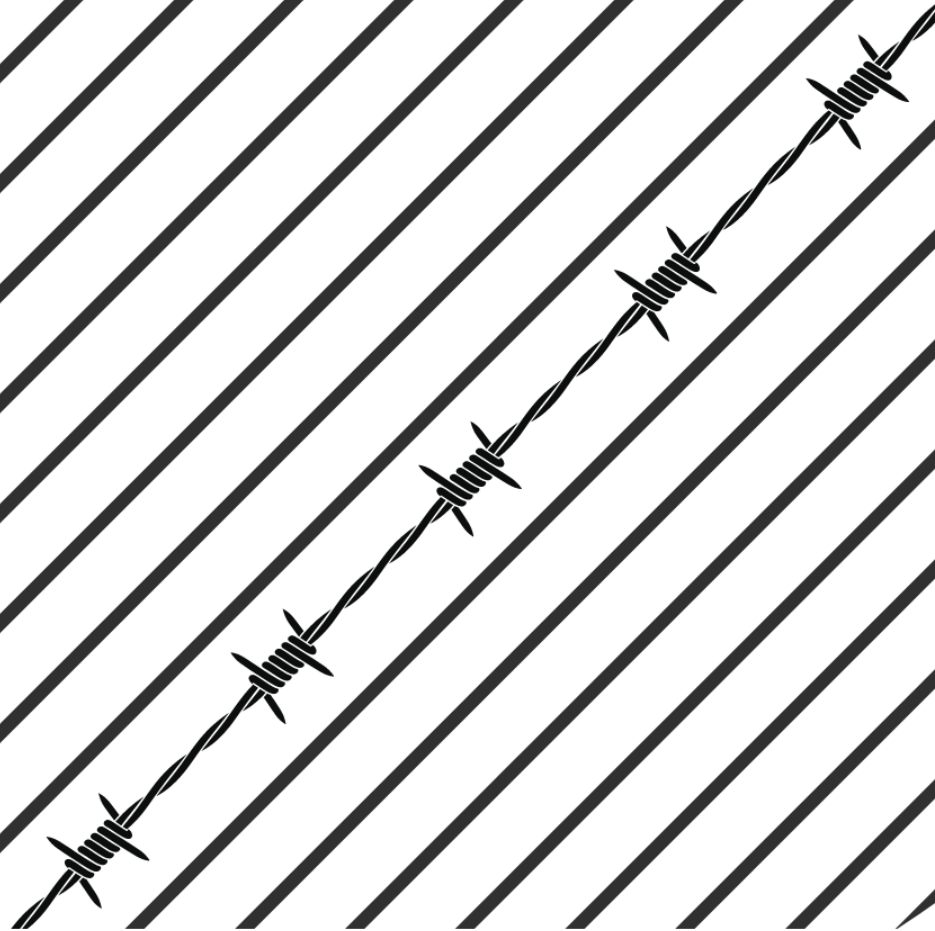




ARE WE TEACHING THEM RIGHT?

Human rights education and training for border
guards in select EU Member States



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A report commissioned by the Greens/EFA group in the European Parliament

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ACRONYMS AND ABBREVIATIONS

BG	Border Guard
CCC	The Common Core Curriculum for Border and Coast Guard Basic Training in the EU
CEPOL	European Union Agency for Law Enforcement Training
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECtHR	European Court of Human Rights
FRA	European Union Agency for Fundamental Rights
HRE	Human Rights Education
MS	(EU) Member States
NGO	Non-governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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EXECUTIVE SUMMARY

This report presents the state of basic pre-service and continuous human rights education and training of border guards in Spain, Italy, Hungary, Croatia and Greece. The human rights education and training programmes were analysed based on their content, the teaching load of human rights in the overall programme, the content and frequency of the continuous human rights' related education and training programmes, teaching methods and the selection of educators, non-governmental organisations' participation and follow-up and evaluation. The study was conducted using a desk review of available resources and direct contact with almost 30 representatives of national authorities, EU agencies, non-governmental organisations and law enforcement unions.

Overall, this study indicates that human rights are still not at the forefront of border guard education. Legislation and bylaws in some MS do not explicitly include HRE and training while in others the terminology used to refer to migration is inconsistent with international human rights law and standards. Several MS are deploying newly recruited law enforcement officials with 6 or fewer months of training to their borders; others criminal or riot police.

Even though some progress was made regarding the inclusion of human rights topics in the basic pre-service training, several concerns remain. Education and training seem to insufficiently cover the topics on human rights-related duties and obligations at borders. Other gaps included the lack of topics on human rights violations at borders, particularly collective expulsions; diversity, equality and non-discrimination, particularly as it refers to xenophobia, racism and discriminatory profiling; and communication at borders in the context of the mixed migration movement. The teaching load of human rights in the entire programme varied between approximately 0.4% and 2.5%. Furthermore, human rights-related content appeared to be taught in separate, law-related subjects and did not appear to be sufficiently mainstreamed.

Although good models for continuous human rights training and education were identified, these programmes were delivered only sporadically for a small number of border guards. The methods of the delivery of HRE and training appeared to be mainly focused on the analysis of legal texts and aimed at the transmission of theoretical knowledge. No particular expertise in human rights appeared to be required from educators. There was no mention of a follow-up of continuous education programmes. Evaluation, where present, was conducted only at the level of trainee reactions to the training. The involvement

of non-governmental organisations was either completely lacking or sporadic. EU agencies related to law enforcement, especially Frontex, delivered some continuous training programmes, but mostly for groups comprised of officers from multiple MS.

The report proposes recommendations in several areas. Member States are encouraged to:

- adopt or amend legislation to better reflect the need for human rights education and training and upholding human rights standards,
- review and refine the operational tasks of certain categories of border guards, their recruitment and pre-deployment procedures,
- include additional human rights-related topics in their basic pre-training curricula,
- increase the load of human rights in border guards' training programmes and mainstream human rights topics across their entire curriculum,
- develop or continue developing specialised continuous training programmes on human rights for border guards and significantly increase their delivery,
- improve teaching methodology and recruitment processes for educators, include follow-up trainings and conduct thorough evaluations,
- establish sustainable models of cooperation with non-governmental organisations,
- consider ways to support border guards with regards to stress reduction and the prevention of burn-out.

Frontex is encouraged to:

- consider including additional human rights-related topics in the Common Core Curriculum,
- consider ways of providing further support for human rights education and training in MS where serious concerns about human rights violations exist,
- continue evaluating the implementation of the Common Core Curriculum in the Member States and make all actions, reports and evaluations regarding the human rights education and training of law enforcement and border guards publicly available.

CEPOL is encouraged to:

- consider ways to include border guards in existing human rights education and training programmes.

INTRODUCTION

Migration-related topics have been dominating the European public space since 2015. Policies on immigration and asylum, border security and cooperation in home affairs were among the most important ones for policy professionals across the EU Member States, particularly in countries situated on the EU external borders.¹ Migration is also among the biggest concerns of European citizens year after year, with more than a third considering it to be the most important issue facing the EU, more so than climate change or the economic situation.² In response to the unprecedented arrival of refugees and migrants, the EU has started a reform process aimed at strengthening its external borders which included measures such as reinforcing EU border management rules, strengthening and upgrading mandates of relevant EU agencies, and improving information systems and technologies for security, criminal records, and border and migration management.³

Under EU law Member States (MS) are obliged to protect the external border of the EU. However, in doing so they have to comply with international and EU laws that prescribe positive obligations to respect fundamental rightsⁱ when carrying out-border controls without prejudice to the rights of refugees and other people requesting international protection, in particular with regards to the principle of *non-refoulment*.⁴ At the same time, the reports of widespread violations of human rights at external borders have become more prominent, with national human rights institutions, Council of Europe (CoE) and United Nations' (UN) entities, international organisations and civil society organisations reporting concerns of border push-backsⁱⁱ and excessive use of force.

In Spain, CoE reports from the land borders with Morocco around the enclave of Ceuta and Mellila have voiced concerns about the lack of access to asylum and summary returns.⁵ Furthermore, a 2017 analysis in the population of adult refugees and migrants in Spain indicated that a quarter of cases of reported

ⁱ Traditionally, the term 'fundamental rights' is used in a constitutional setting whereas the term 'human rights' is used in international law. The two terms refer to a similar subject matter as seen when comparing the content of the Charter of Fundamental Rights of the European Union with that of the European Convention on Human Rights and the European Social Charter. For the purpose of this report, the two terms are used interchangeably. Source: [FRA](#).

ⁱⁱ For the purpose of this report, the terms push-back, summary expulsion and collective expulsion are used interchangeably to describe when a person is apprehended after an irregular border crossing and summarily returned to a neighbouring country without assessing their individual circumstances on a case-by-case basis. Source: [FRA](#), pg. 4.

abuse on the route occurred at border crossings.⁶ The highest rates of reported abuse took place in the regions surrounding Melilla and Ceuta, including the border crossings, as well as Tangier. Abuse at the border fences was often reported to involve physical violence and shooting. Reports of alleged push-backs at sea include testimonies of interceptions by the Spanish patrols in which migrants were forced to stay in the water and were kept at the same place until the arrival of Moroccan patrol boats or were towed to places where Moroccan patrol boats would pick them up.⁷ Some of these testimonies also include reports of beatings.

Serious concerns have been expressed about the memorandums of understanding between Italy and Libya with regards to interceptions of migrant boats trying to reach Italy. The 2008 agreement was suspended after the condemnation of these practices by the European Court of Human Rights (ECtHR), but the agreement was reinstated in 2017.⁸ In 2018 an application was filed with the ECtHR arguing that Italy was responsible for a fatal incident at sea where at least 20 migrants died and survivors suffered severe human rights violations in Libya.⁹ The case is still under examination. The 2018 CoE Parliamentary Assembly asked of the Government of Italy to “investigate fully the allegations of experts and international NGOs, such as Amnesty International, of returns of migrants picked up at sea in the Italian search and rescue zone to Libya, and of collusion between the Libyan coastguard and the human smugglers in the Mediterranean”.¹⁰

Over the past years, there have been numerous concerns about push-backs from Hungary. In 2016, a new law was passed which allowed for the apprehension and immediate removal of any person who irregularly crossed the Hungarian border within 8 km of the border line.¹¹ The law was later amended to include the entire territory of Hungary.¹² In December 2020, these provisions were found to be in breach of EU law, more specifically the Return Directive and the EU Charter of Fundamental Rights by the Court of Justice of the European Union.¹³ It is estimated that in the period before the judgement over 50,000 push-backs took place and it is likewise reported that the practice is still in place.¹⁴ Médecins sans Frontières reported treating hundreds of migrants who were allegedly being exposed to violence and cruel and degrading treatment from Hungarian authorities at the border.¹⁵ Treatment was provided for beating injuries, dog bites and tear gas and pepper spray irritation. Frontex’s Fundamental Rights Officer raised concerns about the violations of numerous fundamental rights at the Hungarian-Serbian border including the prohibition of collective expulsions, the right to asylum, the right to an effective remedy, the

prohibition of cruel, inhuman or degrading treatment, the right to life, the prohibition of *refoulement*, and the right to integrity of the person.¹⁶ On 27 January 2021 Frontex suspended operations in Hungary due to violations of EU laws at the borders.¹⁷

Numerous non-governmental organisations report on instances of human rights violations at Croatian borders, including alleged push-backs, unlawful use of force, destruction of personal belongings, as well as humiliating and degrading treatment.¹⁸ There have also been reports of instances of human rights violations during the period of the deprivation of liberty after apprehension, with an ongoing investigation in an alleged case of migrants, including children, being held in the garage of a police station near the border, where some of them had to sleep on the concrete floor.¹⁹ The Croatian Government has repeatedly denied the allegations of human rights violations claiming insufficient evidence to conduct criminal investigations²⁰ and alleging that migrants are falsely accusing Croatian police in hopes of reaching their final destinations more easily.²¹ In 2018 and 2020 the Commissioner for Human Rights called on Croatia to investigate the allegations of collective expulsions of migrants and violence by law enforcement officers and “to stop pushbacks and border violence and eradicate impunity for serious human rights violations committed against migrants by law enforcement officers”.²² The reports of the CoE fact-finding missions²³ as well as the work of UN special rapporteurs²⁴ reiterate these concerns and repeat the same allegations of human rights violations. In August 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) completed a five-day rapid reaction visit to Croatia, with the report yet to be published, and the European Ombudsman has opened an inquiry on fundamental rights monitoring mechanisms at borders.²⁵

In Greece, non-governmental organisations reported alleged push-backs, unlawful use of force, and destruction and capture of personal belongings at borders.²⁶ These allegations were also reported by the CPT after they visited Greece in April 2018.²⁷ In March 2020 the CPT carried out a rapid response ad-hoc visit to Greece following reports of live ammunition being fired at the border crossing and the death of one migrant and injuries of several others. During the visit, the CPT delegation recorded several allegations by migrants of being subjected to physical violence by the Hellenic Police and Coast Guards, which is in some cases supported by medical documentation. Furthermore, the conditions found in detention centres were deemed unacceptable, with “almost a total lack of available interpretation services”, the complete absence of

registration of detention at some detention centres, and conditions of detention in “far too many of the places [which are] an affront to human dignity”.²⁸

Similarly to the 2018 report, the CPT again received “consistent and credible allegations” of foreign nationals being detained, having their belongings confiscated and subsequently being pushed back across the Evros River border to Turkey, as well as reports of the Hellenic Coast Guard acting in order to prevent boats carrying migrants from reaching the Greek islands.

This report recognises the complexity of the professional role of border guards.ⁱⁱⁱ On the one hand, they protect and guard state borders, preventing illegal crossings of goods and people and combat cross-border crime. On the other hand, especially in the past years, they are also tasked with proactively securing the human rights of persons arriving at borders, where a large number of people need protection, in the context of the mixed migration movement. Human rights education is therefore a necessary tool in border guards’ “arsenal” that helps them to fully realise their professional role. In the context of continuous reports of alleged human rights violations at borders, the responsibilities of the respective states in ensuring adequate support to border guards in this regard are especially evident.

This report aims to analyse the basic and continuous human rights education and training of border guards in several countries at the EU’s external borders. The first part of this report introduces human rights education and training: its goals and expected outcomes and its place in international, European and national legislation while also presenting some of the curricula and manuals aimed at law enforcement officials and border guards. Previous analyses of HRE and training for law enforcement officials and their conclusions are also presented. The second part of the review proposes the key human rights and human rights-related topics that border guards’ education should entail as well as the proposed training and evaluation methods. The main part of the report is the analysis of human rights educations and training in 5 MS: Spain, Italy, Hungary, Croatia and Greece. The report ends with recommendations for improvement of current practices.

ⁱⁱⁱ For the purpose of this report, the term “border guard” is used for all front-line officers and staff who are conducting border governance activities, such as border police officials or other law enforcement officials, coast guard officials, and consular and immigration officials. They conduct a range of activities, but in the context of this paper particularly the ones relating to the entry into and exit of persons from the territory of the State, including detection, rescue, interception, screening, interviewing, identification, reception, removal or return.

This report is based not only on publicly available materials and documents but also on the rich information provided by numerous relevant stakeholders. The author of the report would like to express gratitude to almost 30 individuals and organisations who contributed to the results, including the representatives of governments and law enforcement entities (in Spain: the National Police, in Italy, *Guardia di Finanza*, the National Police, in Hungary: National Police Headquarters, in Greece: The Hellenic Police Academy), EU agencies (Frontex, CEPOL, FRA), law enforcement unions (in Italy: SILP - Italian Union of Police Workers), and inter- non-governmental organisations (in Spain: *Por Causa*, in Hungary: Hungarian Helsinki Committee, in Croatia: the UNHCR Representation in Croatia, Croatian Legal Centre, Centre for Peace Studies).

Throughout this report, some examples of alleged human rights violations at external land and sea borders are presented. Even though these allegations of violations and abuse cannot be attributed only to border guards' training or lack thereof, they are presented as examples of behaviour and attitudes that could potentially be influenced by a comprehensive, swift and decisive action of MSs with regards to human rights education and training of law enforcement officials. This report hopes to support all such efforts.

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PART I.

HUMAN RIGHTS EDUCATION AND TRAINING

CHAPTER SUMMARY

Human rights education (HRE) and training aims to prevent human rights violations and abuses. The importance of law enforcement HRE and training is recognised in numerous international and European programmes and instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Declaration on Human Rights Education and Training, and the European Code of Police Ethics. However, MS appear to only sporadically include specific provisions related to the HRE and training of law enforcement in national regulations and instruments.

Several training curricula for border guards and law enforcement exist. At the EU level, Frontex developed the Common Core Curriculum for Border and Coast Guard Basic Training (CCC) which sets standards for national border guard basic pre-service education and training. Human rights-related topics are included in the curriculum as a separate subject and also mainstreamed in some other relevant subjects. In addition to the CCC, several guidelines or manuals were developed to facilitate or promote the human rights training of law enforcement.

Previous evaluations showed an increased awareness of the importance of HRE and training programmes for law enforcement. However, several important areas for improvement were noted. Overall, training programmes did not commonly include the use of appropriate adult, participatory education methods, follow-up with the participants after the programme was completed was lacking and longitudinal evaluation data on the impact of education and training was scarce. The need for further education in the area of migration was noted, especially with regards to non-discrimination.

According to the United Nations Declaration on Human Rights Education and Training¹, human rights education (HRE) and training “comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect and observance of all human rights and fundamental freedoms and thus, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours to empower them to contribute to the building and promotion of a universal culture of human rights”. This part of the report first examines the goals and importance of HRE in law enforcement education and the presence of HRE for law enforcement officials and border guards in international, European and national instruments and legislation. Then, existing curricula, manuals and guidelines are examined. The chapter ends by summarising previous programmes and analyses of HRE for law enforcement officials in general and border guards.

1.1. HUMAN RIGHTS EDUCATION FOR LAW ENFORCEMENT OFFICIALS

As the United Nations High Commissioner for Human Rights points out: “The effective training of police in human rights is an essential element in global efforts to promote and protect human rights in every country. To protect human rights, police must first know and understand them [...]”.² The Declaration on Human Rights Education and Training defines HRE through three levels: it is education *about* human rights, in the sense that it provides knowledge and understanding of human rights norms and principles; it is conducted *through* learning and teaching that respects the rights of educators and learners; and it is education *for* human rights, as it empowers individuals to enjoy and exercise human rights and to respect and uphold the rights of others. Therefore, the aims of the HRE encompass not only knowledge of human rights, but also their acceptance and integration in one’s value system and the prevention of human rights violations and abuses.

The importance of HRE and training is especially highlighted when it comes to law enforcement. When the law enforcer breaks the law, the result is “an assault on human dignity, on the law itself and all institutions of public authority”.³ The effects of police human rights violations are manifold⁴:

- They erode public confidence;
- They hamper effective prosecutions;

- They isolate the police from the community;
- They result in the guilty going free and the innocent being punished;
- They leave the victim of crime without justice for their suffering;
- They force police agencies to be reactive rather than preventive in their approach to crime;
- They bring agents and institutions of public authority into disrepute;
- They exacerbate civil unrest.

Textbox 1. More on - Aims of human rights training and education

United Nations Declaration on Human Rights Education and Training

Article 4

Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to:

- a. Raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms;
- b. Developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society;
- c. Pursuing the effective realization of all human rights and promoting tolerance, non-discrimination and equality;
- d. Ensuring equal opportunities for all through access to quality human rights education and training, without any discrimination;
- e. Contributing to the prevention of human rights violations and abuses and to the combatting and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.

