

STRENGTHENING GLOBAL HUMAN RIGHTS PROTECTION: LESSONS FROM INDIA-US COLLABORATION DURING COVID-19 AND ASSESSING HUMAN RIGHTS VIOLATIONS IN DEVELOPED NATIONS

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ABSTRACT

The COVID-19 pandemic has posed significant challenges to the protection of human rights worldwide, impacting life, liberty, health, and safety from censorship and excessive use of force. Even in the most developed nations, multiple human rights have been infringed upon, despite their best efforts in precautionary measures and prevention. While existing research has explored the global destructive effects of COVID-19 and the separate roles of India and the US in supporting other nations, there is a notable absence of collective examination of human rights violations during lockdowns and curfews in the United Nations' permanent members. Furthermore, limited attention has been given to how India-US relations played a crucial role in helping permanent members and the world cope with this global emergency. This research article aims to shed light on human rights abuses during the COVID-19 pandemic within the UN permanent members and India's bilateral relations with these nations, with a specific emphasis on the dynamic between India and the US. By analyzing the measures taken by countries to control the pandemic, including emergency provisions and limitations that may have breached human rights and international treaties, this paper will offer key insights into the impact on mobility, access to supplies and equipment, stigmatization, xenophobia, prejudice, and inequalities experienced during lockdowns. This study will be the first to comprehensively examine the human rights violations during COVID-19 lockdowns and curfews in developed nations, while simultaneously investigating how India-US ties were affected by the pandemic. The paper seeks to identify the lessons learned from India-US cooperation, and its implications for global human rights response in future emergencies. By exploring the challenges faced and successes achieved, this research aims to contribute to the strengthening of human rights protection measures during pandemics, ensuring the preservation of essential rights during times of crisis.

Keywords: COVID-19 Pandemic, Human Rights, UN Permanent Members, India-US Relations, Global Cooperation.

Introduction

The COVID-19 pandemic has highlighted the importance of human rights, which are inherent and inalienable to every individual, irrespective of their background. However, the pandemic has also provided a rationale for governments to impose restrictions on these rights and introduce new measures, despite human rights being a central theme in all UN policies and programs aimed at ensuring peace and security. The pandemic has exacerbated existing inequalities and poverty, despite efforts by governments to mitigate its economic impact. Moreover, the pandemic has significantly impacted the environment and the fundamental rights of people. Widespread lockdowns implemented to control the spread of the virus have raised concerns about the preservation of economic and social rights. The right to food and clean water, essential for human survival, has been threatened in many regions due to disruptions in supply chains and access to resources. The ability of people to form unions and advocate for their rights has also been limited during lockdowns, affecting workers' rights and collective bargaining. In this challenging context, it is crucial for governments to strike a balance between protecting public

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health and preserving human rights. Emergency measures should be temporary, necessary, and proportionate, with close monitoring to avoid unnecessary infringements on individual liberties. Furthermore, governments must address the inequalities and vulnerabilities that the pandemic has exposed, taking proactive measures to support marginalized communities and ensure equitable access to resources and opportunities. While the pandemic has undoubtedly created immense challenges, it also presents an opportunity for countries to reevaluate their commitment to human rights principles. Strengthening human rights protections can enhance the overall resilience of societies and improve the response to future crises. It is essential for the international community to work collectively to uphold human rights standards, even in times of emergencies, to ensure that every individual's dignity and freedoms are respected and protected.

Russia

In Russia, the Constitution has guaranteed free healthcare facilities since 1996, which are funded by the government through the Federal Compulsory Medical Insurance Fund (OMI). However, according to World Report 2021, the COVID-19 pandemic raised concerns about the capacity of the medical system to handle such a crisis, with 400 medical personnel losing their lives during the first wave of the virus. Additionally, certain Moscow hospitals prohibited legal abortion services during the pandemic, despite it being a critical and time-sensitive medical procedure. The measures taken to combat COVID-19 also had significant impacts on Russia's 16.5 million schoolchildren, leading to depression in more than one-third of students due to self-isolation and remote learning.

Moreover, the pandemic exacerbated issues of racial profiling, arbitrary detentions, police brutality, and xenophobia, particularly affecting migrants. Although authorities organized flights for some imprisoned migrants to return home, about 8,000 migrants remained detained due to travel restrictions. Vulnerable populations, such as the elderly and individuals with disabilities, faced challenges in accessing adequate health and welfare services due to prejudice and inadequate resource allocation. People who rely on fishing and hunting for sustenance also encountered difficulties accessing food during the pandemic, impacting their rights (IPHR, 2020).

