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Re: Information on the United States of America for Adoption of List of Issues Prior to Reporting at its 125th Session (4 Mar - 29 Mar 2019)

Dear Distinguished Committee Members:

We respectfully submit this letter to the Human Rights Committee (“the Committee”) in regard to the adoption of a list of issues prior to reporting on the United States at its 125th session. Equality Now, the United States End FGM/C Network, and the ERA Coalition are writing to express our concern about the discrimination and inequality faced by women in the United States in contravention of the International Covenant on Civil and Political Rights (“ICCPR”). In particular, we are concerned with: 1) the need for equality of women to be explicitly enshrined in the U.S. Constitution; 2) child marriage; 3) protection from sexual harassment and violence at secondary schools; 4) female genital mutilation; and 5) online sexual exploitation.

Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and adolescent girls worldwide, including through our membership network comprised of individuals and organizations in over 160 countries. Equality Now is a co-convenor of the National Coalition to End Child Marriage in the United States,¹ a member of the steering committee of the United States End FGM/C Network and an active member of the Equal Rights Coalition and World Without Exploitation. The ERA Coalition represents 76 member and lead organizations by supporting and helping to lead the movement for passage of an equal rights amendment to the U.S. Constitution. The United States End FGM/C Network works to eliminate female genital mutilation or cutting (FGM/C) by connecting, supporting, elevating and advocating on behalf of survivors and with diverse U.S. stakeholders engaged in prevention, education, and care.

¹ National Coalition to End Child Marriage in the United States, <https://endchildmarriageus.org/>

Legal Framework (ICCPR Arts. 2, 3, 7, 8, 24, 26)

The issue areas outlined in this letter contravene several interconnected rights guaranteed under the ICCPR, namely Articles 2 (equal enjoyments of rights), 3 (equality between men and women), 7 (prohibition on cruel, inhuman or degrading treatment), 8 (prohibition of slavery and forced or compulsory labor), 24 (special protections for minors) and 26 (non-discrimination).

Under Articles 2, 3 and 26 of the ICCPR, State parties have an obligation to ensure that all persons are able to equally “enjoy the rights provided for in the covenant,”² without discrimination on the basis of sex.³ In order to ensure equal enjoyment of their rights, a State party to the convention must “take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions.”⁴ Article 24 specifies that children also should not be discriminated against on the basis of sex and guarantees them special protections as minors.⁵ Article 8 has been interpreted as applying to cases of trafficking and forced prostitution.⁶ Finally, the prohibition on cruel, inhuman or degrading treatment has been interpreted by the Committee as extending to cases of violence against women, including female genital mutilation and sexual violence.⁷

In its previous Concluding Observations on the United States, the Committee has expressed concern about discrimination and inequality faced by women and adolescent girls, over a wide variety of issues.⁸ When developing the List of Issues Prior to Reporting at this session, we thus respectfully urge the Committee to consider the effect of the following issues on women and adolescent girls, and the United State’s duty as a party to the ICCPR to protect and ensure their rights.

A. Legal Equality

In its previous State Party Reports, the United States has maintained that legal equality is guaranteed to women through the Equal Protection and Due Process clauses of the 14th and 5th amendments to the U.S. Constitution.⁹ However, it is important to note that neither amendment

² International Covenant on Civil and Political Rights, U.N. Doc. A/6314, Art. 2, (1966) [hereinafter ICCPR].

³ General Comment No. 18: Non-discrimination, ICCPR Thirty-seventh session, pars. 1-2 (1989) [hereinafter General Comment 18].

⁴ General Comment No. 28: Article 3 (The equality of rights between men and women), par. 4, U.N. Doc. CCPR/C/21/Rev.1/add.10 (Mar. 29, 2000). [hereinafter General Comment 28]

⁵ ICCPR, art. 24.

⁶ General Comment 28, *supra* note 4, at par 12.

⁷ *Id.*, at par. 11.

⁸ See Human Rights Committee, Concluding Observations on the fourth periodic report of the United States of America, U.N. Doc CCPR/C/USA/CO/4 (Apr. 23, 2014) [hereinafter Concluding Observations, 2014]; See Concluding observations of the Human Rights Committee, U.N. Doc CCPR/C/USA/CO/3 (Sept. 15, 2006) [hereinafter Concluding Observations, 2006].

