



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-second session

14 January–1 February 2013

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the second periodic report of the United States of America (CRC/C/OPSC/USA/2)

The State party is requested to submit in writing additional and updated information (15 pages maximum), if possible before 16 November 2012.

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

1. With reference to paragraph 28 of the State party's report, please indicate what steps have been taken to establish an effective national data collection system on the sale of children, child prostitution and pornography as covered by the Optional Protocol. Please also provide information on the support provided to evidence-based research on the extent, root causes, characteristics and consequences of these offences.
2. Please provide additional information on the measures taken by the State party to disseminate and raise awareness of the Optional Protocol among the general public, professionals working with children, and children themselves. Please also indicate whether children in all the State party's schools are systematically provided with information on the prevention of offences under the Protocol and on the concrete means of seeking protection.
3. Please provide updated information on the development of the National Strategy for Child Exploitation Prevention and Interdiction referred to in paragraph 97 of the State party's report, in particular as regards its long-term goals, annual objectives and measurable indicators. Please also indicate what has been achieved by the National Coordinator for Child Exploitation Prevention and Interdiction since his/her appointment in 2010.
4. Please explain whether independent human rights institutions are present at national and states levels to monitor protection measures under the Optional Protocol and to promote the Protocol. Please also explain the differences between these independent institutions and the Child Advocate Programmes implemented in several states for the purpose of guardianship and advocacy of the child's best interest.

5. With reference to paragraphs 147 and 223 of the State party's report, please provide additional information on:

(a) The measures to provide citizens traveling abroad with information on how to report sexual offences against children and to inform them about the sanctions they may be subjected to if they sexually abuse and exploit children abroad;

(b) All cases of United States citizens involved in sex tourism who have been convicted during the period under review.

Please also clarify whether reasonable belief that the victim was at least 18 years old can and has been accepted as legal defence for sex tourists, and whether United States citizens not residing in the State party can be prosecuted for having sexually abused and exploited children abroad under the provisions of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act (PROTECT Act) Public Law No. 108-21 of 2003.

6. With respect to adoption procedures applicable in the State party, please:

(a) Clarify whether payments of prenatal and other expenses to birth mothers abroad are still possible;

(b) Clarify the requirement of "knowing and willful disregard of the law," contained in the 2002 Inter-Country Adoption Act, as a ground for prosecution;

(c) Indicate the concrete measures taken to ensure that private adoption agencies do not proceed with adoption in violation of international applicable standards;

(d) Provide detailed information on investigations launched into alleged cases of the sale of children for adoption and the follow-up given to these cases;

(e) Provide information on the case of Anyelí Liseth Hernández Rodríguez who was reportedly kidnapped in Guatemala in 2006 before being adopted in the United States.

7. Please indicate whether or not all offences covered by articles 2 and 3 of the Optional Protocol are fully covered by the Trafficking Victims Protection Reauthorization Act (TVPRA) Public Law 110-457 of 2008. Please also clarify whether children involved in prostitution and children sold for the purpose of child labour have to prove fraud and coercion to be qualified as victims under this law. Please provide updated information on the planned TVPRA 2011.

8. Please clarify whether the State party's legislation covers all forms of child pornography and not only visual materials.

9. Please explain the follow-up given to the 2009 comments made by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR) with regard to the application of ILO Convention No. 182. Please also provide detailed information on the investigations conducted since 2008 by the Department of Labor Wage and Hour Division into cases of sale of children for the purpose of child labour, especially in the agriculture sector.

10. Please provide precise information on the number of children engaged in prostitution who have been arrested, prosecuted and punished as offenders since 2008. Please explain what concrete steps have been taken by the State party to promote the enactment of safe harbour laws at states levels and the outcome of these measures.

11. With reference to the indication contained in paragraph 117 of the State party's report according to which unaccompanied and separated children entering the United States may be particularly vulnerable to exploitation for sex, forced labour or neglect of their needs, please provide annual data (disaggregated by sex, age, national origin and socio-economic background) on the number of unaccompanied immigrant children apprehended

by federal immigration authorities and detained over the reporting period for crimes related to sale of children, child prostitution and child pornography. Please provide information also on the subsequent measures taken concerning these children, including deportation orders. Please comment on the information received by the Committee that trafficked children are often treated by Government officials as offenders and rapidly deported back to their countries of origin without determination of their best interests having been carried out.

12. With reference notably to the findings contained in the 2011 mission report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/16/57/Add.5, para. 54), please indicate the measures taken to ensure that child victims of offences under the Optional Protocol have effective access to residential treatment facilities and are provided with appropriate assistance for their full social reintegration, physical, psychological and psychosocial recovery, as well as compensation. Please indicate how the State party ensures that child victims are properly informed about the existence of such services.
