



Convention on the Rights of the Child

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Summary record of the 2197th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 May 2017, at 3 p.m.

Chair: Ms. Winter

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties (continued)

Combined third and fourth periodic reports of the United States of America on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/USA/3-4; CRC/C/OPSC/USA/Q/3-4 and Add.1)

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1. *At the invitation of the Chair, the delegation of the United States of America took places at the Committee table.*
2. **Mr. Visek** (United States of America) said that guarantees of human rights and fundamental freedoms were set forth in the federal Constitution and federal statutes and in the constitutions and statutes of the states and territories. The protections provided for under the federal Constitution and federal statutes were generally applicable nationwide, providing a minimum standard of guaranteed rights for all persons in the United States. The majority of criminal laws in the United States, including offences relating to child labour and sexual exploitation, were established by the legislatures of the states and the territories. While much of the conduct covered under the Optional Protocol on the sale of children, child prostitution and child pornography was also criminalized at the federal level, the number of such cases dealt with at the state level was greater than at the federal level.
3. Turning to the concerns raised regarding discrepancies between the Protocol and the country's domestic legislation, he pointed out that the broad definition of "sale of children" under article 2 (a) of the Protocol could be construed to include lawful acts, such as the placement of a child in the temporary custody of a friend or family member with a promise to pay for the child's living or academic expenses, to take one example. In order to avoid misinterpretations of that provision, the United States had made clear its understanding, at the time of its ratification of the Protocol, that article 2 (a) was intended to cover transactions involving persons who did not have a lawful right to custody of the child in question. Furthermore, the United States understood the term "child pornography", as defined in article 2 (c) of the Protocol, to mean the visual representation of a child. However, in the case of non-visual material, prosecutions could be brought under the statutes relating to the distribution, sale or receipt of obscene materials. In one case, *United States v. Whorley*, in 2008, a United States court of appeals had upheld the defendant's conviction for knowingly receiving e-mails describing the sexual abuse of children.
4. With regard to the transfer of organs for profit, he drew attention to previous reports and the replies to the list of issues (CRC/C/OPSC/USA/1, paras. 17 and 18; CRC/C/OPSC/USA/2, paras. 167 and 168; and OPSC/USA/Q/3-4/Add.1, para. 38) concerning the protections against the sale of organs under federal law. The transfer of a child's organs must involve the sale of a child in order to fall within the purview of the Optional Protocol. Situations in which the organ transfer did not involve valuable consideration or the child himself or herself was not being transferred for remuneration were thus not prohibited. The term "profit" did not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages or medical costs.
5. Regarding extraterritorial jurisdiction, as was pointed out in paragraph 49 of the initial report (CRC/OPSC/USA/1), United States laws extended special maritime and territorial criminal jurisdiction over crimes involving sexual abuse, child pornography and other offences.
6. Replying to a question that had been raised about child sex tourism, he highlighted a recent California District Court case in which Ronald Boyajian had been sentenced to 70 years in federal prison for having travelled to Cambodia to engage in illicit sexual conduct with a 9-year-old girl, after having been required to register as a sex offender under

California law. He had been arrested by the Cambodian national police while on his thirty-fifth trip to the country over a nine-year period.

7. The United States required a bilateral treaty for extraditions. Under article 5 of the Optional Protocol, the United States and an extradition treaty partner that was also a party to the Protocol were required to extradite persons for the offences specified in the Protocol even when such offences did not appear in an extradition treaty's list of extraditable offences.

8. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that article 3 of the Optional Protocol required States parties to ensure that, as a minimum, the acts mentioned in the article were fully covered under domestic criminal law. The list of those acts was therefore not exhaustive. The Committee was concerned about the illicit sale of organs in general, even if it did not involve the sale of children. It was also concerned by the fact that reference had been made to only one organ trafficking case in the periodic report (CRC/C/OPSC/USA/3-4, para. 67) and that there were no known reports of the sale of children's organs. That suggested that more robust efforts might be required to identify and investigate such cases.

