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of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
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**German questions and recommendations to the  
United States of America**

**German National Statement**

Mr. President,

Germany warmly welcomes the delegation of the United States of America to the UPR and thanks for the national report provided to the working group.

Germany wishes to offer the following recommendations:

1. To take genuine steps towards the ratification of Treaties and Optional Protocols to Conventions that the United States has already signed, but not yet ratified;
2. To formally establish a moratorium on executions at the federal level while engaging with retentionist states to achieve a nationwide moratorium with the objective to ultimately abolish the death penalty nationwide;
3. To engage further in the common fight for the prohibition of torture, ensuring accountability and victims' compensation, and to enable the Special Rapporteur on torture to visit every part of the detention facility at Guantanamo Bay and to conduct unmonitored interviews;
4. To respect international human rights obligations regarding the right to privacy when intercepting digital communications of individuals, collecting personal data or requiring disclosure of personal data from third parties;
5. To extend a standing invitation for Special Procedures mandate holders.

Thank you, Mr. President.

**Questions in advance:**

1. For the United Nations human rights system, in particular with a view to the protection and promotion of human rights worldwide, it would be a significant asset if the United States joined the vast majority of States that are party to and promote the implementation of major international covenants in the field of human rights, such as ICESCR, CEDAW and CRC. Which steps is the United States planning to take towards ratification of Treaties and Optional Protocols to Conventions it has already signed, but yet not ratified?
2. In the previous UPR, Germany and other states recommended the establishment of a national human rights institution, in accordance with the Paris Principles. We are grateful for the general comments that the United States has provided in its national report referring to existing multiple protections and mechanisms to reinforce respect for human rights and ongoing considerations whether this network of protection is in need of improvement. We would like to enquire which measures the United States is considering to take to enhance human rights coordination at the national as well as subnational level.
3. The United States is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance so far. Why does the United States refrain from acceding to this Convention?
4. Germany commends that the United States has significantly stepped up its efforts, at the national as well as federal level, to eliminate racial discrimination, the use of excessive force and ill-treatment in policing. We would like to know which legislative steps the United States has taken or is planning to take to address these issues.
5. Germany acknowledges progress with regard to mitigating the application of the death penalty, e.g. the decline in the overall numbers of executions and the decisions to abolish the death penalty or observe moratoria in a number of States since the last cycle. However, many remain on death row on the national as well as federal level. Germany would like to enquire how the United States currently assesses the factors of racial disparity in the application of the death penalty and whether adequate compensation for persons who were wrongfully convicted is provided on the national as well as subnational level. Which steps is the United States taking in order to prevent the execution of mentally/intellectually disabled prisoners?

