



To the state secretary for Youth, Prevention and Sport  
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To the state secretary for Legal protection  
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Date 6 November 2024  
Email [advies@rsj.nl](mailto:advies@rsj.nl) Our reference 5674894  
Subject Concerns and recommendations on youth care and child protection

Dear Mr Karremans, Mr Struycken,

Over the past years, the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereinafter: RSJ) issued several advisory reports in relation to youth care and child protection. The RSJ recognises that many people put their all into providing youth care and child protection to help children and families in trouble. Nevertheless, the RSJ is increasingly concerned about the lack of progress on the organisation and implementation of child care and protection in solving the bottlenecks that have been repeatedly identified.

In this letter,<sup>1</sup> the RSJ once again raises some pressing concerns: 1) the lack of centralisation and responsibility, 2) the (accelerated) dismantling of secure youth care institutions and the lagging behind of developing high-quality alternatives, and 3) the susceptibility of the youth care system to fraud and the lack of adequate supervision thereof.

The RSJ is deeply concerned that the above concerns have not received sufficient attention from successive ministers and state secretaries. The RSJ's concerns have actually increased as a result. The RSJ is aware of the reforms currently underway in the context of the 'Youth Reform Agenda 2023-2028' and the 'Future Scenario for Child and Family Protection', as well as the commitment of the various parties to these.<sup>2</sup> However, the RSJ believes that the central Dutch government must take the lead to urgently

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<sup>1</sup> On 28 August 2024, the RSJ informed you by letter that it would not respond to the internet consultation in relation to the *Decree to improve the availability of youth care*. You hereby receive the response announced in that letter.

<sup>2</sup> *Parliamentary Papers II 2023/24*, 31839, No. 1024.



address the concerns outlined below, both in the interests of children and parents as well as professionals working in the field.

Before addressing the three areas of concern, we will first outline some general principles that follow from the International Convention on the Rights of the Child (CRC), which form the basis of children's and parents' right to appropriate care and support from the government.

### 1. Basic principles of the CRC

The children's rights enshrined in the CRC form the basis for government action in relation to children, including the deployment of youth care and/or child protection. Parents have the primary responsibility for the upbringing and development of their child(ren). The best interests of the child should be their very first concern.<sup>3</sup> The government has an obligation to provide appropriate care and support to parents, in their role as educators, in case they are not able to provide appropriate care on their own.<sup>4</sup> In addition, the government has an obligation to protect children from all forms of violence and abuse and provide effective programmes and assistance to prevent, among other things, child abuse.<sup>5</sup> The welfare and perspective of the child must be the main concern when the government intervenes, while also taking into account the rights and duties of parents and the growing autonomy of the child.<sup>6</sup>

However, a child protection measure is a last resort, which can only be imposed when previous voluntary youth care has been offered and when it appears that the child's development is still threatened and/or the care offered is not sufficiently accepted by the parent(s) or the child.<sup>7</sup> It is very important in this context that the transition from voluntary youth care to compulsory measures is clear to children and parents. It is necessary for them to consent to care based on information about their rights and obligations. They should not be pressured to consent.<sup>8</sup> The RSJ believes that a grey area in which coercion is applied should not exist and that the legal position of children and parents should be insufficiently guaranteed.<sup>9</sup>

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<sup>3</sup> Article 18(1) CRC.

<sup>4</sup> Article 18(1) and (2) CRC. Article 3(2) CRC.

<sup>5</sup> Article 19(1) and (2) CRC.

<sup>6</sup> Article 5 CRC. Council for the Administration of Criminal Justice and Protection of Juveniles, *Jeugdbescherming in de toekomst. Vier aanbevelingen voor het toekomstscenario kind- en gezinsbescherming* [Child protection in the future. Four recommendations for the future scenario regarding child and family protection], The Hague: RSJ 2021.

<sup>7</sup> Article 1:255(1) Dutch Civil Code (BW). Article 5 CRC.