9. **Mr. Visek** (United States of America) said that his Government did not consider that the sale of human organs had been a problem in the United States, in part because its medical industry was so heavily regulated, and doctors followed a strict code of medical ethics.

10. As was stated in paragraph 36 of the replies to the list of issues (CRC/C/OPSC/USA/Q/3-4/Add.1), because surrogacy did not involve any of the forms of exploitation set forth in article 3, the Protocol did not require States parties to impose criminal penalties for the practice. That said, many states that allowed surrogacy had implemented regulations governing surrogacy agreements, which addressed such factors as the marital status of the parties, their age, their medical condition, the type of compensation that was permitted and so on.

11. Regarding the questions raised about expenses paid by adoptive parents, he said that the United States prohibited child buying and closely regulated payments for prenatal care and other expenses incurred by adoptive parents. The prohibition of child buying was one of the mandatory standards for accreditation of adoption service providers in intercountry adoption cases subject to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

12. **Ms. Coppedge** (United States of America) said that her Government worked in close partnership with NGOs, survivors, community and religious leaders and the private sector to study vulnerable populations and develop targeted strategies to address the factors that drove the sale of children. At the federal level, the Department of Education was providing technical assistance to help educational leaders to understand why it was important to address the problem of trafficking in schools. She drew attention to the Department of Education guide to human trafficking, *Human Trafficking in America's Schools*

(<https://safesupportivelearning.ed.gov/sites/default/files/HumanTraffickinginAmericasSchools.pdf>). She also drew attention to the Tourism Child-Protection Code of Conduct (<http://ecpatusa.org/code/>), which was a voluntary set of business principles aimed at helping travel companies to prevent trafficking of children and child sex tourism. Its goals included training for tourism professionals in children's rights and how to report suspected cases of sexual exploitation.

13. **Ms. Gelber** (United States of America) said that, while she recognized the importance of collecting data on child exploitation in the United States, she did not consider that a national database was necessary for the implementation of the Protocol, however helpful it might be for developing strategies. There were some 3,400 judicial criminal districts. A national database would require the processing of information from several thousand independent systems and would pose problems with respect to privacy protections for the victims involved. However, the Government did have a number of data sources such as the Internet Crimes Against Children Data System (IDS) and Internet Crimes Against Children (ICAC) Task Force Program. The Government also worked with NGO partners

such as the National Center for Missing and Exploited Children (NCMEC), which had a wealth of data, particularly on child pornography. Internet service providers were required to submit reports to the Center when they discovered incidences of child exploitation on their systems.

14. The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice had recently awarded \$2 million in grants to child advocacy centres around the United States to provide services to victims of child pornography. The Department of Health and Human Services had funded community-based non-profit organizations that provided children with access to emergency shelter, survival aid and counselling.

15. A number of questions had been raised concerning the efforts taken to reduce demand for children's sexual services. The Department of Justice was very aggressive in bringing criminal cases against customers. Recently, a person in Baltimore, Maryland who had paid more than \$8,000 to 17 different women in the Philippines for pornographic images of prepubescent girls had been sentenced to a prison term that, given his age, amounted to a life sentence. Many offices of attorneys general conducted undercover operations specifically designed to detect customers and bring them to justice, often in connection with popular events in a given region. Public awareness initiatives that targeted major sporting events had also been undertaken. For example, at the recent Olympics in Brazil, one NGO partner had conducted a public service campaign called "It's a penalty" that had run on airlines flying to Rio de Janeiro. The Department of Justice funded a website called Demandforum.net (<http://www.demandforum.net/>) that provided information about sex trafficking and prostitution to deter men who bought sex.