The right to HRE and training is stressed in numerous international and European instruments and regulations. A compilation of provisions of international and regional instruments that in some way include HRE includes 11 UN instruments and documents specifically on HRE, 78 other UN instruments and documents, 9 EU instruments, 26 CoE instruments, and 20 OSCE instruments.⁵ Many of these specifically mention the HRE of law enforcement. For example, the Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment⁶ stipulates that the states are obliged to ensure that education and information regarding the prohibition against torture is fully included in the law enforcement personnel training. Furthermore, the Declaration on Human rights Education and Training specifically mentions that states need to ensure adequate human rights training of their officials, including law enforcement. Law enforcement HRE was one of the specific targets of the second phase (2010 – 2014) of the World Programme for HRE.⁷ Among other recommendations, states were encouraged to:

- Develop, adopt and implement relevant sustainable national strategies;
- Review pre-service and in-service training policies to make sure that they include human rights training, and make audience-specific human rights courses compulsory for pre-service training;
- Adopt a comprehensive human rights training policy relating to pre-service and in-service training, with such training as a mandatory criterion for professional qualification and promotion;
- Institutionalise human rights training;
- Establish a sound national training structure, involving both the sector in question and those sectors of society it is supposed to serve;
- Integrate human rights principles and standards in all relevant subjects, and develop specific human rights training courses as appropriate;
- Create a fully integrated human rights centre in civil service training colleges, schools of government, and police and military training colleges;
- Set up a mechanism for evaluation and impact assessment concerning institutionalized human rights training;
- Review policies and regulations with regard to the profession to make sure that they are not inconsistent with human rights standards and that they specifically promote the contribution of the profession to human rights.

In Europe, the CoE has issued a recommendation on the training of officials who first come in contact with asylum seekers,⁸ in particular at border points, specifically aimed at the prevention of *refoulement* and recognising requests for protection. Furthermore, the European Code of Police Ethics⁹ states not only that police training should be based on the fundamental values of the protection of human rights, but also that it needs to proactively tackle and combat racism and xenophobia. Finally, the European Council¹⁰ decided that a Common Core Curriculum (CCC) for border guards in the EU needs to be developed. The revised Frontex regulation¹¹ specifically includes the fundamental rights as a

part of the border guards training that the EU Member States need to incorporate in their national training.

Textbox 2. More on - Human rights education for law enforcement officials in international and European instruments

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 10(1): Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

United Nations Declaration on Human Rights Education and Training

Article 7.4: States, and where applicable relevant governmental authorities, should ensure adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of State officials, civil servants, judges, law enforcement officials and military personnel, as well as promote adequate training in human rights for teachers, trainers and other educators and private personnel acting on behalf of the State.

European Code of Police Ethics

Clause 26. Police training, which shall be based on the fundamental values of democracy, the rule of law and the protection of human rights, shall be developed in accordance with the objectives of the police.

Clause 30. Police training shall take full account of the need to challenge and combat racism and xenophobia.

The Frontex Regulation

Article 62: The Agency shall establish and further develop common core curricula for the training of border guards and provide training at the European level for instructors of the border guards of Member States, including with regard to fundamental rights, access to international protection and relevant maritime law, as well as common curriculum for the training of staff involved in return-related tasks. [...] Member States shall integrate the common core curricula into the training they provide to their national border guards and staff involved in return-related tasks.

In addition to being a party of international and European human rights instruments, some efforts have been made by MS at external borders to include HRE in national regulations and instruments. In Spain, 3 out of 172 measures of

the National Human Rights Action Plan for the 2008 to 2011 period included human rights training for law enforcement officials.¹² They included informing the law enforcement officials of the functioning and scope of competencies of international human rights organisations and mechanisms, as well as organising workshops on human rights for officials working in places of detention and the field of asylum law. The new National Plan was announced for the 2019 to 2023 period but is yet to be adopted.¹³ At the same time, HRE and training are not explicitly mentioned in laws and bylaws that regulate the education of law enforcement officials who conduct border management activities.¹⁴ In Croatia, one of the 124 measures of the National Human Rights Action Plan for the 2008 to 2011 period¹⁵ was related to organising human rights seminars for law enforcement officials to raise awareness for human rights. The National Action Plan for the 2013 to 2016 period¹⁶ did not include law enforcement as one of the target groups for human rights education and the new National Plan is not yet adopted. Also, human rights education is not explicitly mentioned in regulations that govern law enforcement education.¹⁷ In Greece, the HRE of law enforcement officials was not a part of the National Human Rights Action Plan for the 2014 to 2016 period¹⁸; it is, however, included in the national regulations that outline law enforcement education for officers.¹⁹

Textbox 3. Reports of alleged human rights violations at borders – Greece²⁰

A telling manifestation of the human impact of this pushback practice is represented by a girl of two and a half years old who, along with her older brother of 21 years, was separated from her mother and father and five other siblings. The whole family had crossed into Greece on 29 February 2020 and had been apprehended in a field and taken to the quasi-official Poros centre. There were so many migrants present that some of them had had to remain in the courtyard sitting on the concrete floor in the rain. The officers, dressed in camouflage uniforms and with balaclavas over their faces, allegedly confiscated the mobile phones of the migrants as well as their personal bags and kicked anyone who did not obey their orders to remain seated.

After around six or seven hours, the camouflaged officers are said to have loaded most of the migrants, including the mother and four of her children, onto about six vehicles and transported them to the Evros River, where they were put into wooden boats and taken across to the Turkish side. A day later, the father and another brother were pushed back across the river in a similar manner. All the belongings of this family, including a backpack with clothes and identity and property documents, as well as money, were allegedly taken by the officers.

The brother and his little sister were taken to Feres Police and Border Guard Station and two days later to the Filakio RIC. They were served with deportation papers to Afghanistan. The anguish of the mother who was forcibly separated from her child in such a manner cannot be put into words. And yet, this is but one tragic illustration of the pushback practice.

1.2. CURRICULA AND GUIDELINES FOR LAW ENFORCEMENT HUMAN RIGHTS EDUCATION

The Common Core Curriculum for Border and Coast Guard Basic Training in the EU (CCC) first developed by Frontex in 2003 sets standards for national border guard basic pre-service education and training in the EU. It was updated in 2007, 2012 and again in 2017, with each update strengthening the human right aspect of the standards, and especially in the latest update to reflect the “new challenges in border security and management in and around Europe”.²¹ The curriculum is focused on pre-service training and does not cover follow-up or refresher courses. The curriculum consists of “common studies”, that is, topics that are equally relevant for air, land, and sea borders, as well as separate modules for each of the specialisations. Each subject includes a description of learning outcomes in terms of knowledge, skills and competences. The curriculum also gives recommendations on training methods and types of assessments as well as recommended indicative content for some of the subjects.

Fundamental rights topics are included in the curriculum as a separate subject and also mainstreamed in some other relevant subjects. For example, in the common studies module topics regarding fundamental rights are included in subjects related to communication, cultural diversity, tolerance and non-discrimination, professional ethics, Schengen *acquis*, returns, constitutional law, people smuggling and trafficking in human beings, interviewing, performing border checks, using coercive measures, detainments and custody/arrest as well as profiling (see *Annex I. Subjects related to fundamental rights in the common studies module of the CCC*). The separate module on fundamental rights includes topics related to the basics of the protection of fundamental rights, analysis of international fundamental rights instruments, access to international protection and asylum procedure and the principle of *non-refoulement*, identification and referral of victims of trafficking and protection of children. In specialised

modules, fundamental rights are primarily mentioned with regards to the obligation for identification of persons in need of international protection and the principle of *non-refoulement*.

In addition to the CCC, several guidelines or manuals were developed to facilitate or promote the human rights training of law enforcement. Some of them are directly oriented towards border guards, but most of them cover law enforcement in general. Most of the identified documents were compendiums of best practice and human rights obligations of law enforcement officials. Only a few sources describe model human rights training for law enforcement, and only one identified manual is aimed directly at border guards.

The 1997 UN manual²² is an extensive guide on conducting human rights training for law enforcement officials that lays out the approach of the UN to police training and details the effective training techniques, selection of educators and trainers and the format and content of courses. It covers a wide range of topics including ethical conduct, democratic policing, non-discrimination, deprivation of liberty, use of force etc. A chapter on refugees and non-nationals presents the international standards that law enforcement officials should be aware of, as well as some practical steps for implementing these standards in their professional role. It also gives an example of a training exercise and topics for discussion.

The UNHCR *Protection Training Manual for European Border and Entry Officials*²³ was developed precisely with the view of protecting the rights of refugees in the context of mixed migration movements. The training focuses on how to undertake entry control activities concerning the rights of asylum-seekers, migrants and persons with specific needs, including the needs related to age, gender, migratory situation, suspected trafficking and other special needs. Learning goals include value outcomes to a great extent, in terms of being able to apply cultural, age and gender-sensitive approaches as well as raising awareness of an individual's defence mechanisms. The manual contains hand-outs, key learning points, group exercises and presentations and notes for the trainer/facilitator.

The *Fundamental Rights Training for Border Guards: Trainers' Manual*²⁴ was developed by Frontex based on the 2012 Common Core Curriculum with the active participation of experts from international organisations and other EU agencies (EASO, FRA, OHCHR, OSCE/ODIHR and UNHCR). The training is structured around the key tasks of border guards, including interception at sea, land and air, reception and assistance, interviewing and the deprivation of

liberty. The publicly available text provides a detailed overview of border guards' obligations according to the international and EU instruments and reference is made to a developed toolbox with additional materials to be used by trainers.

The FRA *Fundamental rights-based police training*²⁵ is an extensive manual aimed at police trainers containing detailed examples, hand-outs, case study examples and tips to make the training more efficient. It covers the basics of the human rights concepts and instruments but also provides an in-depth analysis of law enforcement obligations, including a practical approach in examining concrete situations from a human-rights perspective and the promotion of diversity, equality and non-discrimination, as well as the internalisation of human rights protection in one's value system.

1.3. PREVIOUS FINDINGS ON HUMAN RIGHTS EDUCATION FOR LAW ENFORCEMENT

The second phase of the World Programme for Human Rights Education, which lasted between 2010 and 2014, specifically included law enforcement as one of the target groups. This initiative remains one of the largest programs with a focus on law enforcement HRE and training. Evaluation of the implementation of the programme²⁶ indicated several important achievements. First, the pre-service training curriculum for cadets in police academies, colleges, and agencies in many states included human rights as a subject, including Italy, Croatia and Greece. In-service HRE and training were necessary for promotion in some states, while in other incentives were given for such training. Continuous HRE and training was also introduced in several states. Efforts were made to make HRE and training practical and related to day-to-day work and tailor them specifically for law enforcement officers. For example, the National Police of Italy developed a manual for training on policing in a multicultural society. Within the EU, Italy and Greece reported on the integration of the Frontex CCC in training programmes for border guards, including those on human rights topics. Cooperation with UN entities, the EU and international and national NGOs and national human rights institutions was also further developed. At the end of the second phase of the programme, states were encouraged to advance the implementation and consolidate the work already done; continue research and mapping and sharing of good practices; strengthen educational methodologies based on good practices and continued evaluation and further integrate HRE and training in curricula.

Textbox 4. More on - Some examples of guidance and manuals for HRE and training for law enforcement officials

Name	Source	Year	Type	Border-specific?
<i>Human rights and law enforcement: A manual on human rights training for the police</i>	UN	1997	Manual	No
<i>Protection training manual for European border and entry officials</i>	UNHCR	2011	Manual	Yes
<i>Fundamental rights training for border guards: Trainers' manual</i>	Frontex	2013	Manual	Yes
<i>Fundamental rights-based police training: A manual for police trainers</i>	FRA	2019	Manual	No
<i>Guidebook on democratic policing</i>	OSCE	2008	Guidance	No
<i>Guidelines on human rights education for law enforcement officials</i>	OSCE/ODIHR	2012	Guidance	No
<i>Recommended principles and guidelines on human rights at international borders</i>	OHCHR	2014	Guidance	Yes
<i>Practical guide: Access to the asylum procedure</i>	Frontex	2016	Guidance	Yes
<i>Border controls and fundamental rights at external land borders</i>	FRA	2020	Guidance	Yes

The evaluation of the implementation of the third phase of the World Programme²⁷ reported on the further integration of HRE and training for law enforcement officials in pre-service curricula and in-service training. Moreover, some states, such as Italy, highlighted training efforts on specific human rights issues, such as anti-discrimination. However, the report concluded that information on the systemic evaluation of pre-service and in-service HRE training is rarely provided. States were encouraged to continuously evaluate human rights training to ensure its relevance and maximise its impact. UN Deputy High Commissioner for Human Rights noted that international reporting and monitoring system related to human rights education could support the implementation of such programmes on the national level.²⁸

Another review conducted as a part of OHCHR work on the law enforcement HRE and training showed that the “traditional” training approaches have several flaws:²⁹

- an excessively theoretical approach, both in style and content – due to the prevalent use of academics to deliver the training and the exclusive use of lectures as a pedagogical technique;
- an emphasis on the negative (“do not/you must not”) rather than on the positive (“you should instead do”);
- a lack of emphasis on the practical implications of human rights norms for police duties and functions.

Almost a decade later, an evaluation of 26 human rights training programmes,³⁰ almost half of which targeted law enforcement, highlighted similar areas that need improvement the most: the use of adult, participatory education, securing comprehensive mechanisms to follow-up with the participants after the formal programme is complete, and ensuring longitudinal evaluation data on the long-term impact of educational programs. That more work in this area is needed is evident from a 2019 study conducted in a sample of police officers in Croatia.³¹ Almost 65% of respondents felt that the special responsibilities and duties of police officers related to human rights burden law enforcement with too many duties and make them overly responsible for things that are beyond their influence. Furthermore, almost a third of the respondents believed that these regulations give law enforcement too little authority to fulfil their duties and responsibilities, with only 6% believing that the regulations properly balance duties and responsibilities. The author of the study recommended continuous education on the particularities of police service, special duties and responsibilities, the importance of legal standards in interacting with citizens and the value of police service for the community.

Finally, two evaluations focused on law enforcement HRE and training in the EU Member States. In 2001 and again in 2010, Amnesty International analysed the state of human rights education in two national law enforcement organisations in Spain.³² They concluded that human rights are marginalised in the training of Spanish state security forces. Although some improvements were observed between the two time points, the overall progress was limited. Out of the 12 analysed aspects, improvements were seen only in four aspects in the case of the National Police and two aspects in the case of *Guardia Civil*. The main areas of recommendations included, amongst others: further education in the area of migration, especially with regards to non-discrimination the inclusion of topics such as an overview of the situation of human rights in Spain, and conducting

thorough evaluations of HRE and training programmes (for more details on the evaluation see *Textbox 22. More on - Human rights education for law enforcement officials in Spain in 2010*). In 2013, the Italian Council for Refugees published a mapping paper on border guards training on human rights in Spain, Italy, Germany, Hungary, Greece and Malta in collaboration with several other non-governmental organisations.³³ Across countries, human rights rarely appeared to be an integral and detailed component of border guard training. Also, there seemed to be few good practices concerning the involvement of NGOs in border guard training; examples that existed, such as in Spain and Hungary, were dependant on external, non-sustainable funding.

Textbox 5. Reports of alleged human rights violations at borders – Italy³⁴

On 6 November 2017, a rescue vessel operated by the NGO Sea Watch (SW) and a patrol vessel of the Libyan coastguard were both *en route* to a migrants' boat, in distress in international waters.

The boat, a few hours out of Tripoli, was carrying between 130 and 150 passengers. A confrontational rescue operation ensued, and while SW was able to rescue fifty-nine passengers, bringing them to safety in Italy, at least twenty died before or during the incident, while forty-seven passengers were ultimately 'pulled back' to Libya, where several faced grave human rights violations – including being detained, beaten, and sold to another captor who tortured them to extract ransom from their families.

Before arriving on the scene, the Libyan vessel made contact with the Maritime Rescue Coordination Centre of the Italian coastguard, which informed them of a boat in distress. The vessel, the *Ras Jadir*, was one of four boats donated by Italy to the Libyan coastguard in May 2017; eight of the thirteen crew that day had been trained by the EU's anti-smuggling operation, EUNAVFOR MED.

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PART II.

STANDARDS FOR HUMAN RIGHTS EDUCATION AND TRAINING FOR BORDER GUARDS

CHAPTER SUMMARY

Key areas of border guard HRE and training include:

- the study of the basics of the human rights' protection system that should aim to increase the understanding of human rights, human rights standards and protection mechanisms, the obligation to respect human rights, and the human rights of law enforcement officers;
- border guarding from a human rights perspective that presumes practical knowledge of what constitutes a human rights violation; which rights are absolute and which rights can be limited; awareness of the main duties with regards to asylum seekers and other vulnerable groups at borders; awareness of specific human rights obligations at borders, in particular in relation to non-refoulement and the prohibition of collective expulsions; as well as awareness of the conditions that facilitate and prevent misconduct.
- teaching on diversity, equality and non-discrimination that should include topics related to the reality of diverse societies and the relevance of identities; the relevance of human rights to policing in diverse/multicultural societies; the prohibition of discrimination, including topics on xenophobia and racism; and understanding discriminatory ethnic profiling and its negative effects.
- practical training in appropriate means of communication at borders, particularly with regards to asylum seekers and other migrants.

HRE and training should aim to not just increase knowledge, but also to reinforce skills and develop appropriate attitudes. In order to achieve that, methods should be learner-centred, practical, participatory, and inclusive, while promoting critical thinking and respect the human rights of all participants. Teams of educators that include law enforcement, legal experts and protection experts are recommended. Training programmes should be thoroughly evaluated, especially with regards to their impact on the police organisation and the wider community and society.

HRE and training for border guards is not a matter of a single subject during pre-service training or a single refresher course, it is rather a continuous effort from states, national training institutions, international and civil society organisations, as well as management structures and practices of particular law enforcement units. However, it is recognised that there is a minimum of competencies that border guards need to fulfil their duties professionally and in full accordance with human rights obligations. These competencies, in the broad sense, include:

- knowledge – defined as being familiar with a topic, or aware of its existence. Knowledge is a typical outcome of any educational or training activity, however, on its own, it doesn't necessarily lead to a change in behaviour;
- skills – defined as being able to do something, put knowledge into practice. Skills are typically more difficult to acquire than knowledge, as they require more time and practice;
- attitudes or values – defined as a stable and general evaluation of an issue or a concept. They are summary evaluations that define a relationship to an issue or a concept and are assumed to be derived from specific beliefs, emotions, and past experiences.

Basic competences of border guards need to include all of the previously mentioned components: knowledge about human rights means that one knows *what* to do (what is the prescribed or expected or best course of action), skills mean one knows *how* to do it (what steps and procedures to use), and having a positive attitude or regarding human rights as important and valuable motivates and fuels one's behaviour, gives importance and urgency to it, meaning one *will* do it. Therefore, to change one's behaviour, or to reinforce a certain type of behaviour, it is important not only to teach knowledge but also to reinforce skills and model appropriate attitudes.

This part of the report presents the recommended standards for HRE and training for border guards. The framework is a synthesis of guidelines and training materials developed specifically for HRE and training for law enforcement officials and border guards.ⁱ Topics that were included are particularly relevant to border guarding in the context of the mixed migration movement, particularly as it relates to the actual work at borders, either border crossing points or "green borders". Although border guards in some countries

ⁱ In particular, [FRA](#), 2019; [Frontex](#), 2013; [OHCHR & Equitas](#), 2020; [OHCHR](#), 2002; [OSCE/ODIHR](#), 2012; [UNHCR](#), 2011. As this chapter relies heavily on these sources, they are referenced only when parts of text are directly taken without any adaptation.

also conduct activities related to detention and return, these are not a particular focus of this report. Still, the presented standards are to a large extent applicable to these situations.

In the first section, key human rights-related topics in the context of border guarding are presented. These include the basics of the human rights protection system, border guarding from a human rights perspective, diversity, equality and non-discrimination and communication at borders in the context of the mixed migration movement. Key outcomes in terms of knowledge, skills and attitudes for each of these topics are presented (see *Textbox 6. More on - Key border guard competencies related to human rights in the context of the mixed-migration movement*). In the second section, more details are given on teaching techniques and training design issues that might be especially beneficial to learning skills and promoting positive attitudes towards human rights. The final section introduces the recommendations on HRE and training evaluation.

