



**Convention on the Rights
of the Child**

Distr.
GENERAL

CRC/C/SR.1320
18 December 2009

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

SUMMARY RECORD OF THE 1320th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 22 May 2008, at 10 a.m.

Chairperson: Ms. LEE

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the United States of America under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial report of the United States of America under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the record of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the United States of America under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed

Conflict (CRC/C/OPAC/USA/1; CRC/C/OPAC/USA/Q/1 and Add.1)

Initial report of the United States of America under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/USA/1; CRC/C/OPSC/Q/1 and Add.1)

1. At the invitation of the Chairperson, the delegation of the United States of America took places at the Committee table.
2. Mr. TICHENOR (United States of America) said that it was an honour for the United States to appear for the first time before the Committee on the Rights of the Child and to join in the Committee's efforts to protect children against all the abuse which they suffered, and especially against persons who exploited them for personal financial gain or in armed conflicts. The United States had a duty to fight the horrors of trafficking in persons and violence against children, which constituted an offence against the Nation's defining purpose.
3. Mr. LAGON (United States of America) said that the fight against trafficking in persons, including all forms of commercial sexual exploitation of children, had made important progress in the United States, as was evident from the adoption in 2002 of the Trafficking Victims Protection Act, which criminalized trafficking and conferred on children engaging in commercial sexual activities the status of victim. The Act also provided that children should receive special protection, should have access to various social services and, in the case of foreign children, to a special visa. The Act now targeted all persons involved in exploitation by providing both state and local law-enforcement agencies with funds to investigate and prosecute brothel owners and their "customers". In 2003 the United States had adopted the Prosecutorial Remedies Act and in 2006 the Adam Walsh Child Protection and Safety Act. Both those statutes enhanced the protection of children and punished persons who victimized them: procurers of children faced sentences ranging from a minimum of 10 years to a maximum of life imprisonment, while any United States citizen or permanent resident convicted of having sex with a minor faced a sentence of up to 30 years' imprisonment.
4. The Government was continuing to expand its aid to foreign victims of trafficking by providing social services and furnishing grants to civil society organizations who cared for them. The Department of Health and Human Services was the agency responsible for examining the files of foreign children and authorizing their access to social services and other benefits comparable to those furnished to refugees in the United States. A child victim's cooperation with law-enforcement agencies was not a prerequisite for eligibility for those benefits.
5. In order to protect children against sexual exploitation and pornography, the Department of Health and Human Services had also launched a huge national public-awareness campaign, as part of which a National Human Trafficking Resource Center and a national hotline had been established and educational materials had been produced and distributed in schools. The United States had also funded public-awareness campaigns on child sex tourism in Mexico, Brazil, Costa Rica, Thailand and Cambodia. Greater emphasis had been given to inter-agency coordination by

creating numerous task forces, including the President's Inter-Agency Task Force on Trafficking in Persons and its Senior Policy Operating Group. The Government was reaching out to new partners such as health care practitioners, teachers and tour operators in order to combat child sex tourism.

6. Internationally, the United States had spent over \$228 million since 2001 on anti-trafficking programmes in approximately 120 countries, and \$2.6 million had been allocated since the summer of 2007 to non-governmental organizations (NGOs), the United Nations Children's Fund (UNICEF) and the United Nations Development Fund for Women (UNIFEM) to combat child trafficking in 12 countries.

7. The Government recognized that improvements could be made in a number of areas. In its latest annual report to Congress, which included an analysis of its efforts to combat trafficking, the Government had stressed that it was necessary to ensure that all the national victims of trafficking were identified and received assistance comparable to that furnished to foreign victims, that law-enforcement agencies and other partners worked as expeditiously as possible to identify victims, refer them to the care services and secure immigration relief for them, that all child victims of trafficking in any of its forms, including the most severe, had access to services and benefits, and that the production of educational materials on trafficking in persons was expanded.

