

**Submission by Just Rights for Children
to the Universal Periodic Review of the United States of America
April 7, 2025**

1. Just Rights for Children appreciates the opportunity to provide input for the upcoming Universal Periodic Review (UPR) of the United States of America (US). This submission covers three issues: protecting children from online sexual exploitation, eliminating child marriage in the US, and combatting child trafficking for labor – particularly for migrant children, who are especially vulnerable to labor trafficking. All these issues are critical to ending violence against children and protecting all children's rights.
2. In its 2020 report to the Human Rights Council, the US commented on its efforts to combat online child exploitation¹ and human trafficking.² It also commented on its efforts to combat gender-based violence (GBV).^{3,4} In its 2021 response to the Human Rights Council, the US accepted recommendations regarding child trafficking,⁵ human trafficking and rights of migrant workers,⁶ rights of migrant children,⁷ and GBV.⁸ In addition, the US explicitly stated its support for ending child marriage.⁹ In order to fulfil its commitments to these recommendations and its human rights obligations, the US must take action to end extreme forms of violence against children, namely child trafficking for labor exploitation, online sexual exploitation of children, and child marriage.

Online sexual exploitation of children

3. Online sexual exploitation of children encompasses a variety of overlapping abuses against children. It includes the creation, storage, sharing, and transmission of child sexual exploitation and abuse material (CSEAM) and online enticement (or 'grooming') of children for the purpose of sexual abuse, exploitation, and/or abduction. Both these offenses are forms of online child trafficking for sexual purposes. They can also involve enticement of a child to 'self-create' and share CSEAM, and 'sextortion' as a means to sustain a supply of self-created CSEAM or to force a child to meet in person.
4. In 2023, the National Center for Missing and Exploited Children (NCMEC) received more than 36.2 million reports of suspected online child sexual exploitation worldwide, and referred more than 1.1 million reports of online child sexual exploitation to US law enforcement agencies.¹⁰ Concerningly, reports of online enticement of children for sexual acts more than doubled - from 80,524 in 2022, to 186,819 in 2023.¹¹

5. There are significant gaps in US federal laws to protect children from online sexual exploitation. The 2008 Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act (PROTECT Our Children Act) is currently the strongest piece of legislation which seeks to prevent online sexual exploitation. Critically, it made it a legal requirement for electronic service providers (ESPs) to report instances of CSEAM to the NCMEC CyberTipline. However, it did not place any responsibility on ESPs to proactively detect CSEAM, nor did it specify the information that should be reported regarding each instance of CSEAM. In addition, for the child protection mechanisms created by the Act to continue to be in force and funded, the Act requires reauthorization by Congress. This was done in 2017 and in 2022; reauthorization bills are currently in the House and Senate.
6. Other legislation in force is limited to:
 - the 1998 Children's Online Protection and Privacy Act (COPPA), which aims to protect children's data online. However, it focuses on children aged 12 or younger, leaving children aged 13-17 unprotected, and places the responsibility on parents to monitor and give consent; and
 - the 2000 Children's Internet Protection Act (CIPA), which intends to prevent children accessing obscene or harmful content online. However, this applies only to state-funded schools and libraries.

Both acts pre-date all the online platforms now commonly used by children and through which sexual exploitation can be perpetrated. For example, an analysis by NCMEC of children who went missing as a result of online enticement (2020-2023) found that the five platforms most commonly identified by the children who were recovered were Snapchat, Instagram, Facebook, Discord, and TikTok. None of these existed when COPPA and CIPA were introduced.¹² In addition, a harmful combination of poor enforcement and inadequate penalties renders these laws almost useless. In 2019, Google and its subsidiary YouTube paid a record \$170 million to settle allegations that YouTube illegally collected personal information from children without parental consent - a breach of COPPA.¹³ Based on Google's own reporting for the last fiscal year, its *daily* revenue is more than five times this amount.¹⁴

7. In 2000, President Trump signed Executive Order 13903 'Combating Human Trafficking and Online Child Exploitation in the United States',¹⁵ and it has not since been rescinded. It was cited in the 2020 report by the US to the Human Rights Council during the UPR, Third Cycle.¹⁶ This order prioritizes resources for efforts to detect perpetrators of human trafficking and online child exploitation, to provide

assistance to victims, and to provide educational prevention programs. The Department for Homeland Security (DHS) leads these efforts. However, its last report on combating human trafficking and child exploitation was in April 2024.¹⁷