China

China, officially with a population of over 1.4 billion, is the world's most populous nation and has a GDP of \$17.73 trillion, making it the richest developing country. However, according to World Report 2021, the emergence of COVID-19 led to significant changes as strict quarantine measures were enforced in cities like Wuhan and other regions. Initially, the Chinese authorities withheld information about the virus and later imposed stringent restrictions. The government's refusal to allow neutral and independent investigations into its handling of the outbreak has been a subject of global objection. During lockdowns, particularly in Wuhan and Xinjiang, there were reports of inadequate access to essential supplies such as food and medical treatment, leading to surveillance and harassment of bereaved families. Residents were required to take traditional Chinese medicine, and disobedience to lockdown regulations resulted in punitive measures like shackling to metal posts and barred apartment doors. School closures impacted over 241 million students nationwide, reflecting existing educational disparities as many lacked access to affordable internet and capable devices for remote learning. The Chinese government has also detained and punished internet users for private communications and online criticism of the government, using charges like "spreading rumors," "provoking fights," and "insulting government leaders."

Additionally, Chinese tech companies developed the Health Code app to combat COVID-19. The app's use by local authorities for mass monitoring significantly affected people's freedom of mobility. Furthermore, China's treatment of North Korean refugees has been in violation of its responsibilities under the 1951 Refugee Convention, with reports of imprisonment and forced repatriation (Eve, 2020).

France

In France, the statutory health insurance program provides all citizens with access to healthcare. However, according to World Report 2022, the COVID-19 pandemic raised concerns about individual freedoms due to issues such as mask availability, vaccination adherence, communication errors, and isolation within the current democratic system. Reports from the National Council for Poverty and Social Exclusion Policy and the National Institute of Statistics and Economic Research indicate that the pandemic exacerbated the instability faced by the poorest individuals, despite government support and safety measures. Food insecurity worsened, and inequality and poverty became more evident (UN, 2020). Asylum seekers and migrants also encountered numerous challenges during this period. During

the lockdown, individuals were required to fill out a specific form to visit a doctor or go shopping. However, the availability of these forms only in French posed difficulties for some individuals in completing them.

United Kingdom

In the United Kingdom, the National Health Service (NHS) is the government-run healthcare system, providing healthcare to all residents. However, during the peak of the first wave of the COVID-19 pandemic, only one-third of patients could receive the hospital care they needed. The pandemic highlighted the potential violations of human rights through strict public health policies implemented to combat the spread of the virus, as the consequences of infection could be fatal for those affected (HRMI, 2021). The requirement for self-quarantine, tight restrictions, and social isolation during the pandemic also resulted in violations of fundamental human rights. Many people lost their jobs, and families struggled to make ends meet during this challenging period. Families with children, especially those with single parents or disabled family members, faced crippling dependence on food banks due to curfew limitations. Moreover, school closures during the pandemic disproportionately affected children from lower socioeconomic backgrounds, as they lacked access to digital technology, private or online help, and a conducive environment for studying. The government's increasing use of austerity measures also jeopardized human rights practices and the social support system for the people (Grace, 2021).

United States of America

The COVID-19 pandemic had a sudden and profound impact on people's lives in the United States, similar to significant historical events like World War. Those in the low socio-economic class faced significant job losses and hardships. Despite being one of the oldest and most developed democracies in the world, the USA experienced inequalities and poverty disproportionately affecting minority communities. This led to an increased likelihood of infection, severe illness, and death, as well as limited access to essential services, exacerbating economic inequality and racial injustice. The pandemic resulted in limited access to critical commodities and services, job losses, reduced health coverage, and financial hardships. As mentioned in the World Report 2021, People of color remained overrepresented in low-paying service jobs, making them more vulnerable, particularly women and immigrants. The agriculture and food processing industries also faced challenges, leading to an unfavorable job atmosphere. Migrant and seasonal farm workers were forced to live in substandard accommodations, such as basic particle board shelters with shared restrooms, further highlighting the impact of the pandemic on vulnerable populations.

India-US Relations

The world's oldest and largest democracies have mutually benefited from their bilateral relationship. Richard Rossow of CSIS has referred to it as 'Opportunity through crisis'. India provided assistance to the US during the COVID-19 pandemic by exporting Hydroxychloroquine tablets, showcasing the close cooperation between the two nations in vaccine development. Collaborations between Indian company Bharat Biotech, American pharmaceutical company FluGen, and the University of Wisconsin led to the creation of an intranasal COVID vaccine (Jorden, 2020). The pandemic raised concerns about potential disruptions to IT-enabled services for US businesses, revealing the deep interconnection between the IT industries of both countries. Other countries also benefited from software programs developed jointly by India and the US for citizen registration and tracking of active COVID cases during vaccination drives. India's innovative approach of using spare train coaches, stadiums, and vacant classrooms to reach every resident during the pandemic inspired other nations to transform their spaces into vaccination centers while ensuring safety measures stated Carmack and his colleagues.