8. The United States had taken an active part in the drafting of the Optional Protocol on the involvement of children in armed conflict, in particular by submitting a draft protocol from which several points had been taken for the final document. Around the world, the United States was trying to prevent the harm which resulted from the involvement of children in armed conflict, which could be a form of trafficking in persons. For example, it was supporting a project implemented in the Democratic Republic of the Congo by UNICEF and the International Rescue Committee to provide care and protection for child returnees from the Lord's Resistance Army.

9. The coercive enrolment of children to be used in armed conflicts was prohibited in the United States. Substantial measures had also been taken to facilitate the reintegration of child victims of that practice abroad.

10. Ms. MANDELKER (United States of America) said that the Department of Justice was dedicating itself to enforcing the laws relating to the sale of children, child prostitution and child pornography and was doing everything possible to bring perpetrators to justice. It was with that goal in mind that the Department had increased its efforts to combat child exploitation: in 2006, for example, it had launched with other law-enforcement partners "Project Safe Childhood", a programme designed to protect children against online exploitation and other abuse. Under that project, task forces comprised of federal, state and local law-enforcement personnel had been set up. In the 2007 budget year 2,118 persons had been charged with child pornography, coercion and enticement offences, a 28 per cent increase over the preceding year.

11. The Department of Justice had also focused on combating the domestic prostitution of children. In 2003 the Department's Criminal Division, the Federal Bureau of Investigation, and the National Center for Missing and Exploited Children had launched the Innocence Lost Initiative to identify and rescue victims. That initiative took a victim-centred approach under which victims were identified and referred to the relevant care services.

12. The Department had also funded 42 anti-trafficking task forces in 25 states and territories. Their aim was to reduce the local demand for women and child prostitutes from overseas, coordinate the services for victims and provide liaison with prosecutors.

13. The Government was convinced that child trafficking and exploitation required an international response and it engaged regularly in bilateral efforts with its overseas partners. It appreciated the valuable assistance received from NGOs, which boosted the capacity of the national authorities to find and help victims.

14. Despite all those efforts, much more work remained to be done in combating the exploitation of children, in close cooperation with the many NGOs which dedicated themselves to that mission.

15. Mr. KING (United States of America) said that the services of the Office of the Attorney General of the State of New Mexico and those of the Mexican State of Chihuahua had joined forces to combat trafficking in persons on both sides of their common border. They had also concluded an agreement of understanding to address the problem of what amounted to slavery, which provided inter alia for the formulation of prevention, information, education and awareness-raising strategies and the development of best practices. New Mexico had also adopted a law defining trafficking as a felony. The biggest task had been to convince legislators and the general public that human trafficking was not the same as trafficking in migrants, to which many laws already applied.

16. The anti-trafficking law adopted by New Mexico also provided that victims could receive state services until they qualified for the services available under the Trafficking Victims Protection Act. It also authorized the prosecution of violators, whether suspected of intra-state or of international trafficking.

17. It was to be hoped that the cooperation between New Mexico and Chihuahua would serve as a model and that New Mexico's human-trafficking legislation would inspire other states of the United States and other countries.

18. Ms. HODGKINSON (United States of America) said that since 1973 the United States military had been an all-volunteer force. By means of clear rules, recruiter training and rigorous oversight mechanisms, the United States was discharging its obligations under the Optional Protocol to ensure that all feasible measures were taken to prevent anyone under the age of 18 from engaging directly in hostilities.

19. While it was true that 17-year-olds were entitled to enlist voluntarily in the United States armed forces, they had to have written permission from their parents or legal guardian. The overwhelming majority of new recruits were over 18 and more than 90 per cent of them had at least a high school diploma. Recruiters were required to behave in an exemplary manner and comply scrupulously with the standards of conduct and discipline, on pain of sanction.

20. Internal checks on the members of the armed forces currently mobilized in ongoing military operations had shown that no minor was engaged directly in hostilities.