⁹ Human Rights Committee, State Party Report, par. 102, U.N. Doc. CCPR/C/81/Add.4 (Aug. 24, 1994) [hereinafter US State Party Report, 1994]; Human Rights Committee, State Party report, Nov 28, 2005, par. 60, U.N. Doc. CCPR/C/USA/328 (Nov. 28, 2005) [hereinafter US State Party Report, 2005]; Human Rights Committee, State Party Report, par. 114, U.N. Doc CCPR/C/USA/4 (May 22, 2012) [hereinafter US State Party Report, 2012].

explicitly states that women are a protected class. Former Supreme Court Justice of the United States, Antonin Scalia, is famously quoted as stating:

“Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't. Nobody ever thought that that's what it meant. Nobody ever voted for that. If the current society wants to outlaw discrimination by sex, hey we have things called legislatures, and they enact things called laws.”¹⁰

Although the Constitution does not explicitly state that women are protected from discrimination, as noted in the U.S. State Party Reports, when courts consider claims that a law is discriminatory and therefore unconstitutional, they apply the “intermediate scrutiny” standard for claims of gender discrimination, meaning that the state has the burden to prove “that the [challenged] classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.”¹¹ In contrast, to withstand a constitutional challenge on the basis of categories like race, religion, or national origin, strict scrutiny is applied, wherein the law must be justified by a compelling government interest, be narrowly tailored, and be the least restrictive means of achieving that interest. Because the standard of review is lower for gender claims than for other categories, this makes it easier to pass and keep sexist laws than ones that discriminate against other protected classes.

An amendment to the Constitution barring discrimination on the basis of sex would raise the standard for constitutional challenges of laws on gender related claims to strict scrutiny and would explicitly protect women from discrimination, guaranteeing their rights under the ICCPR. As noted in the United States’ 1994 State Party Report, an Equal Rights Amendment, which barred discrimination on the basis of sex, was passed by Congress in 1972, but failed to reach the requisite number of state ratifications to be added to the Constitution.¹² In the interim, although several states have added equal rights amendments to their state constitutions,¹³ just over half of the states still do not explicitly protect against discrimination on the basis of sex. As discussed in further detail below, a U.S. District judge recently ruled there is no constitutional basis for a federal law against female genital mutilation. If the Equal Rights Amendment was adopted, it would provide an explicit anchor in the U.S. Constitution for passage of a federal law criminalizing female genital mutilation and other laws designed to protect women and girls.

This Committee has previously highlighted the United State’s failure to ensure gender equality in its laws, stating that, “many federal laws which address sex-discrimination are limited in scope and restricted in implementation,” and recommended that “the State party should take all steps necessary, including at state level, to ensure the equality of women before the law and

¹⁰ Lenora M. Lapidus, *The Constitution Protects Women Despite Justice Scalia’s Views*, ACLU, Jan. 6, 2011. Available at <https://www.aclu.org/blog/smart-justice/mass-incarceration/constitution-protects-women-despite-justice-scalias-views>

¹¹ US State Party Report, 2012, *supra* note 9, at par 118.

¹² US State Party Report, 1994, *supra* note 9, at par. 106.

¹³ Leslie W. Gladstone (August 23, 2004). "Equal Rights Amendments: State Provisions" (PDF). *CRS Report for Congress*. Congressional Research Service - The Library of Congress.

equal protection of the law.”¹⁴ Adding an Equal Rights Amendment to the federal constitution, and encouraging all states to adopt such a law would serve to bring the United States in line with Articles 2, 3, and 26 of the ICCPR. It would also serve to better align the United States with SDGs 5.1 (end all forms of discrimination against all women and girls everywhere), 5.C (adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels), and 10.3 (Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard).

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the United States government the following questions:

1. Please provide information on the measures taken by your government to implement the Committee’s 2006 recommendation to ensure women are explicitly guaranteed equality under the the U.S. Constitution.
2. Please provide information on the measures taken by your government to encourage state governments to adopt equal rights amendments to their constitutions.

