

ADVANCED QUESTIONS TO THE UNITED STATES OF AMERICA

BELGIUM

- Taking into regard the principled opposition of Belgium to capital punishment we request the delegation of the US to give an overview of:
 - The number of states where capital punishment has been abolished and the number of states where there is a de facto moratorium on capital punishment and the evolution for both these numbers since the first UPR cycle.
 - The evolution since the first UPR cycle in the mode of administering capital punishment and more information on the particularly worrisome reintroduction of the fire squad.
 - The evolution in the alleged overrepresentation of ethnic minorities on death row and the evolution for these numbers since the first UPR cycle.
 - The guarantees that people with mental illness shall not be subjected to capital punishment.
- Since the ratification by Somalia of the Convention on the Rights of the Child only two UN member states remain who have not yet ratified the UN Convention on the rights of the Child. We appreciate that during the first UPR cycle the US delegation has supported recommendations to go forward on ratification of this important Convention. Can the US delegation inform us where we stand in the internal debate on the ratification of this now almost universal Human rights instrument and the prospects for ratification by the United States?
- The Belgian delegation also appreciates that during the first UPR cycle the US delegation has supported recommendations to go forward on ratification the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. Can the US delegation what are prospects for ratification of both instruments?
- The Belgian delegation also notes with appreciation the support by the US delegation for recommendations to close without delay the Guantánamo detention facility and to provide solutions for remaining detainees in line with international human rights law, in particular the ICCPR. Can we be provided with a progress report on this issue?

CUBA

- ¿Es compatible el compromiso invocado por Estados Unidos con la promoción y protección de los derechos humanos, con el anuncio del no enjuiciamiento de los responsables de cometer torturas en el contexto de la llamada lucha contra el terrorismo?
- ¿Cómo se sustenta el compromiso declarado por Estados Unidos con los derechos laborales y sindicales cuando presenta tan bajo nivel de ratificación de convenios de la Organización Internacional del Trabajo, pues solamente ha ratificado dos de los ocho convenios fundamentales y once de los 177 técnicos?
- ¿Cómo Estados Unidos prevé garantizar el goce por parte de sus ciudadanos de los derechos económicos, sociales y culturales, cuando la pobreza afecta en su país 48.8 millones de personas (más del 15% de la población), según un informe publicado en septiembre de 2014 por la Oficina del Censo de los Estados Unidos? ¿Qué acciones prevé hacer para superar esta situación?

CZECH REPUBLIC

- What steps and deliberations has the Government undertaken to consider the ratification of the main international human rights instruments as it committed to following the UPR of 2010? Could the Government provide a timeline of its intended accessions to the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women? Does the Government consider ratifying Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or any other core international human rights instruments?
- Does the U. S. Government consider issuing a standing invitation to the special procedures of the Human Rights Council?
- What measures are being prepared or adopted to ensure proper investigation and prosecution of individuals responsible for the serious cases of torture documented in the unclassified summary of the CIA report published in December 2014? What forms of redress and reparation are available to the victims of these crimes and their families?
- Could you elaborate on measures taken or envisaged in order to prevent the excessive use of force by the police?
- What steps does the Federal Government intend to undertake to ensure that religious freedom bills (Religious Freedom Restoration Acts) adopted at the State level cannot be abused to discriminate against LGBTI persons?

DENMARK

- Would the United States consider ratifying the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child and Optional Protocol to the Convention against Torture?
- The Committee against Torture has, inter alia, recommended that the US “carry out prompt, impartial and effective investigations wherever there is reasonable ground to believe that an act of torture and ill-treatment has been committed in any territory under its jurisdiction” and “appropriately prosecute those responsible”. Denmark would be grateful for information on how the US intends to follow-up on these recommendations.

GERMANY

- 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?
- 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.
- 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?
- 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.
- 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?

NETHERLANDS

Women's rights

- Could the government of the United States elaborate on the prospect for ratification of CEDAW?
- Does the government of the United States have any plans to examine its abortion related restrictions on foreign assistance where they conflict with the funding policies of other nations?

Ratifying the Rome Statute

- Which concrete steps have been taken by the Administration to further the ratification process of the Rome Statute of the International Criminal Court?

Death Penalty

- Which steps has the government of the United States taken to work towards the abolition of the death penalty with a moratorium on its executions as an interim measure?