8. All current legislation uses the term 'child pornography' to describe CSEAM. This term is grossly inaccurate, as it implies both legality and consent. In 2024, as a result of an appeal brought by the Just Rights for Child Alliance, the Supreme Court of India ruled to end the use of this term by the judiciary, to be replaced by 'child sexual exploitative and abuse material' or CSEAM, and directed the government to follow suit by changing this language in the Protection of Children From Sexual Offences Act.¹⁸
9. There is currently no legislation which explicitly defines online child trafficking or online enticement for sexual abuse and exploitation purposes as crimes.
10. In 2023, several bills were proposed in the House and Senate to strengthen US laws on online sexual exploitation of children.¹⁹ Almost all these bills were bipartisan. However, none progressed into law.
11. There is significant crossover between online child sexual exploitation and GBV. NCMEC's analysis of children who went missing following online enticement found that 93% of victims were female.²⁰

Child marriage

12. In 2015, the Human Rights Council adopted its first substantive resolution recognizing child and forced marriage as a human rights violation.²¹ In the US, there is no federal legal age of marriage, and the legal age of marriage is set at state level. As of 2025, 37 of 50 states still allow child marriage.²²
13. However, this is an improvement from 2017, when all 50 states allowed child marriage. This demonstrates that swift legislative change for child protection at the state level is possible, but also that most States still need to act.
14. Child marriages took place in all 50 states between 2000-2018. The Journal of Adolescent Health reported that every US state had at least 100 child marriages, and some over 40,000.²³
15. Child marriage enables child sexual abuse. In 2024, the DOJ's Office on Violence Against Women - cited as an exemplar of the US government's efforts on domestic

GBV in its 2020 report to the Human Rights Council - published an analysis of conflicts between marriage age and age-based sexual offenses by state.²⁴ This analysis demonstrates that *"a person could be married at an age where voluntary sexual acts between the parties outside of the marriage would be a crime"* in every state which still allows child marriage.²⁵ In effect, in 37 states, a marriage certificate legitimizes child rape.

16. This creates an incentive for adults who would otherwise be classified as pedophiles and child sex abusers to marry the child concerned. While some child marriages affect boys and some marriages are between children, most child marriages involve a girl marrying an adult man.²⁶
17. The increasing denial of sexual reproductive health and rights to teenage girls and young women in many states also creates a triple whammy for younger girls forced into child marriage. Their sexual abuse is legalized by a marriage certificate, and they have limited access to sexual health services to prevent pregnancies which, for child marriage victims aged 14 or younger, carries an elevated risk of maternal mortality.²⁷ More than 1,000 victims of child marriage in the US since 2000 were aged just 14; some were as young as 10.²⁸
18. Girls involved in child marriage in the US are also typically too young to leave the marital home, enter a domestic violence shelter, or file for divorce if a marriage turns violent. As UNICEF and Child Marriage Free World highlight, across the world, married girls are more likely to experience domestic violence and less likely to remain in school.²⁹
19. In some US states a child who is married is no longer classified as a minor.³⁰ This means married children may be exempt from some state laws on child protection. In addition, child labor laws in other states³¹ explicitly exclude married children from protection. This is a particular risk, as many victims of child marriage worldwide effectively become domestic child laborers.
20. Although legislation is delegated to states, child marriage is being enabled at the federal level: *"...between the years 2007 and 2017, more than 8,500 marriage-based visa petitions involving at least one minor were approved by U.S. Citizenship and Immigration Services, the majority of which involved U.S. citizen men who had married children overseas."*³² This is, in effect, federally legitimized child trafficking for the purposes of child sexual abuse.

21. During the US UPR, Third Cycle, a Joint Stakeholder Submission recommended a federal law banning child marriage.³³ While this recommendation was not made in the subsequent Report of the Working Group, the US stated in its response to the report that it *"supports furthering efforts to prevent and address... child, early, and forced marriages."*³⁴

Child trafficking for labor exploitation

22. Due to the hidden nature of trafficking, and victims' fear of repercussions should they report it, it is difficult to determine the scale of child labor trafficking, either into or within the US.