<sup>8</sup> In practice, the dividing line between voluntary youth care and child protection is not always clear. Due to policies aimed at avoiding imposing child protection measures, a middle ground has arisen in practice, in which interventions in the voluntary context are not clearly delineated from the coercive context (child protection). The RSJ and the Council for Public Health and Society (RVS) have found that children and parents rather suffer as a result, because it is unclear whether coercion is voluntarily accepted or not. They may be at the mercy of disguised coercion under the guise of voluntariness (Council for the Administration of Criminal Justice and Protection of Juveniles & Council for Public Health and Society, *Intensieve vrijwillige hulp. Heldere grenzen aan drang in de jeugdzorg* [Intensive voluntary care. Clear boundaries for coercion in youth care], The Hague: RSJ & RVS 2019).

<sup>9</sup> RSJ & RVS 2019. Advisory committee on legal protection and rule of law in the

### **Concerns about the availability of basic services and lack of prevention**

Employing (primary and secondary) prevention activities is an important starting point in protecting children. This can prevent coercive intervention by the government and it ensures better outcomes for children and parents in the long run.<sup>10</sup> In recent years, the pressure on youth care and child protection in the Netherlands has only increased. More and more children are availing of youth care, while it is difficult to find enough adequately trained staff.<sup>11</sup> The year 2023 again saw a small growth in the number of youth care cases.<sup>12</sup> To reduce pressure on the youth care system, it is important to ensure that fewer children are in need of youth care services. Based on the CRC, children are entitled to basic services such as an adequate standard of living, housing, education and health care.<sup>13</sup> According to the CRC, the central government has a positive obligation to invest in these basic services and make them available and accessible to all.<sup>14</sup> This means that the central government should provide equal opportunities to all children from the start of their lives. Supporting children and families in need in having a good, healthy and safe start in life, leads to better outcomes later in life in many different areas of life.<sup>15</sup> In addition, states parties to the CRC are expected to invest in realising children's rights based on the (financial and other) resources available to them, with the bar thus being higher for prosperous nations like the Netherlands.<sup>16</sup>

The RSJ believes that children's and human rights should be at the centre of the design and amendment of laws, regulations and policies, when they affect or concern children.<sup>17</sup> The Council for Public Health and Society (RVS) has advised that children's and human rights should also be central in areas where parents have problems (e.g. income, housing and health) that affect their children's well-being. Given the relationship between poverty problems and the use of youth care, the RSJ believes that the government should invest

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future scenario for child and family protection, *Kinderen en ouders met recht goed beschermd. Advies van de Adviescommissie rechtsbescherming en rechtsstatelijkheid in het Toekomstscenario kind- en gezinsbescherming* [Children and parents well protected by the law. Advisory committee on legal protection and rule of law in the future scenario for child and family], The Hague: Advisory committee on legal protection and rule of law 2024.

<sup>10</sup> UN Committee on the Rights of the Child, General Comment No. 13 (2011) *The right of the child to freedom from all forms of violence*, CRC/C/GC/13, 18 April 2011, para. 46. RSJ & RVS 2019.

<sup>11</sup> In 2023, 1 in 7 children up to the age of 18 received youth care. This amounts to 13,5 percent of all children and in absolute numbers it is over 470.000. Almost 42.000 of these children received residential youth care, meaning they were staying in foster care or a residential institution (R. Bakker, *Jeugdhulp 2023* [Youth care 2023], Heerlen: CBS 2024).

<sup>12</sup> The percentage of children receiving youth care combined with a child protection and/or a youth probation measure decreased very gradually in recent years (Bakker 2024).

<sup>13</sup> Articles 24, 26, 27 and 28 CRC. See also 'Versterking armoedebeleid nodig om kwetsbare kinderen te beschermen' [Strengthening of policy to combat poverty needed to protect vulnerable children], [www.mensenrechten.nl](http://www.mensenrechten.nl).

<sup>14</sup> Article 4 CRC. Article 2(1) CRC. UN Committee on the Rights of the Child, General Comment No. 19 (2016) *on public budgeting for the realization of children's rights (art. 4)*, CRC/C/GC/19, 20 July 2016, para. 41-44.

