



Convention on the Rights of the Child

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Committee on the Rights of the Child

Seventy-fifth session

15 May-2 June 2017

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by the United States of America under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 23 February 2017. The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide information on the efforts made to address the challenges referred to in paragraphs 5 and 6 of the State party's report (CRC/C/OPSC/USA/3-4) in relation to the establishment of a centralized system for the collection of data on all the offences covered by the Optional Protocol. Please provide data disaggregated by sex, age, nationality, ethnic origin, socioeconomic background and disability on child victims of offences covered by the Optional Protocol and on the legal proceedings and their outcome in terms of conviction and sentencing.
2. Please clarify the mandate of the National Coordinator for Child Exploitation Prevention and Interdiction in the Office of the Deputy Attorney General and the interaction between the National Coordinator and relevant government bodies, the sectoral coordination working groups and civil society organizations. Please provide information on guidance provided at the federal level for the implementation of the Preventing Sex Trafficking and Strengthening Families Act of 2014.
3. Please provide information on the prevention measures specifically targeting children vulnerable to offences under the Optional Protocol, including children in the child welfare and juvenile justice systems, children in street situations and American Indian, Alaska Native and migrant children. Please update the Committee on measures taken to address the root causes of offences covered by the Optional Protocol, notably gender discrimination and sexual violence, and to eliminate the demand for children's sexual services.

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4. Please indicate the measures taken to adopt a child rights-approach to unaccompanied children, to prevent their trafficking for the purpose of labour and to ensure that they have access to legal aid and representation throughout immigration procedures. Please indicate what measures are in place to ensure that the new and streamlined release procedures do not put unaccompanied children at risk of becoming victims of offences covered by the Optional Protocol. Please provide a timeline for the enactment of the Refugee Protection Act of 2010.
5. Please indicate the steps taken to prevent the sale of children's organs, detect and investigate cases, prosecute those responsible and protect child victims.
6. Please specify the measures taken to prevent child sex tourism abroad and within the territory of the State party. Please inform the Committee of any awareness-raising campaigns aimed at travellers and explain the mechanisms in place to deal with cases of child sex tourism committed by nationals of the State party abroad and by tourists in the State party.
7. Please indicate the action taken in follow-up to the recommendation of the Committee to explicitly prohibit payments before birth and other expenses to surrogate mothers and the steps taken to enact federal legislation with regard to surrogacy. Please indicate how the legalization, in some states, of pre-conception contracts between commissioning parents and surrogate mothers is compatible with the State's obligation to prevent the sale of children and explain how these contracts are being enforced.
8. Please indicate the steps taken to: (a) define and prohibit child prostitution and the sale of children for any purpose, with or without economic recompense, in accordance with articles 2 and 3 of the Optional Protocol, at the federal level and in all states throughout the United States; (b) explicitly criminalize the sale of organs; and (c) ensure that all sexually exploited children are treated as victims and not as offenders. Please clarify whether legislation at the federal and state levels ensures full protection for all children under 18.
9. Please comment on the information received according to which the number of investigators in the Department of Labor specifically in charge of identifying and protecting children trafficked for the purpose of exploitation in the agricultural sector is insufficient. Please report on the number of cases detected and on the legal proceedings engaged against perpetrators and their outcome.
10. Please indicate the mechanisms used to identify child victims of all the offences covered by the Protocol when they come into contact with child welfare and health-care agencies. Please provide information on the training of Customs and Border Patrol officers screening unaccompanied children along the border between the State party and Mexico to identify child victims of trafficking and on the monitoring and evaluation of their decisions.
11. Please explain why sentences for child pornography are often more lenient at the state level than at the federal level.
12. With regard to paragraph 93 of the State party's report, please specify the measures taken by the State party at the federal level to encourage states to adapt their testimony requirements in order to avoid secondary victimization. Please provide updated information on the budget allocated since 2013 for the recovery and reintegration of child victims, including specialized shelters and services, as well as for the monitoring and evaluation of those services, and on whether that budget is sufficient.