Textbox 6. More on - Key border guard competencies related to human rights in the context of the mixed-migration movement

Topic	Knowledge	Skills	Attitudes
<i>Basics of the human rights' protection system</i>	<p>Understanding the basic function of human rights and their historical development.</p> <p>Most important human rights standards and protection mechanisms.</p> <p>Understanding the state's obligations to respect, protect and fulfil human rights.</p> <p>Understanding the human rights of law enforcement and redress mechanisms.</p>	<p>Being able to locate information on human rights relevant to one's personal and professional needs and circumstances.</p> <p>Being able to identify human rights norms relevant to border guarding.</p> <p>Being able to apply the analysis of human rights to own environment and organisational structures and practices.</p>	<p>Recognising the value of the human rights system for individuals, law enforcement and societies.</p> <p>Seeing human rights protection as the main purpose and not a limitation of law enforcement work.</p> <p>Feeling part of the human rights system rather than its opponent.</p> <p>Committing to the safeguarding of human rights.</p>

Topic	Knowledge	Skills	Attitudes
<i>Border-guarding from a human rights perspective</i>	<p>Knowing what constitutes a human rights violation, what are the possible limitations to human rights and what are absolute rights, including the knowledge of redress mechanisms.</p> <p>Knowing the main duties and obligations with regards to the rights of asylum-seekers and persons with specific needs at borders.</p> <p>Being aware of the human rights obligations at different stages of border guarding, in particular in relation to <i>non-refoulement</i> and the prohibition of collective expulsions.</p> <p>Being aware of the systemic/situational conditions that facilitate and prevent misconduct and the psychological effect of border work.</p>	<p>Being able to analyse real-life border-guarding activities using the principles of proportionality, legality, legitimacy and necessity.</p> <p>Being able to take action to protect human rights at borders.</p> <p>Being able to discuss ethical dilemmas with other border guards.</p> <p>Being able to recognise and act upon factors that hinder effective delivery of one's own and other's responsibilities, including applying the principles of self-care.</p>	<p>Having a reasoned position of rejecting torture and other cruel, inhuman or degrading treatment or punishment as legitimate tools of policing.</p> <p>Acknowledging human rights as an elementary part of day-to-day work.</p> <p>Prioritising actions taken during the interception in the context of the right to life and the right to access to international protection.</p>
<i>Diversity, equality and non-discrimination</i>	<p>Enhancing the knowledge of the reality of diverse societies and the relevance of identities.</p> <p>Having a basic understanding of the relevance of human rights to policing in diverse/multicultural societies.</p> <p>Understanding the prohibition of discrimination as a right and as a fundamental human rights principle, including specific grounds for</p>	<p>Being able to reflect on one's own conscious and unconscious biases and act upon them.</p> <p>Being able to discuss the questions of diversity, identity and non-discrimination in one's professional environment.</p> <p>Being able to assess analytically when differential treatment is prohibited and when it is justified.</p> <p>Being able to</p>	<p>Increasing self-awareness of one's own identity and how it impacts the way we see the world.</p> <p>Accepting diversity as a reality in today's societies and accepting the need to deal with it constructively.</p> <p>Committing to equality and respecting the dignity of all people regardless of race, colour, gender,</p>

	discrimination, such as xenophobia and racism. Understanding discriminatory ethnic profiling and its negative effects on minority groups and effective policing.	distinguish discriminatory ethnic profiling from lawful police methods.	language, political or another opinion, religion, national or social origin, property, birth, age or another status. Being aware of the root causes of human rights violations, including the role of stereotypes and prejudice.
<i>Communication at borders in the context of the mixed migration movement</i>	Knowing appropriate means of communicating, obtaining, handling and storing information at borders. Becoming familiar with the principles for communicating with asylum-seekers and migrants of different backgrounds, individual profiles and needs.	Being able to adopt to communication and interviewing styles that reflect human rights. Being able to collect relevant information in a way that is compliant with human rights.	Understanding and accepting the right to seek international protection despite the means of crossing the border. Committing to ensuring access to international protection to persons attempting to cross the border. Understanding and accepting the human rights obligations towards persons who crossed the border irregularly and do not want to seek international protection.

2.1. CONTENT OF HUMAN RIGHTS EDUCATION AND TRAINING FOR BORDER GUARDS

2.1.1. Basics of the human rights protection system

One of the key topics in border guard HRE and training is the role of human rights as the basic rights and freedoms that belong to every individual. Border guards need to be aware of the main rights concerning the following categories:

civil and political rights (e.g. right to life, the prohibition of torture and slavery, right to personal liberty and security, to private and family life etc.); economic, social and cultural rights (e.g. right to work and to just and favourable conditions of work, right to social security, right to an adequate standard of living and health etc.); solidarity/collective rights (e.g. rights to self-determination, rights of minorities and indigenous people), and the right to equality and non-discrimination. It needs to be made clear that these rights are universal, interrelated, interdependent and indivisible. Furthermore, the basic purpose of the human rights system should also be clarified in the context of its development, especially taking into account the aftermath of the Second World War. For individuals, human rights ensure that their fundamental needs are met and that core human values such as life, physical and psychological integrity, freedom, security, dignity and equality against abuse by the state and by other people are secured. For states, they regulate how to interact with people, define their responsibilities and guide law-making and form a basis of freedom, justice and peace in society.

Training programs should also familiarise border guards with the key human rights instruments and mechanisms (presented in the text boxes below). The aim of presenting these topics should not be a detailed legal examination of the particular instruments; rather, it should aim to raise awareness of the human rights protection system and equip border guards with the knowledge and skills in locating information on the relevant human rights. Familiarising border guards with the key mechanisms for promoting and protecting human rights is important not only with regards to addressing the redress mechanisms but also to stress the source and legal basis of the state's obligations to protect human rights. It also reinforces the role of law enforcement officials in the protection and promotion of human rights. Furthermore, it is important to stress the state's obligations in terms of respecting human rights so that unduly limitations of human rights are refrained from and human rights are actively being protected. Law enforcement officials and border guards are appointed by the state and therefore need to uphold the state's responsibilities. It is also important to highlight that states have an obligation to facilitate the enjoyment of human rights, including making sure that border guards are properly trained to uphold them.

Textbox 7. More on - Overview of the human rights instruments

General human rights instruments

Universal Declaration of Human Rights (1948)
European Convention on Human Rights (1950)
UN Convention Relating to the Status of Refugees (1951) and its 1967 protocol
European Social Charter (1961)
UN International Convention on the Elimination of All Forms of Racial Discrimination (1965)
International Covenant on Civil and Political Rights (1966)
International Covenant on Economic, Social and Cultural Rights (1966)
UN Convention on the Elimination of All Forms of Discrimination against Women (1979)
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
UN Convention on the Rights of the Child (1989)
Charter of Fundamental Rights of the European Union (2000)
UN Convention on the Rights of Persons with Disabilities (2006)
International Convention for the Protection of All Persons Against Enforced Disappearance (2006)

Police-specific human rights instruments

UN Code of Conduct for Law Enforcement Officials (1979)
Council of Europe Declaration on the Police (1979)
UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
Council of Europe European Code on Police Ethics (2001)
Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002)
International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Finally, training programs should also include the subject of human rights of law enforcement officials, as it reinforces the importance of the human rights protection system and can help build a positive approach towards human rights in general. Border guards need to be aware that they enjoy the same rights as everyone else and that the same mechanisms that protect individuals also apply

to law enforcement officials. Even though law enforcement often considers aggressive acts towards the police by individuals as an infringement on their human rights, it is important to stress that the role to respect and protect their rights lies with the state and thus with law enforcement organisations. For example, the right to life in the context of police work is ensured by adequate equipment, training and resources. It is also beneficial to train border guards for the analysis of human rights in their organisational environment. For example, FRA proposes a case study analysis of the ECtHR case that dealt with law enforcement right to privacy in the context of tapping a police officer's work telephone.¹

Textbox 8. More on - Overview of the human rights mechanisms

National

- Police
- Courts, including constitutional courts
- Ombudspersons or National Human Rights Commissions
- Parliament, including parliamentary bodies specifically tasked with monitoring human rights
- Monitoring mechanisms of detention places, including National Preventive Mechanisms under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- National equality and non-discrimination bodies
- Non-governmental organisations
- Media
- Trade unions
- Professional groups

European-level

- Court of Justice of the European Union (CJEU)
- European Court of Human Rights (ECtHR)
- Council of Europe European Committee for the Prevention of Torture
- European Commission against Racism and Intolerance (ECRI)
- Non-governmental organisations

International-level

- UN Human Rights Committee

- UN Human Rights Council
- Committee against Torture
- Sub-Committee on Prevention of Torture
- National Preventive Mechanisms
- Committee on the Elimination of Racial Discrimination
- Committee on the Elimination of Discrimination against Women
- Non-governmental organisations

European police-related bodies

- European Judicial Cooperation Unit (Eurojust)
- European Border and Coast Guard Agency (Frontex)
- European Union Agency for Law Enforcement Training (CEPOL)
- European Police Office (Europol)

2.1.2. Border-guarding from a human rights perspective

To fulfil their role with regards to the respect for and protection of human rights, border guards need to understand what constitutes a human rights violation. Human rights violations occur when law enforcement officials, as representatives of the state, fail to meet a specific human rights standard. This can happen in two ways: the violation can be active, which entails committing a particular action or a set of actions that unjustifiably limit or interfere with a particular right, or it can be done by omission, by failing without justification to make appropriate actions to protect human rights. However, not every instance of interference with human rights is also a violation. Given the nature of law enforcement work, police actions often interfere with human rights – any use of lethal force, any arrest, any restriction of physical movement are interferences. Therefore, HRE and training should place a strong emphasis on analysing the legality, proportionality, legitimacy and necessity of border guard actions. However, during training, it must be stressed that some human rights, such as the prohibition of torture and inhuman or degrading treatment or punishment, are absolute and cannot be interfered with for any reason.

Clear distinctions need to be made between legitimate treatment and that which is inhuman or degrading and emphasis needs to be placed on border guards learning concrete obligations so that absolute human rights remain respected and protected. For example, FRA proposes training law enforcement officers in a simplified version of the analysis that courts undertake when assessing human

rights violations using case studies drawn from the ECtHR. This analytical framework includes a list of questions that guide the analysis of potential human right(s) violation(s):²

- Part 1: Applicable human rights/state interference:
 - o Which human right(s) is/are applicable to the concrete situation?
 - o Has the state interfered with these human rights? How?
- Part 2: Justification or violation?
 - o Is there any domestic legal basis for state action?
 - o Does the action pursue a legitimate aim?
 - o Is state interference necessary and proportionate to the aim?
 - Is the action suitable to achieve a legitimate aim?
 - Is it necessary ('a pressing social need')?
 - Is it the least intrusive measure? Are there any other alternatives?

It is of particular importance to stress the obligations concerning the principle of *non-refoulement* as an absolute prohibition of returning anyone, regardless of nationality, status or another characteristic, who may be at risk of torture, cruel, inhuman or degrading treatment or punishment, as well as the prohibition of collective expulsions that would prevent the individualised identification of people who have a right to protection, such as asylum seekers, people who might be subject to torture if returned, unaccompanied children, victims of human trafficking etc.

Furthermore, border guards need to have deep and practical knowledge of their obligations with regards to specific groups of people that might attempt irregular border crossings. This particularly refers to the proactive identification of protection needs with regards to group arrivals. The education or training programme needs to stress the duty to identify persons that wish to apply for asylum, to register the application and make an appropriate referral. The access to information must be facilitated using appropriate procedures, as some persons might not be aware of their entitlement to protection, including access to interpretation and legal assistance and representation, especially in cases of detention in detention facilities or transit zones. It is also necessary to ensure the protection of persons with specific needs, such as those with emergency health considerations, unaccompanied minors and separated children and (potential) victims of trafficking in human beings.

It is important that the training familiarises the border guard with actions they can take to respect and protect human rights during their day-to-day work, in as practical terms as possible. For example, Frontex proposes teaching border

guards about the key actions that should or should not be taken to ensure the protection of human rights in the context of the mixed migration movement during different stages of border guarding. (see as example *Textbox 9. More on - Duties and obligations that protect human rights at borders*). By offering specific guidance and modelling appropriate behaviour, this approach can help border guards to take positive actions for the protection of human rights.

Textbox 9. More on - Duties and obligations that protect human rights at borders³

Planning and preparation

- Having medical personnel or an interpreter present or standing by.
- Foresee protection at all stages, including equipment to film the operation and allow for internal/external oversight.
- The operation should allow for enough time to allow due attention to people in need or potential victims.
- Any use of force should be legitimate (the last resort), proportionate and according to the legal provisions.
- When possible, organise the distribution of food and drinking water, taking into account the religious differences.
- Include provisions for an efficient transfer and humane transport to the intake.

Detection and interception

- If two or more persons are apprehended, parties should be separated when necessary, but where children are concerned, they should be kept with their family or confirmed guardian.
- Looking for signs that indicate a need for medical care or indicators of victimisation.
- The fact of not being able to produce a valid travel or residence document is not in itself a valid motivation for the use of handcuffs.
- No person should be handcuffed to fixed points or solid infrastructure or subjected to unnecessary and/or painful procedures.
- Any interception should be the subject of a formal report what will make detailed mention of any use of force and modes of restraint.
- Ensure that all persons rescued or intercepted, including on high seas, are provided with adequate information about the possibility of requesting international protection.

Transfer to the second line

- Border guard will take necessary precautions to ensure that the person's luggage is recuperated and safeguarded during the next steps in the procedure.
- Border guards should always try to keep family groups together, making sure that they are not dispersed.
- General standard operating procedures should be in place for contacts with the press or third parties, including legal representation and relevant NGOs.

Reception and assistance

- Border guard has a responsibility to process every migrant going through a crossing or entry point.
- Border officials have the responsibility to identify persons with protection needs (e.g. trafficked persons) and take immediate action in that regard.
- Information should also be available concerning [...] protection mechanisms, other available services, NGOs providing support and the process of family reunification and/or repatriation.
- Ideally, there should be brochures at border posts with basic information in a language they understand.
- Care for persons in the process of reception and assistance includes emergency health care, first-aid, identification and special attention to pregnant women, concern for the elderly, access to and provision of water and food, gender-sensitive processes and facilities, child-sensitive measures, concern for individuals suspected of being torture survivors, measures and infrastructure for people with disabilities, right to have recourse to the protection and assistance of the consular or diplomatic authorities.

Deprivation of liberty

- The deprivation of liberty must be objectively justified and the duration of the deprivation of liberty as such must be absolutely necessary.
- Authorities need to provide, without delay, information to the arrestee/detainee for the reasoning of his/her arrest/detention promptly and in a language that (s)he understands or to provide the necessary means to him/her in time, so that (s)he could exercise those rights within a reasonable time.
- After the deprivation of liberty, the arrestee/detainee should enjoy a number of human rights such as the inviolability of human dignity, fair trial, presumed innocence, etc.
- If migrants are detained for violating provisions relating to migration, they should be held separately from convicted persons or persons detained pending trial.
- Under no circumstances should administrative detention of migrants be indefinite. A maximum period of detention should be set by law, and the custody may in no case be unlimited or of excessive length.

Finally, border guards need to be offered opportunities to reflect on the aspects of their work that might facilitate human rights violations, so that they will be able to recognise and mitigate them. Research, particularly in sociology and social psychology, has shown that some situational forces can affect individuals and groups to such an extent that they would commit deeds that could be deemed as torture or inhuman or degrading treatment (see *Textbox 10. More on - Conditions that tend to facilitate or prevent police misconduct*). Being aware of these factors is even more important given that law enforcement officials, unlike other members of society, are permitted to use force in certain situations. Also, the psychological consequences of police work on borders, especially in the context of the mixed migration movement, should be discussed. According to UNHCR, border guards often operate in a “political minefield”ⁱⁱ: they need to uphold national and European legislation to prevent irregular access to the EU but also protect the human rights standards that are often not articulated in detailed procedures or protocols. As a result, they often find themselves targets of public scrutiny. Apart from external pressure they might also suffer from internal pressure in the form of exposure to dangerous or threatening situations or emotionally tasking work with victims of trauma or human rights violations, or more generally people in need. All of these factors can lead to psychological strain, which can result in burn-out that is sometimes also called “compassion fatigue”. Compassion fatigue can result in feelings of detachment, emotional exhaustion, anger and prescribing blame on others for one’s own suffering. It is therefore important not only to teach border guards to recognise the symptoms of burn-out but also to provide them with self-care techniques and organise appropriate help.

ⁱⁱ [UNHCR](#), 2011, Session 4 Manual, pg. 9.

Textbox 10. More on - Conditions that tend to facilitate or prevent police misconductⁱⁱⁱ**Conditions that tend to facilitate misconduct**

- Relative isolation of an organisation from other organisations and society.
- Existence of closed organisational units.
- Dominance of male participants.
- Working environment characterised by inflexible attitudes.
- Discrepancy between what is legal and what appears legitimate and just ("they will escape punishment anyway").
- Relatively fixed images of who the "other" in police work is (stereotyping of groups and beliefs in fixed patterns of action).
- Reaction of "others" tends to corroborate these images (self-fulfilling prophecy).
- The power of "the other", and the danger of effective complaints from such "others", is seen to be low.
- Strong (sub)-cultural knowledge which is different from the "official" view.
- Badly developed communication skills on the part of the police and/or on the part of the "other".

Conditions that tend to prevent misconduct

- Mixed functional and organisational groups (from different police units).
- Well-developed communication structures between management and police officers.
- Diverse working environment.
- Management recognises and expresses praise for good police work.
- Clear awareness of human dignity as a principle of human rights and police action.
- Transparency and diversity of social relations with police.
- Multiple and varied contacts with different public groups, including minority groups.
- High identification with the local environment.
- Little focus on own group.
- Heterogeneity/Diversity of composition (age, sex, ethnic origin, sexual orientation).
- Availability of easily accessible counselling structures.
- Psychosocial support after difficult work-related events, long-term operations.

ⁱⁱⁱ [FRA](#), 2019, pg. 115.

2.1.3. Diversity, equality and non-discrimination

During the course of education and training of law enforcement officials, it is important to discuss the reality of increasingly diverse societies within and outside of the EU. It is productive to frame the discussion around the questions of identity and belonging to different social groups, as it may provide a good basis for the discussion of the issues of non-discrimination. Both individual and group identity are important foundations of our sense of self and feelings of self-esteem and self-worth. That also means that when a part of our identity is not valued or is considered inferior, communication problems and societal unrest might arise. Seeing as discrimination may stem from a single-minded focus on just one aspect of one's identity, FRA⁴ proposes introducing exercises that prompt trainees to discuss their own (multiple) individual and group identities. The activity aims to promote self-reflection and self-awareness as well as the basic rules of coexistence in diverse societies. It is also important to directly discuss the mechanisms and processes behind stereotypes to foster reflection on one's own biases (see *Textbox 11. More on - Prejudices and some of their causes*).

Furthermore, it is important to discuss how the diversity of today's societies impacts law enforcement work in the broad sense. Police services need to be provided equally to all members of the society, a requirement which affects how work is organised in order to meet the needs of a continuously changing population, how organisational structures work, especially in terms of recruitment and retention, and the need for the continuous training of law enforcement officials. Protected grounds according to the Charter of Fundamental Rights of the European Union should be introduced, namely "sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation". FRA⁵ explicitly suggests discussing the reasons for the expansion of the grounds for protection from the perspective of changing societies, as it can help to constructively deal with the frequently encountered "gut resistance" .

Textbox 11. More on - Prejudices and some of their causes

The word prejudice is used to describe a negative attitude towards a social group that is based solely on the membership in that particular group. This attitude is usually based on a stereotype – a generalisation about a particular group that leads to perceiving all the members of the group as if they were the same - and can lead to discrimination, i.e. behaviour that harms members of the other group, solely because of their belonging to that group. Specific types of these attitudes that are particularly detrimental to today's societies include xenophobia, racism and islamophobia.

While there are many causes of prejudices, some of them stem from the basic human cognitive processes that rely on categorisation. Categories are an important element of our thinking process as they help us organise the information surrounding us, interpret the world and quickly react to it. At the same time, our categorisations and cognitive schemes lead to biases, oversimplifications and mistakes that can in turn lead to prejudices and discrimination. The fact that we perceive the world and people in groups (e.g. according to gender, nationality, age), results in the following biases:

- **In-group bias.** People tend to have a natural positive bias towards groups they belong to. Believing that “our” group is better or superior in some way to other groups preserves and strengthens our self-esteem.
- **Homogeneity of the outside group.** People tend to feel that the members of an outside group are more alike than they truly are (“They are all the same”). A likely explanation of this bias is that people have limited contacts with the “other” group and therefore do not perceive out-group heterogeneity. Therefore, it is more likely we will attribute certain characteristics we have seen or heard about the other group to all of its members.
- **Illusory correlation.** People tend to overestimate the occurrence of certain events when it comes to minority groups. For example, hearing about a heinous crime committed by a minority member will result in an overestimation of the number of such crimes committed by that particular minority. The reason for this bias is that we tend to focus more on the rare and unusual information (both heinous crimes and minority groups are “rare”) and tend to remember them better.
- **Situational versus dispositional explanations of behaviour.** People tend to explain the unexpected behaviour of members of their own group with situational factors and that of the members of other groups with permanent traits and characteristics. For example, a crime committed by a member of one's own group is more likely to be attributed to a certain situation, whereas in the case of the out-group it is attributed to the personality of the perpetrator. This process likely results from the lack of knowledge about out-group experiences and contributes to the belief that “they are all the same”.
- **Self-fulfilling prophecy.** When people (1) have certain expectations about the

other group, they tend to (2) behave towards a member of that group according to their expectations, which will (3) prompt the member of the other group to act according to these expectations, which will in turn (4) reaffirm the expectation/stereotype.

