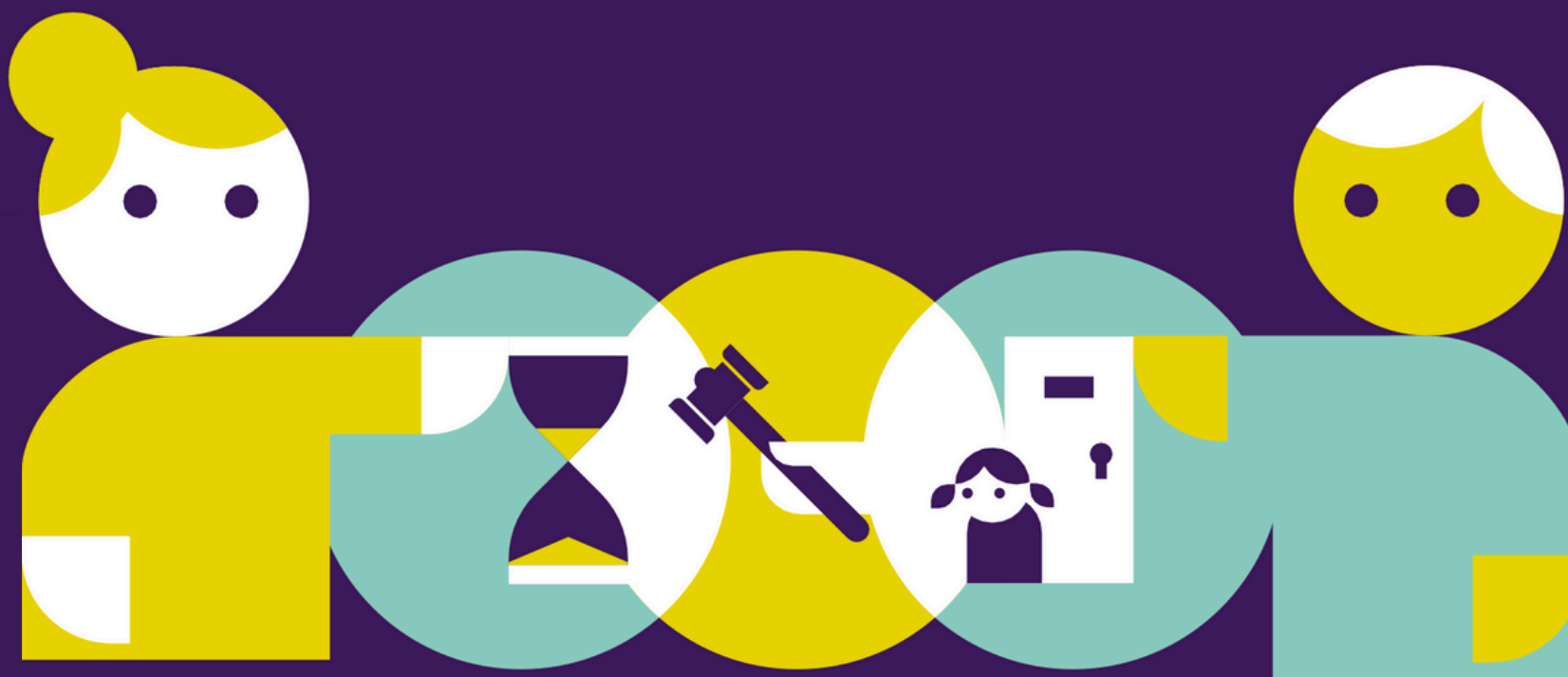




Raad voor
Strafrechtstoepassing
en Jeugdbescherming



Advisory programme 2026

Including actualisation Multi-yearprogramme 2025-2028

Introduction

The Advisory Division of the Council for the Administration of Criminal Justice and Youth Protection (RSJ) advises the ministers of the Dutch Ministry of Justice and Security and the Ministry of Health, Welfare and Sport, either at their request or on its own initiative, on the application and implementation of policy and legislation and regulations relating to the administration of justice and the youth domain. According to the RSJ's mission, the humane and fair treatment of persons subject to criminal proceedings and young people is the starting point. The protection of their legal position is central, while also taking into account the safety of society and any victims and their relatives. Dutch national law and the international human and children's rights framework are leading in the advisory reports, together with the universal values and ethical principles that underlie them.

