

**Ambassador Warren Tichenor's Opening Remarks Before  
the United Nations Committee on the Rights of the Child  
Concerning U.S. Implementation of the Optional Protocols to the  
Convention on the Rights of the Child  
May 22, 2008**

Thank you Madam Chair. My name is Warren Tichenor. I am the Permanent Representative of the United States to the United Nations in Geneva.

It is my privilege to be the first to announce that the United States is appearing before the Committee on the Rights of the Child. We all share the same desire to protect children from abuse. The United States is honored to join this Committee's efforts to protect children from exploitation at the hands of those who victimize society's most vulnerable, whether for financial gain or in warfare. We deeply appreciate the efforts your Committee has made to advance the international community's response to these assaults on our common humanity.

I am joined here today by Ambassador Mark Lagon, the Director of the US Department of State's Office to Monitor and Combat Trafficking in Persons. He is also the chair of the Senior Policy Operating Group on Trafficking in Persons, a US inter-agency coordinating group for international and

domestic efforts to combat human trafficking. Also on our delegation are The Honorable Gary King, Attorney General of the State of New Mexico; Deputy Assistant Attorney General Sigal Mandelker of the US Department of Justice; and Deputy Assistant Secretary Sandra Hodgkinson of the US Department of Defense. Other members of our delegation include representatives from the Departments of State, Justice, Defense, Homeland Security and Health and Human Services.

I will now turn to Ambassador Lagon to make the substantive opening remarks of the US Delegation.

Thank you.

**Ambassador Mark P. Lagon's Opening Remarks  
United Nations Committee on the Rights of the Child  
Concerning U.S. Implementation of the Optional Protocol on the Sale of  
Children, Child Prostitution and Child Pornography  
May 22, 2008**

Thank you Madam Chair and thank you Ambassador Tichenor. Both protocols being discussed today represent forms of human trafficking and I am eager to share our experience with the Committee.

I would like to briefly highlight overall U.S. efforts to address the sale of children, child prostitution and child pornography as well as highlight the path forward for further enhancing our efforts. Our U.S. delegation members will provide more specifics and depth in their areas of expertise, and this afternoon will provide a short overview of our implementation of the Protocol on the Involvement of Children in Armed Conflict.

The United States has made important strides in combating human trafficking, including all forms of commercial sexual exploitation of children. We have strengthened our laws, starting with the passage, in 2000, of the Trafficking Victims Protection Act (TVPA). This law recognizes that human trafficking is a crime, and children engaged in commercial sexual activities are by nature victims. The TVPA establishes penalties for

trafficking offenses commensurate with the seriousness of the exploitation, control, and dehumanization the crime entails. At the same time, it ensures that victims receive protection, services, and a special visa in the case of foreign trafficking victims. The TVPA, which has been reauthorized twice, now places an additional emphasis on countering demand by authorizing funds to state and local law enforcement agencies to investigate and prosecute brothel owners, pimps, and perpetrators or “customers.”

In 2003, the U.S. passed the *Prosecutorial Remedies and other Tools to end the Exploitation of Children Today (or “PROTECT”) Act*. In 2006, Congress also passed the *Adam Walsh Child Protection and Safety Act*. Together, these statutes enhance protections for children while punishing those who victimize them. For example, those engaged in sex trafficking of children face a minimum ten year sentence and a possible maximum life sentence, while any U.S. citizen or legal permanent resident convicted of traveling abroad and having sex with a minor faces up to 30 years imprisonment.

The U.S. Government has developed multiple resource materials and expanded training at the federal, state, and local level to ensure that law enforcement is aware of the tools at their disposal, including enhanced

penalties, and that they understand the meaning and importance of the victim-centered approach to these cases. Training includes instruction in countering sexual exploitation of minors and combating forced child labor.

The U.S. Government continues to expand its assistance to foreign victims of trafficking by authorizing access to social services and through the provision of grants to civil society organizations. With regard to foreign child victims, the U.S. Department of Health and Human Services is the lead agency to issue Letters of Eligibility for these children, which allows them to access services and benefits comparable to those provided to refugees in the United States. A child victim's cooperation with law enforcement is not a prerequisite for receiving a letter of eligibility.