NORWAY

- As stated in the national report, the application of the death penalty for persons who have a significant intellectual disability is barred according to the US constitution. However, some cases give reason for concern that the principle is not upheld, due to the wide margin of appreciation of each state with regard to the definition and the burden of proof. What steps can the federal level take to ensure application of the constitutional principle that individuals with a significant intellectual disability do not receive the death penalty?
- We welcome the openness with which the US reports about problematic practises at the detention facilities at Guantánamo Bay, and the US interactions with the ICRC and the UN Special Rapporteur on Torture on this issue. Practises revealed give, however, reason for concern. In light of these concerns, would the US consider granting the UN Special Rapporteur on Torture access to interact with detainees at Guantánamo Bay? If such access cannot be granted, why not?
- We refer to Norway's recommendation during the previous UPR concerning blanket abortion restriction on humanitarian aid covering medical care to women and girls who are raped and impregnated in situations of armed conflict, and the development on the issue since then (e.g. UN Security Council Resolutions 2106 and 2122; the UN Secretary General's recommendation in his 2013 report on women peace and security, 72(a), U.N. Doc. S/2013/525). Is the US considering removing the restriction on US foreign assistance to permit its use for safe abortion services in the cases of rape, life endangerment or incest? If not, what is preventing such a change in policies?
- We note the positive examples in the national report regarding federal initiatives to ensure state compliance with human rights instruments. Could the US provide an overview of measures to establish an institutionalised, transparent and coordinated approach to human rights monitoring and implementation at the federal, state and local level, including an indication of the extent to which the federal government will support state and local efforts through education, training and funding?

SLOVENIA

- What measures have been put in place or are envisioned to eliminate the gender pay gap?
- We took good note of the statement in the national report (paragraph 96) that the "harsh interrogation techniques highlighted" in the U.S. Senate Select Committee on Intelligence Report on the CIA's former detention and interrogation program "are not representative of how the United States deals with the threat of terrorism today" and that the US has "taken steps to ensure that it never resorts to the use of those techniques again". What steps are being taken to bring those responsible for authorizing and carrying out torture and other abuses to justice and to ensure they face penalties commensurate with the gravity of their crimes?
- What steps have been taken towards prohibiting corporal punishment of children in all settings, as recommended by the Human Rights Committee?

SWEDEN

- Could the Government of the United States elaborate on the status of the death sentence, any plans to impose a national moratorium on federal use and on new measures to ensure that the death penalty complies with minimum standards under international law, including to exempt people with mental illness from execution and to ensure that the origin of the drugs used for executions is made public?
- What steps is the Government of the United States taking in law and practice to ensure that individuals' religious refusals do not interfere with women's access to reproductive health services or discriminate against individuals on the basis of sex, gender, or sexual orientation?
- Why has the US government expanded its use of family detentions, rather than investing in alternatives to detention?

SWITZERLAND

Right to privacy

- How do the United States ensure external and independent oversight from all branches of government of the National Security Agency's surveillance operations overseas, particularly those conducted under Executive Order 12,333?

Feinstein-Report

- Switzerland welcomes the report of the Senate Select Committee on Intelligence on the CIA detention and interrogation program. How will the US proceed to push forward the legislative proposal to a codification of the prohibition of enhanced interrogation methods?

Excessive use of force in policing

- Regarding the phenomenon of ongoing excessive use of force in policing, how does the US government ensure the implementation of its human rights obligations, such as the right to life or the prohibition of torture or discrimination? Where does the implementation of the report of the US government of December 2014 to review the equipment of the police stand?

Death sentence / Rule of law

- Alarming reports regarding death sentences on the basis of faulty evidence have been recently released. How do the United States intend to react to the conclusions of these reports in order to ensure the right of due process in accordance with the rule of law according to Art. 14 ICCPR in cases of death sentences?
- Despite recent rulings of the United States Supreme Court, there seems to be wide discrepancies in the way individual States define and assess **intellectual disability** among those sentenced to death, and it still happens that some **mentally ill convicts** are executed in certain States. What is being done to address these issues, especially when considering that the protection of the intellectually disabled and mentally ill from the death penalty is an increasingly recognized international norm?

Rome Statute of the International Criminal Court

- The Government of the United States has accepted three recommendations to consider ratifying the Rome Statute of the International Criminal Court in its first UPR. Which measures has the US government taken in order to implement these recommendations?

Rights of Persons with Disabilities

- Where does the process of the Ratification of the Convention on the Rights of Persons with Disabilities stand?

Blanket abortion restrictions on humanitarian aid

- The US government received in its first UPR the recommendation No. 228 to remove blanket abortion restrictions on humanitarian aid covering medical care given to women and girls who are raped and impregnated in situations of armed conflict (Norway). How is the US government addressing this issue?