21. It was regrettable that children continued to be involved in armed conflicts around the globe, including in Iraq and Afghanistan. The United States did detain juveniles who had planted improvised roadside bombs or prepared for suicide attacks; it was important to remove them from the risks to which they were exposed by remaining on the battlefield and to protect United States

soldiers and innocent civilians. Moreover, if juveniles could not be captured, there was nothing to prevent them from being recruited and used against the coalition forces and innocent civilians in Iraq and Afghanistan.

22. The United States went to great lengths to attend to the special needs of juveniles in detention. There were procedures to determine their age and evaluate them medically, and the detention facilities in which they were placed and the regime to which they were subjected were appropriate for their age. They took exercise, had access to mental health services, and were able to maintain contact with their families. In Iraq, their families were entitled to visit them, while in Afghanistan they remained in touch through video-conference calls; plans were under way to authorize family visits in the near future.

23. In view of the large number of juvenile detainees in Iraq, a programme had been formulated to address their special needs: in consultation with the Iraqi Government a juvenile education centre, including a library, a medical treatment facility, and sports grounds, had been opened in August 2007 to enable all detainees aged under 17 to enjoy basic education and personal growth and to offer them the hope of being able, in time, to contribute to the rebuilding of their country.

24. Only eight juveniles were detained at Guantánamo Bay. Two adults, Omar Khadr and Mohammed Jawad, who had been juveniles at the time of their capture were still in detention there under the Military Commissions Act. Both their cases continued to move forward, and pre-trial hearings had begun before military judges. The Optional Protocol on the involvement of children in armed conflict did not prohibit the criminal prosecution of minors or their placement in detention. In the Khadr case the military judge had ruled that nothing in the Optional Protocol prohibited the trial of Mr. Khadr by the Commission and that the Commission's rules provided broad scope for considering age in mitigation.

25. The United States remained committed to the promotion of international cooperation in the rehabilitation and social reintegration of child victims of armed conflicts and intended to continue its assistance in that field. To that end it had contributed resources to many international programmes aimed at preventing the recruitment of children and reintegrating former child soldiers in Angola, Afghanistan, Sierra Leone and the Sudan, as well as in Burundi and Sri Lanka.

26. The CHAIRPERSON (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that she was glad that the United States had ratified the Optional Protocol on the sale of children, child prostitution and child pornography, the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182) of the International Labour Organization (ILO), and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. She welcomed the various acts adopted by the State party, which testified to its commitment to combat the commercial sexual exploitation of children, such as the Trafficking Victims Protection Act of 2000, which had been renewed in 2003 and 2005, the PROTECT Act of 2003, the Adam Walsh Child Protection and Safety Act, and such projects as the Lost Innocence Initiative.

27. It was regrettable that the initial report (CRC/C/OPSC/USA/1) did not comply with the 2006 Revised General Guidelines regarding the form and content of initial reports due from States parties under Article 12, paragraph 1, of the Optional Protocol, but that did not mean that the report was incomplete. The report described the legislation in force but did not give concrete

examples; the Committee would have appreciated an analysis of the application of the Optional Protocol, including a mention of the factors and difficulties obstructing application.

28. She would like to know whether the report covered all the regions over which the State party continued to exercise sovereignty, including Puerto Rico, Guam and Palau.

29. The delegation might explain the meaning of the statement in paragraph 3 of the report that the provisions of the Protocol were not self-executory under domestic law, with the exception of Article 5, and the extent to which United States legislation was consistent with the obligations set out in Article 3, paragraph 2, of the Protocol.

30. With regard to paragraph 56 of the report, the delegation might indicate whether the United States could request the extradition of a perpetrator of one of the offences covered by the Optional Protocol in the following cases: (a) when the perpetrator or victim of the offence was a United States citizen; (b) when the act in question was not an offence in the requested country; (c) when the United States had not concluded an extradition treaty with the requested country; and (d) when the perpetrator or victim of the offence was not a United States citizen.