The concept of discrimination needs to be introduced and explained from the point of view of the right to equal treatment. Discrimination can be therefore seen as (1) a difference in the treatment of persons in a similar situation, (2) that is linked to a protected ground, (3) and for which there is no objective and reasonable justification. It is necessary that the justification of differential treatment is analysed so that it becomes clear that “not having a bad intention” does not mean that one’s right to equality was not violated. For example, FRA⁶ proposes analysing case studies where participants can use an analytical procedure to examine discrimination cases brought forward to the ECtHR in order to determine (1) whether there was differential treatment and whether it was based on a protected ground and (2) whether the distinction was based on reasonable and objective grounds, i.e. whether the aim was legitimate and the action suitable/necessary/the least intrusive measure.

Finally, discriminatory ethnic profiling should be discussed as a particularly important topic for border guards. Discriminatory ethnic profiling can be defined as “treating an individual less favourably than others who are in a similar situation, for example, by exercising police powers such as stop and search; where a decision to exercise police powers is based only or mainly on that person’s race, ethnicity or religion”.⁷ Distinctions should be made between profiling used as a legitimate part of law enforcement work and profiling where the sole motivator to use police authority was based on a protected characteristic. Harmfulness and counter-productivity of discriminatory ethnic profiling should be discussed in terms of the negative effect on the individual, such as humiliation or traumatising; the community, such as lowering the trust of particular law enforcement groups ; and police effectiveness, such as lower rates of detection and arrests.

2.1.4. Communication at borders in the context of the mixed migration movement

From the human rights perspective, a border guard should always understand the circumstances of a person attempting to cross the border, even if irregularly, and gather the necessary information to decide which type of assistance is needed, particularly when it comes to health care; communicate with relevant authorities to ensure access to the asylum procedure, if needed; and make a decision on the entry into the territory of the state. It is important to clarify once more that some persons might not actively apply for asylum as they do not have the necessary information or have other kinds of worries, but the positive obligation of the border guard is precisely to ensure protection for those persons that need it. Border guard education must provide clear guidance on how to conduct interviews to collect all the relevant information to make informed decisions and to proactively protect the human rights of migrants, particularly those related to the access to asylum (see *Textbox 12. More on - Some considerations when interviewing at the border: The PEACE model*).

Textbox 12. More on - Some considerations when interviewing at the border: The PEACE model⁸

Planning and preparation

- Identify and prepare the venue, with a focus on protecting privacy.
- Prepare for the recording of the interview, making sure that the use of data under privacy rights is cleared with the interviewee.
- Follow local legislation and established practice to choose the interviewer in case of children and suspected victims.
- If possible, find out if the interviewee wants someone present prior to the interview and if so, who this person should be.
- Conduct risk assessment regarding fitness for the interview – interests of the person concerned should come first.

Engage and explain

- Start the interview with a thorough introduction: stating name, position, explaining the situation, the purpose of the interview, legal powers under which it is conducted, and the role of any other persons present.
- If a person has been stopped or apprehended at the border: go over evidence, repeat the reasons for which he has been stopped/apprehended/arrested, read the

contents of the notes and search records, record agreement or disagreement with the contents.

- Speed of speaking should be kept at a proper pace, adapted to the individual, the case and its circumstances. The interviewer should be patient and allow breaks where necessary or indicated by the person in front of him/her.
- The interview should be terminated if the interviewer has not been able to establish rapport, for health reasons, risks to the person and others, if the person is unable or reluctant to provide information, or is a minor and a guardian should be present.
- Questions should be open-ended and allow for the person's own account of events.

Closure

- Invite the interviewee to add any final points, corrections, alterations or clarifications.
- Summarise allegation(s) and invite the interviewee to admit or deny the truth of them.
- Per national procedures, ask the interviewee to check and sign the record and view the sealing of the tape(s), if the interview was recorded.
- Explain what is going to happen next, provide necessary contacts.
- Where applicable, offer information where help and support can be obtained.
- Ask for any additional questions.

Evaluation

- Consider whether the aims and objectives of the interview have been achieved and whether further steps are necessary.
- Evaluate the performance of interviewing officers and what improvements can be made in the future.

Being sensitive to diversity factors that may affect communication can also help border guards to communicate effectively. These factors include culture, gender, age and other special needs. Cross-cultural awareness is built on the recognition that many arriving migrants and asylum-seekers have limited awareness of their new environment, its norms and values, and vice versa, that the border guard has limited knowledge of the migrants' culture(s), beliefs and habits. To be culturally aware border guards need to maintain self-awareness of possible cultural differences and their own potential biases and make an effort not to anticipate responses. Similarly, gender awareness primarily involves avoiding stereotypical assumptions but also being aware of some potential specific protection needs. When family units arrive at the border, it is recommended that every member of the family speaks separately in order to facilitate the detection of protection concerns. Women should not be pressed to talk about sexual violence or to provide evidence to substantiate their asylum claim, much like any

other group. It has also been found that the presence of female border guards can improve protection efforts. Regarding age, the benefit of the doubt should be given to every young person claiming to be under 18 years, even if they appear to look older. Officials should be aware of referral procedures in the case of an unaccompanied or separated child and the assigned legal representative or guardian must be present for all interviews that need to be conducted by specialists. Border guards need to be mindful of identifying older persons or persons with disabilities that might need specialist support or care. Finally, border guards need to be aware of the effects that traumatic experiences might have on communication during border controls and be aware of protection needs such as rest, support and counselling.

2.2. METHODS OF HUMAN RIGHTS EDUCATION AND TRAINING FOR BORDER GUARDS

For HRE and training to be effective, methods should be learner-centred, practical, participatory, inclusive, and should promote critical thinking and respect the human rights of all participants. OHCHR further stresses that the approach to the HRE and training of law enforcement should be based on:^{iv}

- collegial presentations: the general approach should be collegial and based on discussion, and where possible, it is advised to include practitioners in the field, including police officers and trainers;
- interactive techniques: creative, interactive teaching methods that try to foster active and committed involvement;
- audience specificity and practical approach: training should be specifically tailored to the audience and teach practical skills – how to apply the rules in the scope of everyday work. Training programmes that remain at the theoretical level are unlikely to be effective in changing one's behaviour;
- a comprehensive presentation of standards: relevant instruments and simplified learning tools should be translated and distributed to participants and one or more persons specialised in human rights should control and supplement the content of the courses and workshops;
- teaching to sensitise: apart from teaching standards and practical skills, it is important to adjust the methods in such a way to also sensitise trainees to their own violative behaviour (e.g. role-play);

^{iv} [OHCHR](#), 2002, pg. 3 – 4.

- the flexibility of design and application: training courses must be adaptable to particular cultural, educational, regional and experiential needs and realities;
- competency-based: training courses should be designed around learning objectives and all trainees should be required to demonstrate competence throughout the course;
- the recognition of the self-esteem of adult trainees: expertise, professional knowledge and practical experience of the trainees should be acknowledged and used.

Therefore, teaching methods need to be interactive. Even though some presentation of standards is expected, presentations should not be the main method used. Instead, trainees need to be fully involved in the process. Furthermore, the content of the training and exercises should reflect the trainees' day-to-day work. In that way, the transfer of knowledge to professional work will be easier and training engagement greater. Furthermore, it is recommended to vary the teaching techniques as appropriate to the subject matter to retain active engagement. Some possible techniques are presented below:⁹

- Panel discussion: A panel of experts might discuss certain topics, with one presenter serving as a moderator to ensure that the needs of the training group are met. The panel should include a direct exchange between the presenters and the audience.
- Working groups: in the working group method, the course is divided into several small groups of four to six participants who are given a task – a discussion topic, a problem to solve or something to produce in a short(er) period of time. At the end of the work time, the spokesman for the group presents the findings.
- Case studies: Case studies can be particularly useful when they are based on credible and realistic scenarios and can help acquire and apply human rights standards.
- Problem-solving/brainstorming: Following the presentation of a problem, all ideas can be recorded on a board or flipchart without explanations. The presenter then categorises and analyses the responses and the group makes recommendations and decisions.
- Simulation/role-play: Simulation or role-plays are particularly useful in acquiring skills and attitudes, as they can be tailored to sensitise the participants to a certain situation, feeling or the perspective of other people.

- Field trips: Field trips can provide a valuable perspective to everyday work.
- Practica: Practical exercises require the application or demonstration of a skill in a supervised procedure. Participants can be asked to produce materials, show interviewing skills or deliver a session.
- Visual aids: Visual aids can be used with other methods to enhance the learning process.

It is recommended that a team of at least two educators or facilitators lead the training. They need to be experts in the subject of human rights, have experience educating adult audiences, but also have credibility and reputation among law enforcement officials. UNHCR recommends a team of three educators, with representatives from border control institutions, human rights institutions, and a national authority or organisation responsible for protection related issues. Trainers who are law enforcement officials can have a particularly strong influence on attitude change as they can be easier to identify with. On the other hand, it is highly recommended to involve NGO representatives as they can have a positive effect by introducing new elements and insights in an otherwise relatively isolated organisational culture.

Furthermore, it is recommended to conduct separate training programmes for different categories of law enforcement officials, according to rank and function.

Textbox 13. Reports of alleged human rights violations at borders – Spain¹⁰

Testimonies from survivors and witnesses, together with official videos released by the Guardia Civil, document the fatal events that occurred in the early hours of 6 February 2014. The Spanish authorities had activated the maximum level of alert, which included mobilizing various Guardia Civil units armed with riot gear equipment, in order to prevent a group of around 400 individuals from sub-Saharan Africa from crossing the border. After a failed attempt by Moroccan border forces to stop the group from reaching Spain, parts of the group managed to enter the water and started advancing to the Spanish side. A number of people tried to wade through the water along the jetty. As the jetty became submerged in water after a few meters, they tried to hold on to its edge. Those who approached the Spanish side were beaten by the Guardia Civil.

Nathan, one of the survivors, described how a Guardia Civil officer hit him on the head with a baton and injured his arm [...]. Numerous people were using inflatable swimming aids to keep afloat in the water. Several videos document how the officers shot rubber bullets and smoke cans to stop them. The survivors described the asphyxiating effects of the gases and the destruction of their floating devices. At least 15 refugees and

migrants did not survive the violent attack. Several corpses washed up on the shore on the day itself, others followed in the next days. [...]

2.3. EVALUATION OF THE EFFECT OF HUMAN RIGHTS EDUCATION AND TRAINING FOR BORDER GUARDS

An integral part of any HRE and training should be the evaluation of the effect of the training: assessing the outcome of the training against the goals of HRE.[∨] Human rights education and training aim at bringing about change at three levels:¹¹

- the level of the individual: What knowledge, skills, attitudes and behaviours has an individual acquired, reinforced or modified?
- the level of organisation/group: What effect have the trainees' new knowledge, skills, attitudes, and behaviours had on their organisation or on a group they work with?
- the level of broader community/society: What effects have been observed when an organisation transfers its learning to the broader community/society?

During the course of an evaluation, information about the extent of changes at these levels is systematically collected. Information sources can and should be varied. For example, they can include questionnaires, self-reflection, group discussions, interviews, demonstrations, observation of trainee activities, and archival-level data. Furthermore, evaluation requires the collection of baseline data in order to measure change over time.

At the level of the individual, training should first evaluate learners' reactions - what learners thought and felt about the training and their learning process. It includes measuring the feelings and personal reactions about the training, attitudes towards the content and the process, perception of the usefulness of the training, feelings about whether they have changed their ideas or perceptions in any areas of human rights, satisfaction with the trainers and

[∨] Although the evaluation process includes more than evaluation of outcomes, a detailed discussion on the entire evaluative process is beyond the scope of this report. For a detailed discussion, see for example, [OHCHR & Equitas](#), 2011 and [OHCHR & Equitas](#), 2020. This chapter is a summary of these two sources with regards to outcome evaluation.

training materials and the logistical aspects of the training. This is the simplest form of evaluation that does not provide much insight into practical changes that were driven by the training. However, it is easy to conduct, it helps the trainees to reflect on their learning experiences, and can provide educators with some feedback on the training process.

The next level of evaluation should look more specifically into whether or not there was an increase in the learners' knowledge and skills or changes in attitudes and behaviours. This level of outcomes is usually assessed at the end of the training, along with reactions to the training. Some examples of evaluation include self-assessment of what has been learned, taking knowledge or attitude tests, demonstrating a skill or preparing an action plan for applying what has been learned. Examples of indicators for this level of evaluation are, for example, the number of trained police officers who can describe their responsibility to protect human rights, the number of police officers who have successfully identified persons with protection needs in a practical assignment, or the percentage of trained police officers who report feeling equipped to protect the human rights of people in a particular situation.

At the level of organisations, evaluation should examine whether or not the training had positive effects on behaviour, practice and performance that relate to changes in access, policy and decision making.¹² Although challenging, evaluation at this level is critical as it examines the implementation and application of the learning from the training. A good reaction to the training and improved capabilities have little value on their own if they do not lead to structural changes. This level of evaluation requires collecting data on the trainees' behaviour and organisational changes in the medium and longer-term period after the training, usually between 3 to 6 months and then again after 12 to 24 months. Some examples of the types of questions that can be posed are those concerning the level of application of learning at work, changes perceived by the learner as a result of the training, transfer of knowledge, skills or attitudes to colleagues and perceived usefulness and relevance of the training. Indicators of change that relate to this level are, for example, an increase in the number of complaints of human rights violations that were addressed by police, increased knowledge on human rights of colleagues who did not participate in the training, and level of willingness of police officers to take action to protect human rights.

The final level of evaluation, the evaluation of the (positive) impact of HRE and training on the broader community, requires long-term evaluation studies. Changes at this level are unlikely to be a result of a single training effort. Rather, they will likely require a comprehensive approach to HRE and training and

longer-term programmes. These changes occur after a number of immediate effects of the training, such as better knowledge and skills and more positive attitudes, lead to a number of intermediate effects of the training through better overall organisational practices that then lead to a positive effect for the community. Examples of indicators of such outcomes include a reduced number of reports on human rights violations against target groups or an increased number of citizens who trust the police or feel their human rights are protected.

Sources

¹ FRA, 2019, [Fundamental rights-based police training: A manual for police trainers](#). *pg. 183 – 185.*

² Ibid, *pg. 70 - 77.*

³ Frontex, 2013, [Fundamental rights training for border guards: Trainers' manual](#), *pg. 64 – 69, 80 – 81, 122 – 127.*

⁴ FRA, 2019, *pg. 137 – 139.*

⁵ Ibid, *pg. 163.*

⁶ Ibid, *pg. 146 – 148.*

⁷ FRA, 2019, [Towards more effective policing, understanding and preventing discriminatory ethnic profiling: A guide](#). *pg. 15.*

⁸ Frontex, 2013, *pg. 106 – 113.*

⁹ Ibid, *pg. 6 – 7.*

¹⁰ European Center for Constitutional and Human Rights, 2019, [Justice for survivors of violent push-backs from Ceuta](#).

¹¹ OHCHR & Equitas, 2011, [Evaluating human rights training activities: A handbook for human rights educators](#), *pg. 11.*

¹² OHCHR & Equitas, 2020, [Evaluating the impact of human rights training: Guidance on developing indicators](#), *pg. 22.*

PART III.

HUMAN RIGHTS EDUCATION AND TRAINING IN MEMBER STATES AT EU'S EXTERNAL BORDERS AND EU LAW ENFORCEMENT AGENCIES

CHAPTER SUMMARY

This analysis of HRE and training in five MS (Spain, Italy, Hungary, Croatia and Greece) was based on direct contact with national authorities, non-governmental organisations, police unions and EU agencies, as well as a desk review of available sources. Overall, the results indicate that human rights are still not at the forefront of border guard education.

Education and training seem to only partially include topics on human rights-related duties and obligations at borders. Gaps included the lack of topics on human rights violations at borders, particularly collective expulsions; diversity, equality and non-discrimination, particularly as it refers to xenophobia, racism and discriminatory profiling; and communication at borders in the context of mixed migration movements. The teaching load of human rights in the entire programme varied between approximately 0.4% and 2.5%. Furthermore, human rights-related content appeared to be taught in separate, law-related subjects and did not appear to be sufficiently mainstreamed. Also, several MS are deploying newly recruited law enforcement officials with less than six months of training to their borders, while others deploy criminal police or riot police units.

Although good models for continuous human rights training and education were identified, these programmes were delivered only sporadically and for a small number of border guards. The delivery methods of HRE and training appeared to be mainly focused on the analysis of legal texts and aimed at the transmission of theoretical knowledge. No particular expertise in human rights appeared to be required from educators. There was no mention of a follow-up of continuous education programmes. Evaluation, where present, was conducted only at the level of trainee reactions to the training. The involvement of non-governmental organisations was either completely lacking or limited to continuous education and training programmes.

In this part of the report, education and training programs for border guards in the Member States at EU's external borders are analysed based on their content, the teaching load of human rights in the overall programme, the content and frequency of the continuous human rights' related education and training programs, teaching methods and the selection of educators, non-governmental organisations' participation and follow-up and evaluation. The analysis was based on the best practices and guidelines introduced in Part II of this report.

The study was conducted by using a desk review of available resources and establishing direct contact with the responsible national authorities and, where applicable, non-governmental organisations and law enforcement unions. National authorities were contacted from the 6th to the 7th of January 2021, non-governmental organisations from the 21st of December 2020 to the 18th of January 2021, and unions between the 27th and the 28th of January 2021. Over 40 organisations and individuals were contacted. Initially, the report aimed to analyse HRE and training in all relevant border guarding authorities in five MS: Spain, Italy, Hungary, Croatia and Greece. However, responses were not received from the *Guardia Civil* in Spain, the Croatian National Police and the Hellenic Coast Guard. Where possible, analysis based on the official response was supplemented with an analysis of available (online) resources.ⁱ Three EU agencies were contacted: Frontex, CEPOL and FRA.

This chapter first presents an overview of the border guarding authorities in the Member States of interest followed by the analysis of HRE and training practices. The final part of the chapter examines the role of CEPOL and Frontex in border guard HRE and training.

3.1. BORDER GUARDING AUTHORITIES AND TRAINING CENTRES

Spain

Two institutions, both under the authority of the Ministry of the Interior, are tasked with border management responsibilities: the National Police Force (*Cuerpo Nacional de Policía*) and the Civil Guard (*Guardia Civil*). The National Police is an armed civil entity that is responsible for effectuating (land) border controls and implementing laws related to foreign issues, asylum, refugees, extradition

ⁱ Due to the lack of information, the analysis was not conducted for Spain. For Croatia and Italy (as it related to the National Police), analysis was conducted partially.

and migration.¹ The National Police schools are united under the umbrella of the Training and Improvement Division of the National Police Corps.² Education of constables and inspectors takes one and two academic years respectively, followed by obligatory in-service training.³ The Centre for the Continuous Education and Specialisation (*Centro de Actualización y Especialización*) carries out continuous training activities. *Guardia Civil* is a police agency with a military nature and is responsible for the surveillance and control at borders, ports and airports, as well as for specific activities that control irregular migration by sea.⁴ The Guardia Civil Officers' Academy (*La Academia de Oficiales de la Guardia Civil*) in Aranjuez (Madrid) provides pre-service officer training and continuous training programmes, while the Academy of Guards and Non-Commissioned Officers (*Academia de Suboficiales de la Guardia Civil*) in Baeza provides training to non-commissioned officers and corporals.⁵

Italy

The main policing entities responsible for border management activities in Italy are the National Police (*Polizia di Stato*), under the Minister of the Interior, and the Financial Crime Investigation Unit (*Guardia di Finanza*), under the Minister of Economy and Finance. The immigration and border police unit within the National Police is responsible for patrolling ports, airports and land crossings. Three centres provide education for trainee police constables (*allievi agenti*), the National Police College of Higher Education (*Scuola Superiore di Polizia*) provides education for management-level police officers, and the Cesena training centre delivers specialist education and training on topics including border control.⁶ In Italy, police must complete a specialised 8-week border guard course⁷ before deployment with a significant emphasis on fundamental rights.