B. Child Marriage

The United States State Department has declared that child marriage is a human rights abuse that contributes to economic hardship and leads to under-investment in girls’ educational and health care needs, fosters conditions that enable or exacerbate violence and insecurity, and produces devastating repercussions for a girl’s life, effectively ending her childhood.¹⁵ Despite the government’s position on child marriage, it remains a serious problem throughout the nation. Research shows that between 2000 and 2010, an estimated 248,000 children below the age of 18 were married in the United States. A majority of these marriages were minor girls marrying adult men.¹⁶ This alarming rate of child marriage is amplified by loopholes in the relevant laws. Currently, laws in 48 states allow minors below the age of 18 to be married under certain circumstances.¹⁷ Some states do not even set a legal minimum age floor for marriage, allowing minors *of any age* to marry if certain circumstances are met (these circumstances vary from state to state, and are usually related to parental consent and/or judicial approval).

Federal law also serves to condone and promote child marriage. 18 U.S.C. § 2243, which defines the federal crime of statutory rape of a minor between the ages of 12 and 16, allows a

¹⁴ Concluding Observations, 2006, *supra* note 8, at par. 28.

¹⁵ United Global Strategy to Empower Adolescent Girls, U.S. Dep’t of State, 5-6 (March 2016). Available at <https://www.state.gov/documents/organization/254904.pdf>

¹⁶ *Child Marriage – Shocking Statistics*, Unchained At Last, available at <http://www.unchainedatlast.org/child-marriage-shocking-statistics/>.

¹⁷ National Coalition to End Child Marriage in the United States, <https://endchildmarriageus.org/> (last visited Jan. 1 2019).

defense to this crime when “the persons engaging in the sexual act were at that time married to each other.”¹⁸ This marital exception to the crime of statutory rape in effect condones the marriage of minor children to adults, marital rape, and sexual violence committed against a minor. Other federal laws, policies or regulations may also encourage or facilitate child marriage. For example, a citizen can request a visa for a non-citizen fiancé to join them in the United States.¹⁹ However, as this process does not set a minimum age for the fiancé who is based outside the United States, it is possible for this process to be used to bring a minor into the country who then would be required to marry their sponsor within 90 days of entry.

As noted above, under Article 24 of the ICCPR, children are to be afforded special protections due to their status as minors. Article 23(2) states that “the right of men and women of marriageable age to marry and to found a family shall be recognized.”²⁰ The Committee has noted that the minimum age of marriage “should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.”²¹ The age of majority, as determined by state law, ranges from 18-21 in the United States. This means that those under the age of 18 do not have the capacity to give their consent to enter into contracts, and should therefore not be allowed to enter into a marriage contract under the guidance issued by the ICCPR.

Raising the minimum age of marriage to 18 without exception would also serve to bring the United States in line with the standards established by other international human rights bodies. The United Nations General Assembly (“UNGA”) has recently called upon States to raise the minimum age of marriage to 18.²² SDG 5.3 also seeks to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the United States government the following questions:

1. Please provide statistical data on the prevalence of marriage before one or both parties have reached the age of majority in the United States.
2. Please provide information on measures taken to bring the United States in line with international human rights standards by raising the minimum age of marriage within the United States to 18, with no exceptions.

¹⁸ 18 U.S.C. § 2243(c)(2)

¹⁹ *Nonimmigrant Visa for a Fiance(é)e (K-1)*, U.S. Dep’t of State - Bureau of Consular Affairs, <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/nonimmigrant-visa-for-a-fiance-k-1.html>

²⁰ ICCPR, art. 23(2).

²¹ General Comment No. 19 - Protection of the Family, the Right to Marriage and equality of the Spouses (Article 23), par. 4 (Jul. 27, 1990).

²² G.A. Res. 73/153, Child, early and forced marriage (Jan. 8, 2019).

3. Please provide informations on measures taken by the government to close loopholes in federal laws and policies that serve to encourage marriage below the age of 18 in the United States and circumvent statutory rape laws.