31. The delegation might also describe the real status of child prostitutes, which the State party seemed to regard more as delinquents than as victims, and indicate whether there were any plans to harmonize the legislation of the states with the federal legislation.

32. She would welcome details of the measures taken by the State Party to facilitate the rehabilitation and reintegration of child victims. It was regrettable that the State party did not have sufficient statistics on that matter; she invited it to correct the problem.

33. On the subject of adoption, she asked whether the United States intended to withdraw declaration No. 5 B, which it had made when ratifying the Optional Protocol.

34. Lastly, did the State party envisage withdrawing the reservation which it had entered when ratifying the Optional Protocol?

35. Mr. ZERMATTEN said that, in cases of prostitution, sexual violence, trafficking and pornography involving children, United States legislation required victims to appear and testify in the presence of the perpetrator of the offence, thus contributing to the phenomenon of secondary victimization. However, title 18 of the United States Code authorized other procedures, such as video recordings, when the child in question could not be confronted by the perpetrator of the offence. In view of the differences between the state legislations, he asked how it was possible to ensure that the special status of child victims and witnesses of offences was respected during proceedings in every state. An example was offered by New Mexico, where only victims aged under 16 were not confronted by the perpetrator, whereas the Optional Protocol applied to all persons aged under 18.

36. Mr. PARFITT asked what machinery had been put in place to ensure the uniform application of the Optional Protocol. Canada had its “spending power”, which allowed the Federal Government to intervene in matters falling within the purview of the provinces; he believed that the same arrangement existed in the United States.

37. He also asked how the states had participated in the process of ratifying the Optional Protocol and whether there was an independent agency within the Federal Government responsible for promoting the Protocol and monitoring its application. It seemed that some states

had an ombudsman who could hear complaints from children. It would be interesting to know whether the United States authorities had considered establishing such a post at the federal level.

38. The United States had made a declaration concerning the definition of child pornography which appeared restrictive. In particular, it was not clear whether cartoon films were covered by its definition. Studies had in fact shown that cartoon films were often used by paedophiles.

39. The United States had adopted programmes on the return of child victims of trafficking to their families. The delegation might indicate whether steps had been taken to ensure that such children were indeed safe, for it was known that in some cases the families of victims were also involved in trafficking.

40. Ms. KHATTAB said that it was to be hoped that the ratification of the two optional protocols was step towards ratification of the Convention. She noted that the United States had indicated in paragraph 2 of its initial report that by becoming a party to the Protocol it was assuming no obligations under the Convention and asked what weight the State party attached to its signature of the Convention.

41. The report on trafficking in persons produced for Congress by the Congressional Research Service had introduced a system for classifying countries in respect of trafficking based on a very broad definition which implied regarding early marriage and child labour as trafficking; that created a number of problems for the application of the Optional Protocol. In some countries early marriages took place with the consent of the bride-to-be. The groom's father received a dowry and usually used it to furnish the young couple's home. That practice was deemed to be trafficking by the Congressional Research Service. She asked whether the United States authorities also classified as human trafficking the practices of the fundamentalist Church of Jesus Christ of Latter-day Saints, which solemnized polygamous marriages between minors in Texas, and whether they applied the same criteria nationally as they applied internationally.

42. She was alarmed by the United States position on transfers of children's organs, which was not banned unless done for profit. Paragraph 20 of the report indicated that "for profit" did not mean the lawful payment of a reasonable amount associated with the transfer of organs, including payment for the expense of travel, housing, lost wages, or medical costs. That definition in carried risks for persons such as migrants and unaccompanied minors.

43. She also requested more information about the T-visas issued to victims of trafficking: what was their duration and what action did recipients have to take on the expiry of their visas?