The United States has also worked to protect children from sexual exploitation and pornography through major public awareness and educational efforts. The U.S. Department of Health and Human Services launched a nationwide public awareness campaign, called "Rescue and Restore" which includes the establishment of a National Human Trafficking Resource Center, development of a national hotline, and release of public service announcements, posters, and brochures. Our Department of Education has developed and disseminated resource materials into schools.

Overseas, we funded public awareness campaigns on child sex tourism in Mexico, Brazil, Costa Rica, Thailand, and Cambodia.

We have worked to promote interagency coordination through multiple task forces from the Cabinet to the working level, including the President's Interagency Task Force on Trafficking in Persons and its Senior Policy Operating Group, which I chair. The U.S. government is reaching out to new partners such as health care practitioners and teachers. We are also working with the travel, tourism, and hospitality industry, and are encouraging them to assist us in countering child sex tourism.

The U.S. Government is also giving greater emphasis to inter-agency coordination on research projects that examine the quality of victim-care services, promising practices in prosecuting human trafficking cases, and child sex tourism. Increasingly, we are focusing more on practical application and evaluation research to guide our resources and future programs. My office is funding an 18-month research project in 5 regions of the world to determine the youngest and average ages at which children become sexually exploited for commercial purposes, and the mechanisms by which these children are victimized. The findings from this research will

help to inform law enforcement policies and procedures internationally to effectively combat this hideous practice.

Internationally, the United States has spent over \$528 million dollars for international anti-trafficking programs since 2001 in approximately 120 countries. Since the release of the United States' Report to this committee last summer, my office has awarded approximately \$2.6 million in new grants to non-governmental organizations, UNICEF and UNIFEM to combat child trafficking in 12 countries. The Department of State's annual Trafficking in Persons Report, compiled by my office, serves as a vehicle to raise global consciousness about the harm of human trafficking, notably of children, and to engage bilaterally with governments to do more to fight it.

We recognize that we have areas for improvement. Just as we assess other governments' anti-trafficking efforts, the United States also evaluates itself through an annual report to Congress, which includes an *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*. This year the Assessment identifies the following needs: 1) we must ensure that all U.S. citizen victims are as vigorously identified, protected, and assisted as foreign national victims; 2) law enforcement agents and service grantees,

subcontractors, and partners must work as expeditiously as possible to identify victims, provide care, and secure immigration relief; 3) we must ensure that all child victims of severe forms of human trafficking (both foreign and U.S. citizen) are provided access to services and benefits regardless of their ability and willingness to assist law enforcement; and 4) we need to expand the development of educational materials on human trafficking for dissemination through education and community-based entities.

As the international abolitionist movement has grown and evolved, we have better learned how governments, in partnership with civil society, can effectively combat human trafficking. We have learned from others; we have learned from our successful, if imperfect, experience; and I hope we have lessons to share. I trust our presentations will capture our national commitment to this end, and to being a ready partner to others in the world.

**Deputy Assistant Attorney General Sigal P. Mandelker's Opening  
Remarks Before the United Nations Committee on the Rights of the  
Child Concerning  
U.S. Implementation of the Optional Protocol on the Sale of Children,  
Child Prostitution and Child Pornography  
May 22, 2008**

Madam Chair, it is an honor to appear before this Committee as a member of the U.S. delegation. We appreciate and share the Committee's concerns for children who are all too often the victims of horrific crimes, ranging from the production and distribution of sexually abusive images to sex trafficking and prostitution.

At the Department of Justice, we dedicate ourselves to enforcing the expansive U.S. laws related to the sale of children, child prostitution, and child pornography. In each case that we prosecute, we maintain a victim-centered approach. We bring to every case the heavy knowledge and sense of obligation to do everything that we can to bring perpetrators to justice and to stop them from abusing other children in the future.

