The Role of Public Opinion in the Implementation of International Juvenile Justice Standards*

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Implementation of the juvenile justice articles of the UN Convention on the Rights of the Child requires political commitment to reform from States. It will also require, for many States, a radical change of law, policy and practice. It is clear from available research, however, that there has been little political or public enthusiasm for reform to implement the rights of children in conflict with the law (Abramson, 2000).

Political will does not, of course, exist in a vacuum. Democratic governments must take into account political and public pressures and available resources. Democratically elected governments must also obtain, and then retain, the support of the majority of the electorate. On the whole, public support for change to the administration of juvenile justice has been low. Indeed, it can be argued that public opinion is generally against the implementation of reforms that are seen as “soft” on juvenile offenders.

The lack of support from the public for implementation of the juvenile justice provisions of the Convention poses a fundamental problem for States. It is compounded by the failure of many adequately to inform and educate their citizens about the level and nature of juvenile offending, the administration of juvenile justice, and the success and failure of attempts to address offending and rehabilitate offenders. Instead, public opinion, especially in the developed world, is largely informed and created by the media. However, if States are to change their policies and to implement the juvenile justice provisions of the Convention, they must encourage and carry public support.

This article explores the impact of public opinion on juvenile justice. It examines how public opinion is formed and the impact that it has on the implementation of the Convention articles relating to juvenile justice.1 It also examines the role of the media in forming public opinion and political response.
How is public opinion formed?

There is a great deal of literature on the formation of public opinion. Given the limitations of space, this paper will not explore that literature in any depth. Nor will this paper seek to examine the factors that cause a particular individual to form his or her values, attitudes and opinions. Rather it will concentrate generally on the nature of public opinion in relation to juvenile justice, and the effect of this on the implementation of the Convention.

It is clear from the literature that there are a number of influences that cause the public to acquire their perception or opinion about juvenile offending and juvenile justice. Crime statistics showing increases and decreases in juvenile offending do not in themselves directly correlate with changes in public opinion or reforms in juvenile justice systems. The formation of public opinion is rather more complex. Influences on public opinion include the media, pressure groups, government, research bodies, the use of such instruments as opinion polls and the effect of particular cases. The impact of culture, tradition and demography must also be taken into account. Much of the literature relating to public opinion on juvenile justice suggests that the public are in fact misinformed rather than informed and that this misinformation is largely due to the media. However, blame should not be allocated to the media entirely. Public opinion has also been influenced by the establishment of pressure groups representing victims in a number of States, and their vigorous campaigning to place the rights and needs of victims, especially “the right to justice” over the rights and welfare of perpetrators. “The causes of criminal conduct and rehabilitation are no longer at the top of the priority list – instead punishment . . . of the perpetrators [is] receiving the most emphasis” (Hemmens et al., 1999 p. 681). It is also arguable that public opinion is influenced by acts of omission: in particular the failure of States to adequately inform its population (and often itself) about the levels and nature of juvenile offending and the administration of juvenile justice, and to address the misconceptions held by the public.

What is the public perception of juvenile offending?

Opinion polls and research carried out in western States, particularly in the USA, UK, France and Canada, on the public’s perception of juvenile offending have recorded a growing fear about youth crime. The “public perception” of juvenile justice in western countries is that juvenile crime is high (far higher than in reality) and that it is rising year on year. The public have displayed an increased disillusionment and disenchantment with their existing juvenile justice systems, which, in their view, are unable to control violent young offenders and young delinquents. The various juvenile justice systems are regarded