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,  

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.