

***Opinion of the Council for the Administration of Criminal Justice and Protection of Juveniles on the draft 'Forensic Care Regulations'***

*Presented to* : the Minister for Legal Protection  
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The draft Forensic Care Regulations (hereinafter: the Regulations) provides further elaboration of the implementation aspects following from the Forensic Care Act (*Wet forensische zorg*, Wfz) and the Forensic Care Decision (*Besluit forensische zorg*, Bfz). The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor de Strafrechtstoepassing en Jeugdbescherming*, RSJ) (hereinafter: the RSJ) has already advised on this matter and so considers a brief response to suffice.

Generally speaking, the RSJ emphasises the importance of striking a suitable balance between the treatment and the safety perspectives, and recommends that the evaluation of the Forensic Care Act includes an investigation of whether decisions regarding forensic patients take sufficient account of the safety perspective.

The two other recommendations pertain to the administrative fine and the provision of reports for the courts once permission has been granted by the Netherlands Institute of Forensic Psychiatry and Psychology (NIFP):

- In Article 18 of the regulations, establish that if a contracted care provider does not meet the admission requirement, no fine may be imposed if the care provider can make the case that there are good substantive reasons related to the treatment for doing so.
- Request advice from the Council of State on whether Article 4 of the Regulations meets the requirement, following from Article 89 of the general Data Protection Regulation (GDPR), that providing reports for the courts without the permission of a patient is subject to 'appropriate safeguards'.

*These recommendations can be consulted on the Council for the Administration of Criminal Justice and Youth Protection website [www.rsj.nl](http://www.rsj.nl) under the header Recommendations (Advisering)*