Every November, the RSJ publishes an advisory programme for the following calendar year. The Advisory Programme 2026, which you're reading now, includes the topics that the RSJ will address in 2026 upon request and the topics that will

continue from the Advisory Programme 2025. It also announces the subjects on which the RSJ intends to advise on its own initiative. These topics will be added to the 2025-2028 Multi-year Programme by placing them under the relevant theme.¹ If, during the exploration of one of these topics, it becomes apparent that an advisory report would have insufficient added value, the RSJ may decide not to issue a report on that topic. In addition to the new topics added, there is one topic that is already included in the Multi-year Programme and will continue in 2026. This concerns the topic of 'Rights and interests of children without the Dutch nationality'.

The RSJ website provides an up-to-date overview of all ongoing advisory processes, which means both those initiated on request and those initiated on the RSJ's own initiative.

In November 2026, the RSJ will publish its next advisory programme, which will include the topics requested and announce which topics will be added to the Multi-year Programme.

¹ The Multi-year Programme 2025-2028 consists of three themes:
1. meaningful administration of justice 2. focus on the defendant, and
3. focus on youth. These themes are in accordance with the mission of the RSJ.

Table of contents

Introduction	2
Advisory reports requested by the Ministry of Justice and Security	3
Expected consultations laws and regulations	4
Actualisation Multi-year Programme 2025-2028	5



Advisory reports requested by the Ministry of Justice and Security



Remand prisoners²

Since the autumn of 2023, the Custodial Institutions Agency of the Netherlands has been facing a growing capacity shortage. Due to a staff shortage, capacity had to be taken out of service, while occupancy rates rose. To alleviate the situation, urgent measures were taken (stop to self-reporting, measures for detainees and early release), as reported in the letters to House of Representatives of 30 November 2023 and 15 March 2024.³ In addition, supplementary temporary measures have been taken, such as capacity leave with electronic monitoring, further relaxation of the criteria for the Limited Security Unit (BBA) and increasing the flow to forensic care. However, other measures are also conceivable that could alleviate the pressure on capacity. Ideas for this were outlined in the letter to the House of Representatives of 13 August 2024.⁴

Remand prisoners could also be considered: a large part of the capacity of the Custodial Institutions Agency is used for this group. However, they have not yet been convicted and their stay in detention takes up places that could be used for people who have already been convicted by a judge and are unable to serve their sentences.

In this advisory report, the RSJ will explore the number of remand prisoners in relation to the total capacity of the Custodial Institutions Agency and whether this group has any noticeable characteristics. The report will also focus on the approach of other countries towards this group and whether there are any possible alternative approaches that could be applied in the Netherlands. If there are applicable alternatives, the report will address what is needed to implement them in the Netherlands. Does this only require an amendment to legislation and regulations, or is more needed?



