



CHILD PARTICIPATION IN JUVENILE JUSTICE IN JAPAN

National Report for AIMJF's Comparative and Collaborative Research.

National Association of Magistrates - Japan

La participación de los niños en la justicia juvenil en Japón.

Informe nacional para la investigación comparativa y colaborativa de la

AIMJF

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La participation des enfants à la justice juvénile au Japon

Rapport national pour la recherche comparative et collaborative de

l'AIMJF

Abstract: The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IA YFJM) on child participation in juvenile justice. The article explains the legal, institutional and procedural aspects of child participation in the Justice System in Japan.

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Resumen: El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre la participación de adolescentes en la justicia juvenil. El artículo explica los aspectos legales, institucionales y procesales de la participación infantil en el sistema de justicia en Japón

Résumé : Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur la participation des enfants à la justice juvénile. L'article explique des aspects légaux, institutionnels et procéduraux de la participation des enfants dans le système de justice au Japon.

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Introduction

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better



conditions for a qualified attention to children based in a human rights approach.

To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of how child participation in juvenile justice is organized worldwide.

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This national report is based on a questionnaire prepared by AIMJF.

Questionnaire



1. General description of the procedure and the system

1.1. What is the name of the Court in your country with jurisdiction for wrongful acts committed by children? Does the name vary among different regions of your Country? Does this Court also have jurisdiction for other matters? Which one?

In Japan, the family court has jurisdiction for wrongful acts committed by children. The name does not vary among different regions.

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The family court carries out hearings and decisions on delinquent juvenile cases. It also conducts conciliation for discussing disputes on family relationships, such as the relationship between a husband and wife or between parents and their child, as well as litigation and adjudication concerning such disputes.

1.2. What is the minimum age of criminal responsibility (MACR)?

The minimum age of criminal responsibility (MACR) is 14 years of age

(Article 41 of the Penal Code).

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1.3. Until which age is a child subjected to the jurisdiction of the Youth Court? Does your legislation provide the possibility or possible obligation to treat a child under 18 as an adult? If yes, in which cases and in what way?

In principle, a child subjected to the jurisdiction of the Youth Court is a person under 20 years of age (Article 2, paragraph (1) of the Juveniles Act (hereinafter referred to as the "Act")). However, the Youth Court sometimes continues to have jurisdiction over a person beyond the age of 20, for example, in a procedure where a person who has already been subjected to a hearing and decision and has been committed to a juvenile training school reaches the age of 20 and there is a need to continue the commitment of that person (the proviso to Article 137, paragraph (1) of the Juvenile Training School Act).

In Japan, a child under 18 is never treated as an adult in juvenile hearing proceedings.

1.4. Does this Court maintain the jurisdiction regardless of age at the time

of the judgment if the offense was committed before the age of 18?

Regardless of the age at which the offense was committed, if it is found, as a result of the investigation or the hearing, that the person concerning the case is 20 years of age or older, the family court does not have the authority to adjudicate the case. In this case, the family court refers the case to a public prosecutor (Article 19, paragraph (2) of the Act).

1.5. Can you describe the general steps of the procedure?

The general steps of the procedure are as follows.

1. Referral of a case to the family court
2. (In some cases) measures for observation and protection of the juvenile (commitment to a juvenile classification home (i.e., a facility for classifying, protecting, or assisting juveniles))
3. Investigation by a family court investigating officer (hereinafter referred to as an "investigating officer")
4. Hearing
5. Announcement of the ruling

1.6. What are the opportunities for the child hearing in the whole proceeding?

A juvenile has an opportunity to be heard on the following occasions: in the proceedings for a ruling on measures for observation and protection of juveniles (in some cases); in the investigation by an investigating officer; and on the hearing date.

1.7. Are there differences on how to proceed according to the age or other criteria? Please specify.

Juveniles who are 18 or 19 years of age are treated differently from juveniles who are 17 years of age or younger in some respects. For example, the rehabilitation measures for juveniles that can be selected differ between those age groups, and a wider variety of cases are referred to a public prosecutor in the case of juveniles who are 18 or 19 years of age compared to younger juveniles (Chapter V "Special Provisions on Specified Juveniles" of the Act).

