

**United Nations Human Rights Council**

**36th Session of the UPR Working Group**

**Geneva, 9th November 2020**

**German Recommendations and advance questions to**

**United States of America**

Madam President,

Germany welcomes the delegation of the United States of America to the UPR.

Germany recommends to:

1. re-engage with the UN Human Rights Council,
2. lift sanctions against independent ICC staff,
3. reinstall a moratorium on the death penalty at federal and at state level where applicable, aiming at its complete abolition,
4. take further measures to prevent, investigate and punish excessive use of force by law enforcement, including against minorities and migrants at the border,
5. ensure the assertion of the right to vote including by demanding from states to refrain from using voter identification requirements that could or have a discriminatory impact on voters.

On the death penalty, we commend efforts to decrease the number of executions on state level, but remain concerned about executions on the federal level.

Thank you, Madam President.

**GERMAN ADVANCE QUESTIONS TO THE UNITED STATES OF AMERICA:**

* We encourage the United States to consider rejoining the Human Rights Council and lift sanctions against the ICC. Equally, it would be a significant asset if the U.S. 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 U.S. planning to take towards ratification of Treaties and Optional Protocols to Conventions it has already signed, but not yet ratified?
* Germany welcomes that there has been significant improvement in the field of LGBTI rights, not least due to a landmark Supreme Court decision in 2020. However, some of the content of the final report by the Commission on Unalienable Rights relegates sexual and reproductive rights to the status of “divisive social and political controversies“, which seems not in line with the Supreme Court decision. Similarly, the Commission’s report introduces a notion of hierarchy between rights. What steps will the U.S. take to demonstrate its commitment to the indivisibility of human rights?
* Germany would like to enquire how the U.S. 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 federal as well as on states level. Which steps is the USA taking in order to prevent the execution of mentally/intellectually disabled prisoners?
* We welcome that the USA accepted relevant recommendations in the second UPR cycle on combating racial profiling and the excessive use of police force. In light of recent cases and related public criticism in the USA, what steps will the U.S. undertake to reform use of force standards and bring them into line with international norms?
* Is the U.S. planning to ratify the Convention on the Elimination of All Forms of Discrimination against Women as well as the reauthorization of the Violence Against Women Act?