

## **SHORT VERSION**

### **Ambassador Warren Tichenor's Opening Remarks**

Thank you Madam Chair. My name is Warren Tichenor. I am the Ambassador and 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 a common 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 at Large 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**

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 open my remarks by highlighting U.S. efforts to address the sale of children, child prostitution and child pornography.

The United States has made important strides in combating human trafficking, including 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 that children engaged in commercial sexual activities are by nature victims. It also ensures that victims receive protection, services, and a special visa in the case of foreign trafficking victims. The TVPA, as reauthorized, places emphasis on countering demand by authorizing funds to

state and local law enforcement agencies to investigate and prosecute brothel owners, predators and “customers.”

In 2003, the U.S. passed the “*PROTECT*” Act. In 2006, Congress also passed the *Adam Walsh Child Protection and Safety Act*. These statutes enhance protections for children while punishing those who victimize them. 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 continues to expand its assistance to foreign victims of trafficking with social services and grants to civil society organizations. The U.S. Department of Health and Human Services is the lead agency to issue Letters of Eligibility for foreign 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. 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, to assist us in countering child sex tourism.

The U.S. Government is also emphasizing inter-agency coordination on research projects that examine the quality of victim-care services, promising practices in prosecutions, and child sex tourism.

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.

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 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 victims of severe forms of human trafficking, especially children, are provided access to services and benefits regardless of their ability and willingness to assist law enforcement; and finally, 4) we need to expand the development of educational materials on human trafficking for dissemination through education and community-based entities.

Turning to the Optional Protocol on Children in Armed Conflict, I would note that the United States was an active participant in the negotiation of this important treaty. 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.

Around the world, the United States seeks to prevent and undo the harms resulting from the involvement of children in armed conflict, which 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 later give a detailed presentation on how the Protocol is implemented by and in the United States.

Deputy Assistant Attorney General Sigal Mandelker will now give her remarks and will be followed by The Honorable Gary King.

**Deputy Assistant AG Sigal P. Mandelker's Opening Remarks**

Madam Chair, it is an honor to appear before this Committee as a member of the U.S. delegation. We share the Committee's concerns for children who are all too often the victims of horrific crimes.

At the Department of Justice, we dedicate ourselves to enforcing the expansive U.S. laws to sanction the sale of children, child prostitution, and child pornography. We bring to every case the heavy knowledge and sense of obligation that we must 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 includes 59 task forces 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. In fiscal year 2007, ICAC Task Forces made 2,354 arrests for online child exploitation crimes across the nation, an increase of nearly 15 percent over the number of arrests in fiscal year 2006.

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 children. The Innocence Lost Initiative employs a victim-centered approach to prosecuting offenders and identifying victims and providing needed services.

Similarly, there are 42 funded 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 the demand for trafficking



of children and women from overseas and that are coordinating victim services through local organizations, as well as serving as liaisons with prosecutors.

Because this is a global problem that requires an international response and close cooperation with our partners overseas, we also regularly engage in bilateral and multilateral efforts to deter and prevent the increasing international traffic and exploitation of children.

We likewise appreciate the valuable assistance and cooperation that we receive from non-governmental organizations, who can immensely improve our ability to find and help victims.

While we are proud of our efforts to increase child exploitation enforcement, 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**

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. In the Agreement of Understanding, we among other things:

*commit to develop compatible strategies in prevention, information, education and awareness, intelligence and anti-trafficking law enforcement efforts, and*

*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 collaborative approach 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. 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 also 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.

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.

### **DASD Sandra L. Hodgkinson's Opening Remarks**

Madam Chair, members of the Committee, thank you for the opportunity to address the substantial measures taken by the United States Military to implement the Optional Protocol on Children in Armed Conflict.

Since 1973, the US Military has been an all-volunteer force. Through clear rules, recruiter training, and rigorous oversight mechanisms, we have been successful in implementing our obligations under this Optional

Protocol to ensure that all feasible measures are taken that no one under the age of 18 engages directly in hostilities.

While 17 year olds can, as one professionally rewarding career option, voluntarily enlist in the U.S. Armed Forces, they must have written permission from their parents or legal guardian, and recruiters are encouraged to involve the parents and guardians in each phase of the enlistment process. The overwhelming majority of new recruits are over 18 years of age, and more than 90 percent have at least a high school diploma.

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 olds 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; 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 (which are roadside bombs) and preparing for suicide attacks – to remove them from the dangerous effect of combat, and to protect our forces and innocent civilians. 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.

When juveniles are in detention, we go to great lengths to attend to their special needs. We have procedures in place to evaluate detainees medically, determine their ages, and provide for detention facilities and treatment appropriate for their ages.

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 (VTC) and plans are underway to facilitate family visits in the future.

Given the numbers of juvenile detainees in Iraq, we have 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 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 offer hope for personal growth through education and to empower the juvenile detainees through proper counseling and guidance, 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.

In closing, 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.