For a juvenile who is under 14 years of age, measures under the Child
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Welfare Act conducted by a child consultation center or the like are prioritized, and if the prefectural governor or the director of a child consultation center refers the case to a family court (Article 27, paragraph (1), item (iv) of the Child Welfare Act; Article 6-7 of the Act), it becomes a juvenile case handled by the family court.

2 Judicial hearing

2.1. Is it mandatory for the child to participate in the hearing or is it optional? Is the child invited or summoned for the hearing?

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If the juvenile does not appear on the hearing date, the hearing must not be conducted (Article 28, paragraph (3) of the Rules on Juvenile Hearing and Decision (hereinafter referred to as the "Rules")). If the juvenile fails to comply with a summons without a justifiable reason, the court may issue a compulsory summons (Article 11, paragraph (1) of the Act). If the juvenile further fails to comply with this summons, the court may compel the juvenile to appear before the court based on an escort warrant issued by the judge (Article 11, paragraph (2) of the Act).

2.2. Is this call to appear, irrespective of its modality, made together with parent/representative or does the child receive a separate invitation/summon? Is it made in a child-friendly language? Can you please add a copy of this document?

In the investigation, if the juvenile is not committed to a juvenile classification home, the court summons the juvenile along with their parent(s) or attendant to voluntarily appear at an investigation interview. If the juvenile is committed to a juvenile classification home, the parent(s) or attendant is summoned to the interview separately from the juvenile.

As the investigation is based on an investigation order issued by the judge, it is also possible for the court to issue a compulsory summons (Article 11, paragraph (1) of the Act), and if the juvenile or their parent(s) or attendant fails to comply with this summons, the court may compel that person to appear before the court based on an escort warrant issued by the judge (Article 11, paragraph (2) of the Act).



If the juvenile does not appear on the hearing date, the hearing must not be conducted (Article 28, paragraph (3) of the Rules). If the juvenile is not committed to a juvenile classification home, the court summons the juvenile along with their parent(s) or attendant to voluntarily appear at the hearing (Article 25, paragraph (2) and Article 28, paragraph (5) of the Rules). If the juvenile is committed to a juvenile classification home, the parent(s) or attendant is summoned to the hearing separately from the juvenile. If the juvenile or their parent(s) or attendant fails to comply with this summons without a justifiable reason, it is also possible for the court to issue a compulsory summons (Article 11, paragraph (1) of the Act), and if that person further fails to comply with this summons, the court may compel that person to appear before the court based on an escort warrant issued by the judge (Article 11, paragraph (2) of the Act).

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A summons is made in plain language. An example of the text is shown on p. 57 of the document at the following link (the 68th page of the PDF).

<https://www.courts.go.jp/vc->

files/courts/file1/1syounenntuuyaku_eigo_hottei.pdf

2.3. Are there separate entrances and accesses for the child and other persons (professionals, victims and witnesses) to the room where the child is heard?

The investigation room basically has no separate entrance for the juvenile (attendance of a victim, etc. is not assumed in the first place).

As for the hearing court, the juvenile enters from the same entrance as the other people, but if the juvenile is committed to a juvenile classification home, the juvenile enters the courtroom from a different entrance from that for other people.

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2.4. Is there a specific waiting room assigned to the child, separated from other people (especially victim and witnesses of the same case; any adults)? Can you share a photo of this place, if any?

When a juvenile committed to a juvenile classification home is brought to the family court, the juvenile uses a waiting room exclusively for the juvenile.



A juvenile who is not committed to a juvenile classification home uses the same waiting room as their parent(s).

We are unable to provide a photo of the waiting rooms.

2.5. If children are brought by the police from places of detention, are they transported separately from adults? Do they have to wait in cells, if so under what conditions (e.g. single or group cells, separation from adults etc.)?