16. **Mr. Kotrane** (Country Task Force), expressing his appreciation for the informative answers provided, said that he remained concerned that the definitions used by the State party under its domestic law to cover the offences under the Protocol did not correspond exactly with the wording used in the Protocol. With respect to the statement made concerning visual representations, he pointed out that, under article 2 (c) of the Protocol, child pornography meant any representation, by whatever means, of a child engaged in sexual activities. If the law did not reflect all possible means, it was left to the judge to determine what such pornography meant. He wished to know whether possession of pornographic material was a criminal offence under domestic law, in accordance with article 3 (c). He welcomed the example provided of the Baltimore case, which showed that attempts to commit acts covered by the Protocol were subject to penalties. He wondered whether such attempts were punishable for all the acts listed under the Protocol. Referring to the case of sex tourism in Cambodia that had been cited, he wished to know whether the Government could prosecute a United States citizen who engaged in such illegal activities in States in which such activities were not punished.

17. **Ms. Gelber** (United States of America) said that, under federal law and the law of every state, possession of child pornography was illegal. In the federal system, attempts to commit the acts in question were punished to the same extent as they would be if they had been carried out. Possession of child pornography and attempted possession, for example, were equally punishable by up to 10 years' imprisonment. Under the federal statute on child sex tourism, offenders were liable to criminal prosecution even if the conduct was legal in the country in which the act was committed. There had been a recent case in Atlanta, Georgia in which the defendant had tried to make the argument that he had not been liable to prosecution because his conduct had been legal in the country in question. He had been exploiting young boys in Czechia. The argument had been found inadmissible as a matter of law, and the offender had received a prison sentence of 35 years.

18. **Ms. Khazova**, noting from paragraph 36 of the replies to the list of issues that states that permitted surrogacy generally treated it as a family matter involving the legal question of parentage, said that the Committee remained concerned about the steady rise in prenatal or even preconception surrogacy contracts. The surrogate mother had no right to repudiate the contract or to reconsider her decision after the birth of the child, and there were no assessments of the best interests of the child after he or she was born. The transactions were carried out on a purely contractual basis. She wished to know whether the State party considered surrogacy to be a problem as such and whether it would consider drafting, at the very least, a model statute governing surrogacy.

19. **Mr. Visek** (United States of America) said that he wished to reiterate that, if surrogacy involved one of the forms of exploitation under the Protocol, then criminal laws would apply. He was not aware of any model law. However, regulations or other rules governing surrogacy agreements had been adopted in the states where the practice was legal. They addressed such matters as the method of obtaining informed consent, which made terminating a contract possible.

20. Regarding the question concerning assessments of the best interests of the child in surrogacy cases, as there was no federal legislation on surrogacy, it was left to the states to regulate the practice. Surrogacy was illegal in some places in the United States and expressly permitted and regulated in others: 31 states had laws that, in some fashion, addressed surrogacy. Michigan, New York and Washington, D.C. had criminalized surrogacy. Others had set up elaborate mechanisms to approve contracts or regulate the payment of fees to surrogate mothers.

The meeting was suspended at 4.10 p.m. and resumed at 4.20 p.m.

21. **Ms. Gelber** (United States of America), responding to questions raised about particularly vulnerable populations, said that the Department of Justice had a number of programmes to support native American children. The Department had an Office of Tribal Justice that had been set up to deal with matters of interest to Indian tribes. She drew particular attention to the Defending Childhood American Indian/Alaska Native Policy Initiative, which was designed to prevent American Indian and Alaska Native children's exposure to violence, and to the report of the Attorney General's Advisory Committee on American Indian and Alaska Native Children, *Ending Violence So Children Can Thrive* (https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf).

22. Responding to a question concerning affirmative defence in the federal child sex tourism statute, she said that, if the defendant could prove by clear and convincing evidence that he reasonably believed that the child victim was an adult, he could avoid being convicted of that offence. For such a defence to be used, an investigation into the case must already be completed and criminal proceedings initiated. Therefore, the statute did not contradict article 8 (2) of the Protocol, which required States parties to ensure that uncertainty as to the actual age of the victim did not prevent the initiation of criminal investigations.

