



# REUNION

e-ZINE



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## About REUNION

The REUNION project – Rehabilitation of foreign inmates within the scope of FD 2008/909/JHA – aims to increase awareness and knowledge in way of promoting the implementation of FD 2008/909 among EU Member States, in addition to improving the use of this FD in relation with FDs 2009/829, 2008/947 and Art. 12 of the European Arrest Warrant.

### Objectives we want to achieve

-  Establish the preliminary work for adequately supporting judges prosecutors, lawyers and prison staff.
-  Create a space that contributes to the closer interaction and cooperation between practitioners.
-  Create distance-based and sustainable training programmes on the effective application of FD 2008/909.
-  Contribute to the creation and broadening of knowledge around Framework Decision 909.





## The context

The establishment of the Schengen Area in particular, allowed for the free movement of individuals within the European territory. However, this inevitably opened the door for an increase in the sentencing of foreigners in the different EU Member States. As such, the cross-border execution of judgements involving the deprivation of liberty has been an ever more frequent reality within the EU.

Accordingly, the Council of Europe's annual SPACE I (custody) and II (community sanctions and measures) reports a consolidation of this reality, as the percentage of foreign prisons in the EU now reaches 16%. In this sense, Council Framework Decision 2008/909/JHA created the basis for a streamlined recognition of prison sentences across EU Member States, thus contributing to the rehabilitation, resocialisation and reintegration of foreign-national convicted offenders.



\*Framework Decision (FD) 2008/909/JHA, of 27 November 2008, on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the EU.



However, more than a decade after publication, this instrument remains largely unused. As in the case of other Framework Decisions created to ensure the mutual recognition of judgments throughout the EU, such as FD 2008/947 and FD 2009/829, the main reasons for this relate to difficulties in filling out the required certificates, lack of knowledge regarding judicial and legal traditions around Europe, minute awareness regarding the existence of the instrument.

In addition, lack of trust, criticisms regarding its drafting, and the non-inclusion of the consent of the convicted individual, as well as detention conditions have all been linked to the difficulties in improving the implementation of the Framework Decision. As such, the special rehabilitation needs of foreign-national inmates are not substantially looked after, something which is translated into suboptimal services offered during prison sentences, which are therefore not as effective in pursuing rehabilitation goals while in custody.





REUNION "Rehabilitation of foreign inmates within the scope of FD 2008/909/JHA" thusly intends to consolidate the basis to support judges, prosecutors, lawyers, court and prosecution offices' and prison staff when dealing with cases involving the use of FD 2008/909, in addition to improving the use of this FD in relation with FDs 2009/829, 2008/947 and Art. 12 of the European Arrest Warrant.

The Consortium will pursue this objective by originating and broadening knowledge, alongside, specifically developing and updating. In addition, REUNION will also organise practitioner-oriented cross-border training activities. Finally, the Partnership will create targeted learning courses to support justice professionals in the use of the Framework Decision.



# Spotlight on the analysis of professionals' views on the use of FD 2008/909



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To better capture the view of justice professionals, legal practitioners and prison officers' views on the use and national implementation of FD 2008/909, the Partnership implemented a EU-wide survey. The Survey also secured the objective of assessing the training needs of practitioners concerning the coherent application of the FD for the promotion of inmates' rehabilitation.

Concretely, 2 EU-wide surveys were created and disseminated by partners, one directed at Judges and prosecutors, and another to lawyers and prison officers.

The surveys collected a total of 133 answers, covering a total of 20 EU jurisdictions. The gathered information offered a comprehensive perspective, enriched by valuable insights, and complexities associated with the FD and its implementation, as well as in the implementation of FD 2008/909 in cases a simultaneous use of other FDs, such as FD 2008/947.

With the analysis of both surveys, it is apparent that there is still a limited level of familiarity with the utilisation of FD 2008/909.

Several obstacles were outlined by competent authorities. Among the most prominent: (1) meeting the established deadlines, (2) identifying the competent authority in the Executing State (ES) and, (3) how to measure the prospects for rehabilitation of the convicted individual.

When looking at lawyers and penitentiary professionals, the most noted obstacles related to the implementation of the FD were: (1) long waiting times, namely in what concerns obtaining answers from the ES authorities, (2) difficulties related to the knowledge of judicial authorities in the ES, (3) translation issues, and (4) difficulties in completing and sharing the necessary documentation with the competent authorities.

Moreover, the level of training received by the surveyed practitioners with regards to FD 2008/909 was shown to be relatively low. Only 28% of lawyers and correctional professionals and 41% of competent authorities received training on FD 2008/909.

There is a positive outlook on the fact that FD 2008/909 is generally used for the objective for which it is designed: **social reintegration**. However, not all the factors that can be assessed to evaluate the prospects for social reintegration are taken into account.

Therefore it would be advisable to hold workshops on how to assess all those factors that can help professionals called to use FD 2008/909 to adequately examine the prospects for social reintegration of the convicted person.



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# PARTNERS



Ministry of Justice | IT  
(PROJECT COORDINATOR)



IPS\_Innovative Prison  
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European Strategies  
Consulting | RO



Loyola University  
Andalusia | ES



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Cooperation between various actors is crucial to achieving the Project objectives. Bearing this in mind, the Consortium's composition was essentially based on each organisation's expertise and contribution to promoting the set goals.

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Foundation | IT



University for Public  
Administration in Bremen | DE



Baia Mare Penitentiary | RO



National School of Judiciary  
and Public Prosecution | PL

REUNION 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 will provide fundamental insight and perspective, both informing and enriching the Project's results and facilitating participant selection, mobilisation and involvement.



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# Next issue

## Focus groups





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