The juvenile is brought to the family court separately from adults.

The juvenile basically waits in the court's solitary cell.

2.6. Is there some space where the child and his/her support persons can meet confidentially before and after the hearing?

Most courts have an interview room where a juvenile who is detained at a police station or committed to a juvenile classification home can meet confidentially with their attendant.

2.7. Where does the hearing occur? In the courtroom, chambers, in another

room (if so please specify)? If various options apply, which situation will determine the difference in the approach?

The proceedings for a ruling on measures for observation and protection of juveniles to be conducted when committing a juvenile to a juvenile classification home are carried out at the observation and protection room.

An investigation of a juvenile is conducted in the investigation room in the family court, in a private room in the juvenile classification home, or by visiting the juvenile's home. The place is selected in consideration of whether the juvenile is committed to a juvenile classification home as well as the matters to be identified in the interview and the investigation period, among others.

The hearing is conducted at the hearing court.

2.8. Are there differences in terms of accommodation between the hearing environment in comparison with a family (or child protection, or child victim/witness) hearing environment?



There is no special accommodation facility for the juvenile and the family (or child protection, or child victim/witness).

2.9. Are there differences regarding the hearing room in comparison with a regular criminal courtroom (for adults)?

Unlike the criminal court (for adults), the hearing court is not open to the public (Article 22, paragraph (2) of the Act).

It is provided that a "[h]earing must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency" (Article 22, paragraph (1) of the Act), and consideration is given so that the hearing court has an atmosphere suitable for such purpose (e.g., situating the seats of the judges on the same floor level as the seat of the juvenile.).

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2.10. Are hearings sound or video recorded? Does such option exist?

No sound or video recording of the hearings is made. No such option exists either.

2.11. Who must, may, may not take part in the judicial hearing? If there are differences according to the situation, please specify.

The juvenile must appear on the hearing date (Article 28, paragraph (3) of the Rules).

The hearing is conducted in the assembled presence of judges and court clerks (paragraph (1) of that Article). In addition, the investigating officer must be present at the hearing, in principle, in order to enhance the educational effect of the hearing and to ensure that the hearing is conducted smoothly (paragraph (2) of that Article).

The custodian must be summoned on the hearing date (Article 25, paragraph (2) of the Rules), but the hearing may be conducted even if the custodian does not appear. As the attendant may be present at the hearing (Article 28, paragraph (4) of the Rules), the attendant is notified of the hearing date.

In certain cases, if the court finds it to be necessary, the public prosecutor may be present at the hearing (Article 30-6, paragraph (1) of



the Rules).

In addition, if necessary, the court may permit the juvenile's teacher, relative other than the custodian, person who has been commissioned to provide correctional guidance, or employer to be present at the hearing (Article 29 of the Rules). The court may also permit the juvenile's probation officer or the person in charge of the juvenile at a related organization, such as a child welfare officer, to be present at the hearing (Article 29 of the Rules). If a request is made by a victim, etc., the court permits the victim, etc. to observe the hearing under certain requirements (Article 22-4, paragraph (1) of the Act).

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As the hearing is not open to the public, no person other than those mentioned above may participate in the hearing.

2.12. Can you please share a photo of the hearing room, specifying where each person sits? (or provide a drawing of photo not possible)

A photo of the hearing room can be found on p. 12 of the document at the following link (the 13th page of the PDF).



1 Judge

2 Court Clerk

3 Family Court Investigating Officer

4 Court Administrative Official

5 Juvenile

6 Custodians



7 Attendant

2.13. Is there any informative material for children to explain who will attend and how the hearing will be held? Can you please share it/them?

Please see the attachment.

2.14. Who normally hears the child in juvenile justice proceedings? Is it the Judge or other professional? If it is another professional, does the child have the right to be heard by the Judge? In which circumstances?

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In the investigation, the investigating officer hears the views of the juvenile, and at the hearing, the judge, investigating officer, and attendant hear the views of the juvenile.

The contents of the disposition are rendered by the judge to the juvenile at the hearing.

