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COMMISSION ON HUMAN RIGHTS

Forty-fifth session
Pre-sessional open-ended Working Group
on the Question of a Convention on
the Rights of the Child

28 November - 9 December 1988

Proposal submitted by Venezuela

Article 19

1. The States Parties to the present Convention recognize the right of minors recognized as having infringed the law to be treated in a manner which is consistent with the sense of dignity and worth and with intensifying their respect for the human rights and fundamental freedoms of others and which takes into account their age and the desirability of promoting their rehabilitation.
2. To this end, and having regard to the relevant provisions of international instruments, the States Parties to the present Convention shall, in particular, ensure that:
 - (a) No child is detained or imprisoned or subjected to torture or cruel, inhuman or degrading treatment or punishment;
 - (b) Every child is protected by laws, provisions and special courts;
 - (c) He is not considered guilty so that he does not suffer penalties for the breaches of the law he commits, but must in such cases be subjected to re-educational procedures, measures and treatment;
 - (d) All the judicial or administrative proceedings or acts or proceedings or acts of any other nature having to do with minors are free of charge;
 - (e) He is not deprived of his liberty without the accomplishment of the legal formalities.

3. Offending children who commit any act punishable by criminal law shall be placed at the disposal of the competent authority, which shall take measures that include:

- (a) Investigating the child's situation;
- (b) Ensuring that the measures are carried out within the family environment or within the community of which the child is a member;
- (c) Placing the child under the care of its parents, tutors, guardians or responsible relatives; probation and aid in institutions for reform and care.