- The 2021 Polaris Analysis of Data from the National Human Trafficking Hotline stated that there were 3,777 victims of trafficking for labor and sexual exploitation purposes who were minors when they first contacted the hotline, of which 310 were trafficked for labor purposes only.³⁵
- The same report also stated that 4,708 victims of trafficking for labor and sexual exploitation purposes were children when their exploitation began.³⁶
- A 2021 study which sought to discover if child trafficking for labor purposes occurs in the US explored 34 cross-section child labor trafficking criminal cases, resulting in 52 child labor trafficking victims being identified.³⁷
- Across both these reports, victims were identified as being US citizens and foreign nationals.

23. Child labor trafficking is particularly difficult to identify. This is partly because child employment is permitted, but also because, at the federal level, child labor is legal in agriculture.

- There is no minimum age for a child to work full-time, including during school hours, on a farm owned or operated by a parent or guardian.
- There is no minimum age for a child to work outside of school hours on a farm which is not covered by the Fair Labor Standards Act.³⁸
- Outside of school hours, children aged 12-15 may work in agriculture for unlimited hours. For children aged 12-13, parental consent is required, or the parent/guardian must be working on the same farm.
- Children aged 16 -17 can work in hazardous conditions in agriculture.

24. In non-agricultural work, there are more federal protections, although lawmakers in 31 states have proposed legislation to reduce protections in current child labor standards, including increasing the number of hours children can work, eliminating

requirements for work permits and age certification, and lowering the ages to do hazardous work. Since 2024, eight states have enacted such changes.³⁹

25. This complex and contradictory framework of federal and state child labor legislation makes it extremely difficult to identify child labor trafficking. Child labor trafficking explicitly requires evidence that the employer uses force, fraud, or coercion. This differs from child trafficking for sexual exploitation, where force, fraud, or coercion do not need to be proved.
26. There has been a surge in child labor violations across the US. In November 2024, the US Department of Labor (DOL) reported that child labor violations had increased 31% since 2019.⁴⁰ Investigative reports have contributed to uncovering serious child labor violations, including children working overnight shifts in slaughterhouses,⁴¹ using heavy machinery in factories,⁴² and undertaking hazardous work such as roofing.⁴³ Many of the children featured in these reports were unaccompanied migrant children.
27. US immigration policies on children have contributed to large numbers of minors entering and remaining in the US unaccompanied: since 2021, more than 400,000 unaccompanied minors have entered the US.⁴⁴ Policy since 2008 has allowed unaccompanied minors to enter the US to protect them from harm. This has enabled desperate families to send their children alone to the US, where they are expected to earn money to send home. Repeated investigations have found that it is frequently easy for children in such situations to obtain false documentation or to gain employment which is illegal for children - such as working too many hours or during school hours, undertaking hazardous work, or working in dangerous conditions.⁴⁵ This is a form of child labor trafficking, but without an evident perpetrator: children are well aware they need to work. In some instances, however, children have been enticed online - often through social media - by the offer of work, only to arrive in the care of a so-called guardian who has trafficked the child to work in exploitative conditions.⁴⁶ In addition, efforts under the Biden Administration to prevent children being held in immigration centers led to children being released to guardians without sufficient vetting by the Department of Health and Human Services (HHS).⁴⁷
28. In 2023, there were only 810 investigators employed by the DOL Wage and Hour Division to protect all 165 million workers in the US.⁴⁸
29. In its 2021 response to the Human Rights Council, the US accepted recommendations regarding child trafficking,⁴⁹ human trafficking and rights of migrant workers,⁵⁰ and the rights of migrant children.⁵¹ In her letter to the US Secretary of State following the adoption of the US report by the Human Rights Council, the UN High Commissioner

for Human Rights made three recommendations on human trafficking underscoring the gravity of the matter.⁵²

Overlapping injustices

30. There is an intersectionality to these three issues.

- Online child exploitation is not limited to sexual exploitation, and online enticement is used to traffic children into labor exploitation.
- Trafficking is not limited to commercial sexual exploitation or labor exploitation: the federal government has enabled child trafficking for child marriage and, effectively, sexual abuse. Trafficking for sexual abuse also occurs online, without any requirement to meet in person.
- Child sexual exploitation predominantly, but not exclusively, impacts girls, making it a form of GBV.
- Budget and personnel cuts under the current administration will inevitably lead to even fewer means to protect children from all forms of extreme violence, but particularly child labor trafficking and online sexual exploitation.