2.15. Are there guidelines or a protocol on how to interact with the child? Can you please share it/them? Do those interacting with the child receive

specific training on this?

There are no guidelines or protocol regarding the investigation, but the investigating officers who conduct the investigation have received various training and have acquired specialized skills not only through training, but also through participation in research and academic meetings concerning interviews.

It is provided that the hearing "must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency" (Article 22, paragraph (1) of the Act), and the judges and other attendees in the hearing interact with the juvenile with an attitude that conforms to this provision.

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2.16. Can you please describe the ritual? (Some guiding questions are below)

2.16.1. Does the judge wear a gown/wig during the hearing? Would it be different in a family court? And in a criminal court for adults? Can you please share a photo?



The judges do not wear a gown/wig during a juvenile hearing.

In criminal trials for adults, the judges wear black judicial robes.

Photos of the robes can be found on pp. 13 and 14 of the document at the following link (the 14th and 15th pages of the PDF).

https://www.courts.go.jp/vc-files/courts/2020/R2_navi.pdf

2.16.2. Does the prosecutor and the defense attorney have to wear a gown or to use special clothes?

The prosecutor and the defense attorney do not use special clothes.

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2.16.3. Who else is allowed to attend the hearings?

The answer is the same as in 2.11.

In other words, the juvenile, the custodian (Article 25, paragraph (2) of the Rules), and the attendant (Article 28, paragraph (4) of the Rules), and if the court finds it to be necessary in certain serious cases, the public prosecutor (Article 30-6, paragraph (1) of the Rules), may attend the hearing. In addition, the juvenile's relative, a school teacher, a victim, or

any other person whom the judge finds to be appropriate may attend the

hearing (Article 29 of the Rules).

2.16.4. Are there cloth restrictions for the child, his/her parents or non-legal professionals to enter in the hearing room?

There are no restrictions on the attendees' clothes.

2.16.5. When the child is deprived of liberty, does he/she wear regular clothing or a uniform? What kind of security measures/measures of restraint may be adopted? Is their use regulated by law (if so, please share provision)? Would it be visible for any attendee that the child is deprived of liberty?

When the juvenile is deprived of liberty, the juvenile wears normal clothes. A juvenile committed to a juvenile classification home is transported to the court in handcuffs, but as the juvenile is released from the handcuffs before the hearing, it is not visible from the attendees that the juvenile is deprived of liberty.

2.16.6. Is the judge/decision maker in the hearing room when the child

enters?

The judges normally enter the hearing court after the juvenile.

2.16.7. Does the child have to stand up?

The attendees, including the juvenile, normally stand up when the hearing starts, but the juvenile does not need to stand up during the hearing.

2.16.8. Does someone have to allow the child (or others attendees) to sit down?

There is no need to allow the juvenile to sit down.

2.16.9. Does the child have to remain standing during the hearing?

The hearing is never conducted with the juvenile remaining standing.

2.16.10. Is there any kind of solemn speech or specific information/explanations provided to the child before he/she has the opportunity to speak? What is it said at this moment?

At the beginning of the first hearing date, the judge must explain to the



juvenile in an understandable way that the juvenile will not be forced to make a statement (Article 29-2 of the Rules). The judge also explains that the juvenile does not have to say what the juvenile does not want to say.

2.16.11. Does the child have to make any kind of commitment or swear an oath before speaking?

The juvenile does not have to make any kind of commitment or swear an oath.

2.16.12. Who poses the questions to the child: judge, psychologist, any other? Does the child respond directly or via a third person, eg lawyer?

The persons who pose questions to the juvenile are the judges, the investigating officer, and the attendant. The juvenile directly answers those questions, but there can be cases where the juvenile answers after consulting with the attendant.

2.16.13. Is the child allowed to consult his/her defense attorney or his/her family during the hearing?

It depends on how the judge directs the hearing (Article 22, paragraph (3) of the Act), but basically the juvenile can consult with their defense attorney or family during the hearing.

