



**Advisory report on the draft Decree concerning the Enforcement of Criminal Sanctions
(Besluit tenuitvoerlegging strafrechtelijke beslissingen)**

Council for the Administration of Criminal Justice and Protection of Juveniles

Presented to : the Minister for Legal Protection
Date : 14 June 2019

The Council for the Administration of Criminal Justice and Protection of Juveniles (*RSJ*) has been asked for recommendations regarding the draft Decree concerning the enforcement of criminal sanctions. This Decree is largely of a legal-technical nature: for the most part it involves the transposing of articles from existing decrees, thus grouping the more detailed rules provided for in Book 6 of the Dutch Code of Criminal Procedure (*Wetboek van Strafvordering*) as far as possible within a single decree. In substantive terms, the Decree contains the first elaboration on the transfer of responsibility for enforcement from the Public Prosecution Service (*Openbaar Ministerie*) to the Minister for Legal Protection. That transfer results from the Criminal Sanctions Enforcement Act (*Wet tenuitvoerlegging strafrechtelijke beslissingen*) on which the RSJ gave its recommendations in 2014 (advisory report dated 30 January 2014).

The RSJ largely agrees with the way in which implementation is provided for and has confined itself to a few comments or recommendations, cited article by article. For the most part, these are recommendations to tighten the wording of a provision or set it out in further detail in other legislation or regulations. The main points are as follows:

- In the case of important or complex implementation aspects the RSJ recommends providing more detailed elaboration by order in council general administrative order (*algemene maatregel van bestuur*) instead of by ministerial regulation.
- With regard to the special conditions for the suspension of pre-trial detention for juveniles, the RSJ recommends laying down the conditions in the law instead of in Article 2.6 of the Decree.
- With regard to the pardon (Article 5.5 of the Decree), the RSJ notes that the measure for juveniles involving their being placed in an institution for juvenile offenders is still excluded from measures capable of pardon, and recommends that this be reconsidered during any future amendments of the Dutch Code of Criminal Procedure.

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