



J-CAP

D5.4

J-CAP's four E-magazines

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Date: 29/03/2024

Executive summary

Agenor International Foundation (AGF) conducted the work for D5.4, as part of the Work Package 5 - Strategical dissemination and exploitation programme of the J-CAP project: Judicial cooperation for the enhancement of mutual recognition regarding probation measures and alternative sanctions.

The purpose of this document is to present the four E-magazines prepared and delivered throughout the two years of the project, more precisely in May and October 2023, and in January and March 2024.

The finalization of the present deliverable incurred in a slight delay due to the preparation of the last E-magazine, which was postponed in order to include the insights from the Final International Conference held in Brussels on the 12th of March 2024. However, the dimension of the delay did not impact the development of the following deliverable, nor the overall quality of J-CAP, or work steps in the scope of the project.

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About J-CAP E-magazines

AGF designed and disseminated the four J-CAP E-magazines, supported by the other partners, in order to expand the project’s outreach and stakeholder base. The project partners have translated the four publications into each partner language, including Dutch, French, German, Italian, Portuguese, and Romanian.

The E-magazines presented up-to-date information on the project’s activities and tangible results, explicitly emphasising the achievement of milestones and deliverables.

They are available on both the [project website](#) and the websites of the partner. Additionally, they have been shared through the AGF Mailchimp list, its social media channels, and directly forwarded to relevant practitioners and experts involved in the J-CAP’s activities.

Issue I – May 2023	The first Issue of the J-CAP E-magazine presented the project, its Consortium, the context and the activities undertaken as well as the deliverables drafted in the initial stage, namely the Thematic Workshops in each partner’s country and the Informative Materials .
Issue II – October 2023	The second J-CAP E-magazine was dedicated to the two Transnational Awareness-Raising Symposia (TARS) held in Brussels on the 13 th and 14 th of June, and in Paris on the 6 th and 7 th of September 2023.
Issue III – January 2024	The third Issue focused on the <i>Convergence of practices towards a fluid implementation of FD 2008/947 at the EU level</i> , developed through the organization of seven National Roundtables and the International Virtual Conference .
Issue IV – March 2024	The fourth and final Issue presented the outcomes of the project by providing insights from the Final International Conference , held in Brussels on the 12 th of March 2024.

AGF shared three possible options for the design of the E-magazines templates, supported by IPS. The Consortium voted for the most suitable design considering the targeted audience – magistrates, judges, lawyers, probation officers and other judiciary practitioners. Before drafting each Issue, AGF presented ideas on possible topics in the monthly project meetings. Each draft was subsequently

approved by the Consortium, translated, and then shared through the above-mentioned channels.

Issue I – May 2023


The first Issue of the J-CAP E-magazine presented the project, its Consortium, the context and the activities undertaken as well as a summary of the two deliverables that were drafted in the first months of the project, namely the seven national **Thematic Workshops** and the **Informative Materials**.



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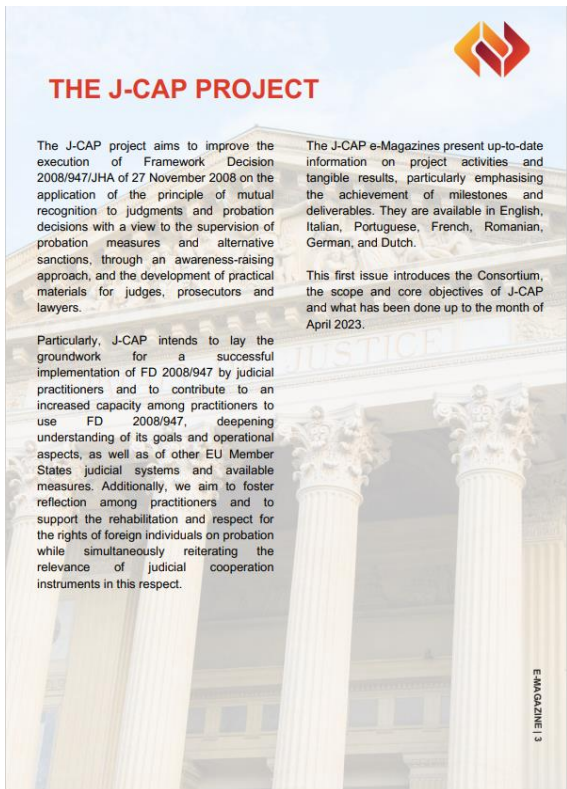
THE J-CAP PROJECT

The J-CAP project aims to improve the execution of Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, through an awareness-raising approach, and the development of practical materials for judges, prosecutors and lawyers.

Particularly, J-CAP intends to lay the groundwork for a successful implementation of FD 2008/947 by judicial practitioners and to contribute to an increased capacity among practitioners to use FD 2008/947, deepening understanding of its goals and operational aspects, as well as of other EU Member States judicial systems and available measures. Additionally, we aim to foster reflection among practitioners and to support the rehabilitation and respect for the rights of foreign individuals on probation while simultaneously reiterating the relevance of judicial cooperation instruments in this respect.

The J-CAP e-Magazines present up-to-date information on project activities and tangible results, particularly emphasising the achievement of milestones and deliverables. They are available in English, Italian, Portuguese, French, Romanian, German, and Dutch.

This first issue introduces the Consortium, the scope and core objectives of J-CAP and what has been done up to the month of April 2023.



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THE CONSORTIUM

Cooperation between various actors is essential to achieve the project's goals. Thus, the Consortium's composition was foremost based on each organisation's expertise and applicability in forwarding the project's goals.

J-CAP counts with a broad geographical scope within its partnership, covering all EU regions in Southern, Eastern, Western and Northern Europe, providing a comprehensive setting. This insight will be fundamental to inform and enrich the project's results and facilitate participant selection, mobilisation and involvement.

The **Judicial Training Institute (IGO-IFJ)** is a Belgian governmental body responsible for initial and continuous training for national judges, prosecutors and court staff.

IPS Innovative Prison Systems (IPS) is a Portuguese research and consulting firm specialising in advancing criminal justice systems.

The **Department of Applied Sociology of Law and Criminology (IRKS)** at the University of Innsbruck consists of an interdisciplinary team that conducts research on topics including security, crime and criminal law with a special interest in access to justice.

European Strategies Consulting (ESC) is a Romanian research/development & consultancy company aiming to promote good practices in the area of corrections and social inclusion.


Netherlands Helsinki Committee (NHC) is one of the key non-governmental organisations contributing to dialogue and cooperation amongst actors in the areas of the rule of law and human rights.

Agencija za International Foundation (AGF) is officially recognised by the Italian Ministry of Interior as a body of public interest, specialising in participative security, international law, and human rights focusing on innovative technologies.

National School for the Judiciary (ENM) is a public institution under the supervision of the Ministry of Justice and the only school in France for judges and prosecutors.



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THE CONTEXT

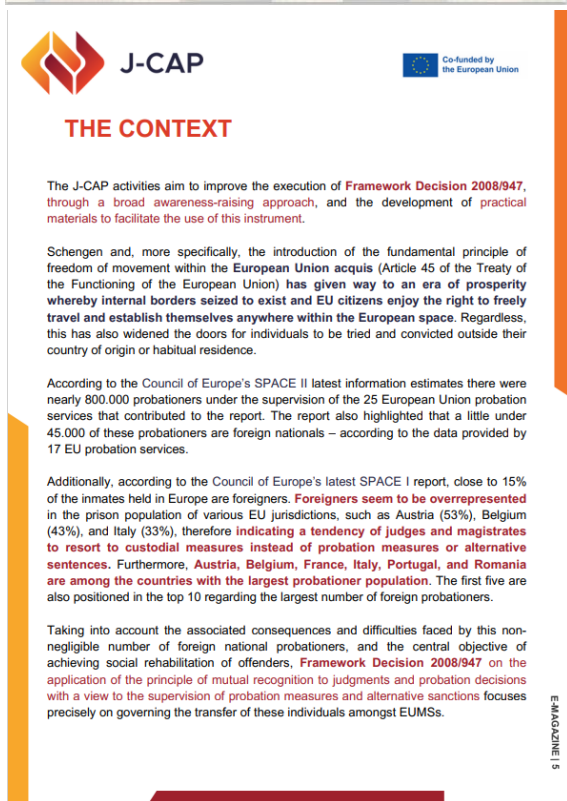
The J-CAP activities aim to improve the execution of **Framework Decision 2008/947**, through a broad awareness-raising approach, and the development of practical materials to facilitate the use of this instrument.

Schengen and, more specifically, the introduction of the fundamental principle of freedom of movement within the European Union acquis (Article 45 of the Treaty of the Functioning of the European Union) has given way to an era of prosperity whereby internal borders ceased to exist and EU citizens enjoy the right to freely travel and establish themselves anywhere within the European space. Regardless, this has also widened the doors for individuals to be tried and convicted outside their country of origin or habitual residence.


According to the Council of Europe's SPACE II latest information estimates there were nearly 800,000 probationers under the supervision of the 25 European Union probation services that contributed to the report. The report also highlighted that a little under 45,000 of these probationers are foreign nationals – according to the data provided by 17 EU probation services.

Additionally, according to the Council of Europe's latest SPACE I report, close to 15% of the inmates held in Europe are foreigners. **Foreigners seem to be overrepresented** in the prison population of various EU jurisdictions, such as Austria (53%), Belgium (43%), and Italy (33%), therefore **indicating a tendency of judges and magistrates to resort to custodial measures instead of probation measures or alternative sentences**. Furthermore, **Austria, Belgium, France, Italy, Portugal, and Romania are among the countries with the largest probationer population**. The first five are also positioned in the top 10 regarding the largest number of foreign probationers.

Taking into account the associated consequences and difficulties faced by this non-negligible number of foreign national probationers, and the central objective of achieving social rehabilitation of offenders, **Framework Decision 2008/947** on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions focuses precisely on governing the transfer of these individuals amongst EUMSs.



