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RECOMMENDATIONS TO ADDRESS THE CRISIS OF TORTURE AND ILL-TREATMENT IN INDIA

Briefing paper

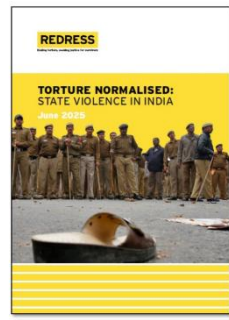
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This briefing contains the key recommendations from REDRESS's June 2025 report [Torture Normalised: State Violence in India](#), accompanied by commentary on instances where these same recommendations have been raised in international fora, yet have failed to elicit meaningful action from the Indian government.

SUMMARY OF 'TORTURE NORMALISED' REPORT

Torture and ill-treatment by state authorities in India remain systemic and carried out with impunity due to weak accountability mechanisms. India has signed the UN Convention Against Torture (UNCAT) but has not ratified it. Custodial torture, including physical and sexual violence, is frequently used to summarily punish suspects, extract confessions or intimidate detainees. Extrajudicial killings are carried out with impunity, often enabled by a legal framework that provides de-facto immunity for the acts of police and security forces.

Marginalised communities, such as Dalits, Adivasis, and religious minorities, are disproportionately affected, especially in regions like Jammu and Kashmir, Chhattisgarh, and the northeast. Victims face significant barriers to justice, including harassment, procedural delays, and a lack of independent investigations. Despite repeated recommendations from international bodies and Special Rapporteurs, such as those restated below, meaningful reform remains elusive, hindered in part by India's geopolitical significance, which deters stronger international condemnation.



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INTERNATIONAL COMMITMENTS AND LEGISLATIVE REFORM

RECOMMENDATIONS	PREVIOUS STATEMENTS BY INTERNATIONAL BODIES
Establish a clear and time-bound roadmap for the ratification of UNCAT.	2017 UN Human Rights Council, Universal Periodic Review of India ¹ 2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from

¹ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2017, para 161.5

June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan²

2022 UN Human Rights Council, Universal Periodic Review of India³

Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of India⁴

2024 OHCHR, India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections⁵

UN Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India⁶

Ratify the Optional Protocol to UNCAT (OP-CAT) and establish an effective and independent National Preventive Mechanism (NPM) to regularly monitor all places of detention.

2017 UN Human Rights Council, Universal Periodic Review of India⁷

2022 Committee on the Rights of Persons with Disabilities⁸

2024 UN Human Rights Committee, Concluding observations on the fourth periodic report of India⁹

Criminalise torture as a separate offence in domestic law, in line with UNCAT, for instance by amending the Bharatiya Nyaya Sanhita (which replaced the Indian Penal Code).

2017 UN Human Rights Council, Universal Periodic Review of India¹⁰

2024 Committee on the Rights of Persons with Disabilities¹¹

Amend sections 148-150 of the Bharatiya Nagarik Suraksha Sanhita (which replaced the Code of Criminal Procedure), to clearly define when assemblies may be dispersed and ensure any use of force meets the principles of

2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan¹²

2022 UN Human Rights Council, Universal Periodic Review of India¹³

² OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (o)

³ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.1

⁴ Convention on the Rights of Persons with Disabilities, [Concluding observations on the initial report of India](#), 29 October 2019, para 33(b)

⁵ OHCHR, [India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections](#), 7 March 2024, page 2

⁶ UN Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2024, para 34(e)

⁷ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2017, para 161.10

⁸ Convention on the Rights of Persons with Disabilities, [Concluding observations on the initial report of India](#), 29 October 2019, para 33(b)

⁹ UN Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2024, para 34(e)

¹⁰ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2017, para 161.12

¹¹ UN Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2024, para 34(a)

¹² OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (h)

¹³ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.100

legality, necessity, and proportionality, strictly prohibiting lethal force, in line with the UN Guidance on Less-Lethal Weapons, the UN Model Protocol on Protest Management, and other international standards.

2024 UN Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India¹⁴

Immediately amend or repeal counter-terrorism legislation to ensure compliance with international law, including legal certainty, necessity, proportionality, and the protection of fundamental rights. In particular, the Unlawful Activities (Prevention) Act, the Armed Forces Special Powers Act (AFSPA), the National Security Act, and the Jammu and Kashmir Public Safety Act.

2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan¹⁵

2024 UN Human Rights Council, Universal Periodic Review of India¹⁶

Repeal provisions that grant immunity to public officials or require prior Government sanction to prosecute public officials accused of torture and other grave crimes, such as extrajudicial killings, from all relevant domestic laws.

2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan¹⁷

2023 OHCHR, A/78/324: Thematic study on the global trade in weapons, equipment and devices used by law enforcement and other public authorities that are capable of inflicting torture and other cruel, inhuman or degrading treatment or punishment¹⁸

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India¹⁹

Amend the Protection of Human Rights Act to make the National Human Rights Commission's (NHRC)

2022 UN Human Rights Council, Universal Periodic Review of India²⁰

¹⁴ UN Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2024, para 52(d)

¹⁵ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (i)

¹⁶ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.107, 151.50, 151.47

¹⁷ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (b)

¹⁸ OHCHR, [A/78/324: Thematic study on the global trade in weapons, equipment and devices used by law enforcement and other public authorities that are capable of inflicting torture and other cruel, inhuman or degrading treatment or punishment](#), 24 August 2023, recommendation (c)

¹⁹ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 30

²⁰ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.58

recommendations binding and allow this body to investigate allegations of torture or other abuses by armed forces.

