



J-CAP

E-MAGAZINE

ISSUE 2 | OCTOBER 2023



Co-funded by
the European Union



universität
innsbruck
Department of Applied Sociology
of Law and Criminology



European
Strategies
Consulting





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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.



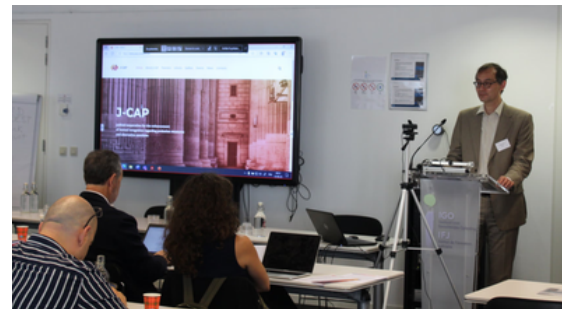
1ST TARS - BRUSSELS

The first TARS took place on the 13th and 14th of June 2023 at the premises of IGO-IJF 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.**



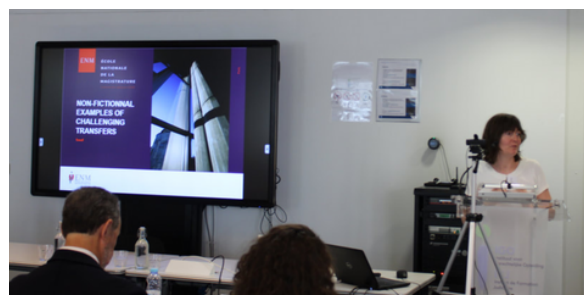
Ms Anastasia Pryvalova presented the Council of the European Union's views on the implementation of the Framework Decision



The symposium was led and moderated by Mr Koen Goei, 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





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.

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.



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.





2ND TARS - PARIS

The 2nd TARS took place in Paris, France, on the 6th and 7th of September 2023, at the École National 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 Haffide Boulakras, 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.**





“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 Tecla Cesaro, Magistrate at the Surveillance Court of Padua, 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.



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.



**Registration form to join the
international virtual conference**



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