<sup>15</sup> See, for example, 'De eerste 1000 dagen van een kind' [A child's first 1,000 days], [www.TNO.nl](http://www.TNO.nl).

<sup>16</sup> UN Committee on the Rights of the Child, General Comment No. 15 (2013) *on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, CRC/C/GC/15, 17 April 2013, para. 41-44.

<sup>17</sup> Council for the Administration of Criminal Justice and Protection of Juveniles, *Advies Complexe scheidingen en jeugdbescherming* [Advisory report on High-conflict parental separations and child protection], The Hague: RSJ 2023a. RSJ 2021. Council for Public Health and Society, *Kinderen uit de knel* [Children out of trouble], The Hague: RVS 2023.

more in prevention and provide basic conditions for an adequate standard of living. An important step is to address poverty issues, to prevent parents and children from having to resort to youth care and child protection because of financial problems and the consequences thereof.<sup>18</sup> It is preferred that problems faced by families, for instance in the areas of income and housing, be addressed in an holistic way.<sup>19</sup>

However, many of these social domains have, like youth care, been decentralised. It is therefore important that children's and human rights are also guaranteed in decentralised policies.<sup>20</sup> This can be implemented by using the children's rights impact assessment for legislators developed by the Dutch Children's Ombudsman. Such an assessment tool can be used to understand the impact on safeguarding and implementing children's rights.<sup>21</sup>

## 2. Three areas of concern and recommendations for youth care and child protection

### 2.1 Concerns about lack of centralisation and responsibility

The RSJ has taken note of the *legislative proposal to improve the availability of youth care* and the accompanying decree, which requires municipalities to cooperate regionally in the procurement of specialised youth care services.<sup>22</sup> This partly follows from the 'Youth Reform Agenda 2023-2028'.<sup>23</sup> While the RSJ welcomes efforts to improve the availability of specialised youth care, the RSJ also notes that this only seeks a solution to one part of the larger set of more fundamental problems that exist in the implementation of youth care and child protection.

As the Children's Ombudsman points out, the Netherlands has become a patchwork of regions and collaborations in the fields of youth, care and education. This results in diffuse responsibilities, lack of direction, higher costs and administrative burdens and delays.<sup>24</sup> When children and their parents need help and/or protection, they run into bureaucratic processes and organisations that do not work together, withholding them

<sup>18</sup> Statistics Netherlands (CBS) found a correlation between parents' income and the use of youth care, whereby in the 20 percent lowest income bracket, 15,7 percent of children up to 23 years of age received youth care. That figure was 6,6 percent among the 20 percent highest earners. In addition, children in the 20 percent lowest income bracket were more than three times as likely to receive residential youth care (Bakker 2024). 'Versterking armoedebeleid nodig om kwetsbare kinderen te beschermen' [Strengthening of policy to combat poverty needed to protect vulnerable children], [www.mensenrechten.nl](http://www.mensenrechten.nl). Inspectorate of Justice and Security, *Het kind van de rekening. Waarom door de toeslagenaffaire gedupeerde gezinnen te maken kregen met een kindbeschermingsmaatregel*, [The child of the account. Why families duped by the benefits affair faced a child protection order], The Hague: (IJ&V) 2023.

<sup>19</sup> RSJ 2023a.

<sup>20</sup> RVS 2023.

<sup>21</sup> The Children's Ombudsman, *Input ten behoeve van het schriftelijke overleg d.d. 26 juni 2024 over het wetsvoorstel Verbetering beschikbaarheid jeugdzorg* [Input for the written consultation of 26 June 2024 on the legislative proposal to improve the availability of youth care], The Hague: The Children's Ombudsman 2024.

<sup>22</sup> The legislative proposal to improve the availability of youth care can be consulted at: [www.tweedekamer.nl](http://www.tweedekamer.nl). The online consultation regarding the *Decree to improve the availability of youth care* can be consulted at: <https://www.internetconsultatie.nl>

<sup>23</sup> Youth Reform Agenda 2023-2028, annex to *Parliamentary Papers II 2022/23*, 31839, No. 964.