Guantanamo

- Do the United States have a concrete, measurable plan – bound to a timeline – to close Guantanamo before President Obama leaves office? Could the government share this plan with us?

Conditions of detention

- Switzerland welcomes the promulgation of the Performance-Based National Detention Standards which establish minimum conditions of detention, including with respect to medical care, access to legal resources, visitation, recreation, correspondence, religious services, and grievance processes. How do the United States ensure the implementation of these standards?

Implementation of human rights

- What measures are the United States taking to establish an institutionalized, transparent and coordinated approach to human rights monitoring and implementation of human rights at the federal, state and local level? In what ways is the federal government supporting state and local efforts through education, training and funding?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- When does the US expect to make public the outcomes of the Department of Justice's review into how the death penalty is administered in the US?
- What steps are the US taking to ensure the enforcement of consular notification is consistent at Federal, State and County level, and to support the passage of State and Federal legislation relating to consular notification, including addressing cases where there has been failure to notify?
- Could you please provide an update on the progress of US efforts to close the detention facility in Guantanamo bay?
- What are the US's plans to ensure consistency and equality of legislation across individual States with regard to discrimination of LGBT individuals on the grounds of their sexual orientation?
- Is there scope for the policy interpretation of the Helms Amendment to be clarified, to remove the possibility of misunderstanding or misinterpretation, thereby enabling the provision of safe abortion services for women raped in humanitarian conflict?

MEXICO

- What actions have been taken to resolve the obstacles that prevent the full implementation of the Avena Judgment of the International Court of Justice? After 3 of the individuals covered by that judgment have been executed, what measures are being taken to avoid the execution of the rest of the individuals covered by the judgment?
- Could you elaborate on the actions taken to appropriately implement the recommendations formulated by the Special Rapporteur for the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism? What laws and procedures have been established to bring to justice those committing human rights violations in this regard, as well as to impose criminal penalties commensurate with the gravity of their crimes?
- What procedures have been set towards the express prohibition of the use of racial profiling in the enforcement of immigration legislation?
- How does USA legislation punish the use of racial profiling in all programs that enable local authorities to enforce immigration legislation? What measures have been taken to ensure that such legal frameworks provide effective and accessible recourse to remedy against human rights violations occurred under these programs? What measures is the USA taking to implement the recommendations that the CERD, as well as other treaty bodies have addressed to the USA on racial profiling?
- How does the USA prohibit, prevent and punish the use of lethal force when conducting immigration control activities? What legal and policy measures have been adopted to prohibit the use of deadly force by the Customs and Border Protection (CBP) officers? Has the CBP directive on the use of deadly force been enforced?

SPAIN

- Is the Government preparing any education programme for the police to prevent discrimination and violence against the Afro-American citizens by the public order forces?
- Are the President and the Congress going to appoint a special commission to investigate police actions against minorities, including Afro-American citizens?

CHINA

- In its national report, the United States notes that it has taken steps to ratify the Convention on the Rights of Persons with Disabilities, and it has designated the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as a priority among multilateral treaties for ratification. What is the timetable for the United States to eventually ratify and implement the above two Conventions? In addition, will the United States ratify the International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Rights of the Child?
- The United Nations High Commissioner for Human Rights, CERD, CAT as well as civil society have repeatedly expressed concerns about excessive use of force by the police and the large number of gun-related deaths and injuries, which disproportionately affected members of racial and ethnic minorities. In its national report, the United States notes that it is taking steps to address the disproportionate percentage of minorities, particularly African-Americans, in the criminal justice system. To what extent have those steps taken effect eliminating violence based on national, ethnic or racial elements? How to analyze and address the root causes?
- In its national report, the United States notes that it has made substantial advances to better protect the rights of indigenous peoples domestically. The Special Rapporteur on indigenous peoples called for concrete measures to be taken, such as addressing outstanding claims regarding treaty violations or non-consensual takings of traditional lands, interpreting or reinterpreting relevant doctrine, treaties and statutes by the federal courts in the light of the United Nations Declaration on the Rights of Indigenous Peoples. Could the United States elaborate on measures taken in those aspects?
- In 2014, the United States released the report of the Senate Select Committee on Intelligence on CIA interrogation practices. Has any progress been made as follow-up investigations and prosecutions? What measures will be taken to hold those responsible for torture accountable and provide remedies to victims?
- In its national report, the United States reiterates President Obama's commitment to close the Guantanamo Bay detention facility. Is there a foreseeable time schedule for the closure? What are the criteria guiding the United States while making decisions on transferring detainees in Guantanamo home or to third countries?
- The Human Rights Committee was concerned about the practice of targeted killings in extraterritorial counter-terrorism operations using unmanned aerial vehicles, and the lack of accountability for the resulting loss of life. Some countries also expressed similar concerns. Will the United States disclose the criteria for drone strikes, including the legal basis for specific attacks? What measures has been taken to protect civilians in specific drone attacks and to track and assess civilian casualties? How to enhance transparency and accountability of such operations?
- The HR Committee was concerned about surveillance of communications in the interests of protecting national security and recommended, inter alia, that the State party ensure that any interference with the right to privacy complied with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications were under direct surveillance. It is also indicated that the United States authorities are intercepting the private communications and other personal electronic data of hundreds of millions people across the globe. Does the United States intend to comply with the above recommendation and effectively safeguards against abuse of surveillance measures to ensure full compliance with relevant international human rights obligations?