Guardia di Finanza is a part of the Italian armed forces, as well as the law enforcement agencies. Since 2017, *Guardia di Finanza* has the operational responsibility of surveillance for the purpose of preventing irregular immigration.⁸ This includes supervision of the maritime border through aerial and naval surveillance, the surveillance of the external borders (land, sea, airports and interports), the economic control of the territory by mobile operating units and other investigative activities of a wider scope.⁹ The Academy (*Accademia della Guardia di Finanza*) provides training for officers (*allievi ufficiali*), while the Inspectors and Superintendents School (*Scuola Ispettori e Sovrintendenti*) offers training to non-commissioned officers (*allievi marescialli*). Officers receive obligatory 3- to 4-year training, while non-commissioned officers receive 3-year training.

Hungary

The Hungarian National Police (*Rendőrség*) is an armed law enforcement agency under the authority of the Ministry of the Interior that is responsible for protecting the state border and controlling border traffic.¹⁰ Several educational institutions provide training and professional classifications for border guards in Hungary. The Police Education and Training Centre (*ROKK*) provides 10-month long training for border police and passport management police patrols (*határrendész és útlevéltkező rendőrkőr*). *ROKK* also carries out continuous education for border police officers. Deputy police officers (*rendőr-tiszthelyettes*) go through 1- to 2-year training at several law enforcement technical schools after they have obtained a partial vocational qualification and a professional status in the police force.¹¹ The University of Public Service (*Nemzeti Köszolgáltatási Egyetem*) provides officer education aimed at law enforcement professionals with at least two years of professional experience at the bachelor, master and PhD level. The final unit of border guards with a shorter training duration are the so-called "border-hunters" (*határvadász*). As they were not referenced in the official response from the Hungarian National Police and there are few official records on their current status or education and training process, they are not included in the main analysis. A short description of this unit is presented in *Textbox 14*. *Point of concern – Staff shortages resulting in extremely short training duration and non-specialised law enforcement officials at borders.*

Croatia

The Croatian National Police, under the Ministry of the Interior, carries out all law enforcement activities in Croatia. All activities related to border management fall under the responsibility of the border police unit that operates under the Border Directorate of the Police Headquarters (*Uprava za granicu*). The Police Academy (*Policijska akademija*) operating under the Ministry of the Interior provides pre-service and continuous education and training for different categories of law enforcement officials in several schools. The "Josip Jović" Police School (*Policijska škola "Josip Jović"*) provides pre-service education for law enforcement officials at a high-school level, lasting 2 years for candidates who are enrolled in a civil high-school education (3rd and 4th grade) or 10 months for candidates with a high-school diploma.¹² The Police College (*Visoka policijska škola*) provides education at a bachelor's level (3 years) for two specialisations – either law enforcement or criminal investigation. There also exists a specialist graduate study of 2 years in the criminal investigation field.

Greece

The two main policing entities involved in border management in Greece are the Hellenic Police (*Ελληνική Αστυνομία*), operating under the jurisdiction of the Ministry of Citizen Protection, and the Hellenic Coast Guard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*), under the Ministry of Shipping and Island Policy. The border police units of the Aliens and Border Protection Branch of the Hellenic Police serve on land borders. Their main tasks include preventing illegal immigration and combatting cross-border crime. Training of law enforcement officials is organised at several Hellenic Police Academy schools. The Police Officers' School (*Σχολή Αξιωματικών Ελληνικής Αστυνομίας*) provides university-level education with a duration of eight semesters ; the Police Constable School (*Σχολή Αστυφυλάκων Ελληνικής Αστυνομίας*) provides education with a duration of five semesters; while the National Security School (*Σχολή Εθνικής Ασφάλειας*) and the School of Further Education (*Σχολή Μετεκπαίδευσης - Επιμόρφωσης Ελληνικής Αστυνομίας*) focus on life-long learning and specialisations.¹³ The final category of border guards recognised in Greek legislation are the so-called "fixed-term border guards" (*συνοριακοί φύλακες ορισμένου χρόνου*). Their responsibilities are similar to those of officers and constables at borders, despite their significantly shorter, 3-month education. As the amount of information on their training received from the Hellenic National Police was extremely scarce, a brief analysis based on publicly available sources is presented separately (see *Textbox 16. Point of concern - "Fixed-term" border guards - Greece*)

The Hellenic Coast Guard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*) is a militarized law enforcement organisation that can support the Hellenic Navy in war. The basic tasks of the Hellenic Coast Guard in border management are law enforcement at sea, ports and coastal areas, including the prevention of illegal immigration; surveillance of the sea, shipping, ports and borders; and search and rescue at sea. The School of Cadet Ensigns (*Σχολή Δοκίμων Σημαιοφόρων*) offers 4-year officer (*κυβερνητών*) education while the School of Cadet Seamen (*Σχολή Δοκίμων Λιμενοφυλάκων*) offers education of non-commissioned officers with the minimum duration of two years.

Textbox 14. Point of concern – Staff shortages resulting in extremely short training duration and non-specialised law enforcement officials at borders

Law enforcement unions from the EU MS at the external borders have in recent years reported capacity shortages due to an increase in migration movement.¹⁴ In some countries, this has been directly linked to attempts at a swift expansion of law enforcement capacities through short education and training programs, or has been connected to the deployment of non-specialised law enforcement officials to the border.

In 2016, the Hungarian government started recruiting up to 3.000 volunteers for a so-called “border hunting” programme, which included the training of volunteers to assist the authorities with guarding the borders. This unit is expected to perform duties such as preventing and intercepting the crimes of unlawful border crossing and damaging the border closure; patrolling and surveillance in border areas; assisting in the “assembling” of asylum seekers, their transportation, care provision, and guarding facilities where migrants are detained.¹⁵ It is reported that 5 months of their training is dedicated to basic general policing knowledge and skills, while one month is dedicated to specific border policing content.¹⁶ The extent of human rights training in this programme is unknown. “Border hunters” work under the Riot Police (*Készenléti Rendőrség*) and not under the Border Policing Department like other categories of border guards.

In Croatia, apart from the specialised border police unit, other law enforcement branches have been deployed to green borders. Mobile units comprised of criminal police and over 2,000 riot police officers conduct border management activities.¹⁷ In comparison, the total border police effective is 6,500. According to the Ministry of the Interior, a total of 4,380 border police officers (67%) and 305 riot police officers (15%) have completed training on human rights.¹⁸

In Greece, up to 2,500 positions for “fixed-term border guards” were opened in a recent expansion of border guard capacities. Despite the substantially shorter training duration, their duties will not be different from those of “classical” border guards (see *Textbox 16. Point of concern – “Fixed-term” border guards – Greece*).

3.2. ANALYSIS OF HUMAN RIGHTS EDUCATION AND TRAINING IN ITALY, HUNGARY, CROATIA, AND GREECE

3.2.1. Does the content of basic pre-service human rights education and training reflect relevant areas of border guarding?

Spain

According to the National Police, the basic pre-service training is of a generalist type and not aimed at specialisation in any specific area, including border guards. Because of that, the CCC is not integrated in the basic pre-service training- However, topics related to human rights, that are also part of the CCC, are integrated in the general curriculum. As a part of the courses in the area of deontology, the following didactic units refer to human rights or are human rights-related:

- introduction to police ethics,
- police values in a democratic society,
- human rights as a reference point for police organisation,
- fundamental rights in the Spanish constitution,
- torture as a crime against humanity, including topics on the European Committee for the Prevention of Torture (CPT), the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- the European Code of Police Ethics
- Code of Ethics of the National Police,
- the UN Code of Conduct for Law Enforcement Officials,
- the CoE Declaration on the Police.

Furthermore, specific human rights-related didactic units are taught as a part of subjects on criminal and procedural law and administrative law, such as: crimes against the freedom of movement, crimes against liberty (illegal detention), crimes of threats and coercion, crimes of torture and other crimes against moral integrity, and criminal offences against foreign citizens (including trafficking in human beings).

The content of the basic pre-service education and training appears to include several important topics. However, it appears migration is not addressed in the

basic programme, not even from an introductory aspect. Furthermore, topics such as diversity, equality and non-discrimination were not mentioned.

Italy

The National Police

Since 2017, the Italian National Police has been carrying out an 8-week training programme based on the CCC for all border guard trainees. The programme, which takes place over a total of 8 weeks, covers the following areas related to human rights at borders:

1. "Fundamental rights" (*Dritti fondamentali*):

- Human rights as innate and inalienable prerogatives of every human being;
- Main international instruments for the protection of fundamental rights;
- Key provisions of the 1951 Convention and principles of international protection of refugees;
- Statelessness and related actions at borders,
- Common European standards on asylum and international protection;
- Humanitarian and subsidiary protection;
- Methods of identifying potential victims of trafficking in human beings, including minors;
- Specialised services for the assistance and protection of victims of trafficking in human beings;
- Fundamental rights of children and referral to the appropriate protection and assistance services;
- Non-discriminatory ethnic profiling;ⁱⁱ
- Cases of discriminatory profiling;
- The European Code of Police Ethics.

2. "Principles of behavioural psychology" (*Principi di psicologia comportamentale*):

- Adapting communication and behaviour to people, situations and context;
- Identifying behavioural patterns that may indicate that a person has been the victim of a particular trauma related to trafficking in human beings;

ⁱⁱ The official response names this topic „*profiling etnico non discriminatorio*“. As the detailed content of the course and course materials could not be shared due to „reasons of public order and safety“, the exact meaning of the topic remains unknown. However, it is important to note that profiling based on a protective ground, such as ethnicity, can not be „non-discriminatory“.

3. "Principles of sociology applied to the treatment of foreigners" (*Principi di sociologia, funzionali alla trattazione degli stragnieri*):

- Interactions with people of a different culture, ethnicity and religion;
- Basic concepts of cultural diversity and how to deal with it in the context of border work;
- Recognition and understanding of cultural diversity, prejudices and forms of discrimination;
- Principles for interacting with people while taking into account age, gender and sexual orientation.

Guardia di Finanza

The *Guardia di Finanza* specifically highlights that their educational curriculum is in line with the Frontex Common Core Curriculum, with courses in topics such as the EU and international law, criminal law and criminal procedure, constitutional, administrative and customs law, police techniques, shooting and physical training. Also, trainees in the aero-naval unit receive additional education on maritime legislation, including topics of protection of human life at sea, as well as on operational techniques, such as rescue swimming.

Three courses were highlighted in the context of HRE as a part of obligatory officer training. In the "Military Culture II" course (*Cultura Militare II*) in the second year, trainees are acquainted with the origins of Community law, the Geneva and Hague Conventions, and the Ottawa Convention. In the third year, in the "European Union Law" (*Dritto dell'Unione Europea*) and "International Law" (*Dritto Internazionale*) courses, trainees are introduced to the rule of law, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, the violations of the values set out in Article 2 of the Treaty on European Union, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Economic, Social and Cultural Rights, the mechanisms for monitoring human rights violations, including war crimes tribunals, and the individual criminal responsibility for committing war crimes, crimes against humanity, genocide and aggression. Additionally, the trainee officers of the aero-naval unit are acquainted with the international regime on the control of stowaways in the fourth year of their studies as a part of the "Law of Navigation" (*Dritto della Navigazione*) course and topics of repatriation and readmission as a part of the "International Law of the Sea" (*Dritto Internazionale del Mare*) course.

No clear examples were given on specific border guarding topics – it was mentioned that “the issue of immigration” is as a part of the training programme and that “in order to illustrate rules of international law” examples from the border guarding line of work, such as the right to life, prohibition of torture, and principle of *non-refoulement*, are used. Furthermore, no examples were given either on topics of diversity, equality, and non-discrimination, apart from gender discrimination, or regarding communication at borders in the context of the mixed migration movement.

Some of these topics are mentioned in the basic pre-service education of non-commissioned officer trainees as a part of the third-year course “International Humanitarian Law” (*Diritto Umanitario Internazionale*). Along with the international humanitarian law, this course includes topics such as mechanisms to ensure respect for fundamental rights during border control, search and rescue, repatriation, and guidance for the protection of migrants and vulnerable persons.

Hungary

HRE for the border police and passport management police patrols at the ROKK Police Training Academy includes content on law enforcement ethics, social work and treatment of victims, multicultural knowledge, and basics of the Schengen Code. Additionally, trainees are acquainted with the topic of trafficking in human beings and the basic aspects of the asylum system through obligatory practical in-service training. No details on the particular content of these subjects were provided.

The basics of the human rights protection system are taught in several courses during the bachelor-level officer education.¹⁹ The aim of the “Fundamental Institutions of Constitutional Law” course (*Alkotmányjogi alapintézmények*) is to “share basic knowledge on constitutional principles and institutions of the Hungarian constitutional law from the perspective of law enforcement” and it covers “the basic principles of constitutionality and the general and special rules on fundamental rights relevant to law enforcement activities”. Human rights are introduced with a special mention of the right to life and human dignity, procedural rights, fair trial and non-discrimination, freedoms and participatory rights, economic and solidarity rights and the constitutional status of police and law enforcement organs. International and national legislation on human rights in connection with law enforcement and restrictions of human rights is taught as a part of the “Theory of Legal Status in Law Enforcement” course (*Rendészeti*

jogállástan). Trainee officers are introduced to democratic policing in the “Ethics and Integrity of Law Enforcement” course (*Rendészeti etika, integritás tréning*) and to data protection in registers and during activities of law enforcement bodies in the “Law Enforcement Civil Law” course (*Rendészeti civiljog*).

However, no courses that focus specifically on human rights protection as a part of border guarding were identified. Although some courses appear to introduce migration-related content, it is not evident that they are taught from a human rights perspective. For example, the “Alien Law” course (*Idégenjog*) introduces topics such as “the phenomenon of migration”, types of migration and research on migration. At the same time, the course introduces topics such as the “role of law in protecting national security interests” in connection to “migration and terrorism”, “the nature of crimes that violate and endanger state borders”, and crimmigrationⁱⁱⁱ. Also, although there are numerous courses on the Schengen Border Code, the principle of *non-refoulement* appears only once in the entire curriculum, as a part of the “Border Policing 1” (*Határrendészeti igazgatás 1*) course, in the section on “Examination of removal, ban on entry and residence, and *non-refoulement*”.

Some of the courses touch upon the subjects of diversity and non-discrimination, such as the “Sociology” course (*Szociológia*) that features topics on attitudes, norms, stereotypes, prejudices, religions and professional ethics and the “Social and Communication Knowledge” course (*Társadalmi és kommunikációs ismeretek*), where topics such as the role of social competences in reducing prejudice, diversity, attitudes towards “otherness” and behaviour towards people of different cultures and subcultures are discussed. In the same course, topics on self-perception and the perception of others as well as communication skills are presented. In the course “Sociology of Law Enforcement” (*Rendészeti Szociológia*) topics such as “deviant police subcultures” and “the culture of violence” are discussed, along with the possibilities to influence these cultures through social deterrence and punishment, ethical codices, training and education. Furthermore, the courses “Criminal Psychology 2” (*Kriminálpszichológia*) and “Psychology of law enforcement” (*Rendészet pszichológiája*) introduce the mental health of police officers, especially in terms of the burn-out syndrome “which may compromise the integrity of mental operations and thus affect the quality and responsible work”.

ⁱⁱⁱ Crimmigration in this context likely refers to the body of law in relation to criminal offenses and their effects on someone’s immigration status.

Textbox 15. Reports of alleged human rights violations at borders – Hungary²⁰

In the early evening on December 23, 2018, two 24 and 15-year-old men from Afghanistan left Subotica (SRB). They jumped on a train at the train station of Subotica and travelled towards Budapest, locked into one freight wagon. Therefore, once the train had reached its final destination some hours later, the two of them couldn't get off. They were waiting inside the train until the morning of December 25. At that point, they were really hungry and also the oxygen inside the wagon was getting low.

In order to attract someone's attention, they started to make some noise by hitting the walls of the wagon. It took some hours and many further attempts until a man came and spoke to them from the outside. The person outside of the wagon, who later turned out to be a security man, called the authorities as one respondent claimed.

Once they arrived, they opened the wagon and asked the two individuals for their passports. When they told them that they didn't have any, they arrested them, handcuffed them and pushed the 24-year-old to the ground. Afterwards, they were brought to a police station with a police car, according to one respondent.

After they had left the train wagon, the 24-year-old saw a sign with the name of the train station saying "Budapest ...". However, at the time of the interview, he could not remember the second part of it.

Once they arrived at the police station, they their bodies were checked. Afterwards, the two individuals asked for asylum and one officer answered: *"Yes, once we are finished here, we will bring you to the camp"*.

They were again put into a police car, still handcuffed, and one officer gave them between 15 and 20 sheets of paper to sign. They couldn't understand the content, but the officers forced them to sign them anyway, with their handcuffs on. Then the officers started driving them back to the Serbian border. The journey took several hours and at 1 am on December 26, the two of them were pushed-back through a gate in the border fence near the Serbian village of Horgoš. At the fence, the officers took photos and made short videos, as the respondents called to mind.

Croatia

According to the publicly available programme²¹, two subjects during the bachelor's level education appear to introduce topics related to the basics of the human rights protection system: the first-semester course, "Introduction to the Croatian Legal System and Constitutional Foundations" (*Uvod u pravni sustav i ustavno uređenje RH*) and the second-semester course, "Police Powers" (*Policijske*

ovlasti). Two elective subjects introduce additional relevant topics: the “Prevention of Professional Stress and Burn-Out” (*Prevenција profesionalnog stresa i sagorijevanja*) and the “Social and Communication Skills Practicum” (*Praktikum socijano-komunikacijskih vještina*). For trainees who proceed with the law enforcement specialisation, there appears to be one course that introduces migration-related topics: the “Safety of European Borders and Migrations” (*Sigurnost europskih granica i migracije*). However, as the response from the Croatian National Police was not received at the time of writing this report, the precise content of these courses remains unclear.

Greece

The Hellenic Police

For police constables trainees the Frontex Common Core Curriculum is implemented through the “Common European border guard standards” (*Κοινά Ευρωπαϊκά Πρότυπα Φύλαξης Συνόρων*) course. The stated purpose of the course is to train the trainee constables “in the measures and actions that the Hellenic Police takes in the management of legal and “illegal”^{iv} immigration, with full respect for human rights”. The following topics related to human rights were mentioned: national and European legislation and policies, analysis of the definition of a refugee, vulnerable groups, subsidiary protection, and rights of beneficiaries of international protection. The course is based on a “Professional manual of the Greek Police on foreigners' issues” (*Επαγγελματικό εγχειρίδιο Ελληνικής Αστυνομίας για θέματα αλλοδαπών*) that was developed internally and published in 2018. The Hellenic Police Academy was unable to share the manual for undisclosed reasons.

A similar course with the same title is also a part of the trainee police lieutenant education. Two topics in particular have been highlighted as related to human rights: “migration flows”^v and “detention and returns”. The first topic includes themes on migration in general, such as “causes of forced population movements”, “migration in the national context”, and “protection of the fundamental rights of migrants at the borders”. The topic of detention and returns appears to be more thoroughly covered in the course and at the same time, it seems to have a stronger orientation towards the protection of human

^{iv} The term “illegal migration” is used in the official response. For the purpose of this report, the term “irregular migration” is preferred.

^v The term “migrations flows” is used in the official response. For the purpose of this report, the term “migration movement” is preferred.

rights. In the section on detention conditions, national legislation on detention conditions is presented along with the national Code of Ethics of Law Enforcement. Furthermore, Community law, international legislation and national legislation are presented in the context of the duration of detention, monitoring of return procedures, remedies, the principle of *non-refoulement* and the rights of detainees. Protection of human rights of returnees is presented through a national, European and international legal framework, as well as through what appears to be an overview of human rights protection mechanisms. There is also specific mention of the topic of fundamental rights during deprivation of liberty. A decent standard of living and the rights of detainees are also discussed in the context of the pre-departure detention centres for foreigners. Furthermore, particularly vulnerable groups are mentioned under the topic of vulnerable returnees, such as unaccompanied minors, victims of trafficking in human beings, families, women and the elderly.