C. *Sexual Harassment and Violence in Secondary Schools*

Incidents of sexual assaults and harassment in middle and high schools are far too common in the United States. Statistics indicate that nearly 1 in 5 girls between the ages of 14 and 17 have been victims of sexual assault or attempted sexual assault.²³ While it is not clear how many of these assaults were perpetrated by fellow students or in school, there were at least 17,000 official reports of sexual assaults of K-12 students by their peers between 2011 and 2015.²⁴ In a survey of 1,965 middle and high school students, it was found that between 2010-11, 48% experienced sexual harassment either in school, in school related activities, or were harassed off-campus by fellow students.²⁵

Title IX is a federal law which gives every student the right to access education without discrimination on the basis of sex and obligates schools to take action on complaints of sexual harassment and assault.²⁶ The Department of Education (“DOE”), the agency in charge of interpreting and administering Title IX, requires that both school and college campuses which receive federal funding establish a grievance mechanism for student survivors of sexual assault. As noted in previous State Party Reports, the DOE issued guidance detailing how Title IX “relate[s] to sexual harassment and sexual violence, discussing proactive efforts schools can take to prevent sexual violence and educate employees and students, and providing examples of the types of remedies schools and OCR may use to respond to sexual violence.”²⁷ This guidance, amongst other things, established that the evidentiary standard to prove sexual violence should be “by preponderance of the evidence” – meaning, more likely than not. This is a different standard than the one used in criminal cases, where a survivor must prove sexual violence beyond a reasonable doubt, and one that increases the odds of a student who has been a victim of sexual violence receiving the protections they need outside the criminal justice system.

However, in September 2017, the DOE withdrew the previous guidance.²⁸ The DOE issued its Notice of Proposed Rulemaking (“NPRM”) for the new Title IX guidance on

²³ U.S. Dep’t of Justice, *Children’s Exposure to Violence: A Comprehensive National Survey 2* (Oct. 2009). Available at <https://www.ncjrs.gov/pdffiles1/ojdp/227744.pdf>

²⁴ Robin McDowell et al., *Hidden Horror of school sex assaults revealed by AP*, Associated Press, May 1, 2017. Available at

<https://www.ap.org/explore/schoolhouse-sex-assault/hidden-horror-of-school-sex-assaults-revealed-by-ap.html>

²⁵ Catherine Hill and Holly Kearn, *Crossing the Line Sexual Harassment at School*, AAUW, 2 (2011). Available at <https://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>

²⁶ 20 U.S.C. § 1681(a)

²⁷ US State Party Report, 2012, *supra* note 9, at par. 57.

²⁸ Ivie A. Guobadia and Emily Haigh, *DOE Rescinds Prior Guidance on Title IX and Sexual Violence, Issues Interim Advice on Campus Sexual Misconduct*, Lexology, Sept. 27, 2017. Available at <https://www.lexology.com/library/detail.aspx?g=b32af992-30d2-42a1-84e1-ebd95865d656>

November 29, 2018.²⁹ This proposed guidance weakens protections for students who have experienced sexual harassment and assault in numerous ways, including by raising the standard of evidence required to “clear and convincing,” narrowing the definition of sexual harassment, and by requiring schools to begin the investigation procedure with the presumption that the alleged perpetrator is innocent. Although the period for comments on the proposed rule is still open at the time of this writing, it is likely that the regulations adopted will be very similar, if not identical, to those found in the NPRM. The adoption of these guidelines will result in more limited protections for adolescent girls, who are already disproportionately likely to experience sexual violence.

Sexual violence is a form of sex-based discrimination that violates the ICCPR, particularly when used against adolescent girls, to whom State parties are obliged to provide with special protections. Adopting these new guidelines would limit the protections granted to children who already face high rates of sexual violence within the education system. The adoption of these regulations will also limit the United States’ ability to reach SDG targets 5.2 (eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation) and 16.2 (end abuse, exploitation, trafficking and all forms of violence against and torture of children).

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the United States government the following question:

1. Please provide information on the United States government’s plans to revise the proposed Title IX guidelines at the close of the comment period to reflect recommendations to strengthen protections for students who have experienced sexual violence and bring the regulations in line with international human rights standards.
2. Following the adoption of the new Title IX regulations, what are the United States government’s plans to ensure that students in secondary schools are offered a safe educational environment in which schools are held accountable for failure to respond to incidents of sexual harassment and violence?