AZERBAIJAN

- The Human Rights Committee (HRC) recommended that the United States strengthen existing mechanisms mandated to monitor the implementation of human rights at federal, state, local and tribal levels, and consider establishing an independent national human rights institution, in accordance with the Paris Principles.

What measures the government of the United States takes to address these concerns?

- The Committee on the Rights of the Child (CRC) recommended the implementation of a national plan of action to combat the sale of children, child prostitution and child pornography and ensure that the National Strategy for Child Exploitation Prevention and Interdiction and related planning mechanisms cover all offences under Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC).

Could the government of the United States indicate the concrete steps that have been taken in order to lift the concern of CRC?

- The Committee on Elimination of Racial Discrimination (CERD) reiterated its concern that the definition of racial discrimination used in federal and state legislation and in court practice was not in line with the Convention. It called upon the United States to, inter alia, prohibit racial discrimination in all its forms and broaden the protection afforded by law. CERD reiterated its concern at the lack of prohibition of racist hate speech and the underreporting of hate crimes. The HR Committee and CERD remained concerned about the practice of racial profiling and surveillance by law enforcement officials targeting certain ethnic minorities. The HR Committee and CERD urged the State to combat racial profiling, inter alia by expanding protection against profiling on the basis of religion, religious appearance or national origin.

Which measures are envisaged by the Government in order to address the concerns of CERD and HRC in this regard?

What concrete measures are taken by the Government in order to prevent discrimination, hate speech and hate crimes trends in the society?

- CERD was concerned at the large number of gun-related deaths and injuries, which disproportionately affected members of racial and ethnic minorities, particularly African Americans. It urged the United States to reduce gun violence by, inter alia, adopting legislation expanding background checks for all private firearms transfers and reviewing the “stand your ground” laws. The HR Committee and the Special Rapporteur on violence against women, its causes and consequences made similar recommendations. The HR Committee was concerned about the use of lethal force by Customs and Border Protection (CBP) officers and urged the State to ensure that the new CBP directive on the use of deadly force was enforced.

What measures have been taken with regard to these recommendations?

- In 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged the Government to ensure that solitary confinement was only imposed, if at all, in very exceptional circumstances, and indicated that keeping a person in solitary confinement for more

than four decades clearly amounted to torture. The Committee against Torture (CAT) and the HR Committee were concerned about the practice of prolonged solitary confinement, and recommended, inter alia, that solitary confinement regimes be banned. CAT urged the United States to ensure that no one was held in secret detention under its de facto effective control and reiterated that such detention constituted per se a violation of the Convention.

How was the recommendation of CAT satisfied?

- In 2014, the United Nations High Commissioner for Human Rights expressed concern at the disproportionate number of young African Americans who had died in encounters with police officers, or who were in prisons and on death row. CERD reiterated its concern at the brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities, which had a disproportionate impact on African Americans and undocumented migrants. CAT expressed similar concerns.

What concrete measures have been taken by the Government of the United States in order to analyze and eliminate the concrete reasons for the brutality and excessive use of force by law enforcement officials in US?

- CAT recommended that the United States ensure that all instances of police brutality and excessive use of force by law enforcement officers were investigated promptly, effectively and impartially by an independent mechanism, with no institutional or hierarchical connection between the investigators and the alleged perpetrators; and provide effective remedies and rehabilitation to the victims

What examples could the Government bring that would display ensuring accountability of those who have been involved in such violations? Could the Government present the statistical data concerning the cases of excessive use of force by police in USA?

- CERD was concerned at the increased use of racial profiling to determine immigration status and to enforce immigration laws, and called upon the United States to, inter alia, guarantee access to legal representation in all immigration-related matters.

What measures does the Government take in order to curb negative racial profiling in US society?