%20advance%20for%20Man>>

⁶ The Constitution of India, 1950.

provisions and administrative orders that weren't reasonable enough and were infringing the fundamental rights that is the human rights of the citizens.

If we talk about the enforcement of human rights, the Indian government as well as the Indian Legislature and Indian Judiciary are trying their level best to ensure the same and are taking all the corrective measures to protect the human rights of the citizens. It is true that the enforcement is not absolute but there is always scope for improvement and the Indian democracy has come a long way already and there is still a lot to be done and we are moving slowly and steadily but constantly. India is still a developing nation yet it is one of the biggest democracies in the world and extensively focuses on the enforcement of human rights. The law itself was made with the aim of public welfare and in turn for the enforcement of human rights and the law is dynamic in nature so as to cater to the changing needs of the society and the citizens. Therefore, it can be clearly seen that India has been working constantly for the enforcement of human rights in every aspect and they have even decriminalized the LGBTQ status in pursuit of ensuring human rights of the LGBTQI community.

(A) World Report India (2024)⁷:

Under the leadership of Bharatiya Janata Party (BJP) Prime Minister Narendra Modi, the Indian government has continued to implement policies that stigmatize and discriminate against religious and other minorities. As a result, there have been more instances of communal violence across the nation, particularly in the state of Manipur, where ethnic confrontations have claimed hundreds of lives.

When victim communities, even those who challenged such atrocities, were swiftly punished by administrative authorities in BJP-ruled states, the police neglected to adequately investigate crimes against minorities. The National Human Rights Commission and other constitutional agencies, as well as those tasked with defending the rights of women, children, religious minorities, tribal communities, and Dalits, did not operate in a vacuum.

In order to increase the provision of social and economic services, the government encouraged the development of a digital public infrastructure. Unfortunately, frequent internet outages, inadequate data security and privacy, and unequal access among rural populations undermined those efforts.

During the September meeting of the Group of Twenty (G20), which consists of the biggest economies in the world, India, which is now hosting the rotating presidency, pushed for the

⁷ 'World Report 2024' <<https://www.hrw.org/world-report/2024>>

inclusion of the African Union as a permanent member and increased inclusivity and representation within the group.

IV. HUMAN RIGHTS IN CHINA

The UN can take steps against nations that violate the human rights of their citizens and try to provide them aid in every way possible. They can put on international pressure on the government of such nations which will eventually result in better protection of human rights for the deprived citizens of such nations.

A decade into President Xi Jinping's standard, constraint develops the nation over. The Chinese government proceeds with its oppressive strategies against Uyghurs and other Turkic Muslims in Xinjiang, which add up to violations against humankind and their basic human rights. People who advocate for their culture, language, and religion risk being labeled "separatists" in both Tibet and Xinjiang and have been sentenced to severe prison terms. Across China, the public authority is further fixing social controls. There is no autonomous common society; indeed, even little pockets of opportunity are wiped out. In Hong Kong, the Chinese government has taken command over the city since enforcing the National Security Law in 2020.

The above stated facts evidently showcase the plight of the citizens of China under the rule of their government as they are not even provided the very basic human rights such as freedom of speech and expression which was almost crystal clear evident during the time of Covid-19 Outbreak as the Chinese government did not even allow its citizens to report freely regarding the same. The Chinese government has even taken over Hong Kong launching its monarchy over Hong Kong too. The Chinese government believes in the autocratic form of leadership over the democratic measures as they suppress their citizens to as par as possible. The condition of human rights in China is completely worth a thousand tears of sympathy for their citizens as they possess little to no freedom at all in the arena of human rights.

(A) World Report China (2024)⁸

The Chinese government's rundown of political targets keeps on extending. Indeed, even who's employers are unfamiliar elements in China's cosmopolitan urban communities wind up deliberately targeted, with modifications to a regulation on "counter-espionage" in July and with the state security service empowering the populace to report claimed spies.