44. Mr. KOTRANE noted that paragraph 3 of the report stated that the provisions of the Optional Protocol were not self-executory under domestic law, a general position which the Human Rights Committee had found, in its concluding observations of 18 December 2006, to be in conflict with opinions of the International Court of Justice. That position caused problems with respect to the rights accorded to children, in particular the ones set out in Article 8 of the Optional Protocol. The delegation might indicate whether a child could request to be heard when it was not mandatory for his or her opinion to be taken into consideration and whether a child could rely directly on the Optional Protocol before a United States court. The Committee was doubtful that the State party's legislation was fully in conformity with the provisions of the Optional Protocol, as it asserted in paragraph 3 of its report. For example, there did not seem to be any legal provision expressly prohibiting trafficking in organs, and in the case of pornography the report

referred only to the production of visual materials. He would like to know whether the United States authorities intended to take steps to bring their legislation into line with the Protocol.

45. Universal jurisdiction seemed to be limited to certain offences committed outside the United States by an American citizen or a person residing in the United States and to cases in which the victim was American. It should be made clear whether the State party envisaged enacting legislation to invest United States courts with jurisdiction over the offences covered by the Optional Protocol committed outside the United States by an American citizen, in cases of sex tourism for example, or by a person residing in the United States, or when the victim was American.

46. The United States did not consider it necessary to have jurisdiction over offences committed abroad by American citizens when an extradition treaty had been concluded with the country in question, for it was willing to extradite American citizens in such cases. It would be interesting to know what happened when there was no extradition treaty.

47. He asked whether United States law contained provisions authorizing direct action to be taken against legal persons in the event of violation of the rights of the child covered by the Optional Protocol, for example in cases of the production of pornographic material or sexual exploitation.

49. Mr. PURAS asked whether, with a view to guaranteeing better protection of children against sexual exploitation, any consideration had been given to adopting a federal action plan and a comprehensive strategy to suppress all the offences covered by the Optional Protocol.

49. He also sought additional information about the policies and measures carried out at the federal level to prevent the sexual exploitation of children. And he would like to know whether the United States envisaged ratifying the Convention.

50. Mr. KRAPPMANN said that the initial report dealt mainly with legislation, definitions and procedures. But violations of children's rights could not be eliminated unless their underlying causes had been understood. Hence the need for studies on the fundamental economic, social and psychological causes. The studies mentioned in the report dealt chiefly with demographic statistics and the number of investigations and trials, but not with child development, family dynamics, children's lives and indeed periods of crisis in those lives, factors which urgently needed to be analyzed and understood in order to tackle the problems covered by the Optional Protocol. Since such studies did exist, he would like to know why the report did not mention them and why no attempt had been made to base the prevention and victim-care policies on their findings.

51. Ms. ORTIZ said that the United States had the world's largest number of intercountry adoptions. It had introduced both administrative and legislative measures to align its adoption procedures with the Hague Convention and with the Optional Protocol. In the period since the Hague Convention had entered into force for the United States, on 1 April 2008, the authorities had accredited agencies and persons providing adoption services. She would like to know whether the authorities issued accreditation to for-profit organizations and, if so, how they verified that no sales of children within the meaning of the Optional Protocol had taken place. She also asked whether provision had been made for the imposition of administrative or criminal sanctions on agencies which arranged national or intercountry adoptions without accreditation. It appeared that in applying the Hague Convention the United States authorities permitted agencies to make, inter alia, antenatal financial payments to biological mothers in countries of origin. She

did not understand how that position could be reconciled with the provisions of the Protocol. She wished to know how many American children were adopted by foreigners. According to reports 20,000 children were adopted abroad every year by United States citizens and some 50,000 were adopted within the country, but there still remained about 100,000 American children who could not find an adoptive family. Details of the steps taken by the United States authorities to increase the number of national adoptions would be welcome. According to some reports, foreign families who had been unable to adopt in their own countries could go online and find American children for adoption in return for payment. Additional information on the subject would be useful.