The India-US alliance, particularly in the health sector, created more opportunities for international engagement with organizations like the WHO, WTO, and QUAD. American priorities during the pandemic included working with allies on vaccine development, critical technologies, global connectivity, infrastructure projects, and semiconductors (Sandhu 2021). The QUAD Vaccine Partnership, with India as its manufacturing hub, and initiatives in the Indo-Pacific were favored by the US, deepening the partnership. India established a Global Pandemic Task Force at the WHO, collaborating with national working groups to address short-term and long-term objectives. The relationship's success in developing and delivering COVID-19 vaccinations to countries in need contributed to restoring peacekeeping, education, space, and cybersecurity. It ensured that no country was left deprived, and fundamental rights were protected. High-level meetings advanced the bilateral agenda across various sectors, including military, health, economic and financial partnership, financial regulation, and specific strategic areas.

India-US Relations in Combating Human Rights Violations during the COVID-19 Pandemic

India-US relations played a crucial role in combating human rights violations during the COVID-19 pandemic, with both nations demonstrating significant efforts in supporting not only the UN permanent members but also other nations worldwide. India's assistance to the US through the export of Hydroxychloroquine tablets and collaborations in vaccine development showcased the close cooperation between the two countries (Talwar, 2021). Furthermore, India's innovative approach of repurposing train coaches and stadiums to reach every resident inspired other nations to adopt similar measures, ensuring equitable access to healthcare and protecting the right to life. The United States also played a vital role in providing aid and expertise globally, working with allies on vaccine development, critical technologies, and infrastructure projects. The QUAD Vaccine Partnership, with India as its manufacturing hub, exemplified the effectiveness of international collaboration in crisis response and vaccine distribution. Both India and the US demonstrated the importance of international cooperation and multilateralism in addressing the pandemic's challenges, underscoring the significance of collective efforts to protect human rights globally. The COVID-19 pandemic revealed various human rights implications, particularly in emergency provisions and limitations. These limitations impacted mobility and the right to travel, affecting people's freedom of movement and access to essential services. Access to medical supplies, equipment, and healthcare services also became a critical concern, with vulnerable populations facing disproportionate challenges in obtaining adequate care (Jorden, 2020).

Moreover, stigma, xenophobia, prejudice, and discrimination against vulnerable groups exacerbated during the pandemic, highlighting the need for proactive measures to protect the rights of marginalized communities. The loss of access to formal education had severe consequences, particularly for children from lower socioeconomic backgrounds, emphasizing the importance of addressing the intersectionality of health, human rights, and inequalities. The collaboration between India and the US in combating human rights violations during the pandemic offers valuable lessons for strengthening global human rights protection. Analyzing the effective strategies employed by both nations can inform future crisis response efforts. Emphasizing the significance of international cooperation and multilateral approaches can lead to more comprehensive and equitable solutions in protecting human rights during emergencies. Addressing the intersectionality of health, human rights, and inequalities is critical in ensuring that all individuals, regardless of their background, have equal access to rights and opportunities in times of crisis (UN, 2020).

Significance

The COVID-19 pandemic has brought the importance of human rights to the forefront, acknowledging that every individual possesses inherent and inalienable rights, regardless of their background. Nevertheless, the pandemic has also been used as a justification by governments to impose restrictions on these rights and introduce new measures, despite human rights being a central theme in all UN policies and programs focused on maintaining peace and security. Moreover, the pandemic has exacerbated existing inequalities and poverty, despite efforts by governments to mitigate its economic impact. Additionally, the pandemic has significantly impacted the environment and the fundamental rights of people. The widespread implementation of lockdowns to control the spread of the virus has raised concerns about the preservation of economic and social rights. The right to food and clean water, which are essential for human survival, has been threatened in many regions due to disruptions in supply chains and access to resources. The ability of people to form unions and advocate for their rights has also been limited during lockdowns, affecting workers' rights and collective bargaining.

In such a challenging context, it becomes crucial for governments to strike a balance between protecting public health and preserving human rights. It is essential for emergency measures to be temporary, necessary, and proportionate, with continuous monitoring to avoid unnecessary infringements on individual liberties. Furthermore, governments must address the inequalities and vulnerabilities that the pandemic has exposed. They should take proactive measures to support marginalized communities and ensure equitable access to resources and opportunities. The pandemic presents an opportunity for countries to reevaluate their commitment to human rights principles. Strengthening human rights protections can enhance the overall resilience of societies and improve the response to future crises. It is vital for the international community to work collectively to uphold human rights standards, even in times of emergencies, to ensure that the dignity and freedoms of every individual are respected and protected.

Conclusion

In times of crisis when fundamental rights were at risk, community networks emerged to provide support and sustenance to marginalized individuals, offering them food, emotional assistance, and

livelihood opportunities. Although the COVID-19 pandemic posed a threat to human rights, past standards and movements can serve as a roadmap to navigate through this crisis. Embracing ideals of openness, responsibility, and non-discrimination can help heal our fractured world and restore it to wholeness in the future. The urgent imposition of COVID-19 restrictions was necessary to protect humanity. Nations united on a common platform, setting aside their differences and disagreements, to take necessary actions. Countries made concerted efforts to assist each other in overcoming the threatening circumstances.

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