

**Recommendation from the Council for the Administration of Criminal Justice  
and Protection of Juveniles**  
**- summary -**

*offered to: the State Secretary of Health, Welfare and Sport*  
*date : 19 December 2013*

**Implementation Decree Youth Act Advice**

The Council in general agrees with the content of the draft Implementation Decree Youth Act (hereafter: Implementation Decree). The Council does miss guarantees in the current Implementation Decree which guarantee a uniform offer of assistance of high quality specialist assistance in all regional areas. This may be for instance residential assistance, specialist assistance for young persons with mental problems or disorders, assistance for mentally impaired young persons and young persons in a mental institution. The Council recommends to still include these guarantees in the Implementation Decree. The Council also cannot find any provision in this Implementation Decree which establishes (the tasks of) a number of existing provisions which are so rare and expensive that they need to be designed at a national level. They include the present Salvation Army, Jewish Social Work and the William Schrikker Foundation. The Council urges the specification in the Implementation Decree of the foundation for it which is included in the bill for the Youth Act or to provide it through another order in council.

The Council further comments paragraph by paragraph in this advice, as in the illegal minor foreign national, the requirements for a certifying body and the terminology used. In section 1.2 the care needs of the illegal minor foreign national in the Netherlands are not assumed and the Council points out that this is in violation of the International Convention for the Rights of the Child. The Council therefore proposes to drop paragraph 2 of this section. The Council does not think that the requirements a certifying body has to meet are specified sufficiently in section 3.1.1.d and deems it necessary that the fundamental requirements for such a body are finally further specified by order in council, so that it is clear what is meant by it. Finally, the Council notes that there is mixed use of the terms 'minor' and 'young person' in chapter 4 and that no age criteria are stated. The Council recommends to specify in the explanation when these terms are used and which age categories are included. The advice is referred to for further notes.