

INSTITUTE FOR THE ADVANCEMENT OF JUSTICE & HUMAN RIGHTS

United States Universal Periodic Review — Fourth Cycle, 53rd Session

2 October 2026

Permanent Mission of India to the United Nations Office and other international organizations in Geneva

Attention: H.E. Mr. Arindam BAGCHI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative

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Excellency:

Re: Renewal and sharpening of India's national-human-rights-institution recommendation

In recommendation 26.95, India placed the establishment of a national human rights institution before the United States' third-cycle review. The Institute respectfully asks the Mission to consider renewing and sharpening that recommendation for the review on 10 November 2026.

The Institute for the Advancement of Justice & Human Rights is an independent truth-finding organization. It requests critical examination, not endorsement. Its enclosed Civil-Society Advocacy Brief was not filed as a stakeholder submission and is not part of the official UPR record; it is advocacy material circulated directly to Missions.

The brief asks which institution independent of the federal and State judiciaries can investigate allegations of torture or other ill-treatment arising through judicial or court-connected conduct, determine institutional responsibility, secure accountability and facilitate effective remedy and reparation. It does not ask the Mission to adjudicate an individual complaint.

Torture and other cruel, inhuman or degrading treatment or punishment are distinct classifications. Disability-accommodation denial, procedural unfairness, harmful judicial action, family separation, the treatment of migrants and human experimentation without consent are not automatically either classification. The applicable elements must be established through prompt, impartial and independent investigation.

Respectfully,

Cyrus Hazari

Director

Institute for the Advancement of Justice & Human Rights

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Mission briefing note — India

1. Prior recommendation and United States response

Recommendation 26.95	Consider establishing a national human rights institution in accordance with the Paris Principles (India).
United States position	The United States supported recommendation 26.95 in part (Addendum, paragraph 21), stating that it had no current plan for a single national human rights institution.
Attribution limit	This recommendation is cited only as the basis for renewal. It does not attribute the Institute’s findings or legal analysis to India.

2. Mission-specific basis

India’s recommendation supplies an institutional basis for asking whether the United States’ fragmented mechanisms can deliver independent investigation and effective redress when alleged violations arise within the judiciary itself. The United States supported the recommendation in part, stating that it had no current plan for a single national human rights institution (Addendum, paragraph 21). Renewal can now define the powers, jurisdiction and independence needed for the institution to function rather than exist merely in name.

3. Institutional question and legal boundary

The Institute does not claim that no United States law can reach any judicially connected wrong. Individual provisions may reach particular predicate acts. Its narrower structural finding is that no identified institution has a comprehensive, treaty-specific and sufficiently independent mandate across federal and State systems to receive these allegations, coordinate potentially applicable law, investigate institutional responsibility and secure the accountability and redress required by the Convention against Torture.

Under presently administered domestic doctrine, judicial-conduct systems, immunities, jurisdictional rules and procedural barriers have distinct functions. Under the Institute’s separate international-law analysis, their combined operation cannot be permitted to eliminate every effective avenue of investigation, accountability, proportionate sanction, State responsibility and reparation. That conclusion is an IAJ determination, not settled United States doctrine.

4. Proposed mission-specific recommendations

1. Establish through federal law, in accordance with the Paris Principles, an independent national human rights institution whose jurisdiction reaches every branch and level of government, including federal and State judiciaries, and whose powers include accessible complaints, evidence gathering, individual and systemic investigation, referral, public findings and facilitation of effective redress.
2. Ensure prompt and impartial investigation independent of the institution and officials implicated whenever reasonable grounds exist to believe that torture or other cruel, inhuman or degrading treatment has arisen through judicial, family-court, child-protective, administrative or court-connected conduct.
3. Publish a time-bound implementation plan and annual disaggregated data on complaints, investigations, findings, referrals, remedies and reparations, with full accessibility for persons with disabilities and meaningful participation by affected persons.

5. Interpretive safeguard

A Paris Principles institution and a national implementation/reporting mechanism may complement one another, but they are not interchangeable. The proposed institution must possess genuine independence and complaint, investigation and redress functions.

6. Requested next step

Please consider using, adapting or challenging the proposed language after independent review. The Institute would welcome a short discussion with the responsible UPR officer and will provide pinpoint sources for any proposition questioned.

Primary-source record and enclosure

1. [Working Group report — United States, A/HRC/46/15 \(15 December 2020\)](#)
2. [United States addendum and responses, A/HRC/46/15/Add.1 \(4 March 2021\)](#)
3. [OHCHR United States UPR page — fourth-cycle review information](#)
4. [UN Geneva Blue Book — current India mission entry](#)
5. [Convention against Torture — official OHCHR text](#)

Enclosure: Institute for the Advancement of Justice & Human Rights, Universal Periodic Review—United States of America, Fourth Cycle—Fifty-third Session of the Working Group: Civil-Society Advocacy Brief (7 August 2026; enclosed PDF SHA-256: 1a1b9f1d6871ea4a8a7966e577e7b24eeeb49ecc3c1ce53f11fccd4f3d141b2).

Attribution control: the Working Group report records State recommendations, not Human Rights Council findings; the addendum records United States positions; the remaining analysis and proposals are IAJ determinations for independent testing. Receipt, silence, discussion or partial use must never be represented as endorsement.