23. **Mr. Cardona Llorens** said that he would appreciate hearing more about the physical and psychological rehabilitation services available to victims of child pornography. He wondered whether such victims had access to legal aid during trials and whether they were entitled to compensation.

24. **Ms. Skelton** asked how the law treated offenders in child pornography cases who were also under 18 years of age. Cases of sexting, for example, might involve child pornography.

25. **Ms. Gelber** (United States of America) said that, in general, young offenders were not prosecuted under federal criminal statutes. Prosecutions of children for child pornography or prostitution were handled by the state courts. State law determined what age a person must be to be prosecuted as an adult. Whether or not a case involving sexting between two minors constituted an offence would be left for the state to decide. The majority of states currently tended to avoid prosecuting children involved in prostitution. In some states, it was no longer a crime. Others granted immunity from prosecution for the crime, and some states, such as New York, referred minors involved in such activities to child protection services. If arrested a second time, they entered the criminal justice system. Many states were also looking at laws to allow child victims of trafficking to expunge their convictions if they could show that they engaged in the criminal activity as a result of being trafficked.

26. Turning to rehabilitation services for victims, she said that she had been working on that issue for the previous nine years. Child victims of prostitution typically did not have lawyers. As prosecutions were handled either by the federal authorities or the states, it was not necessary for victims to secure legal representation. However, child pornography

victims were entitled to seek criminal restitution, i.e. compensation, from the defendant for losses incurred as a result of the crime. If a child pornography victim needed counselling, money could be obtained from the defendant to pay for it. All victims of child pornography were represented by counsel, because the circulation of multiple images online gave rise to a high number of cases.

27. **Ms. Coffman** (United States of America) explained that the term “human trafficking”, which was used extensively in her Government’s documentation and the delegation’s discourse, was an umbrella term that covered child prostitution, child pornography and the sale of children, and applied to trafficking both for labour exploitation and commercial sexual purposes.

28. She said that the principle of the sovereignty of states had produced a diversity of legal systems across the country, which meant that there was no common approach to problems such as the sale of children, child prostitution and child pornography. Moreover state governments seemed culturally averse to funding preventive measures such as educational programmes and the promotion of healthy environments and were more ready to dedicate resources to reactive measures and recovery. That was one reason for the greater focus on tertiary prevention, rather than primary or secondary prevention to forestall harm or trauma.

29. One difficulty in addressing the issues was that the general public was often unaware that sex trafficking, for example, was taking place in cities across the country, or else believed that it did not happen to United States citizens.

30. One primary prevention programme had received federal approval and funding. Known as Sources of Strength, it had originally been developed as a means of addressing the surge in youth suicide and was now being trialled in her own state of Colorado. It aimed to help young people build healthy relationships and develop sufficient resilience to deal with situations of adversity such as abuse by an adult.

31. Secondary prevention efforts focused on early identification of victims and ensuring that they were surrounded by strong, caring adults. The profile of a victim was often that of a young person whose parents had been reported for abuse or neglect and had thus come into contact with the social services system. In many cases they were approached through the social media by a relative, or by someone they believed to be a friend, and gradually drawn into an exploitative relationship, often involving dependency on drugs or alcohol.

32. Vulnerable populations included the lesbian, gay, bisexual, transgender and queer (LGBTQ) community, young members of which were particularly susceptible to exploitation, whether through pornography or prostitution. In many cases they were alienated or isolated, or had encountered bullying; having few social connections, they were easy prey for someone feigning solicitude who might draw them into a relationship and thence into illegal activity. Her office worked with LGBTQ advocacy groups to produce resources and set up special counselling groups.

33. Her office also worked with the less well-off of the two Native American populations in Colorado, the Ute Mountain Ute tribe, which owned little land and had few resources. The children of that group were highly vulnerable, with substance abuse and suicide being the biggest scourges. Once they started using heroin or methamphetamines they began to turn their backs on the culture they had grown up in, yet there was nothing to replace it and once again the lack of connectedness made them vulnerable to persons seeking to take advantage of them.