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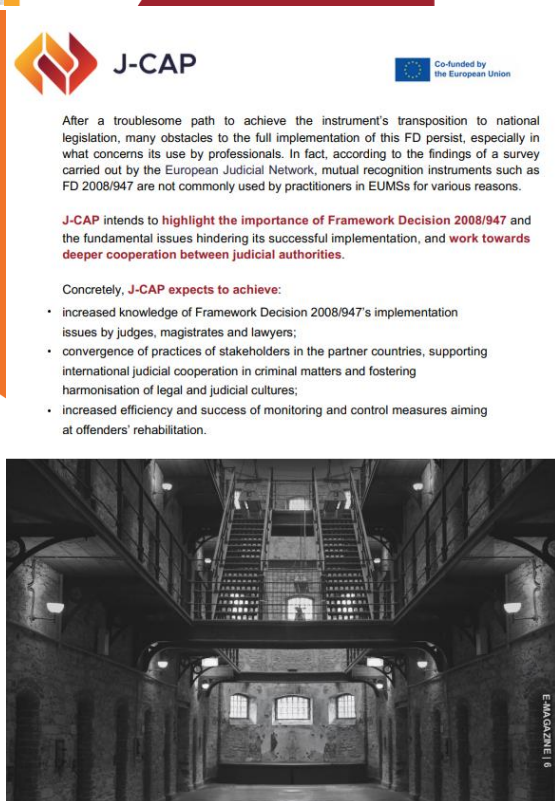
THE CONTEXT

After a troublesome path to achieve the instrument's transposition to national legislation, many obstacles to the full implementation of this FD persist, especially in what concerns its use by professionals. In fact, according to the findings of a survey carried out by the European Judicial Network, mutual recognition instruments such as FD 2008/947 are not commonly used by practitioners in EUMSs for various reasons.

J-CAP intends to **highlight the importance of Framework Decision 2008/947** and the fundamental issues hindering its successful implementation, and **work towards deeper cooperation between judicial authorities**.

Concretely, **J-CAP expects to achieve:**

- increased knowledge of Framework Decision 2008/947's implementation issues by judges, magistrates and lawyers;
- convergence of practices of stakeholders in the partner countries, supporting international judicial cooperation in criminal matters and fostering harmonisation of legal and judicial cultures;
- increased efficiency and success of monitoring and control measures aiming at offenders' rehabilitation.



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WHAT HAS BEEN ACHIEVED SO FAR

Thematic Workshops

The national Thematic Workshops were planned by each partner (either face-to-face or virtually) to investigate the implementation of the Framework Decision 2008/947 through the focus groups with judicial experts as participants who share their experiences regarding probation and the application of the regional legislative tool, discussing how to better apply it at the national level.

Informative materials

Informative Materials is a comprehensive document drafted to offer concrete support to judges, magistrates (and lawyers), gathering information on how the Framework Decision is applied in the different EU Member States, and focusing on the partner countries.

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THEMATIC WORKSHOPS

Between December 2022 and March 2023, each partner organized a national Thematic Workshop to investigate the implementation of the Framework Decision 2008/947 through focus groups with judicial experts as participants who share their experiences regarding probation and the application of the regional legislative tool, discussing how to better apply it at the national level. The meetings were held in Austria, the Netherlands, Portugal, Romania, Italy, Belgium and France, and gathered a total of 54 participants, from judges, prosecutors, lawyers, judicial experts and representatives from national probation services.

Although each country presents its peculiarities in relation to the implementation of Framework Decision 2008/947 and probation, several common points emerged from the Thematic Workshops that **highlight the crucial need for projects such as J-CAP**.

Indeed, the first point already arose from the Preliminary Meetings concerns the **limited knowledge about legal systems and sanctioning practices in other MSs, consequently leading to a lack of trust in the adequate execution of measures abroad and thus to a reluctance of the judiciary to initiate a supervision request**. Moreover, the lack of knowledge of other legal systems includes the competent authority to be contacted in the application of an alternative measure abroad, causing further complications in the implementation process.

It seems therefore pivotal to provide international and national awareness-raising campaigns and training are suggested to address the limited knowledge, targeting, not only judges and prosecutors, but also defence lawyers or even prison staff and probation officers. The training is expected to be provided both at the national and regional level: **cross-border training is to be appointed as a promising practice and should be held particularly between countries where transfers are applied more frequently** (e.g., between Italy and Romania). This approach will guarantee a broader application of alternative measures enabling practitioners to inform potential clients about the rights connected to Framework Decision 2008/947, and properly supporting the rehabilitation and respect for the rights of foreign individuals on probation

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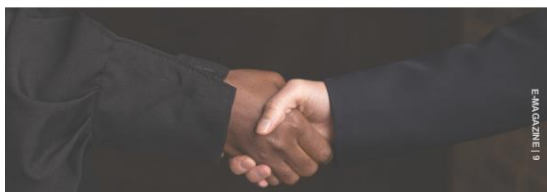


Another relevant virtuous practice is undoubtedly the **production of public and reader-friendly informative materials** (such as a list of equivalent and/or similar sanctions in the different European legal systems, a comparative table of nationally existing measures; or a glossary of the content of the used terminology and measures) can disseminate and facilitate the access to knowledge, thereby supporting a better application of the regional legislative instrument. Indeed, many of the measures provided in the different Member States have similarities, but in detail, even the similar ones differ.

The production of informative materials is already foreseen by the project, yet covering only the partners' Member States. Therefore, the document drafted within the framework of J-CAP can serve as a model for other States within the EU territory.

Other challenges worth mentioning related to the **lack of trust among MSs** concern the information on the certificate, non-compliance with deadlines or incomplete or incorrect submitted documents, and linguistic difficulties that prolong the implementation process, resulting in an additional workload, lack of flexibility in the interpretation and adaptation of measures, and a **lack of cooperation and communication** between the involved national authorities.

Events such as the Preliminary Meetings and the Thematic Workshops offer the chance to create space to discuss, debate, brainstorm and suggest concrete solutions by experts and practitioners daily working in the probation field. J-CAP is a first step towards better judicial cooperation in the view of implementing the Framework Decision 2008/947, whose outcomes could serve as virtuous examples for other regional tools.



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INFORMATIVE MATERIALS

Informative Materials is one of the technical outcomes of J-CAP, providing, firstly, **a glossary that allows for a quick comparison of various aspects within the partner countries**. It combines information about the national authorities in charge of incoming and outgoing requests; national available probation measures and alternative sanctions; and lists and explains decisions of general criminal law and juvenile justice for which supervision can be requested. Furthermore, **the document offers a more detailed overview of the situation in each MSs represented in the project consortium**.

This document includes **seven national reports** – Austria, Romania, Portugal, Italy, France, Belgium and the Netherlands – **which offer a structured overview of regulations and information relevant to the application of Framework Decision 2008/947 and are intended for practitioners** (judges, prosecutors, magistrates, lawyers and beyond) in EU Member State.

These documents are intended to provide insights into some of the most critical aspects of the respective national systems of potential executing States within the scope of Framework Decision 2008/947 and thus promote its application. The national reports are divided into two parts: the first presents the respective national probation system with its legal basis, nationally available probation and alternative measures that fall within the scope of Framework Decision 2008/947, and their national providers; part 2 covers the national implementation of Framework Decision 2008/947 from the perspective of both issuing State and executing State.


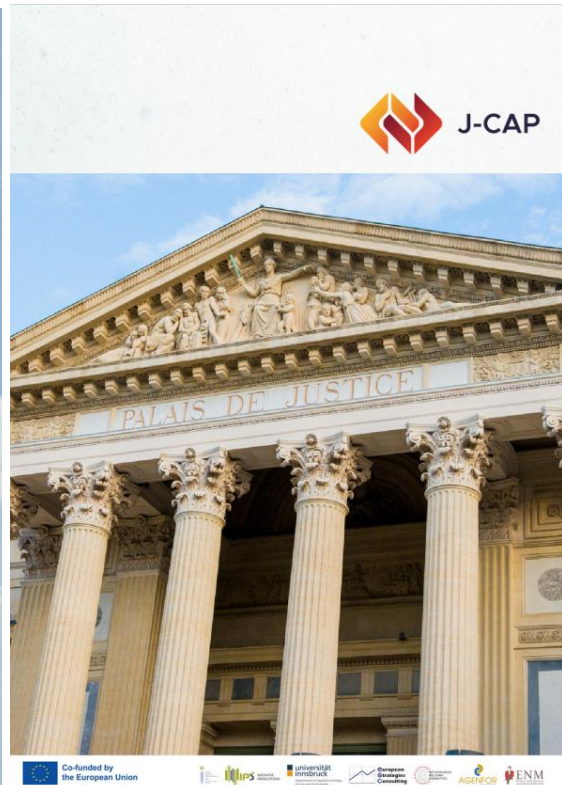
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UPCOMING EVENTS AND TOOLS

- ▶ TRANSNATIONAL AWARENESS-RAISING SYMPOSIA
Brussels | 13-14 June 2023
Bordeaux | 7-8 September 2023
- ▶ GUIDANCE BOOKLET FOR PRACTITIONERS

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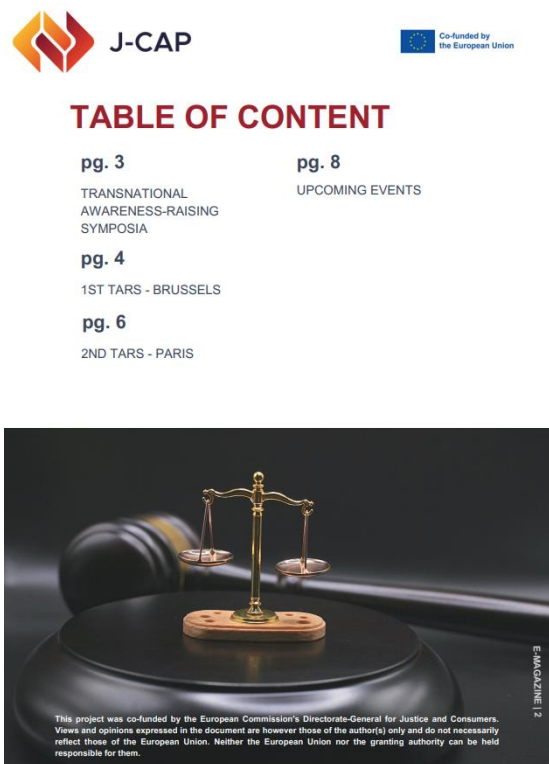


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Issue II – October 2023

The second Issue of the J-CAP E-magazine was dedicated to the two **Transnational Awareness-Raising Symposia (TARS)** held in Brussels on the 13th and 14th of June, and in Paris on the 6th and 7th of September 2023.



TRANSNATIONAL AWARENESS-RAISING SYMPOSIA



The Transnational Awareness-raising Symposia (TARS) aimed to strengthen cooperative relationships between participants, leading to fruitful exchanges of ideas and practices, and improving knowledge regarding one another's judicial system and competent authorities.

The first TARS took place on the 13th and 14th of June 2023 in Brussels (Belgium), hosted by the project coordinator IGO-IFJ (Institut de formation judiciaire), and the second on the 6th and 7th of September 2023, in Paris (France), hosted by the project partner ENM (École nationale de la magistrature).

The two events were attended by a total of 46 practitioners from the 7 EU Member States represented in the J-CAP Consortium (Belgium, The Netherlands, Austria, France, Italy, Portugal and Romania).

