

U.S. Explanation of Position
UN General Assembly Third Committee
Resolution on Human Rights in the Administration of Justice
Nov. 19, 2010

The United States is pleased to join consensus on this year's resolution on human rights in the administration of justice and to reaffirm the importance of ensuring respect for the rule of law and human rights in the administration of justice. We welcome in particular the focus this year on issues related to women and children in the justice system. We are committed to the idea that states should address the vulnerability of women, juveniles and children to violence, abuse, and injustice, and to the importance of integrating women's, juveniles' and children's issues into rule of law and justice programs and policies.

However, we have concerns that the resolution calls upon States to comply with various principles that are not obligations that the United States has undertaken. For example, the resolution rightly emphasizes the importance of the interests of the child when deciding on pre trial measures or sentencing a parent or primary care-giver, but we note that other factors such as public safety are also important. The resolution also calls upon States to ensure that life imprisonment without the possibility of release is not imposed on individuals under the age of 18. This requirement is not an obligation that customary international law imposes on states; rather, it reflects treaty obligations that the United States has not undertaken. We interpret the resolution as re-affirming such obligations to the extent that States have accepted them.