52. Ms. SMITH noted that the report mentioned that the United States authorities must take action for the application of the Optional Protocol when necessary and asked whether such action was taken often. She wished to know whether the State party was going to encourage the states to decriminalize prostitution so that victims would not be prosecuted. She would also welcome information about the mandatory compensation of victims and about civil actions.

53. Mr. CITARELLA drew attention to the distinction made in the Optional Protocol between sale and trafficking and asked whether the sale of children was a felony under United States law.

54. Mr. POLLAR asked what became of the property of persons convicted of sexual exploitation of children and the money which they might have garnered from that activity. He also asked whether any action had been taken to prevent sex tourism by educating tourists and raising their awareness. The State party spent large amounts on treatment measures such as rehabilitation; it would be interesting to know whether it envisaged addressing the vulnerability which lay behind the sale of children.

55. Ms. AIDOO said that she was sure that the United States had the capacity to do more to apply the Optional Protocol. In particular, it might increase the federal appropriations for that purpose and strengthen the partnerships between federal and local authorities and civil society organizations. The United States could intensify its activities in several key fields. Firstly, it would be useful to have additional data on all the offences covered by the Optional Protocol, not just on sexual exploitation, and to break those data down by race, age, economic status and other criteria.

56. Secondly, the United States should step up the dissemination of the Optional Protocol and training activities on its content, for that would enable children and communities to play a leading role in preventing the offences in question.

57. Thirdly, it should strengthen, throughout the country, the projects and services intended for particularly vulnerable categories of children, such as girls, poor children, indigenous children and children in difficult family situations. Lastly, the services and assistance for children victims of the offences covered by the Optional Protocol could be improved by not focusing solely on sexual exploitation. The number of child reception and care facilities capable of providing victims with psychological, social and material support should be increased, so that the victims could recover and, in time, return to their families.

58. Mr. FILALI asked whether a person who attempted to commit an offence covered by the Optional Protocol was liable to the same penalties as were applicable to the commission of the offence.

59. He noted that United States legislation established a special maritime and territorial jurisdiction for certain offences and asked whether that meant that in the event of the sale of a child on board a vessel flying the United States flag the perpetrator was not treated in the same way as when that offence was committed on American soil.

60. Ms. VUCKOVIC-SAHOVIC asked how the United States defined in legal terms the distinction between trafficking on the one hand and sale and the other types of child exploitation covered by the Optional Protocol on the other. The Protocol made virtually no reference to trafficking, but the State party did do frequently in its report. The Committee's Revised General Guidelines were useful with respect to that distinction.

The meeting was suspended at 11.35 and resumed at noon.

61. Mr. KING (United States of America) said that it was difficult for the Federal Government to exercise control over the states in matters of criminal law, which fell within the purview of the states themselves. However, some federal laws took precedence over state laws. For example, New Mexico applied the federal legislation on trafficking in persons. On the other hand, it had refused the federal funds attached to Federal Act No. 94142, on the education of all children with disabilities, in order to be able to carry out its own programme, which it thought better, and had stated clearly that it did not agree with the federal approach to the issue.

62. With regard to the confronting of the victim by the accused, he would recommend to New Mexico's legislators that they should amend the relevant legislation to bring it into line with the Optional Protocol. However, it should be stressed that even though New Mexico's legislation provided that only persons aged under 16 were exempt from confrontation with the accused, the prosecutor could request the judge to avoid such confrontation if he considered, irrespective of the victim's age, that the victim was in a fragile state and that confrontation might prove harmful.

63. The cooperation between New Mexico and the Federal Government was extremely beneficial where children's rights were concerned. For example, the Federal Government provided funds to support the programme set up by the New Mexico authorities to combat paedophile pornography and other offences involving children.

64. Where attending to victims' needs was concerned, New Mexico had just adopted an act providing for the creation of a task force chaired by the Attorney General and including representatives of the police and the judicial authorities, NGOs and all the public bodies concerned with the rights of the child. That coordination mechanism would help to improve the handling of victims' problems, especially as a result of the participation of NGOs providing victim care. In addition, funds had been earmarked for training law-enforcement officers to identify victims and attend to their needs.