2.16.14. Who is allowed to address the child? Only the judge, both the judge and the parties (prosecutor and defense attorney) or just the parties (prosecutor and defense attorney)? Is there an order of who interacts with the child?

It depends on how the judge directs the hearing (Article 22, paragraph (3) of the Act), but the judges, the investigating officer, the attendant, and if the court finds it to be necessary in certain serious cases, the public prosecutor, are allowed to attend the hearing and address the juvenile (Article 22-2, paragraph (3) of the Act; Article 29-4 of the Rules).

2.16.15. If other professionals (such as social workers or probation officers) are attending the hearing, what is their role? Are they allowed to speak to the child?

Normally, other professionals do not attend the investigation by an

investigating officer. However, in the hearing, other professionals may speak to the juvenile with the permission of the judge to serve the role of those cooperating in the hearing.

2.16.16. If some professional presents a report during the hearing, is the child allowed to interfere or correct the information or conclusions?

There are no legal provisions on the filing of an objection or complaint against a report (juvenile investigation report). The juvenile cannot interfere with or correct that document.

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2.17. Do you consider that the hearing is structured in a formal way or is it more open to a dialogical interaction with the child?

The hearing is not structured in a formal way. It is conducted according to the circumstances of each case, and is more open to a dialogical interaction with the child. It is provided that the hearing must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency (Article 22, paragraph (1) of the Act).

2.17.1. How would you characterize the tone of the dialogue and the general attitude of the hearing? Must the child answer strictly to the questions or is he/she allowed to freely speak about what has happened? The interaction is focused on the wrongful act or, additionally, is it open to contextualize the child's behavior, his/her family condition, educational process, social experiences, and to express some aspects of his/her subjectivity? What promotes such dialogue, what hampers it, in your opinion?

The juvenile's statements, attitude, and emotional reactions serve as important materials for understanding whether and how much protection the juvenile needs, including the cause of delinquency.

Accordingly, before the investigation, the investigating officer generally makes the juvenile understand that the juvenile will not be forced to make a statement, and explains the purpose and significance of the investigation in an understandable way, according to the juvenile's ability to understand, in order to encourage the juvenile to voluntarily

make statements.

The juvenile is likely to have fear or anxiety regarding the court, which will decide the juvenile's disposition. Therefore, it is considered to be important to give consideration to such sentiments and to encourage dialogue through forming a sense of trust between the juvenile and the investigating officer.

While it is provided that the hearing must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency (Article 22, paragraph (1) of the Act), the proceedings of the hearing and decision are left to the discretion of the judges.

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2.17.2. Is it an occasion for the Judge to strictly give the opportunity for each party to speak, according to the rules, in order to take a decision, or a moment that enable some kind of less formal interaction with the child with some kind of feedback on the pros and cons of his/her behavior as part of a negotiation of plea-bargaining, restorative justice or other alternative to the trial?



The juvenile hearing is a procedure to confirm whether the delinquency actually occurred and to select an appropriate disposition according to the contents of the delinquency and the problems specific to the juvenile, for the purpose of making the juvenile who has committed a crime realize their own error and rehabilitate.

While the law merely stipulates that the "[h]earing must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency" (Article 22, paragraph (1) of the Act), the proceedings of the hearing are left to the discretion of the judges provided that the requirements for an appropriate legal procedure are met.

It is provided that, if there is a dispute over the facts of delinquency, the examination of witnesses, expert examination, inspection, or other examination of evidence may be carried out (Articles 14 and 15 of the Act; Article 19 of the Rules), and if there is no dispute over the facts of delinquency, the hearing provides an educational occasion for preventing the juvenile from committing delinquency again.

2.17.3. Is the Judge or any other professional allowed to make any recommendation on how the child should behave?

The judge gives advice to the juvenile, if necessary, on the viewpoint of not committing delinquency again, or other matters.

2.18. Does the child have, during the hearing, the same legal and procedural guarantees and safeguards as an adult? What are the differences?

