

Just Desert and Welfare: Juvenile Justice in the Netherlands

Peter H. van der Laan

INTRODUCTION

The Netherlands is a small but densely populated Western European country. The total number of inhabitants amounts to 16.2 million. Roughly 3.6 million of them are under the age of 18. Juvenile penal law applies to 12- to 17-year-olds (1.2 million). Children under the age of 12 cannot be held criminally responsible. In exceptional cases 16- and 17-year-olds can be tried according to adult law. Similarly juvenile law can be applied to young people aged 18–20 years who function mentally at a much younger age.

In this contribution an overview will be presented of recent trends in juvenile delinquency in the Netherlands and of the ways the police and the justice system deal with young delinquents. The second part is about recent policy developments and practice initiatives in the field of juvenile crime prevention and reactions.

The development of juvenile delinquency in the Netherlands is fairly well documented. The principal development trends can be identified in two ways: by consulting data compiled by the Dutch Central Bureau of Statistics (CBS; Centraal Bureau voor de Statistiek) on minors suspected of a crime and questioned by the police, or by reference to the so-called self-report research studies. Where information is lacking on various relevant background factors, such as age, gender, ethnic origins and recidivism, the missing pieces can be sourced from the continuous stream of studies exploring specific aspects of juvenile delinquency.

The situation is different in respect of societal reactions to juvenile crime. A large number of judicial and pre-judicial interventions have been evaluated in the past years. But until a few years ago, there was no long-term overview of how the police, the public prosecution service and the courts were resolving (criminal) cases involving juvenile delinquents. The CBS and the Research and Documentation Centre of the Dutch Ministry of Justice (WODC; Wetenschappelijk Onderzoek- en Documentatiecentrum) have only recently started again publishing statistics on judicial disposals. The information available still has many gaps and omissions, which make it difficult to establish what is happening, never mind to assess whether our societal responses to juvenile crime are adequate, and achieve their intended aims. This does not, however, discourage those involved in practice, policymaking, and politics from constantly launching new initiatives and more intensive forms of policy. These efforts are often

motivated by referring to the – supposed – growth and severity of the problem. But no fundamental consideration is being given to the nature, function, and position of the new approach within the system of resolutions.

This contribution describes the development of juvenile delinquency in the past years, and how juvenile delinquency is dealt with in the Netherlands. A number of recent initiatives are then described, focusing on what is known about their outcomes. After an intermezzo, which locates the Dutch situation in an international perspective, a number of suggestions and follow-up points are made by way of conclusion.

1. DEVELOPMENT OF RECORDED JUVENILE DELINQUENCY¹

The number of youths aged from 12 to 17 years old (inclusive) who were detained by the police more than doubled between 1960 and 2003: from almost 23,000 to 59,000 (see Fig. 6.1). A period of growth and later some major fluctuations occurred during the 1960s, 1970s and 1980s. This was followed by a period of

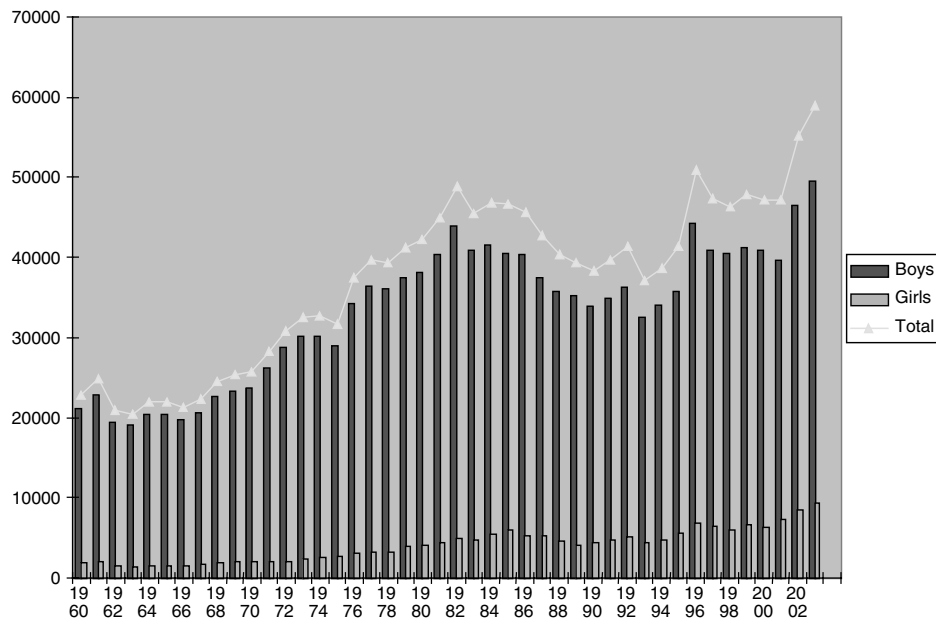


FIGURE 6.1. Trends in the number of minors questioned 1960–2003.

Source: CBS/van der Heide and Eggen (2004).

¹Figures sourced from Van der Heide & Eggen, 2004.