With this primary goal in mind, the Department has strategically focused and increased its efforts to combat child exploitation. In 2006, for example, the Department, with other law enforcement partners, launched an initiative

called Project Safe Childhood, a program designed to protect children from online exploitation and abuse and to enhance the national response to this growing threat. Under this initiative, we have set up task forces, comprised of federal, state, and local law enforcement, in every federal district in the country. In the last fiscal year alone, federal prosecutors charged 2,118 cases involving child pornography, coercion, and enticement offenses against 2,218 defendants, a 28 percent increase over the previous year.

Project Safe Childhood builds upon the Internet Crimes Against Children Task Forces (ICACs) program, which was launched in 1998 and is designed to help state and local law enforcement agencies acquire the knowledge, equipment and personnel resources they need to prevent, investigate and stop sexual crimes against children. There are currently 59 such Task Forces across the United States, with at least one in each state. The Department of Justice spends millions of dollars each year to provide technical assistance and training for ICAC task force investigators, prosecutors, and police management to assure that they are kept abreast of changes in case law, as well as new investigative techniques and operational protocols.

The Department has also focused on combating the domestic prostitution of children. In 2003, the Criminal Division of the Department of Justice, the Federal Bureau of Investigation, and the National Center for Missing & Exploited Children launched the Innocence Lost Initiative to identify and rescue prostituted children. The Innocence Lost Initiative has developed task forces in 23 cities, which take a victim-centered approach to investigating and prosecuting cases involving the sex trafficking of children within the United States. The Initiative holds numerous intensive week-long training programs that bring state and federal law enforcement agencies, prosecutors, and social services providers all from one city to be trained together.

Similarly, there are 42 regional anti-trafficking task forces in 25 states and territories and 21 anti-trafficking coalitions across our country that are galvanizing local communities to reduce demand for the trafficking of children and women from overseas and that are coordinating victim services through local organizations. A crucial element of these task forces involves cooperation between government and civil society actors, because non-governmental organizations can immensely improve the ability to find and help victims.

As part of our victim-centered approach, we also pursue efforts to increase public awareness of child exploitation. Through the Office of Juvenile Justice and Delinquency Prevention, for example, the Department has awarded grants totaling \$4 million to raise public awareness of internet safety issues and provide valuable training to adults and children. ICAC Task Forces also provide Internet safety education through schools and other community-based organizations. Project Safe Childhood likewise includes educational programs and community outreach in an effort to enlist the public in the fight against child exploitation.

Additionally, the Department works in close partnership with the National Center for Missing and Exploited Children, which serves as an information clearinghouse; operates a Cyber Tipline; and provides technical assistance in cases involving exploited children. The NCMEC Child Victim Identification Program has, from the inception of its program through the end of calendar year 2007, identified 1,247 children depicted in child pornography.

We also regularly engage in bilateral and multilateral efforts to deter and prevent the increasing international traffic in children for labor and sexual exploitation. For example, the United States has worked with foreign governments and NGOs to inform potential victims of the risks posed to them by the trafficking of women and children, the tactics criminal groups use to coerce victims, and the ways in which victims can seek assistance in the United States. The United States also funds training for law enforcement and consular officials of foreign countries in the areas of trafficking in persons, child sex tourism, and sexual exploitation of women and children.

While we are proud of our efforts to increase significantly child exploitation enforcement in the United States, there is much more work to be done. We have to undertake that work vigorously not just through our domestic efforts, but also in close partnership with international law enforcement and with the many non-governmental organizations that dedicate themselves to this mission. I look forward to discussing our efforts with you and to answering your questions.

**New Mexico Attorney General Gary K. King's Opening Remarks  
United Nations Committee on the Rights of the Child  
Concerning U.S. Implementation of the Optional Protocol on the Sale of  
Children, Child Prostitution and Child Pornography  
May 22, 2008**

Madam Chairperson, esteemed members of the committee...greetings from the people of the great state of New Mexico, USA. It is my privilege to be here today to discuss the protection of children and my office's collaborative efforts to address the sale of children, child prostitution, child pornography and the trafficking of human beings, including children.