Unlike for adults, there are no express provisions on the legal and procedural guarantees and safeguards for juveniles during the hearing. However, an explanation is provided to the juvenile in the investigation that consideration is given to the right to remain silent and that the juvenile will not be forced to make a statement.

While the criminal trial for an adult is conducted in open court, the juvenile hearing is not open to the public, in principle (Article 22, paragraph (2) of the Act). Meanwhile, the right to remain silent is recognized as a right common to both adults and juveniles.

2.19. What special protections are available to prevent trauma to the child (because of the nature of a hearing) which are not available in regular criminal court for adults??

In addition to the non-disclosed, confidential nature of the hearing, the judge sometimes orders the juvenile or other persons concerned to temporarily leave the hearing room during the hearing in order to protect the juvenile's emotional stability (Article 31, paragraphs (1) and (2) of the Rules).

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3. Generic questions concerning the improvement of Youth Courts

3.1. In your country, do the judges, prosecutors and defense attorneys benefit from specific initial and continue training on children's rights in juvenile justice and specifically on child hearing in this setting?

The judges, public prosecutors, and attendants who are attorneys at law are legal professionals who have passed the bar examination, and they have received advanced training. Investigating officers have acquired specialized knowledge on theories and techniques of behavioral science,



etc. and laws through training after being hired by the court. Even after being officially appointed as investigating officers, they receive various training and acquire more advanced expertise.

3.2. Anything else you would like to add on this topic?

None in particular.

3.3. Any reform proposals in progress on any of the above issues?

None in particular.

3.4. Any suggestions for improvement from your side?

None in particular.

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ATTACHMENTS:

Informative material for children

少年審判手続のしおり



少年審判は、家庭裁判所が、非行のある少年の処分を決める手続です。このしおりは、少年審判の流れ、ありうる処分、少年や保護者に保障された権利などを説明するためにわたすものです。このしおりの内容をよく理解して、手続にのぞむようにしてください。

1 クラスメイトから金を奪った疑いで

俺は警察につかまった...

2 事件発生

君の犯行で間違いありませんか

警察官

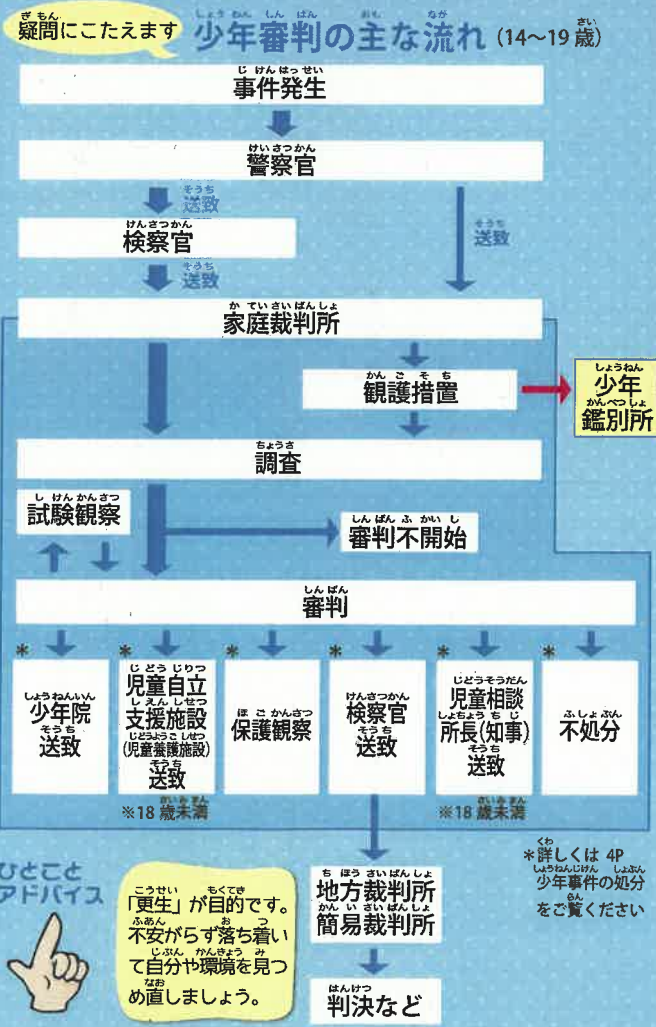
3 捜査 警察署

俺は検察庁でも事情を聞かれ家庭裁判所に送致された

この先どうなるんだろう不安だ...