Additionally, in the courses “Constitutional Law – Human Rights” (Συνταγματικό Δίκαιο-Ανθρώπινα Δικαιώματα) and the “Public International Law and Humanitarian Law” (Δημόσιο Διεθνές Δίκαιο και Ανθρωπιστικό Δίκαιο) the basics of the human rights protection system are taught as a part of democratic education of all officials to ensure “the respect for human rights which is the basic guarantee of freedom in society”. The human rights topics include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Economic, Social and Cultural Rights, the mechanisms of human rights protection in the EU, OSCE and UNESCO, the status of foreigners, including international protection, procedures for the recognition of political refugees and vulnerable groups, such as unaccompanied minors and victims of trafficking in human beings, as well as the role of law enforcement in the application of international law.

Compulsory law enforcement education seems to deal primarily with the basics of the human rights protection system with some emphasis on everyday border guarding. However, as no specifics on the content were provided, it is difficult to assess the extent to which these topics are discussed from a human-rights perspective. The HRE appears to be more oriented towards detention centres and less towards human rights protection at borders. There is no evidence that compulsory HRE includes topics such as human rights violations, limitations of human rights and absolute human rights. Furthermore, there is no evidence that the topics of diversity, equality and non-discrimination, as well as communication at borders in the context of the mixed migration movement, are included in the obligatory curriculum.

The Hellenic Coast Guard

Four courses with human rights topics were identified during trainee seaman education.²² In the “Basic Principles of Constitutional Law / Administrative Law” (*Βασικές Αρχές Συνταγματικού Δικαίου – Διοικητικό Δίκαιο*) course, individual and social rights are presented as part of the course-related topics, with the indicative reading list including a book on individual rights. The “Human Rights and Combatting Discrimination” course (*Ανθρώπινα Δικαιώματα και Καταπολέμηση Διακρίσεων*) deals more specifically with border guard duties from the perspective of human rights. The goal of the course is to provide the necessary tools to the trainees, so they can: (1) summarise national, European and international provisions for the protection of human rights-related to their duties, (2) understand the scope of fundamental rights, as well as the consequences of their violations, (3) recognize persons or groups which require special assistance and international protection and refer them to the responsible services, (4) recognize cases of violation of fundamental rights while exercising border guard duties and (5) comply with national, European and international legislation regarding fundamental rights and international protection while exercising border guard duties. Course topics specifically include the right to life, the principle of *non-refoulement*, providing assistance at different stages of border guarding, fundamental rights related to detention and deprivation of liberty and the PEACE model of communication. The “Sociology and Individual and Group Psychology” (*Κοινωνιολογία και Ατομική και Ομαδική Ψυχολογία*) course covers some topics related to burn-out. Finally, the course “Search and Rescue” (*Κατεύθυνση Αρμενιστών*) includes the UNHCR guide “Rescue at sea: A guide to principles and practice as applied to migrants and refugees”²³ in the reading list, but there is no specific reference to migrants and refugees in the course syllabus. The same courses were identified during officer education,²⁴ with slight differences in the curriculum of the “Sociology and Individual and Group Psychology” course that, in this programme, includes topics such as migration, minorities, diversity and cultural differences, prejudice and stereotypes; however, the exact content and teaching material are unknown. Both training programmes also include courses on the management of sea borders, but they do not appear to include topics related to human rights.

Textbox 16. Point of concern – “Fixed-term” border guards – Greece

Legal Background

Regional Border Guard Services were established by Law 2622/1998²⁵, which created 1,000 border guard positions and established that border guards hired under the law were obliged to follow basic pre-service training for a minimum of four months. These border guards have five-year fixed-term contracts, renewable until they reach 35 years of service or 55 years of age.

In 2019, 800 additional positions were created by law²⁶ “to address increased migration flows^{vi}”. This law reduced the minimum training period from four to three months. The same law clarified that “the duties of fixed-term border guards are identical to those of border guards”. Fixed-term border guards bear loaded firearms.²⁷

In 2020, the 1998 law was further amended²⁸ to prioritise border guard candidates who live in regions where border guard, migration management or pre-departure detention centres for foreigners are established.

Border guards hired in 2020

Kyriakos Mitsotakis, Greece’s Prime Minister, told MPs in 2019 that new border guards were to be hired as “border controls will become much stricter”.²⁹ This table shows the geographic distribution of the 1,680 fixed-term border guards that were to be hired in 2020 according to Hellenic Police open calls.³⁰ Numbers in italics indicate positions that have been re-opened as they had not been filled in the previous call.³¹

Region	Number to be hired	Date of open calls
Evros	400	27 January 2020
Lesvos	240	7 February 2020
Samos	180 98	7 February 2020 <i>3 August 2020 (b)</i>
Region	Number to be hired	Date of open calls
Chios	160 62	7 February 2020 <i>3 August 2020 (b)</i>
Kos	100 46	7 February 2020 <i>3 August 2020 (b)</i>
Leros	80 43	7 February 2020 <i>3 August 2020 (b)</i>

^{vi} The term „migration flow” is used in the original source.

Simi	20 10	7 February 2020 3 August 2020 (b)
Kalimnos	10 1	7 February 2020 3 August 2020 (b)
Megisti	10 6	7 February 2020 3 August 2020 (b)
East Attica	100	3 August 2020 (a)
South Athens	80	3 August 2020 (a)
Corinth	100	3 August 2020 (a)
Drama	100	3 August 2020 (a)
Xanthi	100	3 August 2020 (a)

The Panhellenic Federation of Border Guards welcomed hiring in Evros and the Southern Aegean, writing that “our multi-year effort to hire new border guards after 18 years for the first time was successful.”³² A local union echoed the sentiment, mentioning³³ that “after 20 years the weakened Border Guard Services of the Evros region will be staffed”.

Curriculum

The open calls^{vii} for the appointment of instructors list the course titles within these three-month training programs. The open calls list the course titles, the number of required instructors, and the eligibility criteria for instructor candidates.

For one of these calls, those appointed to teach the course including human rights topics were one lawyer and one notary based in the Evros region, where the Border Guard school is also located.³⁴ In another³⁵, one of the appointed instructors appears to be an ex-UNMIK Legal Officer who has experience with the ICTY and the Greek Ombudsperson.³⁶

Course title	Eligible candidates
1 Elements of Criminal Law	
<i>Criminal Code</i>	Law degree holders <i>if not filled – holders of any “relevant” degree</i>
<i>Code of Criminal Procedure</i>	Law degree holders <i>if not filled – holders of any “relevant” degree</i>
2 Elements of Constitutional Law – Human Rights	Law degree holders <i>if not filled – holders of any “relevant” degree</i>
3 Organisation / Regulations of the Hellenic Police	Active police staff <i>if not filled – retired police staff</i>

^{vii} Three open calls were published in 2020 for the Training Centre of Border Guards of Didymoticho, listing the same courses and requirements. (1, 2, 3). One [call](#) for Komotini listed the same courses and requirements.

4 Topics of State Security (General – Intelligence – Radicalisation – Racism – Xenophobia)	Active police staff <i>if not filled – retired police staff</i>
5 Special Criminal Laws (General / Special Part – Narcotics, Contraband, Trafficking, illegal carrying of weapons, etc. – Legislation regarding Foreigners)	Active police staff <i>if not filled – retired police staff</i>
6 Self Defence – Self Protection	
<i>Self Defence</i>	Teachers: Active or retired police, military or coast guard staff Assistants: Physical Education graduates (with specialisation in Tae-Kwon-Do, Judo, Boxing, Wrestling or related fields), or martial arts coaches, or martial arts practitioners who have studied one year in Hellenic Police schools <i>if not filled – students of Physical Education schools who have already been taught these topics</i>
<i>Self Protection</i>	Active or retired police staff
7 Use of Firearms – Marksmanship	Active or retired police, military or coast guard staff
8 Common European Standards of Guarding Borders (Topics of return and administrative detention – topics of border management – Border control)	Active or retired police staff
9 Elements of International Public Law	Law degree holders <i>if not filled – holders of any “relevant” degree</i>
10 Elements of European / Community Law	Law degree holders <i>if not filled – holders of any “relevant” degree</i>

In addition, for one of the groups of trainees, the Hellenic Police appointed³⁷ instructors to present seminars beyond the course topics above. The seminars listed were (1) Health and First Aid, (2) Information and Data Management, (3) Ethics and Behaviour Rules, (4) Animal Protection, (5) Psychological Issues and Approaches, (6) Traffic Issues, (7) Filming and Photographing Police Officers on duty, (8) Presentation and Activities of Frontex, (9) Law on Weapons – Mistakes and Omissions in real-life incidents, and (10) Narcotics Issues. No seminars related to international protection, migrant reception and identification, or more broadly human rights issues were mentioned.

3.2.2. Is the teaching load of human rights in the overall programme adequate?

Spain

The teaching load could not be estimated due to the lack of information at the time of writing of the report.

Italy

For trainee officers, the hours dedicated to human rights as a part of the obligatory courses amount to approximately 8 hours for the “Military Culture II” course, approximately 27 hours as a part of the “European Union Law” course and additional 8 hours as a part of the “International Law” course. Although the “Military Culture II” course covers topics of human rights in times of war, it was not included in the overall calculation as it is not as applicable to border guarding. Therefore, given that the 3-year education amounts to a total of approximately 3.150 hours, the overall teaching load for ordinary sector officers is approximately 1.1%. The officers of the aero-naval sector receive additional 12 hours of human rights content as a part of the “Law of Navigation” course and 10 hours as a part of the “International Law of the Sea” course at the fourth year of study. The overall percentage of HRE in the total course load for aero-naval sector officers amounts to approximately 1.4%. Non-commissioned officers receive approximately 7.5 hours of HRE through the “International Humanitarian Law” course which amounts to approximately 0.4% of the entire course load. A union representative, who is also a part of Frontex’s airborne operations, commented that Italian law enforcement officials are well trained on human rights regulations and that, to his knowledge, they always respected the rights of refugees and irregular immigrants.³⁸ The representative indicated that the main challenges to law enforcement work were overcrowding of identification centres which threatens the well-being of migrants and puts a significant strain on law enforcement staff.

Hungary

As reported by the National Police Directorate, the HRE for border and passport management police patrols includes 16 hours of course work and 16 hours of in-service training. According to the official programme³⁹, the entire training takes

1300 hours. Therefore, the teaching load of human rights amounts to a maximum of 2.5% of the programme.

The percentage of HRE in the overall programme for police officers with university baccalaureate was calculated based on the course description.⁴⁰ For courses that were determined to include elements of human rights protection, the fraction of hours dedicated to the relevant topics was calculated based on the detailed curriculum of the subject. For the “Fundamental Institutions of Constitutional Law” course, an estimated 19 hours in total were related to human rights topics (out of which 4 hours were dedicated to self-learning), for the “Law Enforcement Civil Law” course the estimate was 2 hours (1 hour of self-learning), for “Theory of Legal Status in Law Enforcement” it was 10 hours and for “Ethics and Integrity of Law Enforcement” it was 4 hours. For the courses on attitudes, prejudice and communication (“Sociology”, “Sociology of Law Enforcement”, “Social and Communication Knowledge”) a total of 19 hours (out of which 4 hours of self-learning) were estimated. Finally, for the courses on mental health and burn-out (“Criminal Psychology 2” and “Psychology of Law Enforcement”) a total of 11 hours (including 2 hours of self-learning) were estimated. Given that the programme comprises 7200 hours in total, the teaching load of human rights is approximately 1%. It should be noted, however, that trainee officers have a 560-hour obligatory traineeship for which the load of HRE could not be estimated. Still, even after excluding the duration of the obligatory traineeship, the percentage of human rights content in the training programme remains around 1%.

Croatia

Police officer HRE on the bachelor level takes up to 60 hours as a part of the “Introduction to the Croatian Legal System and Constitutional Foundations” course, up to 45 hours as a part of the “Police Powers” course and up to 60 hours as a part of the “Safety of European Borders and Migrations” course. Obligatory courses together add up to 1410 hours. As the official response from the Croatian National Police was not received at the time of writing of this report, the exact load of human rights topics in the overall programme could not be estimated.

Greece

Police lieutenant HRE takes up to 48 hours of education in the “Common European Border Patrol Standards” course, up to 64 hours as a part of the “Constitutional Law-Human Rights” and up to 54 hours as a part of the “Public International Law and Humanitarian Law” course. The exact load could not be calculated as neither the estimate of hours dedicated to human rights topics in these courses, nor the duration of the entire programme were provided. The Hellenic Police Academy was unable to share the curriculum as “the duration of the courses and the content of the material are decided each time by the respective Educational Boards of the Schools”.

Based on the estimate calculated from the detailed course description,⁴¹ seamen HRE takes up approximately 3 hours in the “Basic Principles of Constitutional Law / Administrative Law” course, 8 hours in the “Sociology and Individual and Group Psychology”, 26 hours in the “Human Rights and Combatting Discrimination” course and 4 hours in the “Search and Rescue” course. The complete programme has a total of 1690 hours; therefore, the load of human rights topics in overall education is approximately 2.4%. Similarly, officer HRE takes up approximately 4 hours in the “Basic Principles of Constitutional Law / Administrative Law” course, 11 hours in the “Sociology and Individual and Group Psychology”, 26 hours in the “Human Rights and Combatting Discrimination” course and 4 hours in the “Search and Rescue” course. As the entire 4-year programme has a total of 2522 hours, the load of human rights topics in the overall education is approximately 1.8%.

Textbox 17. Reports of alleged human rights violations at borders – Greece⁴²

- On 27 July 2020, a Danish Helicopter deployed to JO Poseidon 2020 detected during a patrol near Chios Island inside Greek Territorial Waters a rubber boat with people on board.
- After the detection, the boat was intercepted by a Hellenic Coast Guard Patrol Boat.
- After the Hellenic Coast Guard vessel arrived at the scene, the Danish helicopter left the area to continue border surveillance tasks.
- Joint Rescue Coordination Centre Piraeus (Greece) informed the Maritime Rescue Coordination Centre Ankara.
- According to the information provided by Greek Authorities, a Turkish (TUR) patrol

- boat took over the responsibility of the incident inside TUR Territorial Waters.
- According to the mission report of the Danish helicopter, the Hellenic Coast Guard vessel passed the rubber boat at relatively high speed while the rubber boat was laying still, which was recorded by a Danish helicopter.
 - The mission report of the Danish helicopter and the Serious Incident Report points out that there has been a communication between the Danish helicopter and the Hellenic Coast Guard (International Coordination Centre Coordinator), in which the Coordinator asked to change the reported coordinates of the incident, in order to indicate that the incident took place outside Greek Territorial Waters.
 - The request was refused by the Danish detachment.
 - According to the DNK mission report, the request from the Hellenic Coast Guard to change the reported coordinates of the incident was not a case of misunderstanding. [...]

3.2.3. Are there sufficient continuous programmes of education and training for human rights?

Spain

Specialist in-service education and training programmes do not include specific and exclusive courses on human/fundamental rights in border guarding. Some human rights-related topics are a part of the e-learning course "Introduction to Borders and International Protection" (*Introducción en fronteras y el de Protección Internacional*), where one didactic unit is dedicated to these topics. The official response mentions that the aims of the unit are awareness raising, enhancing legal knowledge at the international, European and national level, and operational application. Furthermore, didactic units on human rights are reported to be a part of other training activities, in particular courses on trafficking in human beings, unaccompanied foreign minors, psychological impact of trafficking in human beings for purposes of sexual exploitation, foreigners' detention centres and in the seminars for social partners against trafficking in human beings. However, no details were given on the duration, number of trainees and the frequency of these training programmes.

Italy

According to the official response from the *Guardia di Finanza*, the annual planning of the continuous education programmes aims to increase the ability of the operational personnel to apply the Schengen *acquis* and to deepen the

knowledge on the European and international legislation on asylum, the law of the sea and fundamental rights. Two continuous education programs, the “International Humanitarian Law” and the “International Humanitarian Law in Armed Conflicts”, were aimed at personnel deployed to humanitarian missions and engaged in activities contributing to public security. These courses again deal primarily with the laws and customs of war, and although they can be considered human rights-oriented in a broader sense, they are only partially relevant to border guarding. The “Countering Clandestine Immigration and Safeguarding Human Life” course, organised for personnel in the field of preventing irregular immigration, includes some human rights topics, such as the differences between human rights and fundamental rights, international regulations concerning the protection of human rights, limitations and violations of human rights, and the principle of *non-refoulement*. This course is conducted yearly for about 1000 staff. According to the available sources, the *Guardia di Finanza* has 4502 personnel in the naval service.⁴³

Hungary

According to the Hungarian National Police, continuous education programmes are conducted for border police and passport management police patrol units. The training plans are reported to be prepared while taking into account the Frontex Common Core Curriculum as well as the Sectoral Qualifications Framework (SQF) for border guarding. The following continuous training programmes include human rights content:

- “Fundamental Rights Training for Border Guards” (*Alapjogi képzés – határrendészek*) - 30 hours, the entire content (100%) is human-rights based;
- “Police Ethics” (*Rendőri etika*) - 30 hours, of which 4 hours (app. 13%) deal with the topic of prejudice;
- “The Practice of Border Traffic Control” (*A határforgalom ellenőrzés gyakorlata*) - 60 hours, of which 2 hours (app. 3%) are on the topic of fundamental rights applicable to the border guarding;
- “Official Immigration Administrator” (*Hatósági idegenrendészeti ügyintéző*) - 30 hours, of which 2 hours (app. 7%) are on the topic of fundamental rights during immigration procedures;
- “Methodology of Apprehending a Large Group of Border Violators” (*Nagy létszámú határsértő csoport elfogásának módszertana*) - 30 hours, of which 2 hours (app. 7%) are on the topic of fundamental rights applicable to the border guarding;

- "Tactical Training for Border Police Officers" (*Intézkedéstaktikai tréning – határrendészek részére*) - 30 hours, of which 2 hours (app. 7%) are on the topic of fundamental rights applicable to the border guarding;
- "Migration and International Crime" (*Migráció és nemzetközi bűnözés*) - 30 hours, of which 2 hours are on the relationship between fundamental rights and migration;
- "Possibilities for Terrorist Suspects' Screening" (*Terrorgyanús személyek kiszűrésének lehetőségei*) - 30 hours, of which 2 hours (app. 7%) are on the fundamental rights in the fight against terrorism;
- "Knowledge of Schengen Border Control" (*Schengeni határellenőrzési ismeretek*) - 30 hours, of which 2 hours (app. 7%) are on the enforcement of fundamental rights during border control;
- "Methodology of Clothing, Luggage and Vehicle Inspections" (*A ruházat-, csomag- és járműátvizsgálás módszertana*) - 30 hours, of which 2 hours (app. 7%) are on fundamental rights during inspections in border control.