Earlier this year, my office and the office of the attorney general for the Mexican State of Chihuahua joined forces to combat human trafficking on both sides of our shared international border. Our official Agreement of Understanding codified our mutual interest in addressing the problem of what amounts to human slavery of citizens from both of our countries. The following is an excerpt from that agreement:

*WHEREAS Human Trafficking is a heinous international crime and human rights abuse. Human Trafficking affects all people regardless of gender, race, color, socio-economic status, or sexual orientation. Human Trafficking affects wealthy countries, poor countries, rural and*

*urban populations, indigenous and non-indigenous populations. The crime of human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, next to drug dealing, and it is the fastest growing. The global magnitude is staggering.*

*WHEREFORE the Office of the Attorney General of New Mexico (OAGNM) and the Office of the Attorney General of Chihuahua (OAGCH) recognize the epidemic of Human Trafficking and the importance of cross-border collaboration to prosecute traffickers, protect victims and prevent the increase of human trafficking incidents;*

*WHEREFORE the (OAGNM) and the (OAGCH) commit to develop compatible strategies in prevention, information, education and awareness, intelligence and anti-trafficking law enforcement efforts;*

*WHEREFORE the (OAGNM) and the (OAGCH) agree to develop best practices to address human trafficking through sharing resources for training, through mentoring and through the development of cross-border working groups.*

We believe this agreement will help protect children as well as others who fall victim to human traffickers by providing the framework for our states, and our respective countries, to unify our efforts to help stop these crimes

against children and other victims.

The fight to protect children in New Mexico was also aided by the recent adoption of a law that defines the practice of human trafficking as a felony crime. The Director of my Border Violence Division, Maria Sanchez-Gagne, was instrumental in formulating and drafting this legislation. Our biggest challenge was to convince legislators and the public in general that human trafficking was not the same as the smuggling of contraband or even other human beings, for which many laws already apply. Fortunately, we were successful and New Mexico is now in step with surrounding states on both sides of the border that have similar laws making human trafficking a serious crime.

Our anti-human trafficking law includes provisions for state services to victims until they can qualify for services under the federal Trafficking Victims Protection Act. Federal authorities have stated they believe, as a result of the New Mexico law, cases of human trafficking will begin to be identified, particularly within the commercial sex industry.

This new law, which was a priority of my administration, allows my state to prosecute violators, whether they are suspected of intra-state or international human trafficking. My office is currently looking into enforcement of the

new law in a local case where a drug addict is accused of selling and transporting his own sister in return for drugs. Additionally, my office has extended a standing invitation to Chihuahua law enforcement to participate in local trainings on how to identify persons as human trafficking victims.

It is my hope that our collaborative efforts with Chihuahua may serve as a model for other states and nations while our New Mexico human trafficking legislation can be a template for similar laws around the world. I must give credit to members of my staff who have worked for years toward this goal and to Patricia Gonzalez, the Attorney General of the State of Chihuahua, Mexico, who has been a staunch ally in this effort.

Our next challenge is to aggressively seek out and prosecute anyone who would sell a child into slavery, sex abuse, prostitution or pornography. Our goal is to make it so difficult and so costly for the perpetrator that human trafficking may be a crime that ends in our lifetime. As we move into the future, we will seek to strengthen our laws by increasing the penalties and expanding the reach of law enforcement worldwide.

Some of you may wonder how two state government officials, such as myself and Attorney General Gonzalez, were able to forge such an historic local agreement with international ramifications. I believe it is testimony to

the cooperation between our individual staff members with respect to many law enforcement issues, combined with the support of our respective federal governments. We are addressing a problem that clearly affects our own states while also benefiting the overall interests of Mexico and the United States.

When it comes to protecting children, it is everyone's responsibility, everywhere. Obviously, the members of this international committee take this job very seriously. I conclude my remarks by pledging my support for your efforts and offering my personal and professional assistance whenever possible.

Thank you again for this opportunity and I stand prepared to answer any questions you may have of me.

**Ambassador Mark P. Lagon**  
**UN Committee on the Rights of the Child**  
**Concerning U.S. Implementation of the Optional Protocol on Children**  
**in Armed Conflict**  
May 22, 2008

Thank you Madam Chair. I am pleased to have the opportunity once again today to give opening remarks for the US delegation.