65. Mr. HARRIS (United States of America) said that he would give details of the procedure by which the United States acceded to treaties, for that would explain how treaties were applied in the federal system. Once the international negotiations had been concluded, the treaty in question was transmitted to the Office of the Legal Adviser of the State Department, which was responsible for deciding whether the United States could implement all of the obligations contained in the treaty. If implementation was not possible in certain respects, enabling legislation was considered and, if necessary, reservations were entered. It had been found that, with one exception, the Federal Government and the states could apply all the provisions of the Optional Protocol.

66. Turning to the question of how the Federal Government ensured that the states discharged all the obligations imposed by a treaty, he said that treaties were submitted for ratification to the Senate, a body representing all the states. Ratification must be approved by two thirds of the representatives of the 50 states.

67. The concept of self-executory treaty meant that the provisions of a treaty applied automatically in United States legislation, for that legislation already contained all the provisions in question. It was thus not a means of avoiding the discharge of obligations under a legal instrument.

68. The United States had deemed it necessary to state when it became a party to the Optional Protocol that it was not assuming any new obligations under the Convention on the Rights of the Child. However, as a signatory of the Convention, the United States had an obligation not to adopt any measures which clashed with its purposes and objectives; it complied rigorously with that obligation.

69. The reservation entered by the United States related to offences committed on board a ship or aircraft. The domestic legislation of the United States did not invest it with jurisdiction over certain offences when committed on board a ship or aircraft registered in the United States. It had thus been considered reasonable to enter a reservation. The reservation was purely technical one. There had been no cases in which prosecution had not taken place because of the reservation.

70. Declaration No. 5 B had been justified at the time because the United States had not been a party to the Hague Convention. As it had now acceded to that Convention, the declaration no longer had any effect in practice.

71. With regard to declaration No. 3 on the term "child pornography", it should be understood that visual representations did indeed include cartoon films.

72. On the issue of extradition in the absence of an extradition treaty with the country concerned, he said that the United States extradited both nationals and non-nationals. Article 5, paragraph 5, and Article 4, paragraph 3, of the Optional Protocol did not therefore apply. Article 4 defined the case in which States parties must establish their jurisdiction over various offences. States parties were not required to establish their jurisdiction in cases not mentioned in that article.

73. The CHAIRPERSON, noting that paragraph 56 of the report referred to the dual criminality standard, asked whether a person could be extradited in cases in which that standard was not satisfied.

74. Mr. HARRIS (United States of America) said that such a situation would be unusual, for requests for extradition were submitted by States which had jurisdiction in respect of the offence in question.

75. The CHAIRPERSON asked whether a person present in the United States but not having United States nationality could be prosecuted for a criminal offence committed in another country.

76. Ms. MANDELKER (United States of America) said that prosecution was possible in certain cases. If the United States did not have jurisdiction to prosecute the perpetrator of the offence, it could expel him or her under the immigration laws.

77. Mr. LAGON (United States of America) said that under United States legislation trafficking in persons did not necessarily entail the crossing of a frontier.

78. A child could donate an organ as soon as he or she had legally consented to do so. That did not constitute sale if the remuneration covered only the expense of travel and housing, lost wages and medical costs.

79. Ms. MANDELKER (United States of America) said that the sale and prostitution of children and child pornography were liable to criminal prosecution even if no trafficking had taken place. Both commission and attempted commission of such offences attracted the same penalties. Child prostitutes were regarded as victims and not prosecuted. It could happen, in very rare cases, that a child was arrested in connection with prostitution, for example if the child had been taken for an adult or to protect the child against an imminent danger.