Recommendations

31. The federal government must:

- Establish and fund interagency taskforces on child protection to address the intersectionality between online child abuse and exploitation, child trafficking, and GBV.
- Increase monitoring of unaccompanied minors and workplaces by building the capacity of HHS staff to vet guardians and USDOL's labor inspectorate.
- Continue to make progress on all the accepted recommendations from the Third Cycle of the UPR.

32. Congress must:

- Update online child protection laws by:
 - replacing the term 'child pornography' with 'child sexual exploitation and abuse material' or 'CSEAM'
 - explicitly defining online child trafficking and enticement as crimes
 - making it mandatory for ESPs to detect and report in detail instances of CSEAM, online trafficking, and online enticement.

- Legislate that a child is a person less than 18 years of age, and align the legal age of marriage with the age of majority at 18 nationally.
- Close the child marriage loophole in federal visa regulations.
- Update and eradicate loopholes in federal child labor laws.
- Legislate for the statutory instigation of child labor trafficking investigations for any child labor violations which involve more than one child per workplace.
- Ensure the US becomes a party to and ratifies all international treaties related to children's rights, specifically the UN Convention on the Rights of the Child and the Optional Protocol on a Communications Procedure; ILO Convention 138 on Minimum Age of Employment; and CEDAW.

33. State legislatures must:

- Enact laws to ban child marriage and uphold child sexual abuse laws.
- Strengthen laws and policies beyond the federal standard on agricultural and non-agricultural child labor to prevent child exploitation in all workplaces.
- Introduce rights-based education in schools to make children aware of the distinctions between work, hazardous work, child labor, and child trafficking.

¹ A/HRC/WG.6/36/USA/1 para 43

² *Ibid*, paras 42-50

³ *Ibid*, paras 22, 37-40

⁴ Child marriage was not explicitly identified as a form of GBV in the report, but the work of the DOJ's Office on Violence Against Women was given as an example. In February 2024 the OVW published a report identifying the conflict between the ages of marriage and child sexual abuse laws across US states.

⁵ A/HRC/46/15/Add.1 rec. 279 para 18

⁶ *Ibid*, recs 280-282, 327-330 para 18

⁷ *Ibid*, rec 341 para 18

⁸ *Ibid*, recs 320, 322-323 para 6

⁹ *Ibid*, para 12

¹⁰ <https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata>

¹¹ *Ibid*.

¹² <https://www.missingkids.org/content/dam/missingkids/pdfs/online-enticement-an-analysis-of-missing-children-and-youth-2020-2023.pdf>

¹³ <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law>

¹⁴ <https://www.statista.com/statistics/267606/quarterly-revenue-of-google/#:~:text=Google%3A%20quarterly%20revenue%202008%2D2024&text=The%20company%20amounted%20to%20an,Google%20sites%20and%20its%20network>

¹⁵ <https://www.govinfo.gov/content/pkg/FR-2020-02-05/pdf/2020-02438.pdf>

¹⁶ A/HRC/WG.6/36/USA/1 para 43

¹⁷ <https://www.dhs.gov/archive/news/2024/04/17/fact-sheet-how-dhs-combating-child-exploitation-and-abuse>

¹⁸ https://www.livelaw.in/pdf_upload/just-rights-for-children-allianc-562192.pdf

¹⁹ The Strengthening Transparency and Obligation to Protect Children Suffering from Abuse and Mistreatment (STOP CSAM) Act of 2023 (S. 1199); The Revising Existing Procedures On Reporting via Technology (REPORT) Act (S. 474/H.R. 5082); The Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act (S. 1207/H.R. 2732); The Child Online Safety Modernization (COSMA) Act (H.R. 5182);

The Stopping Harmful Image Exploitation and Limiting Distribution (SHIELD) Act (S. 412/H.R. 3686); The Project Safe Childhood Act (S. 1170/H.R. 2661).

