

Individual Rights and Responsibilities (Report No. 103)

The Section's recommendation presented jointly with the Criminal Justice Section, the Law Student Division, the Young Lawyers Division and the National Association of Women Lawyers, was approved by voice vote. It reads:

RESOLVED, That the American Bar Association, in its efforts to promote the United States' ratification of the United Nations Convention on the Rights of the Child, and previously having endorsed such ratification in principle, suggest that such ratification be accompanied by Reservations, Understandings, and Declarations as follows:

1. Addressing Article 30 of the Convention, a Reservation that the United States may regulate the practice of religion to the extent that such regulation is permitted by the United States Constitution;
2. Addressing Article 37 of the Convention, a Reservation that United States jurisdictions, pursuant to existing law, may continue to confine within adult correctional facilities certain children who have committed offenses, even when such confinement may not be in the "best interests of the child" in a particular case;
3. Addressing Articles 9, 37, and 40 of the Convention, an Understanding that these Articles permit United States jurisdictions to separate a child from his or her parents against their will even if such separation may not be considered to be in the "best interests of the child," if such separation results from deprivations of liberty duly imposed for infringements of penal law;
4. Addressing Article 10 of the Convention, an Understanding that United States jurisdictions may determine the "exceptional circumstances" warranting restriction of a child's relations and contacts with parents in different states in accordance with the "best interests of the child" standard articulated in Article 9;
5. Addressing Article 28 and other provisions of the Convention, an Understanding that the Convention prohibits corporal punishment in the schools and that the United States government will take appropriate measures to bring relevant laws into conformance with this prohibition;
6. Addressing Article 29 of the Convention, an Understanding that the United States is not required to regulate private educational institutions in any way beyond that which is permitted by the First Amendment to the United States Constitution;
7. A Declaration that this Convention imposes no legal obligations on the United States regarding the voluntary interruption of pregnancy and that this Convention cannot be interpreted as affecting laws in the United States relating to such interruptions;

8. A Declaration that, for purposes of the Convention's Article 1 definition of "child," the age of majority in the United States is age 18.