Each Symposia was enriched by presentations, roundtable debates, case study discussions, instructive sessions and field study visits, allowing the experts to discuss and learn directly from their foreign counterparts and colleagues, discovering the peculiarities of each national system.

Both TARS intended to provide a comprehensive and whole of the procedure

approach to the implementation of the Framework Decision (FD), from the evaluation of rehabilitation and reintegration prospects, the identification of the Executing State's (ES) competent authorities, adaptation of sentences, filling transfer certificates, to maintaining contact and supervision of the requested person's sentence.

Results from the evaluations of both TARS showed a great amount of satisfaction of participants with the events. Both were considered extremely relevant for their professional activities. Concerning the implementation of the FD, the key identified elements were:

- Communication (both cross-professional and cross-national) is a key element in the use of FD 2008/947, between judiciaries, public prosecution services, lawyers and probation services;
- Understanding of EU MS' legal systems and probation regimes, especially for the purposes of sentence and sanction adaptation and the evaluation of rehabilitation prospects.

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1ST TARS - BRUSSELS

The first TARS took place on the 13th and 14th of June 2023 at the premises of IGO-IFJ in Brussels, Belgium.

The programme aimed to gather experts and practitioners from the judicial field, from all partner countries represented in the J-CAP Consortium. This event provided a platform for judges and prosecutors as well as for defence attorneys, probation officers and even alternative conflict resolution officers from seven EU MSs to explore the opportunities to use FDn 2008/947. The importance of the TARS was acknowledged by the participating organisations and the EU institutions. A delegate from the Council of the European Union General Secretariat, DG Justice and Home Affairs (JHA), Evaluations in JHA and Drugs Policy, gave a presentation on how FD 2008/947 was intended and addressed conclusions from the 9th round of Mutual Evaluations of the implementation of four FDs, one of which was FD 2008/947.



Ms Anastasia Poyalova presented the Council of the European Union's views on the implementation of the Framework Decision



The symposium was led and moderated by Mr Koen Goel, from the Netherlands Helsinki Committee

In the plenary sessions of the TARS, various major crucial factors in transfer procedures were presented and discussed (e.g., dealing with procedural differences between EU MS, and non-fictional examples of challenging transfers). In support of dealing with these issues, various presentations were given on where to find relevant information for deciding on and preparing for a transfer in the context of the FD 2008/947 (e.g., where to find and how to use the Judicial Atlas of the European Judicial Network).



Ms Emmanuelle Laudic-Baron (FR) presented participants with an example of challenging transfer in France

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Two case study discussions took place, prepared by the project partners, in which a judge sentenced an EU foreign national offender to an alternative sanction (adaptations of cases that could qualify for international transfer that have occurred in reality). Participants in the workshops were to discuss whether these particular cases would be transferrable. However, there was a case study session in which it became clear that transfer would not be possible.

Case studies allowed for smaller and more focused discussions between practitioners

The participants made the most of the session by delving deeper into the procedural differences between their respective EU MSs, which allowed them to foster a deeper understanding of the subject.



The TARS was concluded with a study visit to the offices of the probation service of Flanders. During this visit, the Belgium probation staff presented their (daily) work. In the presentations, FD 2008/947 was only briefly touched upon. Staff indicated that they had heard about FD 2008/947, but only limited experience with transfers under this mechanism. In any case, the study visit was considered very informative by the participants. Moreover, the TARS participants from probation services established valuable contacts for future FD 2008/947 transfers.



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2ND TARS - PARIS

The 2nd TARS took place in Paris, France, on the 6th and 7th of September 2023, at the École Nationale de la Magistrature's premises. The event was attended by 23 practitioners, and professionals from other areas. The plenary sessions of the TARS in Paris were complementary to those in Brussels, (e.g., recognising and comparing different alternative sanctions in EU MS, and how to uniformly assess the rehabilitation prospects of a foreign national offender). In this way, both TARS address the main issues identified in transfer procedures.



Mr Haïfelle Boulekris, Deputy Director of the French School for the Judiciary, opening the 2nd TARS and welcoming the participants



Ms Claire Mérigonde, Head of the Integration and Probation Department of the Prisons Administration Directorate, strengthening the need for mutual trust in judicial matters

For the case studies to be discussed in the TARS in Paris, two cases were prepared in a similar way as it was done for the first TARS in Brussels. The purpose of the discussions remained the same: participants in the workshops discussed whether a particular case would be transferrable. Unlike the first event, the case study's groups in the second TARS were composed of delegates of at least four EU MSs. One was designated the IS, while the other EU MSs represented would act as ESs. This set-up resulted in very lively discussions that highlighted the diversity of criminal justice legislation existing within the territory of the EU.



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Co-funded by the European Union

"It made me realise that I tried to interpret legal systems from other EU MS from the perspective of the legal system I work in. That is perhaps logic, but to truly understand the legal system of another EU MS, I became aware that much contact and exchange is needed for clarification"

Nevertheless, when presenting the results of the discussions from the case studies in a plenary, it turned out that the exchange on a national level between practitioners representing different actors in the criminal justice chain was missed. In this way, in one case study, delegates from the Netherlands and Belgium concluded



Ms Tereza Ciesion, Magistrate at the Surveillance Court of Prisons, presenting the peculiarities of the Italian system concerning the implementation of FD 2008/947.

that a transfer between the two countries would work, while in another case study session in which the same case was discussed, the delegates from the Netherlands and Belgium concluded that transfer was not possible.



The last element of the 2nd TARS was a study visit to the Paris offices of the French probation service. Parallel to the study visit in Belgium, probation staff presented the work of their probation service. Here too it was confirmed that probation staff is aware of the FD 2008/947 mechanism, but transfer requests were rarely made nor coming in. In this regard, the study visit provided a good opportunity for probation staff among the TARS participants to exchange contact details with their French counterparts, which is useful for future exchange and transfer in the context of FD 2008/947.

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UPCOMING EVENTS

National Roundtables October - November 2023

The months of October and November are dedicated to the National Roundtables, to be held in each partner's country, gathering judicial and probation experts dealing with the FD 2008/947. The issues to be discussed during these meetings cover the advantages of implementing the EU tool for foreign probationers, information sharing between the issuing and executing state's governmental bodies for a thorough assessment of each individual case, promising practices from the participants and the cross-professional collaboration.

International Virtual Conference 15th-16th November 2023

The International Virtual Conference will gather the practitioners involved in each National Roundtable, together with external experts from institutional bodies and training institutes. The topics under scope will be the main findings resulting from the previous national meetings, allowing knowledge sharing with EU practitioners.

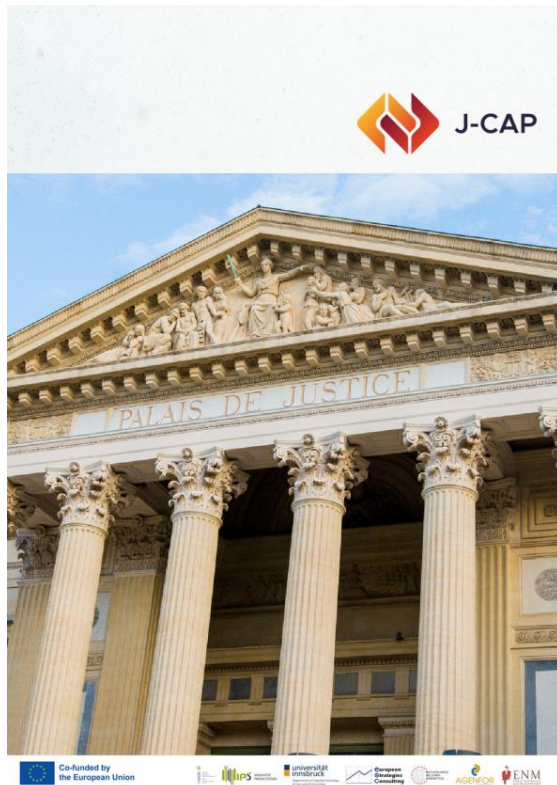

Among the experts, a former Eurojust magistrate will moderate the Conference, stimulating the Q&A moments for the speakers from the partner countries and other EU countries, such as Spain or Poland.

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Registration form to join the international virtual conference

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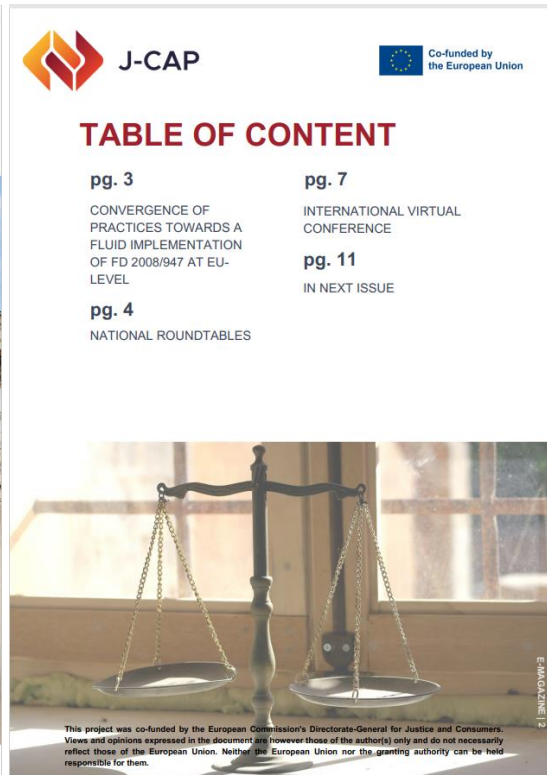



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Issue III – January 2024

The third Issue focused on the Convergence of practices towards a fluid implementation of FD 2008/947 at the EU level, which was enhanced through the organization of the **National Roundtables** and the **International Virtual Conference**.



CONVERGENCE OF PRACTICES TOWARDS A FLUID IMPLEMENTATION OF FD 2008/947 AT EU-LEVEL



The two Transnational Awareness-raising Symposia (TARS) held in June and September 2023, demonstrated the need to raise awareness on the relevance of the FD 2008/947, defining the basis for further actions directly involving practitioners and experts of the judicial field.

In this regard, the J-CAP Consortium has organized pivotal events at the national and international levels, strengthening the cooperative framework and broadening the existing networks of judges, magistrates, lawyers and probation officers to implement the EU tool better.

Between September and November 2023, National Roundtables were organized in each partner's country (Austria, Belgium, France, Italy, Portugal, Romania and the Netherlands) highlighting issues in the operationalisation of FD 2008/947 and potential solutions, calling on stakeholder groups to action in fostering respect for EU law.