D. Female Genital Mutilation

In the United States, approximately 513,000 women and girls have undergone or are at risk of female genital mutilation (“FGM”).³⁰ Women and girls who were born in the US may be subjected to FGM within the United States or even during vacations to their families’ countries of origin -- a practice known as “vacation cutting.”

²⁹ Nondiscrimination on the Basis of Sex in education Programs or Activities Receiving Federal Financial Assistance, 83 Fed. Reg. 61462 (Proposed Nov. 29, 2018) (to be codified at 34 C.F.R. pt. 106).

³⁰ Howard Goldbert et al., *Female Genital Mutilation/Cutting in the United States: Updated Estimates of Women and Girls at Risk, 2012*, CDC Public Health Reports (Mar.-Apr. 2016).

Federal US policies recognize FGM as a form of child abuse and violence against women and girls.³¹ Many US agencies have made strides to end FGM, and a federal law criminalized the practice, until recently.³² In 2018, in the case of *United States v. Nargarwala*, a U.S. District judge dismissed several charges against two doctors and six others accused of subjecting nine girls to FGM in Michigan after finding that Congress did not have authority to pass the federal law criminalizing FGM.³³ Although the Department of Justice (“DOJ”) is appealing the ruling, at this time, the federal law criminalizing FGM has been declared unconstitutional. Some progress has been made on criminalizing FGM at the state level, although FGM is currently legal in 22 states.³⁴

FGM is a form of gender based discrimination and a violation of the rights contained in the ICCPR. The Committee on the Elimination of All Forms of Discrimination against Women (“CEDAW”) has also recognized it as a harmful practice and recommends that “states parties take appropriate and effective measures with a view to eradicating the practice.”³⁵ SDG Target 5.3 also calls on States to “eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.”

According to the Committee’s General Comment No. 28, State parties in countries where FGM occurs should provide the Committee with “information on its extent and on measures to eliminate it.”³⁶ In its previous State Party Reports, the United States has failed to provide information on the extent of FGM within the the nation, or its plans to eliminate the practice, despite its prevalence. Given the recent ruling in *Nargarwala*, this would be an apt moment to learn more about the United States’ plans to address the issue.

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the United States government the following questions:

1. Please provide statistical and other relevant data on the extent of the practice and impact of female genital mutilation (FGM) in the United States and the measures taken by the government to eliminate and address it.
2. Given the recent ruling in *United States v. Nargarwala*, please provide information on the government’s plans to address female genital mutilation (FGM) at the federal level.

E. Online Sexual Exploitation

³¹ *Female Genital Mutilation/Cutting: United States Government’s Response*, USAID, <https://www.usaid.gov/news-information/fact-sheets/female-genital-mutilation-cutting-usg-response>

³² 18 U.S. Code §116

³³ *Federal judge dismisses charges in female genital mutilation case in Detroit*, CBS News, Nov. 21, 2018, <https://www.cbsnews.com/news/detroit-federal-judge-dismisses-charges-female-genital-mutilation-case/>

³⁴ *US Laws Against FGM - State by State*, Equality Now, https://www.equalitynow.org/us_laws_against_fgm_state_by_state

³⁵ CEDAW General Recommendation No. 14: Female Circumcision, U.N. Doc. A/45/38 (1990).

³⁶ General Comment 28, *supra* note 4, at par. 11.

The rapid expansion of access to high speed internet and cell phones has led to an increase in online sexual exploitation of women and adolescent girls throughout the world.³⁷ Online sexual exploitation includes grooming and recruiting for sex trafficking, coercing or extorting for images, or engaging in sexual activity via webcam. The use of technology to facilitate trafficking has been recognized by the UN Secretary General³⁸ and by the UN General Assembly in last year's Political Declaration on the Global Plan of Action.³⁹

In the United States, nearly two thirds of children sold for sex are trafficked online,⁴⁰ and the National Center for Missing & Exploited Children has directly correlated a five-year 846% increase in child sex trafficking reports to the growing use of the internet to sell children for sex.⁴¹

Online sexual exploitation was encouraged in the United States by a legal loophole to 47 U.S.C. § 230, which allowed websites to publish advertisements for the sale of people for sex online, even though both sex trafficking and pimping are illegal. Fortunately, in April 2018, the Allow States and Victims to Fight Online Sex Trafficking Act of 2018 ("FOSTA") was signed into law, which holds internet companies accountable when they knowingly facilitate sex trafficking.⁴² Although this is a positive step towards ending online sexual exploitation, the law must be effectively implemented and enforced by the federal government to ensure that technological companies are held accountable for violations of the law.