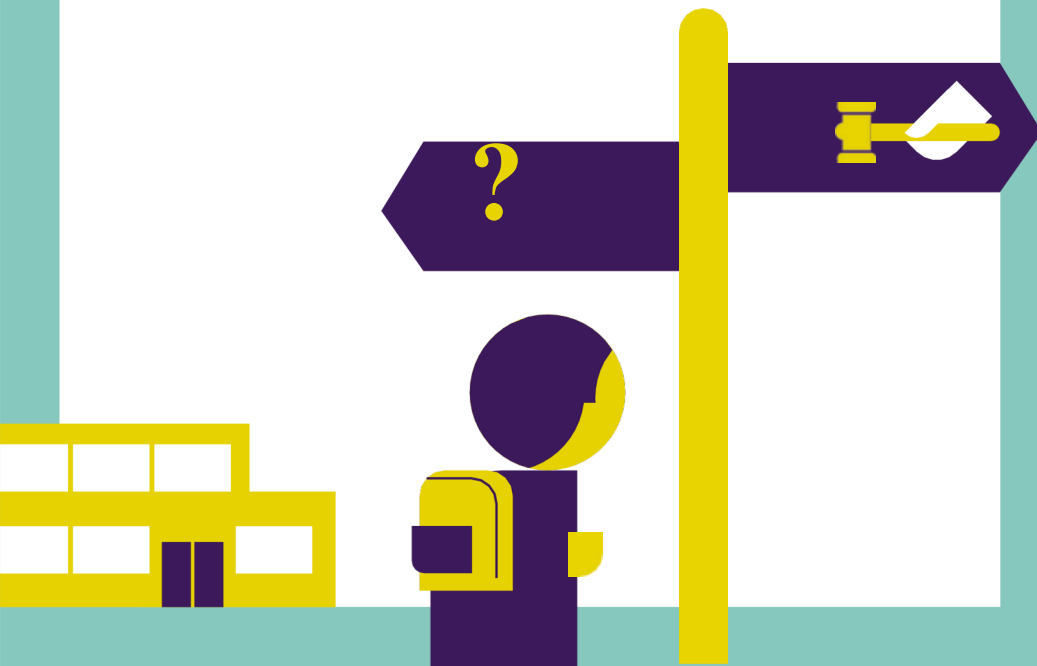
² This advisory topic continues from 2025.

³ *Kamerstukken II 2023/24, 24587, nr. 900; Kamerstukken II 2023/24, 24587, nr. 937.*

⁴ *Kamerstukken II 2023/24, 24587, nr. 967.*

Criminal justice approach to school absence for youth

The Dutch Compulsory Education Act makes school absence a criminal offence for young people under the age of eighteen who have not yet obtained their start qualification. Compulsory education officers can refer a young person to the Halt Foundation if they have been absent for more than 16 hours in four consecutive weeks. If the absence is structural in nature, the compulsory education officer can draw up a report, after which the Public Prosecution Office decides whether to proceed with prosecution. The RSJ has been asked to write an advisory report on how the criminal justice approach to school absence relates to the principles of the UN Convention on the Rights of the Child and other international obligations and standards. In addition, the report should reflect on possible alternatives for the approach to school absence.



Expected consultations Dutch laws and regulations



Consultations for the Dutch Ministry of Justice and Security

- Bill containing the first tranche of proposals for improvement following the evaluation of the Principles Act care for persons placed at disposal
- Bill containing a new criminal care measure, also known as the 'forensic variant' of article 2.3 of the Forensic Care Act
- Bill containing an alternative reassessment for prisoners serving life sentences
- Legal anchoring of the detention concept (Small-scale Facility Middelburg)
- Amendment to the regulation on temporary leave from the institution in connection with the extension of the BBA terms/criteria
- Bill to amend the Principles Act on Juvenile Detention Centres
- Bill to phase out international adoption and name changes

Consultation for the Dutch Ministry of Health, Welfare and Sport

- Bill to amend the Youth Act for secure youth care

Actualisation Multi-year programme 2025-2028

THE FOLLOWING TOPICS WILL BE ADDED TO THE MULTI-YEARPROGRAMME:



THEME 1 – MEANINGFUL ADMINISTRATION OF JUSTICE

THEME 2 – FOCUS ON THE DEFENDANT

Right of appeal

The right of appeal for prisoners is of important value for the Dutch prison system. Independent review of decisions must contribute to respect for the legal position of prisoners and to humane detention. However, the ever-increasing number of complaints and appeals is putting pressure on the system. This undermines the effective legal protection of prisoners. The RSJ has already addressed this problem in its advisory report *Spanning in detentie (Tension in detention)* (2019). Given the complexity of the problem and various developments since then (such as the introduction of a grievance system and legislative changes to the system of promotion and demotion, and to the leave system), the RSJ wishes to advise on the topic again and seek possible long-term solutions. The RSJ will address both the causes and the functioning of the right of complaint and appeal in practice, as well as possible solutions.