<sup>24</sup> The Children's Ombudsman 2024. M. Synhaeve et al., *Druk op de keten* [Pressure on the chain], Utrecht: Berenschot Groep B.V. 2023.

from receiving the appropriate care in time.<sup>25</sup> The Health and Youth Care Inspectorate (IGJ) and the Inspectorate of Justice and Security (IJ&V) have also noted that the causes of the problems lie at the system level and that to date, no approach has been developed to solve this.<sup>26</sup> The RSJ believes it is high time this to be changed.

The RSJ believes that the central government should take the lead when it comes to preventing problems of children and families and, if necessary, providing youth care and child protection. The central government should ensure that a nationwide, appropriate range of scientifically proven effective support is available for children whose development is (seriously) threatened, for example by domestic violence, neglect and/or parental mental health problems.<sup>27</sup> At the same time, the RSJ is in favour of providing care close to home, implementing it at a decentralised level. This ties in with the fact that in addition to providing care, expanding the social networks and social capital of people in need of help is important, in order to be able to tackle problems in the long run and allow children to grow up in a safe and healthy social environment.<sup>28</sup>

The RSJ is in favour of centralised direction and decentralised implementation of youth care and child protection under the responsibility of a minister or state secretary.<sup>29</sup> Centralisation will lead to a more uniform and predictable working method, which promotes legal certainty and equality for children and their parents.<sup>30</sup> This also means that access to appropriate care should be improved. Staff shortages and waiting lists mean that children often have to wait too long for youth care and that this care is not always appropriate to their needs.<sup>31</sup> Coherent policies aimed at providing equal opportunities and preventing problems can alleviate pressure on the system and reduce waiting lists. Local governments should be empowered to shoulder their responsibility. As

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<sup>25</sup> Council for the Administration of Criminal Justice and Protection of Juveniles, *Kind-onveiligheid in complexe (ex-) partnerrelaties. Een advies over veiligheidsrisico's in gezag- en omgangszaken* [Child safety risks in complex (ex-)partner relationships. Advisory report on the safety risks in parental responsibility and contact cases], The Hague: RSJ 2024. IJ&V 2023. National Youth Council, *Position paper Nationale Jeugdraad (NJR) wetsvoorstel verbetering beschikbaarheid jeugdzorg* [Position paper National Youth Council (NJR) legislative proposal to improve the availability of youth care], Utrecht: NJR 2024.

<sup>26</sup> Health and Youth Care Inspectorate and Inspectorate of Justice and Security, *Signalen jeugdbeschermingsketen Jaargang 2, Editie 2* [Signals child protection chain, Year 2, Edition 2], The Hague: IGJ & IJ&V 2024. Also see Jeugdzorg Nederland, *Jeugdzorg Nederland vraagt gezamenlijk investeren n.a.v. eindsignalement Jeugdbeschermingsketen van Inspectie* [Jeugdzorg Nederland calls for joint investment following final report Child protection chain by Inspectorate], Utrecht: Jeugdzorg Nederland 2024.

<sup>27</sup> RSJ 2023a. RSJ 2024.

<sup>28</sup> RVS 2023. Also see S. Kamerman, L. van Nierop, J. Verlaan & P. van der Hulst, 'Steeds meer jongeren in de knel, gemeenten draaien op voor stijgende kosten jeugdzorg' [More and more young people in trouble, municipalities foot the bill for rising youth care costs], *NRC* 2 October 2024.

<sup>29</sup> RSJ 2021. Also see the Netherlands Court of Audit, *Georganiseerde onmacht. Over de rol van de rijksoverheid bij de jeugdbescherming* [Organised impotence. On the central government's role in child protection], The Hague: Netherlands Court of Audit 2023.

<sup>30</sup> RSJ 2021. Netherlands Court of Audit 2023.

