

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

- Summary -

**Recommendation for draft legislative proposals for Book 3 through Book 6 of the Dutch  
Code of Criminal Procedure from the Advisory Division of the Council for the  
Administration of Criminal Justice and Protection of Juveniles**

*Recommendation to the Dutch Minister of Justice and Security and the Minister for Legal  
Protection, dated 15 June 2018*

Text of summary

In this recommendation, the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereafter referred to as the Division) will examine the draft legislative proposals for Books 3 through 6 of the new Dutch Code of Criminal Procedure. It will focus on the legal position of juveniles and young adults (hereafter referred to as young people) as well as people with a mental illness, a mental or physical handicap or an illness (hereafter referred to as vulnerable people).

The legislative proposals are intended to ensure a fair trial based on the law, as well as the pedagogical objective of juvenile criminal law and the right to psychological protection for the benefit of young people.

Young people

The Division is positive about legally reinforcing the role of parents or guardians in the trial, establishing a legal foundation for the audio-visual recording of interrogating minors, aiming to grant legal assistance for children under the age of 12 where methods of coercion are involved and strengthening the procedural rights for young suspects and their parents.

Its recommendations relate to *the realisation of the pedagogical objective* of juvenile criminal law (such as including a provision in which the legislator stipulates what it means by the pedagogical objective, placing more emphasis on restorative justice in the explanatory memorandum, and providing a legal basis for the imposition of quality requirements for officials within the police, the Public Prosecutor's Office and the Judiciary who make decisions or take action in relation to young people), *a fair trial* (for example, increasing the minimum age for legal responsibility, the right to a lawyer for any potential punishment or criminal proceedings and the exclusion of the obligation for young people to be present at court rulings) and *the strengthening of the right to protection* (for example, providing greater clarity on the role of parents and guardians, as well as presenting the option to conduct law enforcement interrogations in a child-friendly environment).

Vulnerable people

The Division endorses the efforts of the legislator to ensure that suspects will not be disadvantaged by their mental illness or mental or physical handicap during criminal proceedings. Its recommendations envisage updating the description of the target group, improving the identification of vulnerable people (for example, including an obligation in the Code of Criminal Procedure for the government to identify potential vulnerabilities immediately) and strengthening the position of vulnerable people in terms of the procedure to be adopted (for example, using clearer criteria for the Public Prosecutor to apply when choosing between criminal prosecution or treatment/care).

*The recommendation can be obtained from the secretariat of the Council  
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