80. Coordination was an essential element of the fight against the exploitation of children. The Department of Justice cooperated very closely with the federal authorities, in particular the customs and immigration services, and with various partners at the state and local levels. Special teams responsible for enforcing the law at the federal, state and local levels had been established throughout the country under Project Safe Childhood launched in 2006. Similar teams had been set up to combat trafficking in persons.

81. Mr. 000STERBAAN (United States of America) said that proceeds of criminal activities were confiscated and, when necessary, the victims were compensated. Furthermore, there was new legislation which facilitated civil actions.

82. Where child pornography was concerned, the authorities were particularly vigilant with respect to cartoon films. The number of prosecutions in respect of written material constituting child pornography was increasing all the time.

83. Big efforts were made to prevent sex tourism; even attempts to engage in sexual activity with children during trips abroad were prosecuted.

84. Mr. KOTRANE asked whether United States courts had jurisdiction over sexual offences committed outside United States territory, for example in countries in which sex tourism was not against the law.

85. Mr. LAGON (United States of America) said that since the adoption of the PROTECT Act in 2003 Americans who committed crimes outside United States territory were prosecuted in the United States. Sixty-five persons had already been convicted under the Act since 2003.

86. Mr. HARRIS (United States of America) said that the obligations imposed by the Optional Protocol extended to all the territories of the United States.

87. Ms. KAROUSSOS (United States of America) said that the T-visa was issued to all victims of trafficking, provided that they were residing in the United States; it was valid for four years. It could also be issued to members of a victim's family. Holders of that visa enjoyed the same advantages as those accorded to refugees and could apply for United States nationality after four years.

88. The U-visa was issued to victims of several offences, including trafficking in persons. It was not necessary to be residing in United States territory in order to apply for that visa.

89. Mr. LAGON (United States of America) said that a regulation would shortly be promulgated to enable holders of a T-visa who wished to continue to reside in United States territory to obtain United States nationality more quickly.
90. Efforts had been made to reduce demand as part of the fight against the sexual exploitation of minors. Congress had indicated that the question of demand should be taken more fully into account in the revision of the Trafficking Victims Protection Act in 2005. In addition, a pilot project had been set up in San Francisco to make prostitutes' clients arrested for the first time more aware of the harm which they could cause. That project also dealt with minors, whether prostitutes or clients. It was designed to prevent re-offending and was being implemented in other towns
91. Ms. GARZA (United States of America) said that the Department of Health and Human Services had launched a national awareness-raising campaign on victims of trafficking in order to persuade the various sectors of society that they must cooperate in putting an end to the problem. A number of training and technical assistance activities had also been carried out.
92. A regional loans programme had been introduced in partnership with civil society in order to provide funding for local organizations involved in social work.
93. Prevention measures had also been introduced by the Family and Youth Services Bureau. It had launched a prevention programme aimed at street children, who were particularly vulnerable. The programme provided street children with accommodation, care and education services.
94. A national pilot programme had been launched in partnership with the Family and Youth Services Bureau in order to collect data on the thousands of street children being cared for in the children's homes and centres, in particular data on the type of exploitation which they had suffered.
95. Ms. MANDELKER (United States of America) said that education and awareness-raising were a cornerstone of the protection of children against pornography. The Department of Justice had funded a programme carried out in partnership with NGOs to make parents more aware of the dangers of the Internet and to encourage them to make their children more aware as well.
96. The prosecution of perpetrators also contributed to prevention. The penalties incurred in respect of sexual exploitation were very heavy.
97. Ms. GARZA (United States of America) said that the Department of Health and Human Services had made a study of the Department's capacity. It had also published information bulletins, in particular on the evaluation of the system of reception centres in the United States and on the services provided for victims of trafficking.
98. The CHAIRPERSON welcomed the fruitful dialogue, which had clarified the progress made in the application of the Optional Protocol. She urged the State party adopt a victim-centred approach and noted that the Committee was expecting to receive centralized data on the causes and consequences of the offences covered by the Protocol.

The meeting rose at 1.05 p.m.