<sup>31</sup> Health and Youth Care Inspectorate, *Aanhoudende onveiligheid tijdens het wachten op Veilig Thuis* [Ongoing lack of safety while awaiting Veilig Thuis], Utrecht: IGJ 2024a. Inspectorate of Justice and Security, *Een onderzoek naar wachtlijsten in de jeugdstrafrechtketen* [An investigation into waiting lists in the youth justice system], The Hague: IJ&V 2024. IGJ and IJ&V 2024.

far as the RSJ is concerned, when the central government and decentralised authorities together fail to succeed in this, rethinking of how the system is organised is unavoidable.

## **2.2 Concerns about the (accelerated) dismantling of secure youth care institutions and the lagging behind of developing high-quality alternatives**

In July 2022, the then state secretary for Health, Welfare and Sport presented a two-track plan for secure youth care: the first track involves converting large-scale secure youth care facilities into small-scale facilities and the second track involves working towards zero secure placements by 2030.<sup>32</sup> This position was nuanced in 2024 and reformulated as the ambition to come as close as possible to zero secure placements by 2030.<sup>33</sup> The current government is continuing the policy of dismantling secure youth care as soon as possible and developing alternatives.<sup>34</sup>

The RSJ is in favour of as few secure placements of children as possible, but only if sufficient alternatives for appropriate care are available for children who are in need of this.<sup>35</sup> This should be high-quality and scientifically proven effective care that can be adapted to the needs of the child.<sup>36</sup> However, in late February 2024, the IGJ concluded that in some regions secure youth care is being dismantled at an accelerated pace, while there are insufficient alternatives, if any, or the development of such is not financially covered.<sup>37</sup> The RSJ stresses that it does not oppose the dismantling of secure youth care in itself, but believes this should be done carefully. When no suitable and effective alternative is available, more time should be taken to build sufficient, high-quality and future-proof alternatives. A key element here is improving cooperation between youth mental health services and youth care services.<sup>38</sup>

Furthermore, the RSJ reiterates that zero secure placements should not be an end goal in itself, as secure youth care remains necessary in exceptional cases for children who pose a serious danger to themselves or their surroundings. The RSJ believes that placement in a secure environment should remain possible in limited and necessary cases.<sup>39</sup> By doing so children can be protected from individual or environmental risks in the short term and be prepared for a treatment placement. The elimination of secure youth care carries the risk that children will instead end up in a Youth Custodial Institution (also known as a Forensic Youth Centre) because of problematic behaviour. In addition, the fragmented

<sup>32</sup> *Parliamentary Papers II 2021/22*, 31839, No. 871, p. 2.

<sup>33</sup> *Parliamentary Papers II 2023/24*, 31839, No. 1024, p. 22.

<sup>34</sup> Schoof government, *Regeerprogramma. Uitwerking van het hoofdlijnenakkoord door het kabinet 2024* [Government programme. Development of the outline agreement by the government 2024], The Hague: Schoof government 2024. *Parliamentary papers II 2024/25*, 31839, No. 1029.

<sup>35</sup> Council for the Administration of Criminal Justice and Protection of Juveniles, *Vrijheidsbeperkende maatregelen in de open residentiële jeugdhulp? Context en een advies over de toekomst*, [Restrictive measures in open residential youth care? Context and advice for the future], The Hague: RSJ 2023b.

<sup>36</sup> RSJ 2023a. RSJ 2023b.

<sup>37</sup> Health and Youth Care Inspectorate, *Onvoldoende passende hulp in de JeugdzorgPlus* [Insufficient appropriate care in secure youth care], Utrecht: IGJ 2024b. Also see the Youth Authority, *De stand van de jeugdzorg* [The status of youth care], The Hague: Youth Authority 2024.

<sup>38</sup> See also Branches of Specialised Care for Youth, *Reactie op de internetconsultatie Besluit verbetering beschikbaarheid jeugdzorg* [Response to online consultation on the legislative proposal to improve the availability of youth care], Utrecht: BGJZ 2024.