The "Fundamental Rights Training for Border Guards" training was developed in 2016 with the aim to promote the importance of protecting fundamental rights in border control activities. By the end of the training, the participants should be able to "act sensitively [and] respect fundamental rights in any border guard situation". The training consists of 8 sessions of the total duration of 30 school hours (1 school hour = 45 minutes) (see *Textbox 18. Good practice example – Continuous programme of border guard human rights education*). Between 2017 and 2019 the training was organised 8 times, for a total of 102 police officers. In the same period, other specialised continuous training programmes that include a human rights component were organised 46 times for a total of 570 police officers. According to the available sources, the Western and Eastern Border Police Directorates alone have nearly 4,000 employees.⁴⁴

Textbox 18. Good practice example – Continuous programme of border guard human rights education

<i>Session title</i>	<i>Content</i>	<i>Training method</i>
<i>Work, fire and accident protection. Introduction, "ice-breaker".</i>	Work, fire and accident protection guidelines during the training. Documenting education. Introduction, expectations, introduction using the "ice-breaker" method freely chosen by the instructor.	Presentation Group work
<i>The relationship between fundamental rights and border policing. EU Charter of Fundamental Rights.</i>	Global phenomenon of migration, legal and irregular migration, push and pull factors. Human rights and fundamental freedoms, civil rights. The EU Charter of Fundamental Rights, the 1951 Refugee Convention, its relationship with the protection of human rights and fundamental freedoms. The European Convention on Human Rights. Defining fundamental rights organizations. The right to human dignity and non - discrimination in mass migration. Fundamental rights of border guards, the nature of border guard work, secondary trauma.	Presentation Small group task
<i>Fundamental rights during border control activities.</i>	The right to life in first, critical border management measures. Fundamental rights aspects in the use of coercive measures in border guarding. Operation planning and preparation, detection, and tactics for carrying out interception on a border section protected by a border fence. Implementation of segregated spot checks during border control from a fundamental rights perspective, data protection measures	Presentation Case study Discussion
<i>Fundamental rights aspects of emergency care, transportation, detention. Special needs of vulnerable groups in border police work.</i>	Actions during first-line border checks: The requirement of fair treatment. The need for first aid and health care. Provision of water and food. Vulnerable groups and the special needs of the members of these groups in border control during first-line procedures.	Presentation Practical assignment

<i>Fundamental rights with regards to information gathering</i>	Information gathering at the place of interception during first-line border checks. Active listening skills. Physical and psychological factors influencing the success of information gathering. The psychological and emotional needs of the listener. Prohibition of torture. Treatment of persons in need of protection, prevention of secondary trauma during information gathering.	Presentation Role-play Practical assignment
<i>Fundamental rights aspects of restrictions on personal liberty</i>	The right to liberty and security and their limitations in the case of mass border crossings. Fundamental rights of “Bona Fide” travellers in special situations at border crossing points. Fundamental rights in restrictions of personal liberty. Restrictions on personal freedom for groups with special needs in border areas (people with disabilities, elderly, female, lesbian, gay, bisexual, transsexual, torture victim, minor, families)	Presentation Case study Small group work
<i>Evaluation of a complex case study</i>	Full processing of a fictitious or completed case during border control in a small group session.	Case study Demonstration
<i>Training evaluation, feedback, awarding of certificates, closing</i>	Assessment of the competencies acquired during the training. Feedback from participants. Awarding of certificates.	Active summary Group discussion

Croatia

Continuous education and training programmes could not be evaluated due to the lack of information at the time of writing of the report.

Greece

The School of Further Education offered several training programmes on external border management in the past years. As a part of the “Training of Personnel on Border Guarding Human – Fundamental Rights” (Εκπαίδευση προσωπικού σε θέματα Ανθρωπίνων - Θεμελιωδών Δικαιωμάτων κατά τη Συνοριακή Φύλαξη) programme the following topics were discussed: introduction to fundamental rights during border guarding, law enforcement ethics, protection of fundamental rights, the rights of border guards, fair treatment, non-discrimination and prohibition of collective expulsions, fundamental rights in the

deprivation of liberty, right to life, protection of fundamental rights during arrest, interviewing and communication according to the PEACE model. The total training takes 18 hours. 90 officers participated in this training between 2017 and 2019.

In two training programmes – the “Training of police personnel by Passport Control Services” (*Εκπαίδευση αστυνομικού προσωπικού από Υπηρεσίες Ελέγχου Διαβατηρίων (Υ.Ε.Δ.)*) and the “Training of police personnel from Border Guard Departments” (*Εκπαίδευση αστυνομικού προσωπικού από Τμήματα Συνοριακής Φύλαξης (Τ.Σ.Φ.)*) - a topic on the treatment of vulnerable groups was included. 198 law enforcement officials attended these trainings in the period between the year 2017 and 2019. The total amount of time dedicated to this topic in the second training programme is approximately 2 hours.⁴⁵ During the “Training of police personnel in the identification of citizenship (screening)” (*Εκπαίδευση αστυνομικού προσωπικού στην ταυτοποίηση υπηκοότητας (screening)*), 119 law enforcement officials were taught the basic principles of interviewing with an emphasis on the protection of fundamental rights . In total, 2 hours out of 30 were dedicated to this topic.⁴⁶ Furthermore, between 2017 and 2019, 580 law enforcement officials attended seminars that dealt with the topics of “human rights, racism, xenophobia, international protection” and “persons in need of international protection”. Up to a maximum of 3 hours were dedicated to these topics.⁴⁷

Textbox 19. Reports of alleged human rights violations at borders - Croatia⁴⁸

[...] I am an employee of the Border Police Station [redacted] and have been working on the protection of the state border for a long time. A few of us no longer have the will or strength to watch what is being done with these people. We return them to Bosnia and Herzegovina every day without paperwork, without processing, no matter who it is, women, children, the same for everyone. There is no asylum, it does not exist, only in exceptional situations, when a case is being covered by the media.

The official orders from the chief [redacted] and the headquarters and administration is to return everyone without paperwork or trace, to take money, break mobile phones, throw them in [redacted] or take them for ourselves, return refugees by force to Bosnia. It is true (*what they say about*) how we treat them, police officers on assistance from other police administrations are especially cruel in their treatment because they are angry that they are here, and they are here for a short time, so they do what they want

without any control [...], they beat, take possessions away. This is sad but true, and all with the blessing of the head of the police station and administration. A couple of us here are especially saddened by all that we are encouraged to do, and this is ordered by managers who should work with respect to legal obligations and suppress such police officer behaviour. We return 20-50 of them daily. When they are brought from other police administrations, they are exhausted, sometimes even beaten, and then we drive them during the night and transfer them to Bosnia by force.

A lot of things are happening here, some police officers even resort to weapon use, it brings shame to the police institution, and I did not imagine it would be like this when I went to school. [...]

3.2.4. Do the teaching methods promote the acquisition of desirable attitudes and skills?

Spain

It was reported that the methodology of training combines theoretical training with practical police work. Furthermore, trainee law enforcement officials have an obligatory “on-the-job-training” aimed at the application of theoretical knowledge. However, no examples of particular teaching methods were provided in the official response.

Italy

As a part of the *Guardia di Finanza* officer training, face-to-face lectures are conducted with the help of materials such as handouts/brochures/textbooks and/or slides. Although this aspect of training is difficult to evaluate objectively, especially given the lack of details on teaching methodology, it appears that the teaching methods lack the participatory approach necessary for the acquisition of skills and attitudes.

Hungary

There are some efforts to promote the acquisition of skills during border guard training. At the border police and passport management police patrols level, practical skills are trained during in-service training. At the officer level, most of the human rights-related courses are described as including at least 50% of practical (exercise) work, with the courses “Ethics of Law Enforcement”,

“Psychology of Law Enforcement” and “Social and Communication Knowledge” having an estimate of 100% practical work.⁴⁹ However, it is unclear which education methods are used.

Substantial reasoning for the promotion of the acquisition of skills and attitudes is found in the continuous education course “Fundamental Rights Training for Border Guards”. According to the curriculum description, the course was developed precisely for the purpose of training practical skills as “basic training in border policing deals with fundamental rights on a theoretical level”. Training methods are practical, participatory and learner-centred, with methods such as group tasks, discussions, case studies, role-play and demonstrations (*see Textbox 18. Good practice example – Continuous programme of border guard human rights education*). The promotion of skills and attitudes acquisition is clearly stated in the aims of the training that include “confronting the trainees with fundamental rights violations through self-learning method and combatting common misconceptions through case studies.” Throughout the training, misconceptions are confronted “either by using role-plays or presenting case studies or real statistics”. By the end of the training, the participants are expected to “act sensitively and respect human rights in any situation that may arise during border guarding”.

Croatia

Teaching methods could not be evaluated due to the lack of information at the time of writing of the report

Greece

At the Hellenic Police Academy lectures are conducted face-to-face, using power-point presentations. It was mentioned that some evaluation of practical skills is involved, as solving a practical scenario based on court decisions “may be used when grading”. Furthermore, there is a mention of an educational visit to the Pre-departure Detention Centre for Foreigners (Προ.Κε.Κ.Α.). In the Hellenic Coast Guard officer and seamen education, there is some mention of problem-solving tasks, such as the analysis of case studies.

3.2.5. Is the expertise in human rights taken into account when selecting educators?

Spain

No details on the selection of educators were given in the official response.

Italy

The lecturers are reported to be accredited by an appropriate educational institution. Educators include university professors and/or law professionals or come from the ranks of the Corps or the Armed Forces/Police. No further details on human rights expertise were mentioned.

Hungary

Educators at the *ROKK* Police Education and Training Centre are reported to be law enforcement officials with a higher education degree, out of whom “many have pedagogical qualifications”. At the University of Public Service, educators appear primarily to be university professors, with a background in either law or social sciences. No details are given on other competences or particular expertise in the area of human rights.

Croatia

The selection of educators could not be evaluated due to the lack of information at the time of writing of the report

Textbox 20. Good practice example – Competency Profile of CEPOL Trainers⁵⁰

A trainer operating in the CEPOL setting should be able to:

Professional competencies

1. Facilitate opportunities to establish and/or maintain professional European and international networks.
2. Use appropriate and various learning methods, depending on the participants and

the educational content.

3. Work with Senior Police Officers as a target group.
4. Apply scientific research in the field of European policing in the course.
5. Demonstrate a thorough knowledge of his/her own field of expertise and be up to date on developments and trends within this field in the European context.
6. Organise the learning process as well as possible given the participants and the resources available.
7. Communicate effectively in English.

Contextual competencies

8. Prepare, deliver and evaluate courses according to CEPOL quality standards and philosophy.
9. Analyse the contributions made by the participants, summarise these at a more abstract level and place them in EU/CEPOL context.
10. Apply knowledge of European (including CEPOL) standards, institutions, criteria, etc.
11. Encourage students to access and contribute to the European Learning Network (EPLN) and EDOC.
12. Maintain standards of professional and ethical practice.

Social competencies

13. Work in multicultural/international teams.
14. Maintain a balance between social, personal and CEPOL interests when supervising participants.
15. Manage diversity among European participants.
16. Contribute to a learning environment where cultural differences, language, gender, etc. are respected.
17. Facilitate participants in managing their well-being in a “foreign” environment.

Individual competencies

18. Maximise potential by using participants’ skills, knowledge and experience as resources.
19. Encourage sharing of learning experiences in the participant’s own environment (“cascading”).
20. Create an effective learning environment through effective problem-solving.
21. Coach participants in taking individual responsibility for the learning process.

Greece

At the Hellenic Police Academy, educators for law-related subjects are reported to be university professors, while the courses on border guard standards are delivered by specialised police personnel. In the continuous education programmes, experts “not affiliated to the state” are also mentioned. No details were given on specific competencies related to human rights.

3.2.6. Do non-governmental organisations and other organisations and institutions participate in the training programmes?

Spain

The participation of several non-governmental organisations was mentioned with regards to the development and delivery of continuous education and training programmes. No details were provided on the frequency of the collaboration..

Italy

There is some evidence of the involvement of non-governmental organisations in the training programmes, as the Italian Red Cross was mentioned as an organiser for one of the continuous education programmes (“International Humanitarian Law in Armed Conflicts”). However, the programme is not organised yearly. Therefore, the involvement of non-governmental actors appears to be sporadic.

Hungary

Several non-governmental organisations used to cooperate with the Hungarian National Police on the matters of border monitoring and border guard education. However, all public funding mechanisms aimed at assisting migrants, which were mostly funded under the national envelope of the Asylum, Migration and Integration Fund (AMIF) and led by the Ministry of the Interior, stopped in 2017. This action came soon after an interview with Kristof Altusz, a deputy state secretary within the Hungarian Foreign Ministry, who claimed that the immigration and asylum office was sponsoring “Soros-like” activities for NGOs.⁵¹ Before that, the Hungarian Helsinki Committee, along with UNHCR and other non-governmental organisations, had a long-standing cooperation with the Hungarian National Police on questions of migration and asylum, which included monitoring of closed and open facilities and an agreement on cooperation on training and exchange of experiences.⁵² Training programmes were organised following a needs assessment, mostly within the scope of organised police training days. The main training topics included:

- human rights standards on voluntary returns, funded by the national allocation of the European Return Fund (ERF);

- training of the armed security guards at detention facilities on topics such as the rights of detainees, resolving conflicts, intercultural communication, and use of force;
- best practices of age assessment;
- awareness-raising training programmes;
- (clinical) supervision groups (see *Textbox 21. Good practice example - (Clinical) Supervision groups in Hungary*).

Educators observed a change of narrative regarding human rights in law enforcement work during the course of this cooperation. It is their perception that the narrative in the more recent years changed from rejecting human rights violations to a narrative of national safety and protection of “Christian values”. They highlighted the use of supervision groups as their most successful approach to developing positive attitudes and reducing prejudice.

Textbox 21. Good practice example - (Clinical) Supervision groups in Hungary

(Clinical) Supervision is a form of vocational counselling that focuses on interactions between people, professional tasks and organisations. It should not be understood as the monitoring of one’s professional work. Rather, it is as a guided self-reflection process that offers:⁵³

- support in the decision-making process concerning current professional issues,
- support in challenging and demanding professional situations and conflicts,
- clarification and processing of tasks, functions and roles;
- support in the handling of processes of change;
- innovative solutions for new challenges;
- measures to avoid mobbing and burnout.

Professional supervisors, i.e. human or social science experts with additional training in supervision, focus on existing resources, knowledge, skills and competencies of supervisees and guide supervisees to apply them efficiently in their work environment through a process of structured self-reflection.

In 2010, in cooperation between UNHCR and Hungarian Helsinki Committee and Hungarian National Police, trained supervisors from Cordelia Foundation held supervision groups with police officers working at Ferihegy Airport. Sessions included “usual” supervisory work where the group discussed current issues, and a relaxation and stress dissolution session. Supervisees reported being satisfied with the sessions and successful in application of the learned techniques in their work.

Croatia

In the period between 2017 and 2019, the Ministry of the Interior had a cooperation agreement with UNHCR and the Croatian Law Centre for conducting HRE and training activities.⁵⁴ The target groups were law enforcement officials who conduct measures related to return and readmission and those who directly conduct activities related to border control. Topics of the training included:

- Access to international protection as a human right,
- Practical application of the Law on International and Temporary Protection and bylaws regulating border police duties;
- Responsibilities of law enforcement officials, including providing a referral to asylum seekers;
- Identification of potential asylum seekers in need of special reception and procedural guarantees, including detention,
- Information on the state of irregular migration in Croatia.

Seminars included some practical exercises, particularly on the identification of potential asylum seekers and vulnerable groups. In total, 12 one-day seminars were held for a total of 217 border guards.

Furthermore, in 2019 and 2020, as a part of the International Security Fund funded project, the Croatian Law Centre organised three programmes aimed at educating trainers for the area of access to international protection and protecting the fundamental rights of migrants. The following topics were included:

- Duties and responsibilities of law enforcement officials,
- Protection of vulnerable migrants and asylum seekers,
- Protection of unaccompanied children,
- Protection of external EU borders and access to international protection in recent ECtHR practice,
- Methods of teaching others.

Every topic was followed by a case study of a practical group assignment. As a result of this training programme, a manual for law enforcement on access to asylum and protection of human rights of migrants was developed.⁵⁵ The manual is intended to be used by trained police officers-multipliers when transferring the knowledge to their colleagues. During the course of the project, three workshops were held for a total of 56 participants.

Educators in all of these training programmes were legal experts from the Croatian Law Centre, protection experts from the UNHCR, and law enforcement experts from the Ministry of the Interior. Participants rated their satisfaction with the importance of the topics, the amount of new information and its applicability to their work, the quality of the educators and their interest in the topic. Evaluations showed that border guards are very interested in these topics and that further training efforts on these subjects are needed.

Furthermore, in 2020 the European Union Agency for Fundamental Rights (FRA) delivered half-day training on the Schengen Borders Code and fundamental rights for about 20 participants from different units and levels of command.⁵⁶ Topics included access to territory, procedures related to the refusal of entry at the border and remedies, the use of the Schengen Information System, and freedom of movement of persons enjoying international protection in the Schengen area. A case study on access to international protection at borders that included examples of collective expulsion and violence was presented, with a focus on analysing the legality of border guards' actions and protection needs. The educator felt that the participants were very interested in the topic and were eager to know more, especially given the allegations of violence at borders. The educator also felt that participants were committed to conducting their duties in a professional manner, which also included the protection of human rights at borders. At the same time, it seemed that they only had limited, formal knowledge of human rights. They also appeared surprised that the Schengen Borders Code has fundamental rights provisions. Despite the generally positive outlook on the topics, the educator also observed some unhelpful attitudes that may be obstacles to protecting human rights at borders. Border guards seemed frustrated that Croatia is a transit county and that most asylum seekers do not remain in Croatia. This was related also to the belief that most asylum applications are "fake" and that migrants are "abusing the system". Because of that, they felt like they are "working on borders in vain".

Greece

There is no evidence of the participation of non-governmental organisations in training programmes.

3.2.7. Is there a follow-up and evaluation of training programmes?

Spain

There was no mention of the follow-up and evaluation of training programmes in the official response.

Italy

There is no evidence of a follow-up or evaluation of HRE and training.

Hungary

There is some evidence of a follow-up and evaluation of the continuous training programs. The final session of the “Fundamental Rights Training for Border Guards” includes collecting verbal and written feedback from the trainees. However, the available data indicates that only an overall satisfaction score is taken into account.

Croatia

Follow-up and evaluation of training programmes could not be evaluated due to the lack of information at the time of writing of the report.

Greece

Training evaluation is mentioned in the context of a continuing education programme: a basic evaluation of the training, in terms of the satisfaction with the trainer, the duration and topics, is conducted.

Textbox 22. More on - Human rights education for law enforcement officials in Spain in 2010⁵⁷

In 2010, Amnesty International conducted an analysis of HRE in the Spanish National Police and the *Guardia Civil*. Even though the focus of the study was on the broader human rights topics and not directly on human rights in border guarding, several of their findings apply to the current study.

For the National Police, it was found that the teaching load of human rights in the overall programme was small: 3.4% for the basic officer scale and 2% for the executive scale. Particular human rights topics, such as limitations on the use of force, were appropriately introduced within the study on codes of ethics and reinforced through practical examples. Others, such as limitations on the principle of due obedience, were taught only at a theoretical level. Nevertheless, there was general evidence of efforts to promote the acquisition of practical skills and to reinforce the internalisation of desirable values through methods such as viewing videos, studying press releases and disciplinary files and the analysis of specific actions. Furthermore, there appeared to be a degree of openness to the participation of external organisations in the training programmes, although such co-operations were not systematic.

For the *Guardia Civil*, the load of human rights in the overall programme was similar and small, between 2.7% and 4.5%, with the lower percentages being observed for executive scales. The limitation on the use of force was a part of the curriculum, but limitations on the principle of due obedience were not. Teaching methodology appeared to be oriented towards the transmission of knowledge through a study of legal texts. Furthermore, the participation of NGOs and other institutions was generally deemed to be sporadic when it comes to human rights.

For both organisations, teaching on immigration, refugees and asylum was found to be mostly from a perspective of countering irregular immigration and not from a human rights perspective. No specific human rights expertise requirements for educators were found – for basic ranks, educators were mostly active officers; for entry training into the executive ladder, only general legal or social science expertise was required. Finally, no evidence for the evaluation of HRE was found past the evaluation of immediate outcomes, such as student surveys.

3.3. ANALYSIS OF HUMAN RIGHTS EDUCATION AND TRAINING IN EU LAW ENFORCEMENT AGENCIES

3.3.1. CEPOL

The European Union Agency for Law Enforcement Training (CEPOL) develops, implements and coordinates training programmes for law enforcement officials. These include onsite training activities, online webinars and courses, and exchange programmes.

However, training border guards on issues related to migration and border management activities is outside of the scope of CEPOL's legal mandate. According to the CEPOL Regulation,⁵⁸ border guards qualify as a target audience only as law enforcement officials, that is, as being responsible for the prevention of and fight against serious crime affecting two or more Member States, terrorism and other forms of crime that affect a common interest covered by a Union policy, or for crisis management and public order, in particular international policing of major events.