On the 15th and 16th of November 2023, Agenfor International, supported by all the partners, held J-CAP's International Virtual Conference, hosting experts and practitioners from each Partner Country, as well as Member States external to the J-CAP project, to share common challenges and virtuous practices.

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NATIONAL ROUNDTABLES

Between September and November 2023, each partner organized a national event, the National Roundtables, in their countries (Austria, Belgium, France, Italy, Portugal, Romania and The Netherlands), **building from J-CAP's international awareness-raising intervention to constitute focus points to discuss specific issues highlighted by the low use of FD 2008/947.**

In total, the events were attended by 75 practitioners from the judicial sector.



The Italian Roundtable, held in Venice on the 26th of September 2023

These national events aimed to **transmit conclusions from the symposia to national audiences and, on the other hand, allow for focus points to debate concrete topics stemming from previously held discussions and events, as well as identified needs by practitioners and justice professionals.** As such, the main discussion topics included:

- ◆ Advantages of the FD's instrument for foreign probationers;
 - ◆ Ensuring appropriate information sharing between the Issuing State (IS) and Executing State's (ES) governmental bodies (both courts and probation services) for a thorough assessment of each individual case;
- ◆ Promising practices derived from European Union (EU) countries, which promote the usage of the FD;
- ◆ Cross-professional collaboration (judges, prosecutors, lawyers and probation officers).

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The National Roundtables, although providing with a plethora of views, both across countries and professions, allowed to verify the existence of points common to all countries.

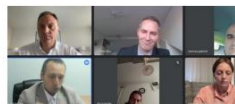
In Austria, the national transferability of already identified international Promising Practices was discussed, exemplified by a case between Italy and Austria. In the case of transfer adaptation ab initio, practitioners emphasized that the recognized advantages of such a procedure would not outweigh the possible obstacles that practitioners would then face, such as **time pressure and administrative burden.** Concerning the existence of national central authorities for cross-border judicial cooperation and proceedings, practitioners were in favour of such an institution but raised several follow-up issues, such as the exact responsibilities or the necessity of such an authority considering the few national cases that fall under the FD's jurisdiction.

The Belgian practitioners signalled the **decisive importance of obtaining and consolidating meaningful and sustainable flows of information,** both cross-professionally and cross-nationally.

The French National Roundtable addressed the **systematic issues hindering a better implementation of FD 2008/947,** underlining how the element of communication is pivotal to the streamlined national (and European) implementation of the FD 947.

The Italian practitioners focused on the need to **adequately equip professionals with the knowledge of how to implement the FD and the available tools and agencies** which can contribute to assisting their daily work concerning the transfer procedures. Similarly to the French case, participants in the Italian Roundtable underscored the **role that communication, between professionals and MS, can have in forwarding a streamlined application of the legal instrument.**

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The Romanian Roundtable, held online on the 16th of October 2023



The Dutch Roundtable, held in Liebrecht on the 23rd of October 2023



The Portuguese Roundtable, held in Lisbon on the 10th of October 2023

The Romanian National Roundtable focused on how Romanian law adapts the EU tool, especially as an ES. In particular, discussions focused on the difficulties faced by Romanian authorities when adapting foreign sentences and how to supervise them, given the possible lack of proper clarity in the national law. As Romanian practitioners duly pondered, however, is that there is both a **lack of a legal basis and significant practical challenges Romanian professionals would then face.**

The key insight of the Portuguese meeting stemming therein concerned the **fundamental role of probation services in ensuring conditions for a streamlined transfer process.** For the Portuguese participants, this however requires facilitated and fast communication between national judicial authorities and probation services and, especially, **adequate financial and human means** for these services to verify the conditions present in the ES and the environment in which the probationer will be reintegrated.

Lastly, the Dutch National Roundtable focused its attention on **various measures that Dutch authorities have undertaken to increase awareness of the FD** among those professional groups who, in the Netherlands, have lesser experience with the instrument, mainly Judges and Defence attorneys.

Finally, it is worth highlighting how **all practitioners agreed on the need and added value of elevating the role of probation services in EU tool's procedures.** In both Portugal and France, professionals shared that persons sentenced for sexual crimes, when put on probation or alternative sanctions, require close monitoring by probation services, not only when it comes to the supervision of the person's rehabilitation and reintegration, but also in the assessment of the person's external environment. Furthermore, in the unique Dutch organisational set-up for addressing FD 947, the role of probation services is front and centre. This means, inter alia, **better preparedness to address the rehabilitation prospects of probationers while meeting the strict time frames.**

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INTERNATIONAL VIRTUAL CONFERENCE

J-CAP's International Virtual Conference took place online in the mornings (10:00 – 13:00 CET) of the 15th and 16th of November 2023.

A total of 55 people, among them, practitioners and experts from the judiciary field, who were already engaged in previous J-CAP activities and events, such as judges and magistrates (Ministry of Justice, Regional Courts, Surveillance Court, and preliminary investigation judges), lawyers, jurists and legal counsel, probation and penitentiary officers, but also researchers and PhD students, policy and programme officers.



The online event was dedicated to sharing the results of the National Roundtables (NR), highlighting best practices, advantages and insights on the effective application of the Framework Decision 2008/947 in each partner country (Austria, Belgium, France, Italy, Portugal, Romania, the Netherlands,) and external countries (Spain, Poland and Germany), focusing particularly on the advantages of the FD 947 for foreign probationers, the information sharing between the Issuing State and Executing State's governmental bodies, the best practices derived from European Union countries, and the importance of cross-professional collaboration.

The virtuous example provided by the Conference itself was well-welcomed by all participants, who highlighted the relevance of such events that offer the chance to learn and discuss with colleagues from other MSs, presenting similar challenges from different experiences.

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Surely, the contribution of experts and practitioners from Spain, Poland and Germany who are not part of the J-CAP Consortium brought added value to the Conference, considering that previous events and project material focused mainly on the partner countries.

Considering the Spanish case, it is interesting to underline the advantage provided by the absence of a central authority, according to the Catalanian expert, Ms Marcos, because the forwarding of the certificate can be promoted ex officio by the judge of courts in charge at the request of the Public Prosecution when requisites are met, or at the request of the sentenced person. On the other hand, other speakers delineated the absence of a central authority as problematic: i.e., the Polish expert indicated that practice and interpretation on the implementation of FD 947 may not be uniform, similarly, in Belgium there is a need for coordination at the national level.

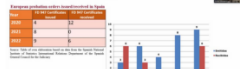
Another interesting point on this issue is presented by the Dutch case, where having a central authority dealing with the in and outgoing cases is considered a strong advantage because it allows for gathering knowledge and experience on the subject, which should also be the case for Italy, although it has not been indicated as a particularly relevant advantage, except for the exchange of supplementary information between the IS and the ES.

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The problem of having or not having a central authority, as the German expert stated, is relevant precisely in communication, in knowing who exactly to contact, especially regarding, for instance, different treatments for the offenders available in the ES. In this sense, a promising practice is provided by the Polish judge, who mentioned his experience of private cooperation with German courts and prosecutor offices through immediate and direct contacts, facilitating the gathering of information required. In the debate, the advantages of having a centralised system from a cross-border perspective emerged.

Nevertheless, according to the data provided by the Spanish General Council of the Judiciary, the use of the FD 947 is relevant instead:



Ms Esther Montero, Spanish jurist and criminologist of Penitentiary Institutions, presented the implementation of FD 947 in Spain

PONT project results: Problems and Barriers to Implementation of FD 947 and FD 829

Ms Rhianon Williams, Researcher and Project Coordinator for the Bremen Ministry of Justice and Constitution, presented the German probation challenges together with Mr Alexander Vollbach, Deputy Director Prison and Probation Bremen MOJC.

The moderator, Pietro Suchan, together with the Italian judge Paola De Franceschi, suggested establishing a sort of operational centre to catalyse the exchange of information, in other words, improving the EJA's ATLAS to overcome the common challenges.

Indeed, the most problematic challenge, common to all the countries represented at the IVC, concerns the lack of knowledge of FD 947, resulting in its low application. All the speakers underlined that judges as well as prosecutors and lawyers do not have a comprehensive knowledge of this EU tool, in some cases, they do not even know its existence. In this regard, strengthening cross-professional collaboration is pivotal and requires a proactive approach – as the Dutch example, followed by Belgium, demonstrated.

This first point has been pointed out as the most problematic because it undoubtedly leads to an under-application of this legislative tool, and therefore, in most cases, it undermines the core aim of rehabilitation of convicted individuals in their own country (either of origin or residence, where they have certain strong links). Not to mention the issues arising concerning the common trust aimed at the EU level, which could be strengthened by implementing tools precisely such as the FD 947.

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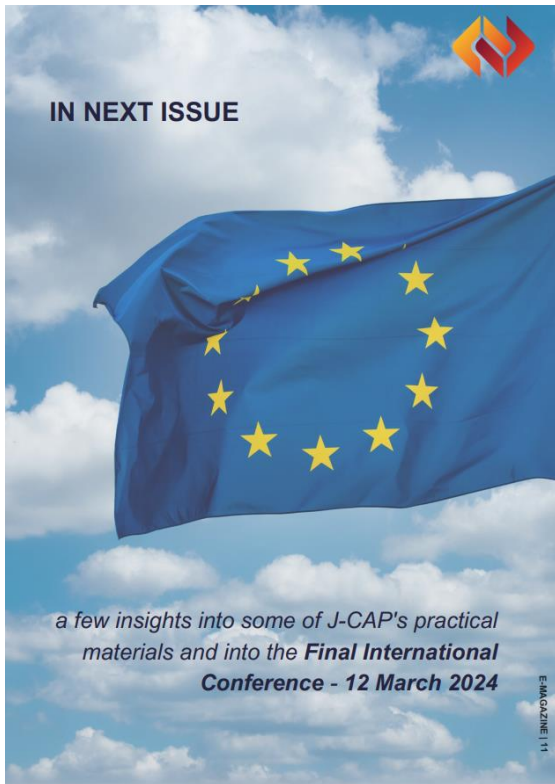
In this regard, another interesting point that emerged from the IVC concerns precisely the need for direct contact with foreign counterparts. Speakers from Belgium, Germany, the Netherlands, and Poland stressed the relevance of direct contact, i.e. by meeting foreign colleagues to discuss,

raise awareness and find common solutions applicable on a larger scale. As the Austrian representative stressed, cross-border cooperations need to be structured and require the involvement of national probation services/organisations for a more constructive exchange of information and efficient connection between the contact points of the IS and the ES. However, although strengthening transnational collaboration is pivotal, and despite English being the common EU language, as the German expert, Ms Williams, mentioned, practitioners are not always able to properly communicate the required information. Therefore, the identified contact point in each country should also include specialised staff able to support practitioners in transnational communications.

