

ADVANCE UNEDITED VERSION

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Committee on the Rights of the Child**List of issues in relation to the report submitted by the United States of America under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography***

1. The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 February 2026. The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.
2. Please provide information on the measures taken to improve the collection of data centralized at the federal level on all offences covered under the Optional Protocol by harmonising different existing data systems and definitions of offences as well as by expanding the basis for data to include all offences under the Optional Protocol. Please provide disaggregated data by sex, age, nationality, race, ethnic origin, socio-economic background and disability on child victims of offences under the Optional Protocol. Please also inform on the number of legal proceedings and on the outcomes of such proceedings in terms of conviction and sentencing of perpetrators of offences.
3. Please provide information whether the State party intends to reconsider its reservation and understandings made during the ratification of the Optional Protocol in light of the Committee's recommendations.
4. Please inform the Committee of the efforts made to update and implement the existing strategies such as the National Strategy to Combat Human Trafficking and the National Strategy for Child Exploitation Prevention and Interdiction. Please also provide information about the efforts to develop additional comprehensive strategies and plans aimed at addressing not only sexual exploitation and trafficking, but also all other offences covered under the Optional Protocol focusing on prevention, prohibition of offences and rehabilitation and reintegration of child victims.
5. Please provide updated information on the measures taken:
 - (a) To better coordinate activities under the Optional Protocol, especially in prevention and protection of child victims of offences under the Optional Protocol among federal, state and local authorities and among different sectors, such as health care, child welfare, law-enforcement and other sectors and clarify the roles of the National Human Trafficking Coordinator and the permanent National Coordinator for Child Exploitation Prevention and Interdiction;
 - (b) To increase resources to combat offences under the Optional Protocol domestically and to ensure that its recent cuts to social assistance programs and foreign aid do not affect the effective functioning of organizations working to prevent and combat such offences as well as to protect child victims globally;

* Adopted by the pre-sessional working group on 1 October 2025.

(c) To prevent the separation of migrant children from their families while entering the State party or being deported, and to ensure family reunification for migrant children separated from their families at the border under the 2018 policy.

6. Please provide updated information on the measures taken:

(a) To eliminate demand for children's sexual services, including boys, and to increase investigations, prosecution and punishment of buyers of such services throughout the entire territory of the State party, including among Indigenous and Native American populations, and to guarantee an effective access to justice and remedies, as well as to adequate compensation to victims;

(b) To ban child marriages without exceptions;

(c) To ensure that the Human Trafficking Framework for Instructional Programming in Schools is integrated in school curricula in all states and provide age-appropriate education at schools and out of school facilities on risks related to all offences under the Optional Protocol;

(d) To take targeted measures to prevent children in marginalized and vulnerable situations from falling victims of offences under the Optional Protocol.

7. Please inform the Committee of the most recent measures taken:

(a) To combat sale of children for the purpose of engaging a child in forced labour, including through forced prostitution, and to eliminate all forms of child labour, including by revising the Fair Labour Standards Act which provides for exceptions to the minimum age of employment of children in agriculture and other areas, including by adopting pending bills in this area. Please also clarify whether the State party has taken measures to ensure that the burden of proof for the offence of economic exploitation of a child lies on the alleged perpetrator and not on the child;

(b) To develop a federal legislation that would exclude the possibility of sale of children in the context of commercial surrogacy and that is outside the scope of its family law. Please provide information on measures taken to prevent the private sector from offering selection of embryos on the basis of medical and non-medical criteria;

(c) To prevent the abandonment of children who have been adopted internationally and who are thus put up for new adoptive placement, sometimes via platforms that act as intermediaries with prospective adoptive parents, by creating online catalogues of children available for adoption.

8. Please provide updated information on the efforts made to combat sexual exploitation of children in the context of tourism, in particular on the outcomes of the implementation of the International Meghan's Law requiring child sex offenders to reports international travel, including relevant data. Please also clarify if the State party intends to amend its law 18. U.S.C. §24 23 (Transportation of minors) requiring the defendant to prove that he had a reasonable belief by "clear and convincing evidence" that the person was above the age of 18 years.

9. Please provide updated information about the status of the implementation of the National Strategy for Child Sexual Exploitation Prevention and Interdiction and other measures taken to combat child sexual exploitation and child sexual abuse material in the digital environment, including measures:

(a) To combat the reported surge in AI generated child sexual abuse material, to address challenges in the enforcement of legislation prohibiting child sexual abuse material; and to strengthen penal laws and regulations to combat the evolving nature of child sexual exploitation, especially online;

(b) To address the increasing use of encrypted platforms and the dark web in collaboration with tech companies;

(c) To establish mechanisms to enforce its laws against offences under the Optional Protocol in the digital environment, including the Take it Down Act of 2025 aimed at requiring digital platforms to remove nonconsensual intimate images.

10. Please clarify whether the State party's legislation was updated in line with the Committee's previous recommendation to criminalizes all elements of the offences under articles 2 and 3 of the Optional protocol, in particular with regard to the sale of children, which is similar, but not identical to the crime of trafficking in children. Please also clarify how does the State party criminalize child sexual abuse material, including visual material in films and photography, audio material as well as the sale of children for the purpose of transfer of organs of the child for profit.

11. Please inform the Committee of the measures taken to establish extraterritorial jurisdiction over all offences under the Optional Protocol, in addition to the offences of child sex trafficking and child sexual abuse material as stipulated in para 69 of the State party's report. Please also clarify if the State party plans to use the Optional Protocol as a legal basis for extradition where there is no bilateral extradition treaty with the other country concerned without limiting its application to the principle of double criminality.

12. Please provide updated information on the measures taken:

(a) To ensure that the laws and policies of the State party provide protection services to victims of all offences under the Optional Protocol, in addition to victims of human trafficking, that those services are widely known and accessible to children, and to address the specific needs of child victims of offences, including boys, in particular to seek remedies and compensation;

(b) To extend safe-harbour laws to the entire territory of the State party and to decriminalize the involvement of children below the age of 18 years in prostitution;

(c) To identify, detect and protect unaccompanied foreign children, asylum seeking, refugee and migrant children who are or at risk of becoming victims of offences under the Optional Protocol and restore legal aid for unaccompanied migrant children and the Central American Minors Program.