As the economy has slowed, little protests have arisen, such as the one in February where

⁸ 'World Report China' (Human Rights Watch, HRW) <World Report 2024: China | Human Rights Watch (hrw.org)>

retirees protested over changes to their health insurance. Aspirations for a more peaceful society remain deeply held among many, especially those who have experienced mistreatment, such as women; LGBT (lesbian, gay, bisexual, and transgender) individuals; Tibetans; Uyghurs; Hong Kongers; and those from lower socioeconomic backgrounds. Some of the exiled individuals have merged with dissident diaspora developments.

Many people across the country were mourning the sudden death of the former Head Li Keqiang in November. For most, Li spoke of a China that was even more financially active than Xi, who prioritized favorable control and is turning China upside down.

1. Freedom of Expression

Through legislations, regulations and guidelines, criminal discipline, badgering, terrorizing, and the utilization of innovation, the Chinese government works one of the world's most severe restriction systems.

In April, specialists delivered and released Wuhan finance manager Fang Bin, who was among the earliest to give an account of the Coronavirus episode, following three years in confinement. However, Shanghai-based dissident and previous legal advisor Zhang Zhan, who went to Wuhan to write about the flare-up in February 2020, stays in authority. In July 2023, specialists moved her to a jail medical clinic because of her decaying well-being.

Specialists delivered on bail a few dissidents who partook in the White Paper Protests in late 2022, including Cao Zhixin, Li Yuanjing, Zhai Dengrui, and Li Siqi. In any case, in Walk, a court condemned Uyghur undergrad Kamile Wayit to three years in jail for "advancing radicalism" after she shared a video of the fights on the web. How many protesters are still in custody is unknown. The citizens of China do not unbiasedly enjoy the freedom of expression as the censorship and norms fixated by the government are by far beyond the tolerance strength of a prudent man. Even though China is very much advanced in terms of technology, education and several other discoveries the nation still lags behind in the ambit of freedom of expression.

V. HUMAN RIGHTS IN UNITED KINGDOM⁹

The human rights in United Kingdom are governed by The European Convention on Human Rights and its protocols. The international treaty between the States of the Council of Europe regarding the same is European Convention on Human Rights (ECHR)¹⁰. This treaty was

⁹'The Human Rights Act 1998' (Citizens Advice, United Kingdom) <<https://www.citizensadvice.org.uk/law-and-courts/civil-rights/human-rights/the-human-rights-act-1998/>>

¹⁰ 'European Convention on Human Rights' (ECHR) <<https://www.echr.coe.int/european-convention-on-human-rights>>

drafted by the United Kingdom themselves and they were one of the first States to ratify this treaty in 1951. The enforcement of this treaty was in the year 1953. This convention incorporates the amendments made by Protocols No. 11, 14 and 15, in 1998, 2010 and 2021 respectively.

Key features of Human Rights in the UK:

The Human rights in the UK are protected by the Human Rights Act 1998. Some of the most important salient features of this Act are as follows¹¹:

- These rights are also called as the convention rights as they give away power to the convention on human rights that is the European Convention on Human Rights (ECHR).
- Some of the most important human rights underlined in the convention are such as Right to Life, right to freedom of religion and belief, right to respect for private and family life and several other important basic and fundamental rights.
- Special courts have been formulated under this act for the remedial purpose which are known as the European Court of Human Rights.
- If the rights of an individual have been breached according to this Act or the convention, the individual can directly approach the Courts in UK or the European Courts of Human Rights.
- The Public Authorities must follow the Human Rights Act and act in such a way that they are compatible with the human rights of the citizens.

(A) World Report United Kingdom (2024)¹²

The UK government corroded and wearied down the human rights and certain international obligations. The government has further criminalized protesters by introducing a new legislation and thereby limiting the worker's strikes. The new legislation focusses on banning people that arrive "irregularly" to the United Kingdom from accessing protection and claiming asylum.