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India²¹

Adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination, to protect religious minorities and other marginalised groups from torture and other forms of violence, ensure complaints are investigated, and perpetrators are held accountable.

2022 UN Human Rights Council, Universal Periodic Review of India²²

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India²³

IMPLEMENTING AND ENFORCING ANTI-TORTURE STANDARDS

RECOMMENDATIONS	PREVIOUS STATEMENTS BY INTERNATIONAL BODIES
<p>Immediately release all those arbitrarily detained.</p>	<p>2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan²⁴</p>
<p>Ensure the enforcement and regular judicial oversight of legal safeguards for all persons deprived of liberty from the moment of arrest, including prompt access to a lawyer, information on rights, judicial oversight, independent medical examinations, and the right to inform a family member, in line with international standards.</p>	<p>2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan²⁵</p> <p>2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India²⁶</p> <p>OHCHR, India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections²⁷</p>

²¹ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 10

²² UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.120

²³ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 14

²⁴ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (j)

²⁵ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (j)

²⁶ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 36(c)

²⁷ OHCHR, [India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections](#), 7 March 2024, page 2

Integrate human rights and anti-torture training into the regular curriculum for police, prison staff, security personnel, prosecutors, and judicial authorities, including on the Méndez Principles on Effective Interviewing, the Istanbul Protocol, and the Minnesota Protocol.

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India²⁸

OHCHR, India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections²⁹

Instruct judicial magistrates to proactively inquire into allegations of torture or ill-treatment during remand hearings in accordance with international standards, and exclude any torture-tainted evidence from any legal proceeding, except when used against the alleged perpetrator as evidence of the torture.

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India³⁰

ADDRESSING IMPUNITY

RECOMMENDATIONS	PREVIOUS STATEMENTS BY INTERNATIONAL BODIES
<p>Enable and safeguard the work of CSOs that document torture and support survivors, including by providing funding, ensuring an enabling legal and policy environment, refraining from the use of laws to restrict their operations, and protecting human rights defenders from intimidation, harassment, or reprisals.</p>	<p>2017 Human Rights Council, Report of the Working Group on the Universal Periodic Review: India³¹</p> <p>2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India³²</p> <p>OHCHR, India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections³³</p>

²⁸ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 34(c)

²⁹ OHCHR, [India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections](#), 7 March 2024, page 2

³⁰ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), 2 September 2024, Para 34(c)

³¹ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), para 54

³² Human Rights Council, [Report of the Working Group on the Universal Periodic Review: India](#), paras 100 (United States of America); 119 (Australia); 161.134 (Lithuania – Protection of Human Rights Defenders); 161.135 (Germany – FCRA reform); 161.135 (Norway – FCRA reform); 161.137 (Republic of Korea – FCRA reform); 161.138 (United States of America – FCRA reform); 161.139 (Czechia – FCRA reform); 161.140 (Switzerland – CSO freedoms); 161.141 (Lithuania – investigate attacks on journalists); 161.143 (Canada – CSO freedoms).

³³ OHCHR, [India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections](#), 7 March 2024, page 2

Ensure the systematic collection and publication of disaggregated data on allegations of torture and ill-treatment, active investigations, and sanctions imposed.

2019 Convention on the Rights of Persons with Disabilities, Concluding observations on the initial report of India³⁴

Ensure all victims of torture and their families, including those in detention, can safely report complaints to independent bodies and are protected from reprisals.

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India³⁵

Ensure that all allegations of torture are documented in accordance with the Istanbul Protocol, including through mandatory, independent medico-legal examinations.

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India³⁶

Conduct prompt, impartial, and effective investigations into all allegations of torture, deaths in custody, extrajudicial killings, and other grave violations.

2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan³⁷

2024 Human Rights Committee, Concluding Observations on the Fourth Periodic Report of India³⁸

Ensure that the NHRC can carry out its mandate effectively and independently, including by ensuring that personnel involved in the investigations are totally independent and have adequate training and expertise on the investigation of torture and other grave violations.

2022 UN Human Rights Council, Universal Periodic Review of India³⁹

Ensure the same high standards of investigation are adopted in all cases, including those involving human rights defenders, lawyers, journalists, members of religious

2018 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan⁴⁰

³⁴ Convention on the Rights of Persons with Disabilities, [Concluding observations on the initial report of India](#), 29 October 2019, para 33(c)

³⁵ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), para 34(d)

³⁶ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), para 34(b)

³⁷ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (c-d)

³⁸ Human Rights Committee, [Concluding Observations on the Fourth Periodic Report of India](#), Para 34(b)

³⁹ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#), 2022, para 151.58

⁴⁰ OHCHR, [Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#), 14 June 2018, recommendation (f)

or other marginalised communities; and that all victims and survivors in India have access to justice and reparation.

Launch nationwide public awareness campaigns to challenge the normalisation of torture and promote accountability and respect for human rights.

2022 UNGA, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment⁴¹

CONCLUSION

Despite UN officials and other states calling on India to confront the systemic use of torture in recent years, no substantive action has been taken by India in response. As a result, India continues to fall short of its international commitments, with an inadequate legal framework to enforce anti-torture standards and address impunity.

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⁴¹ UNGA, [Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#), Alice Jill Edwards, 3 October 2022, para 54(a)