Furthermore, the overall challenge related to the implementation of FD 947 can also be explained by the prison-centric culture in several countries, where alternative measures are hardly taken. This means that other EU instruments, such as FD 909, are more likely to be applied, which was mentioned several times during the IVC. It requires a thorough effort by institutions, given the requirements for the convicted person, to avoid imprisonment if possible, as Mr Vollbach claimed. Moreover, in several MSs - Spain and Portugal, for instance, but also in Italy - timeframes for transfer processes are complex, the length of the procedures is relevant in this case and could lead to unsuccessful experiences, or that a person "is blocked" in another country while waiting for the implementation of FD 947 – as the Spanish expert, Ms Montero, mentioned.

It has become clear during the IVC that the organisation of regional, national and international training and awareness-raising events is pivotal. As the Romanian representative stated, it is imperative to systematically train practitioners on FD 947 at every level, nationally as well as through transnational meetings, such as the IVC. Trainings and conferences, but also the dissemination of informative materials and other useful tools constitute the foundation of more effective implementation of probation measures and/or alternative sanctions within the framework of the FD 947. Thus, EU MSs must develop a proactive but also multidisciplinary approach.

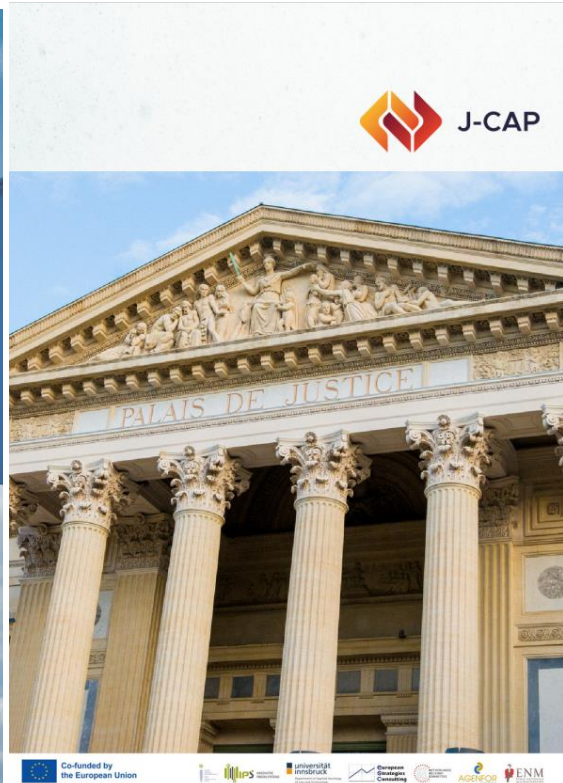
EMAGAZINE 19



IN NEXT ISSUE

*a few insights into some of J-CAP's practical materials and into the **Final International Conference - 12 March 2024***

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J-CAP

PALAIS DE JUSTICE

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Issue IV – March 2024

The final and fourth Issue of the E-magazine presents the outcomes of the project by providing insights from the **Final International Conference**, held in Brussels on the 12th of March 2024.








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This project was co-funded by the European Commission's Directorate-General for Justice and Consumers. Views and opinions expressed in the document are however those of the author(s) only and do not necessarily reflect those of the European Union. Neither the European Union nor the granting authority can be held responsible for them.

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FINAL INTERNATIONAL CONFERENCE



The J-CAP project, STARTED in April 2022 and lasting 24 months, aimed to promote understanding and dissemination of the Framework Decision 947, adopted by the EU Council 15 years ago. After two years of work by the J-CAP partners and the insightful participation of external experts and practitioners, the Final International Conference marked the culmination of this ambitious project. The conference presented challenges, outcomes and anticipated future activities and recommendations to key stakeholders.

The participants sought to overcome obstacles associated with differences in probation penalties, lack of knowledge of decisions made in other EU-MS, and the prevalent preference for custodial sentences.

The Conference took place in Brussels on March 12, 2024 - the day after the final Transnational Project Meeting - allowing the J-CAP Consortium time to review the accomplishments of the past two years.

In the months leading up to the Conference, partners planned every aspect of the event: from selecting the most relevant topics to present, such as J-CAP outcomes like the Judicial Talks and the Informative Materials, to determining participants involvement.

The partners agreed to start the Final Conference with the presentation of conclusions on J-CAP. The presentations addressed national characteristics and cross-border similarities, with the aim of raising awareness on FD 2008/947 among EU-MS. The presentations furthermore focused on consolidating knowledge via increased exchanges, and on the digitalisation of cross-border judicial cooperation and Framework Decision 2008/947.

After these presentations, participants were divided into three groups, each guided and monitored by two partners. These groups were tasked with addressing specific issues related to the implementation of FD 947.

The Conference was deemed stimulating and insightful by the participants, who expressed the need for more opportunities to engage in direct discussions and debates with their foreign counterparts and colleagues to improve the overall framework of judicial cooperation within the EU.

EMAGAZINE | 3



THE J-CAP PROJECT: INSIGHTS BY THE PROJECT PARTNERS

The Final International Conference took place at the premises of IGO-IFJ in Brussels, Belgium, the day after the final Transnational Project Meeting. The Conference brought together 32 participants, including magistrates, judges, lawyers, probation officers and other judicial experts and practitioners from the partners countries: Austria, Belgium, France, Italy, the Netherlands, Portugal and Romania.

The Conference commenced with the opening remarks from Jos de Vos, Senior Training Advisor at IGO-IFJ. He emphasized the strength of J-CAP in its collaboration with seven partners and eight associate partners from eleven EU-MS. Furthermore, he highlighted the project's focus on a less-known European legislative instrument concerning the mutual recognition of probation measures and alternative sanctions, in contrast to widely practiced measures such as the European Arrest Warrant and the European Investigation Order.



J-CAP Consortium during the final Transnational Project Meeting, held on March 11, 2024.

Jos de Vos opening the Final International Conference.



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Final International Conference

Increasing Targeted Knowledge
Live exercises
Interactive Session World Cafe
Final Thoughts

Mr De Vos also underscored how the project fostered transnational cooperation and coordination between practitioners from various EU-MS, thereby facilitating closer interaction to address structural challenges in implementing the instrument by enhancing knowledge of and trust in other judicial systems and authorities. This was achieved through workshops, meetings, documentation, electronic tools and other means.

Following the outline of the day's agenda, the floor was given to Rebecca Walter from the Department of applied Sociology of Law and Criminology at the University of Innsbruck to present the outcome of the deliverable Informative Materials.

Rebecca Walter emphasized the importance of having more projects like J-CAP to disseminate knowledge about the various national legal systems and their respective probation systems among EU-MS. She recommended using the seven national reports drafted within the J-CAP project as a template for other EU-MS in order to effectively share this vital knowledge. Furthermore, she stressed the need to create short and concise materials that are easily accessible online. Additionally, she underscored the necessity of creating living documents that are regularly updated to promptly respond to changes in national legislation.

Ioan Dumescu, Professor at the University of Bucharest and expert for European Strategies Consulting, presented the results of the Transnational Awareness-Raising Symposia, underlining challenges in adapting sentences between EU-MS and the utility of the EJN website, despite technical and financial difficulties. Mr Dumescu presented the J-CAP Guidance Booklet on FD 2008/947, emphasizing the importance of maintaining comprehensive and up-to-date data to ensure the effectiveness of tool.

João Gomes, the representative from IPS, presented roundtables and conferences aimed at fostering exchanges among professionals, emphasizing the importance of interviews to share practitioners' experience in implementing the FD 947.

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Jido Gomes, Ioan Dumescu and Rebecca Walter presenting J-CAP outcomes.

Next, Alexander Ivantchev from the European Commission addressed the digitization of cross-border cooperation, highlighting the E-justice portal and interactive tools. He presented the benefits of electronic communication and the E-CODEX system in facilitating the collection of statistics and providing certified automatic translations. However, Mr Ivantchev mentioned challenges to overcome, including identifying competent authorities and ensuring a successful transition to electronic signatures and a paperless culture.

Challenges

- Need to elaborate workflows that cater for the procedural situation and needs in each Member State.
- Need to transition to the use of electronic signature and seals for electronic documents.
- Deployment considerations – a national decision which agency hosts and operates each national 'node' in the system, and who has access.
- The appropriate national infrastructure needs to be deployed, maintained and operated.
- Cultural acceptance and learning curve. Need for training.



Alexander Ivantchev presenting the challenges in digitization of cross-border cooperation.

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INCREASING TARGETED KNOWLEDGE

After the coffee break, participants were divided into three groups to discuss the case elaborated by Emmanuelle Laudic-Baron, Prosecutor and Project Manager at the École Nationale de la Magistrature, with the support of the other project partners. The case study emphasized the importance of training practitioners to promptly consider transfer, whenever possible, upon the issuing of a judicial decision. This approach aims to prevent the challenges linked to adapting to foreign legislation. Furthermore, it highlighted the importance of occasionally combining European instruments by, for example, resorting to the transfer of financial penalties under FD 2008/214.

The main topics discussed and extensively debated revolved around the prerequisites of an employment contract and methods to prove a lawful and regular residence for entry into the executing State.



Group 2 discussing the case, guided by João Gomes and Karin Carlens.

Each group was supervised by two partners who subsequently presented the outcomes of the groups in the plenary session.

It was interesting to observe the different perspectives and approaches applied in addressing the case. For instance, Group 2 pinpointed specific challenges in meeting the requirements of the initial sections of the certificate, whereas Group 3 claimed the most problematic issue did not concern the nature of the measures to be applied, but their time-frame, the duration.

This exercise highlighted the importance of communication and cooperation between EU-MSs and the need of clear and direct contacts between national authorities.

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INTERACTIVE SESSION WORLD CAFE

Following the lunch break, Barclay Wohlstetter, Programme Officer at NHC, presented the guidelines for the World Cafe. Participants were once again divided into three groups - guided and monitored by two partners - to give their insights on the following questions:

- ◆ How do we develop more mutual trust amongst EU Member States?
- ◆ What more can be done to promote FD 947 in your jurisdiction?
- ◆ How can we use digital means to promote the use of FD 947?



Group 1 guided by Rebecca Waller and Walter Hammerschick.



Group 3 guided by Ioan Dumrescu and Virena Gullu.

The responses and ideas from each group were presented by the partners during the final plenary session. In response to the first question, practitioners emphasized the importance of prioritizing knowledge and communication. They suggested organizing annual European meetings regarding FD 947, to facilitate collaboration, encourage exchanges of contacts among participants from different countries, establish communication channels with implementing states for valuable feedback, and to create national-level contact points or task forces for streamlined communication and coordination.