<sup>39</sup> RSJ 2023b.

landscape of open residential institutions means that the visibility of the target group is declining. Moreover, restrictive measures are widely used in open youth care, for which there is no legal basis and which are harmful to children.<sup>40</sup>

The IGJ also calls on those responsible for the system to take firm direction in making choices, to provide clarity on which secure youth care institutions will continue to exist and to facilitate innovation in these institutions.<sup>41</sup> By doing so, a nationwide sufficient range of care that is both qualitatively and quantitatively adequate must be guaranteed for children with complex problems, for whom secure youth care offers the best protection at the time. The RSJ believes that in exceptional cases, a placement in secure care should be as short as possible and the use of restrictive measures should be avoided as much as possible. In case of using restrictive measures, both in open and secure residential youth care, care should be taken to ensure adequate legal protection and an effective complaints mechanism.<sup>42</sup>

In developing alternatives, the RSJ points in its advisory report '*Restrictive measures in open residential youth care? Context and advice for the future*' to the importance of realising necessary preconditions and legal safeguards for the use of restrictive measures in open residential youth care. Only when such preconditions and legal safeguards<sup>43</sup> are established and met, restrictive measures can be applied (in exceptional and necessary cases) in the open youth care setting.<sup>44</sup> The state secretary for Youth, Prevention and Sport has since indicated his preference to create a legal basis for the application of restrictive measures in open youth care, with the "no, unless-principle" as a starting point, always requiring a judicial authorisation for the application of these measures.<sup>45</sup>

### **Concerns about cooperation between youth care services and youth mental health services**

The RSJ believes it is essential to rethink the distinction between youth care and youth mental health care: which children can go where and why? Cooperation at the regional level between youth care services and youth mental health services is currently insufficient. It seems that specialist youth mental health services often do not want to admit a child because behavioural problems would interfere with the treatment of mental health problems. The child is then referred to outpatient care or an open residential institution, where appropriate care cannot be provided. The risk exists that the young person runs away, gets in trouble and eventually is placed in a secure youth care institution where sufficient specialist mental health care is not available. The

<sup>40</sup> Health and Youth Care Inspectorate, *Zorgen over jongeren met een complexe hulpvraag buiten de gesloten jeugdhulp* [Concerns about young people with complex care needs outside secure youth care], Utrecht: IGJ 2024c. Also see IGJ and IJ&V 2024.

<sup>41</sup> Health and Youth Care Inspectorate, *Weinig goede alternatieven voor JeugdzorgPlus, stevige regie nodig* [Few good alternatives to secure youth care, strong direction needed], Utrecht: IGJ 2023a.

<sup>42</sup> RSJ 2023b.

<sup>43</sup> In this context, the RSJ recommends, for example, the availability of specialist psychiatric knowledge, a helpline available 24 hours a day and a duty to give reasons (RSJ 2023b).

<sup>44</sup> The RSJ advised against allowing solitary confinement at all, including in emergency situations (RSJ 2023b).

<sup>45</sup> *Parliamentary Papers II 2024/25*, 31839, No. 1029.



transformation of secure youth care into small-scale facilities and the resulting fragmentation makes it more difficult to build specialist psychiatric knowledge around this target group, which can also hinder effective cooperation.<sup>46</sup> More centralisation is also needed in this area. Specialist youth mental health care is currently procured at different levels (local, regional and supra-regional), leading to insufficient availability for children. National procurement of specialist youth care and youth mental health services is needed to ensure sufficient availability.<sup>47</sup>

### **2.3 Concerns about the sensitivity of the youth care system to fraud and the lack of adequate supervision**

In February 2023, the IGJ pointed to the increasing number of reports coming in about healthcare providers, working in youth care and elsewhere, having a false diploma/certificate or a false Certificate of Good Conduct (*Verklaring Omtrent het Gedrag, VOG*).<sup>48</sup> In June 2024, the IGJ and the Education Inspectorate identified how easy it is to work in (youth) care with a false diploma/certificate. False diplomas are offered for sale by intermediary agencies that deliberately send unqualified and incompetent self-employed workers to healthcare providers. This poses risks to the quality and safety of (youth) care. The inspectorates point out that they do not have enough capacity to take action against such intermediary agencies.<sup>49</sup> The police and public prosecution service indicate that they are unable to adequately combat the increasing healthcare fraud and that better ex ante control is needed.<sup>50</sup>