34. It was extremely difficult to identify the victims of human trafficking for the purposes of labour exploitation, as they tended not to report their situation spontaneously. Her office therefore worked with faith-based organizations and religious leaders, who had closer connections with the community and could provide a safe haven and a voice for such persons.

35. The legalization of marijuana in Colorado had been a factor in the increasing incidence of child pornography and child prostitution in that state. Young people came to Colorado hoping to obtain work in the marijuana industry but were ineligible for such work if aged under 21 and often wound up sleeping on the streets and vulnerable to trafficking.

36. **Mr. Rezmovic** (United States of America), replying to a question asked by Mr. Cardona Llorens, said that it was true that high priority was placed on raising public awareness of human trafficking, yet many of the vulnerabilities that created susceptibility to trafficking were the same as those that created susceptibility to related crimes such as forced prostitution and child pornography. The training programmes in place focused on all such vulnerabilities.

37. Special agents from both the Department of Homeland Security and the Department of Justice shared information with children and parents about child predators online, as part of the iGuardian programme on Internet safety. The Anti-Trafficking Coordination Team initiative had proved highly successful, providing advanced training for federal agents and prosecutors in human trafficking cases. As a result, the number of defendants charged with human trafficking offences had increased by over 100 per cent and the number of convictions by 86 per cent.

38. As to the question of access to counsel for non-citizen children, all individuals in immigration proceedings had a right to counsel under federal law and could expect the Department of Homeland Security to maximize such access. Those who had counsel tended to have better outcomes in terms of receiving immigration status and benefits. The Department of Justice worked to improve the level of representation for those appearing before immigration courts and appeals boards, largely by encouraging law students and NGOs to accept such cases on a pro bono basis.

39. Moreover, a programme had been put in place by the Department of Justice and the Corporation for National and Community Service to provide government-funded lawyers and paralegals to represent unaccompanied children in several cities.

40. The Department of Justice also ran a programme to inform custodians of unaccompanied children about immigration court procedures and about their own responsibilities with regard to protection of the children from abuse, exploitation and trafficking.

41. As to forced labour in the agricultural sector, the Fair Labour Standards Act protected young workers by limiting the types of work they could do and their working hours. Distinctions were made between agricultural and non-agricultural work. Inspections to verify compliance were carried out every year by the United States Department of Labor.

42. **Mr. Denton** (United States of America) said that the United States aggressively prosecuted any of its citizens who travelled abroad with intent to engage in illicit sexual conduct. Active prosecution of sex offenders was one of the best deterrents to such behaviour. Homeland Security Investigations had 66 offices in 49 countries and worked with the Department of Justice and the Department of State to prosecute and extradite offenders. Under the International Megan's Law, enacted in 2016, whenever a convicted sex offender attempted to travel to a given country an alert could be issued by the Angel Watch Center, a facility housed in the Department of Homeland Security Cyber Crime Center. In 2016, 1,780 such notifications had been issued and nearly all the subjects of those notifications had been refused entry to the countries concerned.

43. A poster and advertising campaign by United States Customs and Border Protection, targeting the arrivals lounges of major ports of entry, alerted travellers to the penalties for international sex tourism, while the Blue Lightning Initiative trained airline staff to recognize exploitation and sex tourism and take appropriate action.

44. The investigative methodology used by Department of Homeland Security Investigations prioritized the protection and rescue of children over all other factors. Since 2013, 1,000 children a year had been rescued from exploitation.

45. **Mr. Busby** (United States of America) said that the United States strongly supported the goals of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138). However, although United States law and practice were consistent with that Convention in many respects, the existence of certain exceptions made ratification difficult. Children under 18 were permitted to be employed under certain circumstances, notably in non-hazardous agricultural work.