Through FOSTA, a new section was also added to the the Mann Act, 18 USC 2421A, criminalizing the owning, management, or operation of a platform "with the intent to promote or facilitate" prostitution. However, this section also allows for an affirmative defense to be raised when the defendant can prove that "the promotion or facilitation of prostitution is legal in the jurisdiction where the promotion or facilitation was targeted."⁴³ This means that organizations, such as U.S.-based sex tour operators, are able to promote or facilitate the prostitution of adults through tours that are targeted at other countries or in the jurisdictions in the United States where it is legal.⁴⁴ Unless this provision is amended, it will be difficult to hold companies that use the internet to promote sex tourism abroad liable, unless there is an applicable state law barring said activity. It is important to note that this provision applies only to online platforms and not necessarily those persons seeking out the tours, actions which may be criminalized through other statutes.

In its general recommendations, the Committee has stated that State parties should "inform the Committee of measures taken to eliminate trafficking of women and children, within

³⁷ Mark Latonero, *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, University of Southern California (Nov. 2012).

³⁸ U.N. Secretary General, *Trafficking in women and girls*, par. 27, U.N. Doc. A/73/263 (Jul. 27, 2018).

³⁹ G.A. Res. 72/1, at 22 (Oct. 9, 2017).

⁴⁰ *A Report on the Use of Technology to Recruit, Groom and Sell Domestic Minor Sex Trafficking Victims*, THORN, 19 (Jan. 2015). Available at https://www.thorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf

⁴¹ S. REP. no. 114-214, at 3 (2016).

⁴² 47 U.S.C. § 230 (1996), amended by Act of Apr. 11, 2018

⁴³ *Id* at § 2421(A)(e).

⁴⁴ For more information on Sex Tourism, see our website at: https://www.equalitynow.org/united_states_shut_down_sex_tour_operators_in_california

the country or across borders, and forced prostitution.”⁴⁵ In its previous State Party Reports, the United States has discussed their efforts to address sexual exploitation of children and sex trafficking, including through the passage of legislation like the Trafficking Victims Protection Reauthorization Act of 2008.⁴⁶ However, in its Concluding Observations, the Committee noted that it “remains concerned about cases of trafficking of persons, including children, for purposes of labour and sexual exploitation, and criminalization of victims on prostitution-related charges.”⁴⁷ Therefore, it will be important to continue to elevate the issue before the United States when presenting them with the list of issues.

Holding the United States to account for the steps taken to end sex trafficking will also serve to help it reach several SDG targets, including 8.7 (“take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”), 5.2 (“eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”), and 16.2 (“end abuse, exploitation, trafficking and all forms of violence against and torture of children”).

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the United States government the following questions:

1. Please provide information on the United States government’s plans to effectively enforce and implement FOSTA to hold companies accountable for knowingly promoting online sexual exploitation.
2. Please provide information on privacy or other laws that may prevent tech companies from effectively addressing on-line sexual exploitation and trafficking of children.
3. Please provide information on the United States government’s plans to address and prohibit the issue of U.S.-based companies promoting sex tourism in other countries.

⁴⁵ General Comment 28, *supra* note 4, at par. 12

⁴⁶ US State Party Report, 2012, *supra* note 9.

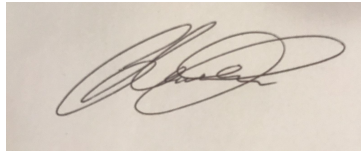
⁴⁷ Concluding Observations, 2014, *supra* note 8, at par. 14.

Thank you for your consideration. Please do not hesitate to contact us if we can provide further information.

Sincerely,



Yasmeen Hassan
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