Final phase of life in forensic care and detention

In the Netherlands it sometimes happens that patients spend the final phase of their lives in forensic care or in detention. This is mainly due to the ageing of the population. This is a consequence of, among other things, the increased length of stay of both patients in forensic care and prisoners.

In forensic care, a growing number of patients suffer from chronic somatic disorders, cognitive decline and complex care needs that exceed the limits of the regular forensic treatment model. There may also be younger patients in forensic care who, due to a somatic disorder, are in the final phase of their lives. In this phase, the focus shifts from treatment to care. However, there appears to be a lack of the necessary (terminal) care facilities in forensic care. This, in combination with the limited outflow options, leads to difficulties in supporting patients in the final phase of their lives.

Similar developments can be seen in detention. There is a growing group of detainees who spend the final phase of their lives in detention, while penitentiary institutions are often not adequately equipped to deal with this.

In its advisory report, the RSJ will explore the possibilities for improving the care and support provided to people in the final stages of their lives in forensic care and detention, and what is needed to achieve this. Special attention should be paid to ensuring a balance between care and security.

The RSJ may decide to also include patients or prisoners who are not in the final stages of life, but who are permanently dependent on intensive care, if this proves to be of added value.





THEME 3 – FOCUS ON YOUTH



Substance use in forensic care⁵

Substance use (drugs) and addiction problems are common in forensic care in the Netherlands. Treatment for substance addiction is usually accompanied by periods of relapse. A bottleneck in (addiction) treatment in a criminal justice context is that violating the conditions imposed (with regard to substance use) often has consequences. These include the withdrawal of freedoms granted (such as leave) or (re)placement in a higher security level. Despite the fact that, from a treatment perspective, relapse is known to be part of the road to recovery. Treatment goals and security measures are therefore at odds with each other.

In this advisory report, the RSJ explores whether treatment goals related to substance use and addiction are compatible with resocialisation, security in- and outside forensic care clinics, and the legal position of patients.

Financial penalties and measures for young people

Financial penalties and measures can cause young people to become mired in long-term debt, which can seriously hinder their reintegration into society. Furthermore, financial problems are a significant risk factor for future criminal behaviour. In juvenile criminal cases, increasingly high amounts of compensation are being claimed, which judges must decide on. In addition, confiscation measures are being sought. Increasingly higher fines, for example for traffic offences, can also cause young people to fall into debt.

In an advisory report, the RSJ explores how financial penalties and measures relate to the pedagogical principles of juvenile criminal law. In doing so, the report draws on the knowledge and experience of the Central Judicial Collection Agency, and will take into account the interests of victims and their relatives.

⁵ This topic was on the Advisory Programme of 2025 as a requested advisory report, but has been converted to an advisory report at the RSJ's own initiative, and will therefore be added to the Multi-year Programme 2025-2028.