46. Congress regularly requested briefings on the implementation of the Child Soldiers Prevention Act. Moreover, extensive consultations were held with NGOs both before the designation of countries under the Act and before decisions were taken regarding the granting of waivers under the Act. The partial waiver granted in respect of South Sudan was limited to International Military Education and Training (IMET) assistance and peacekeeping assistance, partly in order to support demobilization associated with the peace agreement. The waiver was designed to ensure United States support for the peace agreement. Direct security assistance to the Government itself had been suspended.

47. **Mr. Nelson** (Vice Chair) asked whether there was any requirement to notify other countries of the travels of convicted sex offenders.

48. **Mr. Kotrane** said that the information provided on the child labour situation had been helpful. Given that the ILO Minimum Age Convention, 1973 (No. 138) had set the age of 15 years as the minimum for admission to employment, the United States might wish to reconsider its position on ratification. One concern was the situation of children engaged in arduous, dangerous work in agriculture, who were thereby prevented from regularly attending school; that was essentially forced labour. Because the discussion related to the Optional Protocol on the sale of children, child prostitution and child pornography, it would be useful to know whether the subjection of children to forced labour was viewed within the category of the sale of children and therefore penalized.

49. **Mr. Cardona Llorens**, referring to paragraph 56 of the State party's report (CRC/C/OPSC/USA/3-4) said that more information would be welcome on the situation of internationally adopted children whose guardianship was relinquished or transferred outside the purview of the courts or public child welfare agencies. In addition, it would be useful to know how the United States addressed cases of adoption which, despite involving child abduction in a foreign territory, were later considered legal under the Hague Convention on the Civil Aspects of International Child Abduction because certain formalities had been met. What approach was taken to cases in which there was irrefutable proof of such abduction, as exemplified by the Anyelí Liseth Hernández Rodríguez case?

50. **Mr. Denton** (United States of America) said that there had always been requirements regarding the movements of convicted sex offenders, but that the recent enactment of the International Megan's Law had made those requirements more robust. For example, offenders had to give the Angel Watch Center advance notification of international travel or be subject to a penalty. Furthermore, the Department of Homeland Security was working with the Department of State to implement a system whereby a special identifier would be placed in the passports of convicted sex offenders to prevent what was known as "country-hopping."

51. **Mr. Rezmovic** (United States of America), in response to Mr. Kotrane's question about children working in agriculture, said that the Wage and Hour Division of the Department of Labor conducted workplace audits and worked with law enforcement where prosecution was necessary. The subjection of a child to forced labour fell under the heading of human trafficking in the country's forced labour statute and was prosecuted at either the federal or state level.

52. With regard to Mr. Cardona Llorens' question, he said that the lawfulness of intercountry adoption transactions was monitored by the Department of Homeland Security, whose obligation to protect the children involved was stipulated not only by federal law but also by the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Legislation governing the intercountry adoption process was centred on the notion that any attempt to make an illegitimate payment as an inducement to release a child for adoption provided clear grounds for denial of the petition to adopt.

53. **Ms. Gelber** (United States of America) said that the State Department ran an inter-agency working group to deal with unregulated custody transfers of adopted children. Although custody-related cases were typically criminalized at the state level, under certain circumstances, federal criminal cases were possible.

54. **Mr. Visek** (United States of America) said that, in connection with the matters discussed in paragraph 56 of his country's report, the prevention of unregulated custody

transfers was a continuing focus of action. As for the Anyelí Liseth Hernández Rodríguez case, no specifics were available, but the delegation would employ its best efforts to obtain more details.

55. **Ms. Coppedge** (United States of America) said that several federal agencies had programmes to raise awareness about human trafficking and that vulnerability based on age and other factors was being studied.

56. **The Chair** asked Mr. Mezmur whether he had received a satisfactory response to his earlier question.

57. **Mr. Mezmur** said that he had and that he was particularly grateful for the information on South Sudan.