4 家裁送致

事件が発生し、捜査がされた後、警察官や検察官などから家庭裁判所に事件が送られます。



4 家庭裁判所

裁判官 書記官

クラスメイトに暴行し2万5千円を奪い取った事実で検察官から事件が送られてきています

5

この事実間違いありませんか

それは……

この日は観護措置をとるかどうかの判断のためということで簡単な質問をされた

付添人を選ぶことや言いたくないことは無理に話さなくてもよいことを説明された…

6

俺は少年鑑別所に行くよう裁判官に告げられた…

7 観護措置

事件の内容等によっては、家庭裁判所により観護措置がとられ少年鑑別所に送られます。

8

俺は少年鑑別所に行くよう裁判官に告げられた…

家庭裁判所

少年鑑別所

少年の処分を適切に決めるため、面接や心理テストなどの鑑別が行われる専門の機関です。少年自身に対する行動観察や心身鑑別が行われます（観護措置期間は、通常、4週間です）。



家庭裁判所調査官

調査

家庭裁判所調査官が、少年本人や保護者等と面接を行うなどして、少年の性格、日頃の行動、家庭・学校・職場・友人関係等の少年を取り巻く環境などについて調査をして、どうして非行を起こしてしまったのか、これからどうすれば立ち直ることができるのかを考えます。

家庭裁判所から来た調査官の山崎です
よろしくお願ひします



9

10

それではまず事件当日のことについて教えてくださいかな

はい事件の日は…

その日の調査は事件のこと家族のこと学校のこと…いろいろなことを聞かれた

お父さん お母さんには相談しようと思わなかったの

ぎゅっ

…悪くありませんでした……

どうして

お父さん お母さんに相談しようと思わなかったのか
一緒に考えてみようか

ミナト あいつ！

警察のご厄介になるなんて！

厳しくしつけたつもりでしたが、どうして…

心中お察しします
ミナト君 実はお金に困っていたことなかなかお両親にも打ち明けづかった様です

お父さん お母さんの方で
ミナト君の気持ちに何か思い当たることはありますか

最近 あの子はすぐ自分の部屋に閉じこもってしまって…

バタン
ミナトとあまり話せてません…

審判

調査が終わると審判が開かれます。審判の場には、少年、保護者、付添人などが出席します。審判では、本当に非行があったかどうかや、少年の考え方や今の生活状況などを確認し、裁判官が処分を決めます。



こんな場合もあります

審判不開始

調査の結果、事件の内容や、少年の反省の深まりなどを考慮して、審判を開かずに事件が終了することがあります。

審判廷

家庭裁判所調査官

裁判官

書記官

付添人

保護者

27

被害者は事件後怖くて学校に行けなくなりました

どう思いますか

はい…

裁判官 調査官 付添人から事件のことで被害者のこと両親との話し合いについて質問された…

ご両親…

28

29

30

ミナト君との話し合いはどうでしたか

息子がお金に困っていたなんて気づきませんでした

私たちに相談してくれたら解決できた問題だったのに

これからは話を聞いてあげたいです

では…

試験観察でしばらく様子を見ましょう

31

32

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試験観察

最終的な処分を決めるため必要な場合は、当分の間、家庭裁判所調査官が少年に助言・指導をしながら、生活や行動を観察する場合があります。民間の施設等に少年を預けて指導してもらうこと（補導委託）もあります。この結果も踏まえ、最終的な処分を決めるための審判が開かれます。