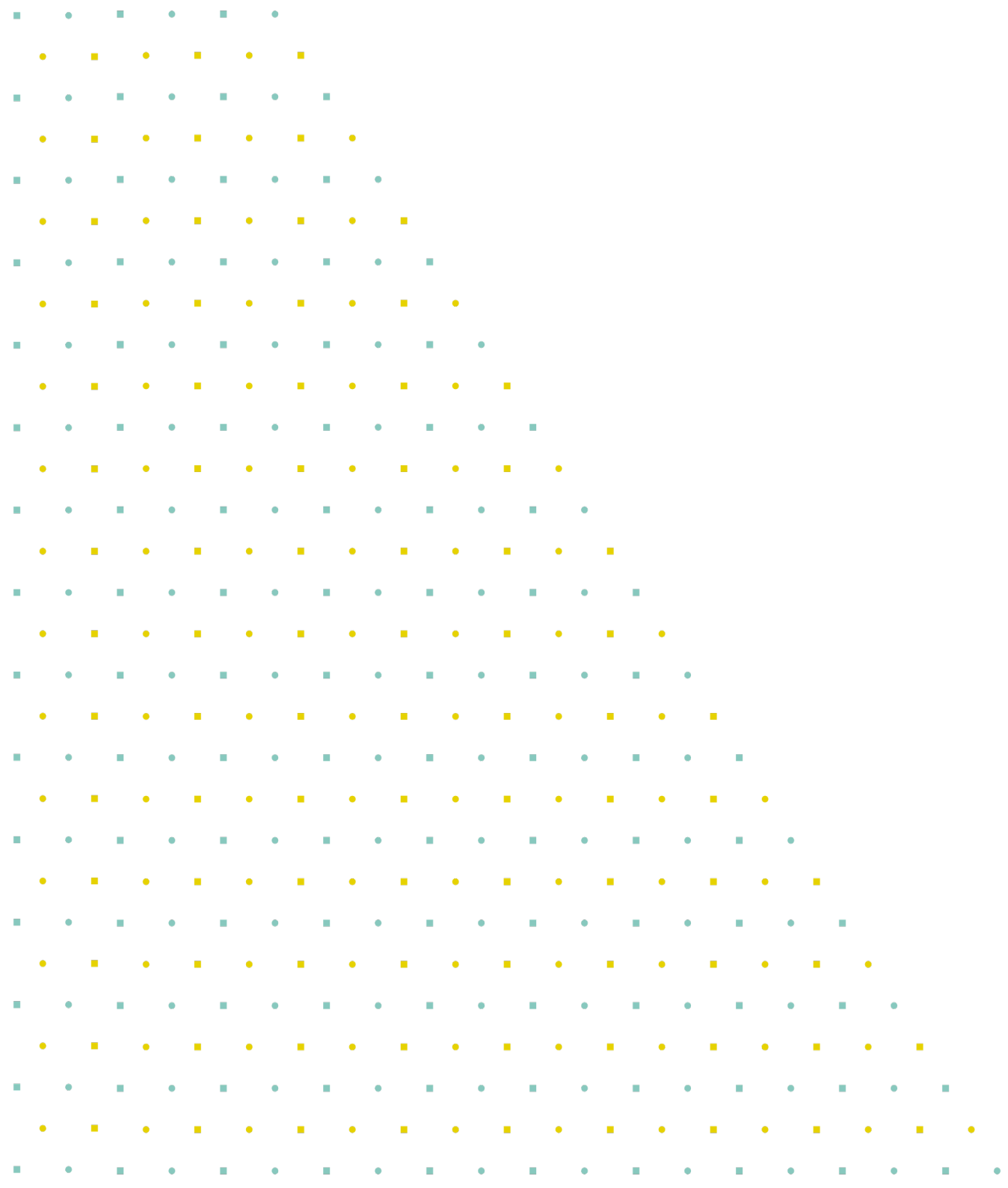
Children from parents in forensic care

There are approximately 2.330 patients in forensic care in the Netherlands.⁶ An unknown number of them have minor children. Although having a parent in forensic care can have a profound impact on a child, there is no national policy focused on these children. There are also few or no local initiatives that facilitate meaningful contact between the child and the parent in forensic care. In its advisory report, the RSJ explores how the care and support of children can be improved and how the rights and interests of children with a parent in forensic care can be safeguarded.

For the time being, the RSJ will focus on forensic care. If it becomes apparent that the situation in the prison system also calls for an advisory report, the focus of the report may be broadened.



⁶ This number is based on the average occupation of all forensic care facilities in 2023. Information paper forensic care, DJI 2024.



Raad voor
Strafrechtstoepassing
en Jeugdbescherming