Given the time constraints, I will be brief. I have already introduced the key members of the US Delegation. The United States has given extensive, and, I hope, fully responsive answers to the Committee's written questions concerning implementation of US obligations under the Optional Protocol Concerning Children in Armed Conflict. Before giving the floor to my colleague from the US Department of Defense, who will offer extended remarks, I would like to make several points.

The United States was an active participant in the negotiation of the Protocol. In fact, the United States offered a draft text of the Protocol before the last session of its negotiation. The United States is gratified that aspects of the US draft were incorporated into the final text of the Protocol.

The United States is deeply concerned by the coercive use of children in armed conflict. It deprives children of the joys of youth, and of the comfort and nurture of their parents. It also turns them into adults who replicate these abuses without mercy.

Around the world, the United States seeks to prevent and undo the harms resulting from the involvement of children in armed conflict, which, I would add, can also be a form of trafficking in persons. For example, in the Democratic Republic of Congo, the United States is supporting a UNICEF and International Rescue Committee project to provide care and protection for child returnees from the Lord's Resistance Army.

The coercive use of children in armed conflict is not permitted in the United States or in the US Armed Forces. As the US report identifies, the United States has also taken substantial measures to rehabilitate victims of this practice abroad.

Our colleague from the Department of Defense will now give a detailed presentation on how the Protocol is implemented by and in the United States.

**Deputy Assistant Secretary of Defense Sandra L. Hodgkinson**  
**UN Committee on the Rights of the Child Concerning U.S.**  
**Implementation of the Optional Protocol on Children in Armed**  
**Conflict.**

**May 22, 2008**

Madam Chair, members of the Committee, thank you for the opportunity to speak today about the substantial measures taken by the US Military to implement the Optional Protocol on Children in Armed Conflict.

Since 1973, the US Military has been an all-volunteer force. To recruit a professional force, our highly-trained recruiters serve as military ambassadors in their communities, and their integrity and demeanor are of great importance to the Department of Defense. Through clear rules, recruiter training, and rigorous oversight mechanisms, we have been successful in implementing our obligations under the Optional Protocol to ensure that all feasible measures are taken that no one under the age of 18 engages directly in hostilities.

The overwhelming majority of new recruits are over 18 years of age, and more than 90 percent have at least a high school diploma. As young people in the United States typically begin to consider their career options during their final years of high school, recruiters offer them information about serving in the United States Armed Forces, including information

about additional educational opportunities and other lifelong benefits of service.

Individuals who graduate high school prior to their 18<sup>th</sup> birthday may still enlist. However, in order to begin the enlistment process, an individual must be at least 17 years old and have written permission from their parents or legal guardian. To ensure these young men and women fully understand the implications of their decision to serve, recruiters are encouraged to involve the parents and guardians in each phase of the enlistment process.

In addition to the thorough training recruiters receive, the military services maintain vigilant oversight of recruiter conduct and discipline, and sanction those few who fail to maintain standards of professionalism.

Each military service has policies in place to ensure that all feasible measures are taken that no one under the age of 18 engages directly in hostilities, and the military departments have checks in their personnel systems to ensure adherence to the provisions of the service policies. Currently, the military departments have policies in place that restrict the assignment of 17 year old service members to ensure compliance with this Protocol.

The Department of Defense has conducted internal reviews of the more than 1.7 million service members who have deployed in support of current operations. While there have been 17 year old service members deployed to “hazardous duty pay” or “imminent danger pay” areas, our reviews did not uncover any service member under the age of 18 as having engaged directly in hostilities.

It is unfortunate that children are, and continue to be, recruited into armed conflict around the globe, including in Iraq and Afghanistan. The U.S. does detain juveniles who have engaged our forces on the battlefield – to include planting improvised explosive devices and preparing for suicide attacks – to remove them from the dangerous effect of combat, and to protect our forces and innocent civilians.

Although age is not a determining factor in the initial decision as to whether or not we detain an individual under the law of armed conflict, we go to great lengths to attend to the special needs of juveniles while they are in detention. Young detainees are not only attended to by military personnel who are committed to providing detainees with safe and humane care and custody, but also by medical professionals, who recognize that because of their age they may require special physical and psychological care.