58. **Mr. Cardona Llorens** said that he was concerned about the fact that children who had been victims or witnesses of an offence had to testify publicly in court, since that made them especially vulnerable. It would be interesting to know whether the State party was considering measures to avoid the need for such public testimony. Since there had been cases in which convictions had been overturned because a child's testimony had been given behind closed doors, it would be helpful to learn whether a review of existing legislation was being considered to allow the courts to accept pre-constituted evidence in order to prevent such situations.

59. **Ms. Gelber** said that doing away with the need for children to testify in court would require not only a legislative amendment, but also a constitutional one. Because the Constitution of the United States gave the defendant the right to confront his/her accuser, live in-court testimony was required. Some federal provisions allowed leeway for alternative measures such as closed-circuit television, but because they sometimes resulted in cases being overturned on appeal, thereby forcing child victims to testify a second time, those measures had to be applied cautiously.

60. **Mr. Kotrane** said that, in light of the State party's involvement in various coalitions and partnerships with other States in conflict zones, it would be helpful to know what measures were taken to prevent children being made victims in the context of military activities in those zones. It would also be useful to learn what steps were taken to prosecute violations of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

61. **Ms. Jones** (United States of America) said that the United States shared best practices with its partners regarding treatment of detainees and mitigation of the risk of civilian casualties. It ensured that its partners understood the importance of avoiding harm to civilians when conducting military operations.

62. **Mr. Nelson**, following up on Ms. Gelber's comments on live testimony, asked whether cases which had been overturned could be re-examined on the basis of the best interests of the child if, at some point, the United States of America were to ratify the Convention on the Rights of the Child.

63. **The Chair** said that the United Nations Model Law on Justice in Matters Involving Child Victims and Witnesses of Crime provided many options for the protection of child victims without infringement of the rights of defendants. It would be interesting to know whether the State party took that instrument into consideration.

64. **Ms. Gelber** (United States of America) said that, even if the Convention on the Rights of the Child were to be ratified, the Constitution would remain the primary legal document governing the issues surrounding live testimony. Furthermore, a defendant's right to obtain the attendance of witnesses was also guaranteed in article 14, 3 (e) of the International Covenant on Civil and Political Rights, by which her country was bound.

65. **Mr. Visek** (United States of America) said that in 2013, the delegation had had no information on any state court proceedings in respect of Anyelí Liseth Hernández Rodríguez. Unfortunately, that was still the case. However, the delegation would welcome any information which the Committee might have on the matter.

66. **Mr. Mezmur** said that the information provided had been robust and comprehensive. Domestically, there appeared to be progress on the ground. However, there was some room for improvement, notably regarding the number of instruments the overall goal of which the United States of America supported but by which it was not legally bound. In addition, there were some outstanding issues directly related to the obligations emanating from the Optional Protocol on the involvement of children in armed conflict.

67. The fact that proportionally more time had been spent discussing issues over which the State party did not have territorial jurisdiction was perhaps a reflection of the nature and reach of its activities throughout the world. The Committee thus counted on the State party's commitment to making further progress within the framework of the Optional Protocol.

68. **Mr. Cardona Llorens** said that the United States was necessarily held to an especially high standard, and although the delegation had provided detailed answers to many of the questions asked, some issues, such as primary prevention, still needed to be more thoroughly addressed. It bore repeating that if the rights enshrined in the Convention on the Rights of the Child were fully respected, primary prevention would be ensured. He hoped that by the time of the next meeting with the Committee, the United States of America would have consolidated its commitment to children by ratifying the Convention.

69. **Mr. Visek** (United States of America) said that the Committee's thoughtful questions and feedback were very much appreciated and he looked forward to discussing additional progress in future.

70. **The Chair** said that the Committee's responsibility did not end with asking questions and making recommendations; by collecting information on a country's sound practices, the Committee was able to share that information with countries which lacked such practices. The assistance of the United States in that endeavour was greatly appreciated.

The meeting rose at 5.55 p.m.