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ミナト君はその後どうですか

被害者のクラスメイトに

申しわけございません

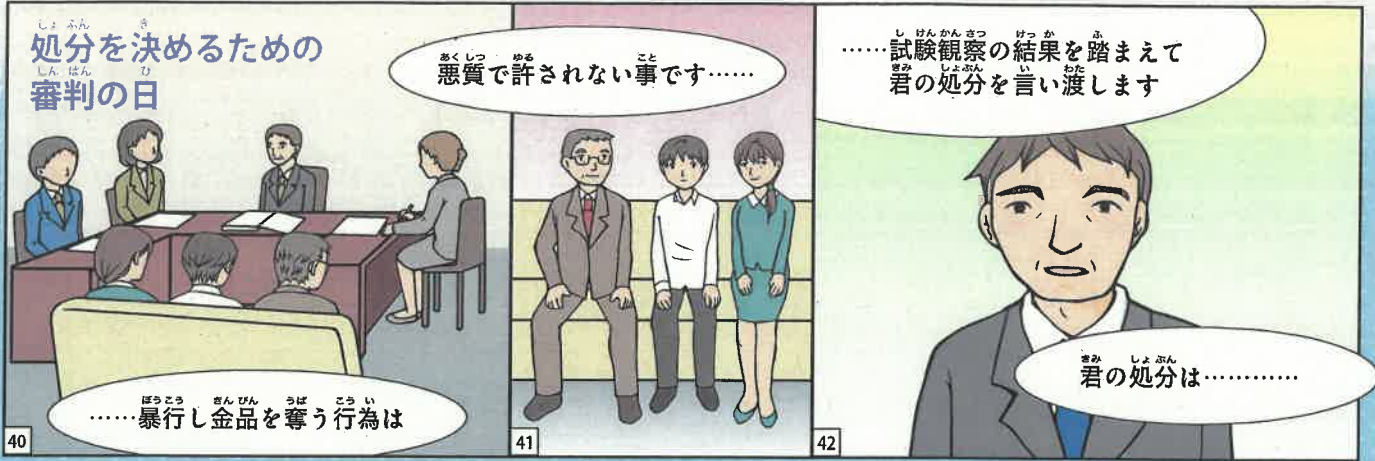
一緒に謝りに行きました

色々なことを話すようになりましたし

家族全員で自治会のゴミ拾いにも参加しました

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少年事件の処分

こんな処分があります

この漫画はフィクションです。実在の人物・事件とは関係ありません。

少年院送致

少年院に收容し、規律正しい生活の下で矯正教育を受けさせる処分です。

児童自立支援施設又は児童養護施設送致

比較的低年齢の少年について、開放的な施設での生活指導を受けさせる処分です。

保護観察

社会の中で生活しながら、保護観察官や保護司などの専門家が指導・監督を行い、少年の更生を図る処分です。

保護処分

検察官送致

事件の内容、心身の成熟度、性格などから、成人と同様の手続による刑事裁判を受けさせる処分です。

児童相談所長(知事)送致

18歳未満の少年について、児童福祉機関の指導にゆだねる処分です。

不処分

調査、審判などにおける様々な教育的な働きかけにより、再非行のおそれがないと認められた場合や、非行があったとは認められなかった場合などに、少年を処分しない決定をするものです。

少年や保護者の権利

付添人を選任できます。

少年及び保護者は弁護士などを付添人に選任できます。付添人は、少年の正当な権利を守り、適正な審判や処遇決定のために活動します。

言いたくないことは無理に言わなくてもよい。

少年は、質問されたことについて、言いたくないことは無理に言わなくてもよい権利があります。

不服申し立てができます。

観護措置決定や、保護処分の決定に対し不服がある場合、一定の期間内であれば異議や抗告を申し立てられます。

裁判所ウェブサイト (https://www.courts.go.jp/saiban/syurui/syurui_syonen/index.html) では、「手続の概要」、「少年事件Q&A」など、手続に関する一般的なご案内を掲載していますので、ご覧ください。



この印刷物は、印刷用の紙へリサイクルできます。