In all cases, juvenile detainees are afforded regular exercise, have access to mental health services; medical services, including dental care; and contact with their families, to the maximum extent possible. In Iraq, families are able to visit young detainees in person. In Afghanistan, families have the opportunity to maintain contact through video-teleconference calls and plans are underway to facilitate family visits in the future.

Given the numbers of juvenile detainees in Iraq, the US Military has developed a robust program to address their special needs. In consultation with the Iraqi Government, a Juvenile Education Center was opened on August 12, 2007, to provide basic educational instruction for all juvenile detainees up to age 17. The program is designed so that the juveniles can continue their education after their release, and efforts are being made to incorporate the Iraqi Ministry of Education standards and curriculum.

The education center features classrooms, a library, a medical treatment facility, and four soccer and athletic fields. Juveniles are afforded the chance to exercise, to paint, and to participate in activities appropriate for their ages. The aim is to contribute positively to the future of Iraq by offering hope for personal growth through education and by working to empower the juvenile detainees through proper counseling and guidance. Our hope is that these educational opportunities will spark a desire inside

these young people to continue their education and allow them to make positive contributions toward rebuilding their country.

The U.S. has detained no more than 8 juveniles at Guantanamo Bay. Two individuals who were juveniles at the time of capture remain in U.S. detention at Guantanamo and are facing criminal charges under the Military Commissions Act of 2006 – Omar Khadr and Mohammed Jawad. Both cases continue to move forward and pre-trial hearings have begun before military judges. The Optional Protocol for Children in Armed Conflict does not prohibit criminal prosecution of those under the age of 18, nor does it prohibit the detention of juveniles. In the Khadr case, the military judge specifically ruled that “Nothing in th[is] Protocol prohibits the trial of Mr. Khadr by this commission.” Further, he determined that the rules for military commission provide broad scope to consider age in mitigation of any possible sentence.

It is not unprecedented for juveniles to face the possibility of a war crimes trial. In fact, the Geneva Conventions and their Protocols contemplate the prosecution of those under the age of 18 for violations of the laws of armed conflict. Article 77 of Additional Protocol I and Article 6 of Additional Protocol II of the Geneva Conventions prohibit the application of the death penalty to those under 18 at the time the offense was committed,

thereby indicating that prosecutions not resulting in the imposition of death are not prohibited. Similar approaches are taken by international tribunals established by the United Nations. The International Criminal Tribunals for Rwanda and the former Yugoslavia have no express age restrictions on prosecutions. And the Special Court for Sierra Leone expressly provides for prosecution of juveniles who are 15 to 17 years old. A juvenile's age and upbringing may be considered by a Military Commission, the Convening Authority, and the Court of Military Commission Review – the latter two of which will review the findings and the sentence.

It is relevant to note in the context of this discussion that recent media reporting has highlighted instances of children being recruited, trained for, and used as suicide bombers, as well as to make and plant improvised explosive devices. Detention of these juveniles removes them from that dangerous environment, and protects other innocent civilians and coalition forces from their attacks. If there is a sense that juveniles cannot be removed from the battlefield, there is a valid concern that the tactic of recruiting children will be further utilized against coalition forces and innocent civilians in Iraq and Afghanistan. To allow this would further encourage the barbaric practice of using children for missions that could and do result in their deaths.

As in our written report to the committee, I would like to again emphasize that the United States remains committed to the promotion of international cooperation and assistance in the rehabilitation and social reintegration of children who have been victimized by armed conflict. To that end, we have contributed substantial resources to international programs aimed at preventing the recruitment of children and reintegrating former child soldiers into society. For instance, we have contributed over \$10 million through USAID toward the demobilization of child combatants and their reintegration in Angola, Afghanistan, Sierra Leone, Sudan and other countries; and \$24 million through the Department of Labor toward the prevention of recruitment and economic reintegration of former child soldiers and war affected youth in places like Burundi, Sri Lanka and others. We remain committed to assist in the development of rehabilitation approaches that are effective in addressing this serious and difficult problem.

We look forward to our conversation this afternoon on our implementation of this important Optional Protocol and our shared goal of protecting children from the scourges of war. With that, I will be happy to take the Committee's questions. Thank you.