



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

January 29, 2018

Ms. Alda Facio  
Chair-Rapporteur of the Working Group on the  
issue of discrimination against women in law and practice

c/o Ms. Karen Ghezraoui  
Officer in Charge  
Special Procedures Branch  
Office of the United Nations High Commissioner  
for Human Rights

Dear Ms. Facio:

Thank you for your letter dated November 14, 2017, in which you bring to the attention of the United States your views related to the criminalization of adultery under the laws of certain U.S. states. Please find the U.S. response attached.

Sincerely,

A handwritten signature in black ink that reads "Jason Mack". The signature is written in a cursive, flowing style.

Jason R. Mack  
U.S. Deputy Permanent  
Representative to the UN Human  
Rights Council

**SUBJECT: U.S. Response to OHCHR request for information regarding the criminalization of adultery**

We appreciate the role you play in promoting and protecting the rights of women around the world and strongly support your work. We nevertheless respectfully disagree with many of the factual and legal assertions in your letter. The United States takes its international obligations very seriously and believes its legal framework, including family and marriage laws, is consistent with such obligations. Moreover, adultery laws in the United States must be understood within the context of American federalism, whereby matters for which the U.S. Constitution does not vest responsibility in the Federal Government are reserved to the states. As a result, states have broad powers to regulate their own general welfare, including enactment and enforcement of criminal laws, as well as marriage and family laws.

The United States is dedicated to eradicating discrimination against women and girls in a wide variety of settings, and it is committed to defending their rights to live free from violence. When women cannot participate fully and equally in their societies, democracy, economic prosperity, and stability suffer. We continue to uphold and promote the rights of women and girls domestically and promote them around the world.