As far as the promotion of the Framework Decision is concerned, participants underlined the need to collaborate with legal associations to host webinars or workshops on the framework decision, engage in outreach to law schools to integrate FD 947 into relevant curricula, foster partnerships with software developers to ensure seamless integration into case management systems, facilitate regular training sessions for professionals emphasizing practical application of the framework decision, and to establish communication channels between prosecutors and probation services for efficient information exchange.

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Lastly, regarding the utilization of digital means to promote the EU tool, practitioners promptly advocated for the usefulness of newsletters aimed at judges, magistrates, prosecutors, lawyers, probation officers, and key judicial experts. At a broader level, an interesting idea concerns the use of AI tools to update the intranet of judicial offices, but also to create a platform or forum where experts in the field can ask and answer to questions, directly contact foreign colleague and, share best practices.



Final plenary session.

FINAL THOUGHTS

To conclude the Final International Conference, Emmanuelle Laudic-Baron and Karin Carlens, magistrate at IGO-IFJ, provided a summary of the key issues addressed during these two years of work and the implementation of FD 947. Despite advancements in consolidating knowledge and digitization, challenges persist, as highlighted during national workshops and other J-CAP events aimed at exploring the implementation of the EU tool. The need of promoting, training, and disseminating information remains crucial to ensure the success of cross-border judicial cooperation.



Emmanuelle Laudic-Baron and Karin Carlens closing the J-CAP Final International Conference.

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AGENFOR



ENM

Translation into other partners' languages

The project partners translated each E-magazine into their national languages – Dutch, French, German, Italian, Portuguese, Romanian – and shared them through their channels.

All translations can be downloaded from the [project website](#).

ISSUE 1



ENGLISH

LANGUAGES

DUTCH
FRENCH
GERMAN
ITALIAN
PORTUGUESE
ROMANIAN

ISSUE 2



ENGLISH

LANGUAGES

DUTCH *(Soon)*
FRENCH
GERMAN
ITALIAN
PORTUGUESE
ROMANIAN

ISSUE 3



ENGLISH

LANGUAGES

DUTCH
FRENCH
GERMAN
ITALIAN
PORTUGUESE
ROMANIAN

ISSUE 4



ENGLISH

LANGUAGES

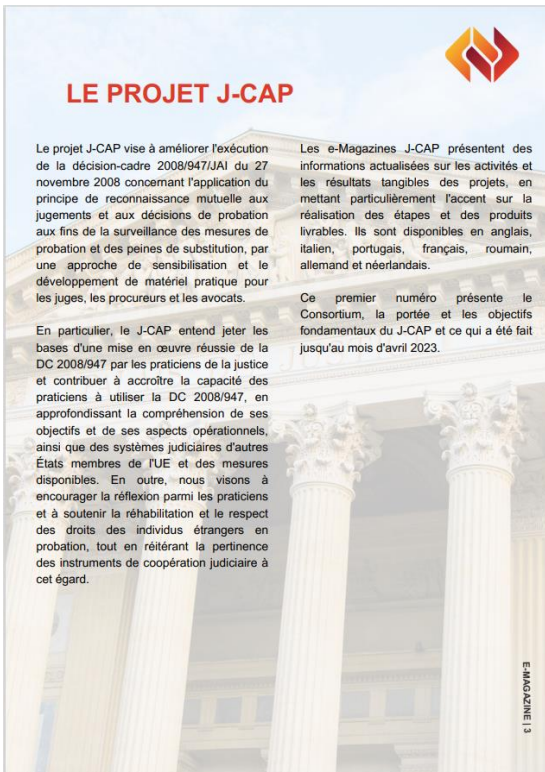
DUTCH *(Soon)*
FRENCH *(Soon)*
GERMAN
ITALIAN *(Soon)*
PORTUGUESE
ROMANIAN *(Soon)*

Considering that adding all the translations to this document would make it excessively heavy, in the following pages will be shown few pages for each translation. The translations of Issue 4 are currently under review (28/03/2024).



INHOUDSTAFEL

pg. 3 HET J-CAP PROJECT	pg. 9 THEMATISCHE WORKSHOPS
pg. 4 HET CONSORTIUM	pg. 10 INFORMATIEVE MATERIALEN
pg. 5 CONTEXT	pg. 11 TOEKOMSTIGE EVENEMENTEN EN INSTRUMENTEN
pg. 8 BEREIKTE RESULTATEN	



LE CONSORTIUM

La coopération entre les différents acteurs est essentielle pour atteindre les objectifs du projet. C'est pourquoi la composition du consortium a été avant tout basée sur l'expertise et la capacité de chaque organisation à faire avancer les objectifs du projet.

Le J-CAP bénéficie d'une large couverture géographique au sein de son partenariat, couvrant toutes les régions de l'UE en Europe du Sud, de l'Est, de l'Ouest et du Nord, offrant ainsi un cadre complet. Cette vision sera fondamentale pour informer et enrichir les résultats du projet et faciliter la sélection, la mobilisation et l'implication des participants.

L'**Institut de formation judiciaire** (IGO-IFJ) est un organisme gouvernemental belge chargé de la formation initiale et continue des juges, des procureurs et du personnel des tribunaux nationaux.



IPS Innovative Prison Systems (IPS) est une société portugaise de recherche et de conseil spécialisée dans l'amélioration des systèmes de justice pénale.



Le **Department of Applied Sociology of Law and Criminology** (IRKS) à l'université d'Innsbruck consiste en une équipe interdisciplinaire qui mène des recherches sur des sujets tels que la sécurité, la criminalité et le droit pénal, avec un intérêt particulier pour l'accès à la justice.



European Strategies Consulting (ESC) est une société roumaine de recherche, de développement et de conseil qui vise à promouvoir les bonnes pratiques dans le domaine des services correctionnels et de l'inclusion sociale.



Netherlands Helsinki Committee (NHC), est l'une des principales organisations non gouvernementales contribuant au dialogue et à la coopération entre les acteurs dans les domaines de l'État de droit et des droits de l'homme.



Agentfor International Foundation (AGF) est officiellement reconnu par le ministère italien de l'intérieur comme un organisme d'intérêt public, spécialisé dans la sécurité participative, le droit international et les droits de l'homme, en mettant l'accent sur les technologies innovantes.



L'**École Nationale de la Magistrature** (ENM) est un établissement public placé sous la tutelle du ministère de la Justice et la seule école de magistrats en France.



E-MAGAZINE | 4



KONTEXT

Die J-CAP-Aktivitäten zielen darauf ab, die Umsetzung des **Rahmenbeschlusses 2008/947** durch einen breit angelegten Sensibilisierungsansatz und die Entwicklung praktischer Materialien zur Erleichterung der Nutzung dieses Instruments zu verbessern.

Schengen und insbesondere die Einführung des Grundprinzips der Freizügigkeit in den **Rechtsstand der Europäischen Union** (Artikel 45 des Vertrags über die Arbeitsweise der Europäischen Union) **hat zu einer Ära des Wohlstands geführt, in der es keine Binnengrenzen mehr gibt und die EU-Bürger:innen das Recht haben, frei zu reisen und sich überall im europäischen Raum niederzulassen.** Das ist jedoch auch mit der Möglichkeit verbunden, dass Personen außerhalb ihres Herkunftslandes oder ihres gewöhnlichen Aufenthaltsortes vor Gericht gestellt und verurteilt werden können.

Nach den neuesten Schätzungen des **SPACE II-Berichts des Europarats** stehen fast 800.000 Bewährungshilfe-Klient:innen unter der Aufsicht der 25 Bewährungshilfe-einrichtungen in der Europäischen Union, die zum SPACE II-Bericht beigetragen haben. Der Bericht legt auch dar, dass knapp 45.000 dieser Bewährungshilfe-Klient:innen ausländische Staatsangehörige sind - wie aus den Angaben von 17 EU-Bewährungshilfeeinrichtungen hervorgeht.

Dem jüngsten **SPACE I-Bericht des Europarats** zufolge sind fast 15 % der in Europa inhaftierten Personen Fremde. Fremde scheinen in den Gefängnissen verschiedener EU-Länder wie Österreich (53 %), Belgien (43 %) und Italien (33 %) überrepräsentiert zu sein, was **vermuten lässt, dass mitunter auch Freiheitsstrafen verhängt werden, wenn Bewährungsmaßnahmen oder alternative Strafen möglich oder auch angebracht wären.** In den im Konsortium vertretenen Staaten **Belgien, Frankreich, Italien, Österreich, Portugal und Rumänien wurden EU-weit die meisten Bewährungsmaßnahmen verhängt.** Mit Ausnahme von Rumänien gehören diese Länder auch zu den 10 Ländern mit der größten Anzahl ausländischer Straftäter:innen denen Bewährungsmaßnahmen auferlegt werden.

Mit dem Ziel der sozialen Wiedereingliederung konzentriert sich **RB 2008/947** auf die zwischenstaatlichen Regelungen der Überstellung dieser Straftäter:innen.

EMAGAZINE 5



Nach einem mühsamen Prozess der Implementierung des Rahmenbeschlusses in nationales Recht, gibt es nach wie vor Hindernisse für seine vollständige Umsetzung, insbesondere was seine Anwendung betrifft. Den Ergebnissen einer vom **European Judicial Network** durchgeführten Umfrage zufolge werden Instrumente der gegenseitigen Anerkennung, wie der RB 2008/947, von den Angehörigen der Rechtsberufe in den EU-Mitgliedsstaaten aus verschiedenen Gründen selten genutzt.

J-CAP will die **Bedeutung des Rahmenbeschlusses hervorheben** und die grundlegenden Probleme, die seiner erfolgreichen Umsetzung im Wege stehen, ansprechen und auf **eine engere Zusammenarbeit zwischen den Justizbehörden** hinwirken.

Das Projekt möchte folgendes erreichen:

- Verbesserung der Kenntnisse von Richter:innen, Staats- und Rechtsanwält:innen über die Anwendung des Rahmenbeschlusses 2008/947;
- Konvergenz der Praktiken der Beteiligten in den Partnerländern, Unterstützung der internationalen justiziellen Zusammenarbeit in Strafsachen und Förderung der Harmonisierung der Rechts- und Justizkulturen;
- Steigerung der Effizienz und des Erfolgs von Überwachungs- und Kontrollmaßnahmen, die auf die Resozialisierung von Straftäter:innen abzielen.



EMAGAZINE 6



COSA È STATO RAGGIUNTO AD OGGI

Workshop Tematici

I workshop tematici nazionali sono stati pianificati da ciascun partner (in presenza o virtualmente) per analizzare lo stato dell'attuazione della Decisione Quadro 2008/947 attraverso incontri con esperti giudiziari come partecipanti che hanno portato le loro esperienze in materia di messa alla prova e di applicazione dello strumento legislativo regionale, discutendo su come applicarlo in maniera più efficace a livello nazionale.