Another setback in the course of the government of the UK was failing to take any meaningful steps for tackling institutional racism and addressing the previous wrongdoings for fairly compensating Black Britons as their rights were harmed by in the Windrush Scandal and crimes

¹¹ 'Human Rights' (Citizens Advice, United Kingdom) <<https://www.citizensadvice.org.uk/law-and-courts/civil-rights/human-rights/what-are-human-rights/>>

¹² 'World Report United Kingdom 2024' (Human Rights Watch, HRW) <World Report 2024: United Kingdom | Human Rights Watch (hrw.org)>

against the Chagossian people.

1. Rule of Law and Human Rights

The government of United Kingdom in April, introduced another new legislation that is the Public Order Act which criminalizes the people's right to protest peacefully and thereby undermining their rights to freedom of expression and speech and also peaceful assembly and association.

This legislation was the result of the ongoing protestors on climate change and brought almost 13 such protestors behind the bars serving sentences and awaiting trials.

An Anti-boycott bill was introduced by the government in the parliament right about in the June that aimed at restricting the public bodies such as universities and local councils from transferring investments thereby minimizing the human rights abuses and several other international crimes such as the support for repression of Chinese Uyghurs or the Israeli war crimes against humanity in the West Banks.

On the brighter side, the government has decided to drop the plans of repealing the Human Rights Act and the European Convention on Human Rights.

VI. HUMAN RIGHTS ENFORCEMENT IN INDIA VS. CHINA

China as of 2020 after the spread of Coronavirus from the city of Wuhan has been the most discussed about nation as it is believed that it is China where this virus originated that resulted in a worldwide pandemic not leaving behind any nation from its blanket of infection. The disease has destroyed several families and many have succumbed to this disease worldwide. The regulations in China were so strict that the doctors and the citizens were completely denied of their freedom of speech and expression and they were not even allowed to openly research for the cause of the virus or report the conditions to the outside world that exists beyond the boundaries of China. China was immensely criticized by the UN for such provisions as they completely restrained their citizens from freedom of speech and expression which is one of the most critical human rights.

China is often regarded as a democratic monarchy as the communist party decides even for the religious practices of the citizens and even controls their several human rights single handedly. China is one of the permanent members of UN yet they violate the human rights of their citizens which is a sad truth and they even discriminate on the basis of religion among their citizens as is seen in the case of Uyghur's. They even discriminate between their citizens on the basis of their sexual identities as the LGBTQI community does not possess the same rights as the

citizens of the nation. Whereas, in India all the citizens possess the freedom of speech and expression and there is no discrimination among the citizens on the basis of their caste, creed, religion or sexual preferences.

VII. HUMAN RIGHTS ENFORCEMENT IN INDIA VS. UNITED KINGDOM

The human rights provided within the United Kingdom are worth all the praise as they are not only colossally developed but also enforced remarkably by the State. The fundamental rights guaranteed to the citizens in the UK are very much similar to those granted in India. In the United Kingdom, the citizen's rights are defended by the judiciary itself which in result implies that even in the absence of Fundamental Rights or Bill of Rights the British people shall still possess these rights. This fantastic feature of the U.K. can very much be imbibed in India as there is no such provision in the hands of the Indian Judiciary if the fundamental rights are not provided in the Constitution.

VIII. CONCLUSION

The Government of India can ensure better enforcement of Human Rights by enforcing existing laws more stringently and ensuring that the restrictions enforced are reasonable in nature and not arbitrary or unjust or unfair and remedies are provided to the citizens who rights are being infringed. The government should also focus on initiating awareness campaigns about human rights then and only then they can ensure effective enforcement as the citizens firstly need to be aware of the rights that they possess. The government can also release short snippets about human rights that will help increase interaction with the citizens and open forums for discussions among the citizens and help in spreading awareness too.

Drawing out from the comparison, the Indian government should also focus on the areas that lack in terms of human rights as shown by the United Nations in the World Report. The government has truly been working judiciously to bring about the changes and better enforcement of human rights yet they can pick up the star provisions from the United Kingdom, such as making it mandatory for the judicial courts to enforce human rights even without the presence of the constitutional provisions.

Hence, it can be concluded that it is human rights that help the people live their life independently and their enforcement must always be the prime motive of every nation for their respective citizens to ensure that they are living happily and are content with their life.
