

The Right to Maturation and Development of Juveniles and the Scope of Media Coverage Restrictions Under Article 61 of the Juvenile Act

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The Juvenile act article 61 restricts media coverage which makes juvenile offenders identifiable. The practical meanings of this article are unclear and often misunderstood, while recently, some borderline cases have emerged. We must explore the consequent resolutions.

The key term is the right to maturation and development of juveniles, guaranteed by both the Convention on the Rights of the Child as well as the Japanese Constitution. The right is a general human right. Therefore, when the right backs up individual human rights such as privacy and honor, those rights are guaranteed more strongly and broadly. The Juvenile act article 61 guarantees these “revised” rights to privacy and honor. If mass media reveal information which makes juvenile offenders identifiable without exceptional need, they are liable for civil damages.

Adults also have the right to maturation and development. However, because they are autonomous, they must achieve their own maturation and development by themselves. This is the second right to maturation and development. If juveniles reach adulthood without undergoing this process, they are still entitled to the rights similar to the juveniles’. We can call it the third right to maturation and development.

This paper tries to resolve recent problems based on the above theory, such as using a fictitious name remarkably similar to the real one of a juvenile offender and coverage of juvenile offenders’ name after they reach adulthood, after the final judgment of death penalty, after their death and when they re-offend after reaching adulthood.