Materiali Informativi

"*Materiali informativi*" è un documento completo redatto per offrire un supporto concreto a giudici, magistrati (e avvocati), raccogliendo informazioni sulle modalità di applicazione della Decisione Quadro nei diversi Stati membri dell'UE, e concentrandosi sui Paesi partner.

EMAGAZINE 7



I WORKSHOP TEMATICI

Tra dicembre 2022 e marzo 2023, ogni partner ha organizzato un workshop tematico nazionale per indagare lo stato dell'attuazione della Decisione Quadro 2008/947 attraverso focus group con esperti giudiziari che hanno presentato le loro esperienze in materia di messa alla prova e riguardo l'applicazione dello strumento legislativo europeo, discutendo su come applicarlo in maniera più efficace a livello nazionale.

Gli incontri si sono svolti in Austria, Paesi Bassi, Portogallo, Romania, Italia, Belgio e Francia, coinvolgendo un totale di 54 partecipanti tra giudici, pubblici ministri, avvocati, esperti giudiziari e rappresentanti dei servizi di messa alla prova nazionali.

Sebbene ogni Paese presenti le proprie peculiarità in relazione all'attuazione della Decisione Quadro 2008/947 e della messa alla prova, sono emersi dai workshop tematici diversi punti in comune che **evidenziano la necessità sostanziale di progetti come J-CAP.**

In effetti, il primo punto - già emerso dagli Incontri Preliminari - riguarda la **limitata conoscenza dei sistemi giuridici e delle pratiche sanzionatorie in altri Stati membri, che porta di conseguenza a una mancanza di fiducia nell'adeguata esecuzione delle misure all'estero e quindi a una riluttanza della magistratura ad avviare una richiesta di supervisione.** Inoltre, la limitata conoscenza di altri sistemi giuridici include l'autorità competente da contattare per l'applicazione di una misura alternativa all'estero, causando ulteriori complicazioni nel processo di attuazione.

Sembra quindi fondamentale organizzare campagne di sensibilizzazione e formazioni a livello internazionale e nazionale per compensare la conoscenza e applicazione limitata dello strumento europeo, rivolgendosi non solo a giudici e pubblici ministri, ma anche ad avvocati difensori, e persino al personale carcerario e ai funzionari di sorveglianza. La formazione dovrebbe essere erogata sia a livello nazionale che regionale: **la formazione transfrontaliera deve essere considerata una pratica promettente e dovrebbe essere organizzata in particolare tra i Paesi in cui i trasferimenti sono applicati più frequentemente** (ad esempio, tra Italia e Romania). Questo approccio garantirà un'applicazione più ampia delle misure alternative, consentendo agli operatori di informare le persone straniere potenzialmente sottoposte a queste misure circa i diritti connessi alla Decisione Quadro 2008/947, e sostenendone adeguatamente la riabilitazione e il rispetto dei diritti.

EMAGAZINE 8



MATERIAIS INFORMATIVOS

Materiais Informativos é um dos resultados técnicos do J-CAP, providenciando, em primeiro lugar, um glossário que permite uma rápida comparação de vários aspetos nos países parceiros. Combina informações sobre as autoridades nacionais responsáveis pelos pedidos recebidos e enviados; medidas de vigilância nacionais disponíveis e sanções alternativas; e enumera e explica as decisões de direito penal geral e de justiça juvenil para as quais pode ser solicitada supervisão. Além disso, o documento oferece uma panorâmica mais pormenorizada da situação em cada Estado-Membro representado no consórcio do projeto.

Este documento inclui sete relatórios nacionais – Áustria, Roménia, Portugal, Itália, França, Bélgica e Países Baixos – que oferecem uma panorâmica estruturada da regulamentação e das informações relevantes para a aplicação da Decisão-Quadro 2008/947 e se destinam aos profissionais (juizes, procuradores, magistrados, advogados e não só) nos Estados-Membros da UE.

Estes documentos destinam-se a fornecer informações sobre alguns dos aspetos mais críticos dos respetivos sistemas nacionais dos potenciais Estados executores no âmbito da Decisão-Quadro 2008/947 e, assim, promover a sua aplicação. Os relatórios nacionais dividem-se em duas partes: a primeira apresenta o respetivo sistema nacional de liberdade condicional, a sua base jurídica, as medidas alternativas disponíveis a nível nacional e abrangidas pelo âmbito de aplicação da Decisão-Quadro 2008/947, bem como os respetivos prestadores nacionais; a parte 2 abrange a aplicação nacional da Decisão-Quadro 2008/947 tanto na perspetiva do Estado de emissão como do Estado de execução.



E-MAGAZINE



NUMĂR 2 | OCTOMBRIE 2023











CUPRINS

<p>pg. 3</p> <p>SIMPOZIOANE TRANS-NATIONALE DE CONȘTIENTIZARE (TARS)</p> <p>pg. 4</p> <p>PRIMUL TARS - BRUXELLES</p> <p>pg. 6</p> <p>AL DOILEA TARS - PARIS</p>	<p>pg. 8</p> <p>EVENIMENTE VIITOARE</p>
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TRANSNATIONAAL BEWUSTWORDINGS-SYMPIOSIUM (TARS)

De Transnationale Bewustwordings-symposiums (Transnational Awareness-raising Symposia/TARS) hadden tot doel de samenwerkingsrelaties tussen de deelnemers te versterken, wat zou leiden tot vruchtbare uitwisselingen van ideeën en praktijken, en tot het verbeteren van kennis met betrekking tot elkaars rechtssysteem en bevoegde autoriteiten.

De eerste TARS vond plaats op 13 en 14 juni 2023 in Brussel (België), georganiseerd door de projectcoördinator IGO-IFJ (Instituut voor Gerechtelijke Opleiding), en het tweede op 6 en 7 september 2023 in Parijs (Frankrijk), georganiseerd door de projectpartner ENM (École nationale de la magistrature). Beide evenementen werden bijgewoond door in totaal 46 beroepsopvoerders uit de strafrechtelken afkomstig uit de 7 EU-lidstaten vertegenwoordigd in het J-CAP Consortium (België, Nederland, Oostenrijk, Frankrijk, Italië, Portugal en Roemenië).

Eik symposium bestond uit presentaties, rondetafelgesprekken, casuïstiek, instructies en studiebezoeken. Dit stelde de experts in staat om rechtstreeks van gedachte te wisselen met en leren van hun buitenlandse collega's, en zo meer kennis op te doen van ieders nationale strafrechtssysteem. Beide TARS beoogden om alle verschillende aspecten te belichten

van een overdrachtsprocedure binnen het Kaderbesluit (KB), van de beoordeling van de vooruitzichten op een geslaagde rehabilitatie en reïntegratie, de identificatie van de bevoegde autoriteit van de Tenuitvoerleggingsstaat, adaptatie van vonnissen, het invullen van het overdrachtscertificaat, tot het houden van contact en het toezicht houden op de tenuitvoerlegging van straf van de veroordeelde.

De evaluaties van beide TARS toonden aan dat de deelnemers zeer tevreden waren met de evenementen. Beide evenementen werden gezien als uiterst relevant voor hun beroepsuitoefening. Als belangrijkste elementen voor de toepassing van het KB kwamen naar voren:

- Communicatie (zowel binnen de strafrechtelken als internationaal) is een sleutelement in het gebruik van KB 2008/947;
- Goede kennis van de rechtsstelsels en de mogelijkheden binnen de reclassering van de EU-lidstaten, met name met het oog op de aanpassing van vonnissen en straffen en op de beoordeling van vooruitzichten op resocialisatie.









Deux discussions sur des études de cas ont eu lieu, préparées par les partenaires du projet, dans lesquelles un juge a condamné un délinquant étranger de l'UE à une peine alternative (adaptations d'affaires susceptibles de faire l'objet d'un transfèrement international et qui se sont produites dans la réalité). Les participants aux ateliers devaient discuter de la possibilité de transférer ces cas particuliers. Cependant, lors d'une session d'étude de cas, il est apparu clairement que le transfert ne serait pas possible.

Les études de cas ont permis des discussions plus restreintes et plus ciblées entre les praticiens.

Les participants ont tiré le meilleur parti de la session en approfondissant les différences de procédures entre leurs États membres respectifs, ce qui leur a permis d'acquérir une meilleure compréhension du sujet.

Le STS s'est achevé par une visite d'étude dans les bureaux du service de probation de Flandre. Au cours de cette visite, le personnel de probation belge a présenté son travail (quotidien). La décision-cadre 2008/947 n'a été que brièvement évoquée. Le personnel a indiqué qu'il avait entendu parler de la décision-cadre 2008/947, mais qu'il n'avait qu'une expérience limitée des transferts dans le cadre de ce mécanisme. Quoi qu'il en soit, la visite d'étude a été jugée très instructive par les participants. En outre, les participants au STS des services de probation ont établi des contacts précieux pour de futurs transferts au titre de la DC 2008/947.



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2EME STS - PARIS

La 2ème édition de STS s'est déroulée à Paris, France, les 6 et 7 septembre 2023, dans les locaux de l'École Nationale de la Magistrature. L'événement a été suivi par 23 praticiens et professionnels d'autres domaines. Les sessions plénières du STS à Paris étaient complémentaires à celles de Bruxelles, (par exemple, reconnaître et comparer les différentes sanctions alternatives dans les États membres de l'UE, et comment évaluer uniformément les perspectives de réinsertion d'un délinquant étranger). De cette manière, les deux STS abordent les principales questions identifiées dans les procédures de transfert.



M. Hafide Boulakras, Directeur adjoint de l'École Française de la magistrature, ouvre la 2ème édition du STS et accueille les participants.



Mme Claire Mérigonde, chef du service d'insertion et de probation de la direction de l'Administration pénitentiaire, renforçant la nécessité d'une confiance réciproque en matière judiciaire.

Pour les études de cas qui ont fait l'objet d'une discussion lors du STS à Paris, deux cas ont été préparés de la même manière que lors du premier STS à Bruxelles. L'objectif des discussions est resté le même : les participants aux ateliers ont discuté de la possibilité de transférer un cas particulier. Contrairement au premier événement, les groupes d'étude de cas du deuxième STS étaient composés de délégués d'au moins quatre EM de l'UE. L'un d'entre eux était désigné comme état d'émission, tandis que les autres EM de l'UE représentés agissaient en tant qu'état d'exécution. Cette configuration a donné lieu à des discussions très animées qui ont mis en évidence la diversité des législations en matière de justice pénale existant sur le territoire de l'UE.