Following on from the aforementioned vulnerability of the youth care system to fraud, the RSJ is concerned with the lack of establishment requirements for residential youth care institutions. It is unknown how many youth care providers are active and therefore the IGJ cannot monitor them. Moreover, municipalities, which are responsible for supervision in the voluntary care context, are unable to conduct a quality test, partly due to staff shortages.<sup>51</sup> People without expertise or with a false diploma or VOG working in a residential youth care institution is highly problematic in terms of the safety and quality of care for an extremely vulnerable group of children. The RSJ has previously recommended a statutory registration requirement for *all* residential youth care providers, including

<sup>46</sup> S. Niemansburg, 'Kinder- en jeugdpsychiater Tijs Jambroes: 'Gesloten jeugdzorg verdient óók psychiatrie van hoge kwaliteit'' [Child and adolescent psychiatrist Tijs Jambroes: Secure youth care also deserves high-quality psychiatry], *Medisch Contact* 2024/25.

<sup>47</sup> NJR 2024. BGZJ 2024. Collaborating Professional Youth Care Associations (SBJ), *Reactie SBJ op voorstel Besluit verbetering beschikbaarheid jeugdzorg* [SBJ response to legislative proposal to improve the availability of youth care], 2024.

<sup>48</sup> Health and Youth Care Inspectorate, *Brief over diploma fraude en VOG fraude aan de organisaties van zorgaanbieders in de zorg en jeugdhulp* [Letter on diploma fraud and VOG fraud to organisations of care providers in health and youth care], Utrecht: IGJ 2023b.

<sup>49</sup> Health and Youth Care Inspectorate & Education Inspectorate, *Er is meer aan de hand. Verkenning misstanden in het opleiden in de zorgsector* [More to it. Exploring abuses in training in the healthcare sector], Utrecht: IGJ and the Education Inspectorate 2024.

<sup>50</sup> J. Spanjers & K. Den Tek, 'Het OM kan criminaliteit in de zorg niet meer aan: 'Er wordt jaarlijks voor 10 miljard gefraudeerd'' [The public prosecution service can't handle the crime in healthcare any longer: '10 billion in fraud annually'], *Follow the Money* 5 August 2024. J. Bunsboek & K. Voskuil, *Drugshandelaren en plofkrakers 'op grote schaal' actief in de zorg, kwetsbare patiënten in gevaar* [Drug traffickers and squatters 'widely' active in healthcare, vulnerable patients at risk], *RTL Nieuws* 5 November 2024.

<sup>51</sup> RSJ 2023b.



existing providers. The state secretary for Youth, Prevention and Sport has since announced a preference for registration of providers that are allowed to use restrictive measures.<sup>52</sup> In addition, the RSJ has recommended that investigation be conducted into the prevalence and diversity of all forms of residential youth care currently offered to Dutch children.<sup>53</sup> These recommendations has become even more urgent given the latest reports on fraud in (wider) healthcare.

### 3. Recommendations

With this letter, the RSJ reiterates the urgency of the above outlined bottlenecks and concerns. The RSJ calls on you, as the responsible state secretaries, to take urgent action, whereby taking the lead in solving these bottlenecks should be the top priority. To this end, the RSJ makes the following concrete recommendations to the central government:

1. Invest in basic services to ensure equal opportunities for all children and prevent problems caused by poverty.
2. Conduct a children's rights impact assessment on all central and decentralised laws and regulations affecting children.
3. In the very short term, put in place centralisation and take responsibility so that appropriate youth care can be provided within a reasonable time.
4. Provide sufficient high-quality and future-proof alternatives to secure youth care in a timely manner.
5. Guarantee effective cooperation between youth care institutions and youth mental health services.
6. Ensure effective supervision of youth care providers.

The RSJ is willing to provide further comments on this letter.

Yours faithfully,

on behalf of the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles,



Han Moraal  
Chair

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<sup>52</sup> *Parliamentary Papers II 2024/25*, 31839, No. 1029.

<sup>53</sup> RSJ 2023b.