²⁰ <https://www.missingkids.org/content/dam/missingkids/pdfs/online-enticement-an-analysis-of-missing-children-and-youth-2020-2023.pdf>

²¹ <https://docs.un.org/en/A/HRC/RES/29/8>

²² The legal age of marriage is set at 18 with no exceptions in Delaware, New Jersey, Pennsylvania, Minnesota, Rhode Island, New York, Massachusetts, Vermont, Connecticut, Michigan, Washington, Virginia, and New Hampshire, as well as in Washington, D.C.

²³ Child Marriage in the United States: Prevalence and Implications, Reiss, Fraidy, Journal of Adolescent Health, Volume 69, Issue 6, S8 - S10 [https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext) shows Rhode Island as the lowest State with 171 child marriages and Texas as the highest with 41,774.

²⁴ <https://www.justice.gov/usdoj-media/ovw/media/1362871/dl?inline>

²⁵ Child sexual abuse legislation in the US is determined at the state level, and federal child sexual abuse laws do not apply to abuse which occurs in a single state.

²⁶ 'Of those for whom age, gender, and spousal information was available, 78% were girls marrying adult men.'

Reiss, Fraidy *op.cit.*

²⁷ The Lancet (February 2014). Maternal mortality by age: who is most at risk? Available at [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(14\)70007-5/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(14)70007-5/fulltext) (accessed 17 October 2022) and World Health Organization (September 2019). Maternal Mortality Factsheet. Available at:

<https://www.who.int/news-room/fact-sheets/detail/maternal-mortality>

²⁸ <https://www.unchainedatlast.org/child-marriage-shocking-statistics/>

²⁹ UNICEF - <https://www.unicef.org/protection/child-marriage>, Child Marriage Free World -

<https://www.childmarriagefree.world/impacts-of-child-marriage>

³⁰ Georgia, Indiana, Kentucky, Nebraska, and Texas.

³¹ Arkansas, Arizona, Florida, New Mexico, Tennessee, Utah, and Washington.

³² <https://www.durbin.senate.gov/newsroom/press-releases/durbin-schatz-gillibrand-introduce-child-marriage-prevention-act>

³³ Joint submission 12 submitted by: The United Nations Association-Southern California Division; The United Nations Association-Greater Chicago Chapter; The United Nations Association-Greater Detroit Chapter; The United Nations Association-Kentucky Division; The United Nations Association-Whittier Chapter; The United Nations Association of the United States of America; Santa Monica (United States of America)

³⁴ A/HRC/46/15/Add.1 para 12

³⁵ <https://polarisproject.org/wp-content/uploads/2020/07/Polaris-Analysis-of-2021-Data-from-the-National-Human-Trafficking-Hotline.pdf>

³⁶ *Ibid.*

³⁷ Nthabiseng Claudia Letsie, Bandak Lul, Dominique Roe-Sepowitz, *An eight-year analysis of child labor trafficking cases in the United States: Exploring characteristics, and patterns of child labor trafficking*, Child Abuse & Neglect, Volume 121, 2021, 105265, <https://doi.org/10.1016/j.chiabu.2021.105265>.

³⁸ Farms with gross sales less than \$500,000 per year are excluded from the FLSA.

³⁹ <https://www.epi.org/research/child-labor/>

⁴⁰ https://www.dol.gov/sites/dolgov/files/WHD/child-labor/child-labor-report-congress_2023-2024.pdf

⁴¹ <https://www.nytimes.com/2023/09/18/magazine/child-labor-dangerous-jobs.html>

⁴² <https://www.reuters.com/investigates/special-report/usa-immigration-hyundai/>

⁴³ <https://www.nytimes.com/interactive/2023/12/14/us/roofing-children-immigrants.html>,

<https://www.washingtonpost.com/business/2024/01/14/child-labor-fast-food-franchises/>

⁴⁴ <https://acf.gov/orr/about/ucs/facts-and-data>

⁴⁵ <https://www.nytimes.com/2023/09/18/magazine/child-labor-dangerous-jobs.html>

⁴⁶ <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>

⁴⁷ *Ibid.*

⁴⁸ <https://www.epi.org/publication/record-low-farm-investigations/>

⁴⁹ A/HRC/46/15/Add.1 rec. 279 para 18

⁵⁰ *Ibid.*, recs 280-282, 327-330 para 18

⁵¹ *Ibid.*, rec 341 para 18

⁵² <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/US/HCLetter-USA.pdf>