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"Mir wurde klar, dass ich versucht habe, die Rechtssysteme anderer EU-Staaten aus der Perspektive des Rechtssystems zu interpretieren, in dem ich arbeite. Das ist vielleicht logisch, aber um das Rechtssystem eines anderen EU-Staates wirklich zu verstehen ist viel Kontakt und Austausch erforderlich."

Die anschließende Präsentation der Diskussionen im Plenum zeigte aber auch auf, dass die Anwendung des RB 2008/947 darüber hinaus von der Zusammenarbeit verschiedener nationaler Praktiker:innen (z.B. Richter:innen und Bewährungshelfer:innen) abhängig sein kann.



Teeta Cesari, Richterin am Überwachungsgericht von Pilsen, stellte die Besonderheiten des tschechischen Systems bei der Umsetzung des RB 2008/947 vor.

So führte etwa die Diskussion ein und desselben Falles in parallel stattfindenden Workshop-Gruppen mit Vertreter:innen der gleichen Länder, aber aus unterschiedlichen Berufsgruppen, zu entgegengesetzten Ergebnissen. In einer Gruppe wurde die Übertragbarkeit bejaht, in der anderen verneint.



Zum Abschluss des zweiten TARS gab es einen Besuch in den Pariser Büros der französischen Bewährungshilfe. Wie bereits in Brüssel präsentierten Mitarbeiter:innen der Bewährungshilfe auch hier ihre Arbeit. Abermals wurde deutlich, wie wichtig es ist Praktiker:innen über die Möglichkeiten und die Anwendung des RB zu informieren. Der Besuch bot besonders den TARS-Teilnehmer:innen, die im Bereich der Bewährungshilfe tätig sind, die Möglichkeit, sich mit ihren französischen Kolleg:innen auszutauschen und zu vernetzen, was für den zukünftigen Austausch und Transfer im Rahmen des RB 2008/947 nützlich sein kann.

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KOMMENDE VERANSTALTUNGEN

National Roundtables

Oktober - November 2023

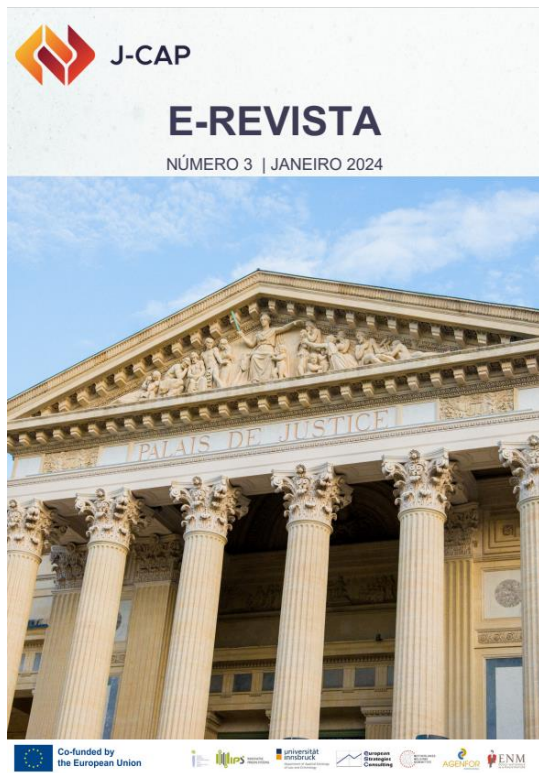
Die Monate Oktober und November sind den nationalen Roundtables gewidmet, die in jedem Partnerland abgehalten werden. Dazu eingeladen werden mit der Anwendung des RB 2008/947 befasste Expert:innen aus Justiz und Bewährungshilfe. Auf der Agenda stehen mögliche Vorteile der Implementierung des EU-Tools für fremde Bewährungshilfe-Klient:innen, grenzüberschreitende Zusammenarbeit zuständiger Behörden - besonders der Informationsaustausch zwischen Antrags- und Vollstreckungsstaats in Hinblick auf eine umfassende Beurteilung des individuellen Falles - interprofessionelle Zusammenarbeit und Promising Practices.

International Virtual Conference

15.-16. November 2023

Die virtuelle Konferenz wird die an den nationalen Roundtables beteiligten Praktiker:innen mit externen Expert:innen zusammenbringen. Themen werden die wichtigsten Ergebnisse der vorangegangenen Treffen sein sowie der Wissensaustausch zwischen EU-Praktiker:innen. Moderiert wird die Konferenz von einem ehemaligen Eurojust-Richter, der nicht zuletzt zu Fragen und Antworten zu den Beiträgen aus den Partnerländern, wie auch aus anderen EU-Staaten, wie Spanien oder Polen, anregen wird.

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J-CAP



IL PROGETTO J-CAP: SPUNTI DAI PARTNER

La Conferenza internazionale finale si è svolta presso la sede dell'IGO-IFJ a Bruxelles, in Belgio, il giorno successivo alla riunione finale del progetto transnazionale. La conferenza ha riunito 32 partecipanti, tra cui magistrati, giudici, avvocati, funzionari di sorveglianza e altri esperti e professionisti del settore giudiziario provenienti dai Paesi partner: Austria, Belgio, Francia, Italia, Paesi Bassi, Portogallo e Romania.

La Conferenza è iniziata con il discorso di apertura di Jos de Vos, consulente senior per la formazione presso l'IGO-IFJ. Ha sottolineato la forza del J-CAP nella sua collaborazione con sette partner e otto partner associati provenienti da undici Stati Membri dell'UE. Inoltre, ha evidenziato l'attenzione del progetto su uno strumento legislativo europeo meno conosciuto, relativo al riconoscimento reciproco delle misure di sospensione condizionale e delle sanzioni alternative, in contrasto con misure ampiamente diffuse come il mandato d'arresto europeo e l'ordine di indagine europeo.

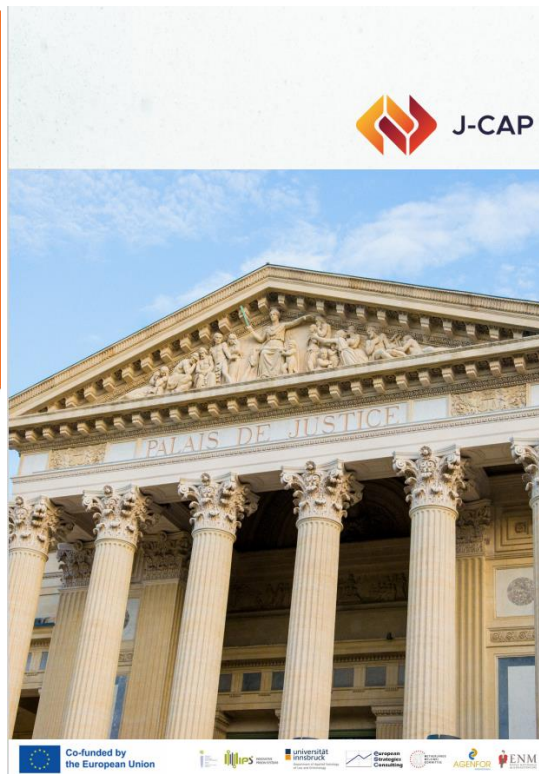


I partner di J-CAP durante l'ultimo incontro transnazionale del progetto, venerdì 11 marzo 2024.



Jos de Vos apre la Conferenza Finale Internazionale

E-MAGAZINE | 14



Dissemination

The English version of each E-magazine was the first to be released and shared online. Subsequently, once each translated version was ready, the Consortium published them on the [J-CAP website](#) and through their respective channels.

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DOSSIER



Gli e-Magazines di J-CAP presentano informazioni aggiornate sulle attività del progetto e sui risultati tangibili, ponendo l'accento in particolare sul raggiungimento delle pietre miliari e dei deliverable. Sono disponibili in inglese, italiano, portoghese, francese, rumeno, tedesco e olandese.

Questo secondo numero presenta i risultati dei due TARS, tenutisi a giugno e settembre 2023.

Trovate l'intero e-Magazine qui e per saperne di più sul progetto: <https://www.jcap-probation.eu/>

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FORMAZIONE DI ECCELLENZA PER MAGISTRATI, AVVOCATI E OPERATORI DI GIUSTIZIA
MARZO - DICEMBRE 2024

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Such a great winter season for us!

We are thrilled to share the third issue of the J-CAP E-magazine. Discover all the insights on the J-CAP National Roundtables and the International Virtual Conference!

Follow us for all the news about our #euprojects, and feel free to contact us for more info!

<https://lnkd.in/eHyQGY4x>

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EU Belgian Judicial Training Institute Ecole nationale de la Magistrature IPS_Innovative Prison Systems Universität Innsbruck Netherlands Helsinki Committee



EU-Projekt J-CAP: Ausgabe III "E-Magazine"

Dritte Ausgabe des "E-Magazine", die über vergangene Veranstaltungen des Projektes J-CAP informiert.

Das EU-Projekt J-CAP "Judicial cooperation for the enhancement of mutual recognition regarding probation measures and alternative sanctions" hat zum Ziel, die Umsetzung des Rahmenbeschlusses 2008/947 zu optimieren. Dies wird durch einen ganzheitlichen Ansatz der Sensibilisierung - etwa in Form von nationalen Runden Tischen und internationalen Konferenzen mit Praktiker:innen - sowie durch die Erarbeitung praktischer Materialien wie beispielsweise Leitfäden und kontextbezogene Glossare erreicht. Primäre Zielgruppe des Projektes, das sich aus einem Konsortium aus sieben verschiedenen Ländern zusammensetzt (Belgien, Frankreich, Italien, die Niederlande, Österreich, Portugal und Rumänien), sind Richter:innen, Staatsanwält:innen, Rechtsanwält:innen und Bewährungshelfer:innen.

[Link zur Projekt-Webseite](#)

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- 🎉 **National Roundtables Unveiled:** Peek into the lively discussions and collaborative vibes from our J-CAP National Roundtables. It's where the magic happens! 🗣️👥
- 🌐 **International Virtual Conference Highlights:** Get the scoop on our global pow-wow, bringing together brilliant minds from around the world. 🗣️🌐
- 🏆 **Celebrating Wins:** We're shining a spotlight on our victories! Join us in celebrating the milestones that are propelling us toward a brighter future. 🎉🌟

Ready to jump in? Click [\[here\]](#) to start your J-CAP adventure!

Your enthusiasm and curiosity fuel our journey, so a massive thank you for being part of the J-CAP family. 🗣️ We can't wait to hear what you think!

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Judicial cooperation for the enhancement of mutual recognition regarding probation measures and alternative sanctions

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