Since 2018, CEPOL has organised several webinars that could be relevant to border guarding, such as:

- Data protection and police (Regulation 2016/679 of 27 April 2016 and Directive (EU) 2016/680 of 27 April 2016), in cooperation with FRA;
- Human Rights and Police Ethics/Detention conditions and handling of detained persons;
- Human rights and fundamental freedoms of law Enforcement Officers in the Court of Justice of the EU;
- Unlawful profiling;
- Police stops and searches & profiling;
- Unaccompanied children in return procedures and fundamental rights;
- Identification of vulnerable persons and victim protection during initial registration.

Also, CEPOL annually implements a 10-day course on Police Ethics/Management of Diversity with the aim to enhance the respect of fundamental rights in law enforcement work with an emphasis on diversity. In the past 4 years, only 2 border guards attended this course.

CEPOL is currently in the process of establishing a dedicated expert group to foster the inclusion of fundamental rights topics in its training activities, with the increase in border guard participation being one of the possible discussion subjects.⁵⁹

3.3.2. Frontex⁶⁰

The European Border and Coast Guard, amongst other tasks, assists the Member States and third countries in the training of national border guards, as well as other relevant staff and experts on return, and establishes common training standards and programmes. Furthermore, Frontex is responsible for the training of their statutory and operational staff that is a part of the standing corps, including on the topic of fundamental rights.

The Common Core Curriculum

The CCC, as described earlier (see *0.1.2. Curricula and guidelines for law enforcement human rights education*), contains important topics related to human rights. In the entire CCC, fundamental rights are mentioned 260 times, human dignity 100 times, non-discrimination 73 times, right to life 61 times, access to international protection 52 times, *non-refoulement* 30 times, the prohibition of torture 27 times. At the same time, the prohibition of inhuman or degrading treatment is mentioned only 10 times, stereotypes 4 times and concepts such as prejudice, racism, xenophobia and collective expulsions only once. It is noteworthy that the one mention of collective expulsions is in the context of the study of the European Convention on Human Rights and Fundamental Freedoms, and not in the context of border guarding activities and procedures.

Furthermore, the curriculum does not appear to recommend the topic of the overview of the human rights situation in the respective MS. This kind of information could benefit border guard trainees as it could raise further awareness for recognising human rights violations in the context of border guarding. Additionally, even though access to international protection is often highlighted in the curriculum, no specific guidelines are provided regarding interviewing at borders with the aim of fostering access to protection, even though they exist in other Frontex manuals (e.g. the PEACE model).⁶¹ Finally, it is noteworthy that in the entire section (pg. 180 - 185) on “cooperation and coordination with other authorities”, which includes working with (other) police

forces, customs, security companies, military forces, crisis management activities, immigration services, and third countries, there is no explicit mention of either national or international human rights institutions or non-governmental organisations.

In 2019 Frontex launched an interoperability assessment programme to evaluate the integration of the common core competencies into basic pre-service training. The assessment is supposed to evaluate not only the national training institutions but also assess the knowledge of the students. The evaluation was planned to be published in 2020,⁶² but is yet to be finalised.

Training for statutory staff

In 2018, Frontex started the delivery of the Pre-Deployment Induction Training to their statutory staff which, among other topics, includes fundamental rights, access to asylum, protection of vulnerable persons, and child protection. From January 2018 to December 2019, the training was regularly delivered to all officers who were scheduled to be deployed to Frontex operational activities. 1292 trainees in total participated in the training during this period.

In 2019 and 2020, the fundamental rights component was further developed in the Pre-Deployment Induction Training that now includes 4 hours of fundamental rights topics in the independent and 4 hours in the contact learning phase. In 2020, 839 officers who were scheduled to be deployed participated in the basic training.

Furthermore, fundamental rights topics were, according to Frontex, mainstreamed in the advanced operational courses for the following profiles:

- Border Guard Officer,
- Debriefing Officer,
- Information Officer,
- Advanced Level Document Officer,
- EBCG team - Land Border Surveillance,
- Coast Guard Function Officer,
- Frontex Tactical Support Officer,
- Motor Vehicle Crime Detection Officer,
- Cross-Border Crime Detection Officer,
- Forced Return Escort and Support Officer,
- Return Specialist.

At the time of writing this report, it was not possible to estimate the teaching load of fundamental rights in specialised programmes.^{viii} It was mentioned, however, that the Land Border Surveillance training includes a four hour long session on fundamental rights.

In total, Frontex organised advanced operational courses for 327 staff members in 2019 and 53 staff members in 2020. Summary of training for statutory staff can be found in *Annex II. Summary of Frontex organised training*.

Training for national officers

Member States Officers and Schengen Associated Countries officers who participate in training programmes are nominated by their respective countries.

In 2018, training efforts were mainly focused on the delivery of the European Courses for Frontex Fundamental Rights trainers for officers wishing to become Frontex Fundamental Rights Trainers. One of these iterations was primarily focused on the Western Balkan states. Two such courses for a total of 37 officers were held. The courses covered three thematic modules: (1) Border-related fundamental rights, (2) Impact of first-line activities on fundamental rights, (3) Impact of second-line activities on human rights. The courses included a self-study e-learning session, 2 contact sessions (5 days each), and an assessment and certification session. They were delivered by experts nominated by national authorities who contributed to the development of training methodology, content, and tools. Furthermore, several courses for readmission officers and forced return escort leaders were held for a total of 411 national Greek officers. The exact content of the programmes and the load of the human rights topics were unknown at the time of the writing of this report. In 2018, training programmes were organised for a total of 626 national officers and experts (for a summary *Annex II. Summary of Frontex organised training*).

According to Frontex, the entire training strategy was revised in 2019 and 2020 to mainstream fundamental rights topics in all relevant courses. This new approach replaced the former training strategy of delivering stand-alone, specialised fundamental rights courses. The exact content of the training was unknown at the time of writing this report. In 2019, 716 national officers, border

^{viii} Following initial correspondence with Frontex (8 January 2021, 8 February 2021), and additional request for training materials was submitted (15 February 2021). At the time of writing of the report, the request was still being processed.

guards, and experts participated in training activities compared to 133 in 2020 (for a summary see *Annex II. Summary of Frontex organised training*).

Standing Corps

Since 2020, training activities have focused on the European Border and Coast Guard Standing Corps. According to Frontex, the Basic Training Programme is fully aligned with the CCC Basic. Fundamental rights are said to be included horizontally during the entire basic training programme, with some dedicated sessions. However, no details on the load of the human rights themes in the overall programmes were provided at the time of the writing of this report.

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- ²⁶ Article 17 of [Law 4647/2019](#)
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PART IV.

CONCLUSIONS AND RECOMMENDATIONS

CHAPTER SUMMARY

This report makes recommendations to member states and EU agencies in several areas.

With regards to the legislative framework, MS are encouraged to adopt or amend legislation to better reflect the need for HRE and training of law enforcement and to review and refine the operational tasks, recruitment and pre-deployment procedures of certain categories of border guards.

Regarding the content of HRE, Frontex and MS are encouraged to include additional human-rights topics such as the prohibition of collective expulsions; ensuring access to international protection; recognising and preventing human rights violations at borders; xenophobia, racism, and discriminatory profiling; as well as on the issues of foreigners, migrants, and refugees from a human rights perspective.

Regarding the teaching load, MS are encouraged to increase the load of human rights in border guards' training programmes and mainstream human rights topics across their entire curriculum. MS, Frontex and CEPOL are further encouraged to develop or continue developing specialised continuous training programmes on human rights for border guards and significantly increase their delivery.

Regarding the delivery of the HRE and training programmes, MS are further encouraged to improve teaching methodology to better reflect adult education theory and participatory methods, include follow-up of training programmes and more rigorously select educators. Furthermore, MS are encouraged to establish sustainable models of cooperation with non-governmental organisations and to consider ways to support border guards with regards to stress reduction and the prevention of burn-out.

This report analysed the current state of HRE and training in select Member States at the EU's external borders, particularly as concerns the obligations of border guards in the context of the mixed migration movement. In recent years, numerous concerns about human rights violations at borders were expressed, including alleged push-backs, unlawful use of force, destruction of personal belongings, as well as humiliating and degrading treatment. And while worldwide and regional initiatives to further the HRE and training of law enforcement resulted in some positive outcomes, previous evaluations showed that human rights education remains mainly marginalised in law enforcement training. States have a responsibility to ensure that human rights are at the centre of the governance of migration at borders. This report hopes to support all efforts to improve current practices in border guard HRE and training.

Overall, this study indicates that human rights are still not at the forefront of law enforcement or border guard education. In fact, legislation and bylaws regulating law enforcement and border guard education in some MS do not explicitly include HRE and training. In others, the terminology used to refer to migration is inconsistent with international human rights law and standards. Furthermore, due to the operational capacity shortages, some MS have started training volunteers for border guarding tasks. Others have intensified the recruitment of certain categories of border guards with an extremely short training duration and amended the laws to further shorten it. Some MS have deployed other branches of law enforcement officials to borders, such as the criminal investigation or riot police units.

RECOMMENDATIONS CONCERNING THE LEGISLATIVE FRAMEWORK

All Member States are encouraged to:

- Adopt or amend legislation and bylaws regulating law enforcement and border guard training and education to include human rights.
- Specifically reference HRE and training of border guards in national human rights or anti-discrimination action plans.
- Consider establishing a reporting and monitoring mechanism related to HRE and training for law enforcement officials and border guards.
- Ensure that terminology used in legislation, policy, and practice to refer to migration is consistent with international human rights law standards. Per UN General Assembly resolution No. 3449 (9 December 1975), the term

'illegal' should never be used to refer to a migrant in an irregular situation.

- Make publicly available all undertaken or planned actions regarding the HRE and training of law enforcement and border guards.

Hungary, Croatia, and Greece, in particular, are encouraged to:

- Review and refine the role of certain categories of border guards with a short training duration (<10 months) so that they are mandated only to perform tasks for which they have adequate training, capacity, and resources in accordance with human rights standards. Where certain categories of border guards are found unable to perform some tasks in accordance with human rights laws, appropriately trained personnel should be brought in to perform these functions.
- Adopt or amend recruitment procedures for the categories of border guards with a short training duration (<10 months) to include a rigorous assessment of commitment to learn and abide to relevant human rights obligations.
- Adopt or amend pre-deployment procedures, particularly for the categories of border guards with short training duration (<10 months) or for law enforcement officials who do not usually work in border guarding units. Pre-deployment procedures should include comprehensive HRE and training on protecting human rights in the context of the mixed migration movement.

This study indicated that some progress was made concerning the content of HRE and training for border guards. The Frontex CCC, revised in 2017, included important human rights considerations in the recommended training curriculum for border guards. It recommends implementing not only topics regarding the basics of the human rights protection system but also on the duties and obligations of border guards concerning access to international protection and the protection of vulnerable groups, diversity, tolerance, non-discrimination, and communication at borders. All participating MS have reported implementing the CCC either in their basic pre-service programmes or the continuous educational programmes. Furthermore, some MS have included specific subjects on border guarding in their curricula (in Italy, for the National Police; in Greece, for both the National Police and the Hellenic Coast Guard).

However, several concerns regarding the content of HRE and training remained. The CCC includes only occasional remarks on the prohibition of inhuman or degrading treatment and very sporadic references to stereotypes, prejudice, racism, xenophobia, and collective expulsions. Furthermore, it does not include

the overview of the human rights situation in the respective MS, specific guidelines regarding interviewing at borders to foster access to international protection or forms of cooperation with national or international human rights institutions or non-governmental organisations. Regarding MS, the grounding of human rights topics to the reality of border guarding appears to be weak. Topics on human rights-related duties and obligations at borders were usually taught as a part of law subjects. Other big gaps included the lack of topics on human rights violations at borders, particularly collective expulsions; diversity, equality, and non-discrimination, particularly as it refers to xenophobia, racism, and discriminatory profiling; and communication at borders in the context of the mixed migration movement.

RECOMMENDATIONS CONCERNING THE CONTENT OF PRE-SERVICE HRE AND TRAINING

Regarding the content of the CCC, Frontex is encouraged to:

- Consider including the topic on the human rights situation in the respective MS, based on information from intergovernmental bodies and non-governmental organisations.
- Explicitly mention the prohibition of collective expulsions in the common studies model of the curriculum as well as in special modules for land, sea and air borders.
- Consider including the subject of interviewing people in need of international protection at borders, e.g. based on the PEACE model.
- Consider including the topic of cooperation with national and international human rights organisations and non-governmental organisations.

Member States are encouraged to:

- Ensure border guard trainees are provided with an insight into the human rights situation in the respective MS, particularly as it refers to the potential violations of the principle of *non-refoulement* and the prohibition of collective expulsions.
- Further contextualise the training on border guard human rights-related duties and obligations at borders. Training should include practical information on types of actions border guards can undertake to respect and protect human rights during their day-to-day work, with an emphasis on

ensuring access to international protection.

- Significantly expand the training provided on recognising and preventing human rights violations at borders. Such training should have a strong emphasis on the analysis of legality, proportionality, legitimacy, and necessity of any border guard action that represents a potential interference with human rights.
- Significantly expand the training provided on diversity, equality, and non-discrimination, particularly as it refers to xenophobia, racism, and discriminatory profiling.
- Significantly expand the study on the issues of foreigners, migrants, and refugees from a human rights perspective.

The teaching load of human rights-related topics was small in all Member States for which the study was conducted. It varied between approximately 0.4% and 2.5% of the entire programme. Furthermore, human rights-related content appeared to be taught in separate subjects, most often those on constitutional, EU or international law. Human rights issues mostly were not mainstreamed in courses that focused on border procedures.

RECOMMENDATIONS CONCERNING THE TEACHING LOAD OF HUMAN RIGHTS

Member States are encouraged to:

- Significantly increase the teaching load of human rights-related topics in the basic pre-service training of law enforcement and border guards.
- Mainstream human rights topics across the entire curriculum, but especially in all courses on border procedures and the use of force.

Some form of continuous HRE and training was mentioned by all Member States who responded to the inquiry. Two MS have developed specific training programmes aimed to ensure the protection and respect of human rights at borders, and one Member State additionally reported mainstreaming human rights topics in several other training programmes. Continuous training programmes for human rights have also been developed by CEPOL and Frontex. In 2018, Frontex organised two courses for law enforcement officials who wish

to become Frontex Fundamental Rights Trainers for a total of 37 officers. One of these trainings focused on the Western Balkans states.

However, one of the MS reported only one continuous training programme that appeared to focus more on preventing irregular migration. In MS with specialised human rights courses for border guards, the delivery of these programmes seemed sporadic. In these two MS, only approximately 30 border guards attended these training programmes per year. Furthermore, as training border guards on issues related to migration and border management activities is outside of CEPOL's legal mandate, only negligible numbers of border guards participated in their human rights-related training programmes. Finally, Frontex's training programmes for national experts and officers were mainly delivered for mixed groups of participants from numerous MS and Schengen Associated Countries. Only a few training programmes were oriented towards border guards from a single country, and these were mostly on the topic of detention.

RECOMMENDATIONS CONCERNING CONTINUOUS HRE AND TRAINING

Member States are encouraged to:

- Develop or continue developing specialised training programmes for border guards on human rights and to significantly increase delivery of these programmes.
- Mainstream human rights topics in all continuous education and training programmes.

CEPOL is encouraged to:

- Consider ways to include border guards in existing HRE and training programmes.

Frontex is encouraged to:

- Consider ways of supporting HRE and training initiatives in MS where there are serious concerns about human rights violations at borders.

Methods of the delivery of HRE and training appeared to be mainly focused on the analysis of legal texts and aimed at the transmission of theoretical knowledge. Although some efforts to teach practical skills and promote desirable attitudes were observed, these were mainly apparent in continuous education programmes. It appeared that no particular expertise in human rights was required from educators. There appeared to be no follow-up on the continuous training programmes. Evaluations were conducted only sporadically, as a part of the continuous training programmes, and only at the level of trainee reactions to the training. In 2019, Frontex started the evaluation of the integration of the CCC into law enforcement training, which was supposed to include the assessment of trainee knowledge. The evaluation was planned to be published in 2020 but is yet to be finalised.

RECOMMENDATIONS CONCERNING THE METHODS AND EVALUATION OF HRE AND TRAINING

Member States are encouraged to:

- Conduct an in-depth review of training methodologies, particularly for the basic pre-service training, with a view to strengthen the use of adult education theory and participatory methods, in order to promote the acquisition of skills and the internalisation of attitudes important for the respecting and protection of human rights.
- Include human rights expertise and experience with adult teaching methods as requirements when selecting educators for HRE and training programmes.
- Follow-up training programmes or refresher courses should be built into every HRE and training effort.
- A multi-stage evaluation should be built into the entire system of HRE and training, encompassing both the basic pre-service training and continuous training programmes. Evaluation should:
 - Include pre-training assessments to baseline data for comparison;
 - Assess different levels of outcomes, such as effects on trainee knowledge, skills and attitudes, and mid- and long-term impact on the organisation and the community;
 - Be used to improve future HRE and training programmes.

Frontex is encouraged to:

- Continue evaluating the implementation of the CCC in MS, with a special emphasis on human rights topics.
- Make all actions, reports and evaluations regarding the HRE and training of law enforcement and border guards publicly available.

Involvement of non-governmental organisations in HRE and training was either completely lacking or was sporadic. The cooperation with non-governmental organisations was mostly seen in continuous education and training programmes. These types of cooperation seemed to be dependent on unreliable sources of funding. In two MS there appeared to be no such cooperation.

RECOMMENDATIONS CONCERNING COOPERATION WITH NGOS

Member States are encouraged to:

- Establish sustainable models of cooperation with non-governmental organisations in conducting HRE and training, both for basic pre-service and continuous programmes.

Finally, even though assessing the types of support that would be beneficial for border guards was outside the scope of this report, several sources mentioned increased strain and pressure on border guards due to the nature of their work in the context of the mixed migration movement. Experience with organising clinical supervision groups in one of the MS indicated that they can be useful in addressing difficulties of border guarding and reducing stress.

RECOMMENDATIONS ON PROVIDING SUPPORT TO BORDER GUARDS

Member States are encouraged to:

- Consider ways of supporting border guards in the context of mixed migration movement, especially in terms of reducing stress and preventing burn-out, also through organising clinical supervision groups.

ANNEX I. SUBJECTS RELATED TO FUNDAMENTAL RIGHTS IN THE COMMON STUDIES MODULE OF THE CCCⁱ

Subject	Knowledge	Skills & Competences
1.3.1. Verbal and non-verbal communication	Obstacles to effective communication, including stereotypes and bias.	Effective communication with respect to gender, age and cultural diversity.
1.4.1. Cultural diversity	Influence of stereotypes in human relations in a border and coast guard-related context.	Interacting with people from different cultures with respect to cultural diversity, ethical and professional standards and the principle of non-discrimination.
1.4.2. Tolerance and non-discrimination	Discrimination grounds; rules and guidelines to prevent human rights violations; rights of persons who were subject to discrimination and intolerance; the importance of empathetic and respectful behaviours in providing quality service to prevent discrimination and intolerance in the context of border control.	-
1.5.1. Border and coast guard values and ethics in the EU	Importance of acting in accordance with professional and ethical guidelines; types, forms and consequences of unethical behaviour. [...]	Reporting unethical behaviour to proper authorities within the organisation.
1.6.1. Fundamental rights in relation to border guarding	Fundamental rights and obligations of all persons crossing the borders; fundamental rights and obligations of BGs; role and responsibility of BG in protecting the fundamental rights of all persons.	Taking responsibility to ensure the fundamental rights of all persons and preventing their violations.

ⁱ Frontex, 2017, Common Core Curriculum for Border and Coast Guard Basic Training in the EU: Revised edition 2017. Received from Frontex, 15 February 2021.

Subject	Knowledge	Skills & Competences
1.6.2. International fundamental rights framework	Key provisions of international fundamental rights instruments and good practices in preventing their violations.	-
1.6.3. The 1950 European Convention on Human Rights and Fundamental Freedoms and its Protocols	Rights guaranteed by the Convention.	Identify cases of infringement.
1.6.4. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol	Summarise key provisions related to border guarding activities.	Identify identity papers and travel documents; identify persons in need of international protection and refer them.
1.6.5. The 1954 Convention relating to the Status of Stateless Persons	Summarise key provisions related to border guarding activities; define reasons for and consequences of statelessness.	Identify identity papers and travel documents; identify cases where a referral is needed.
1.6.6. The Charter of Fundamental Rights of the European Union	Fundamental rights included in the Charter.	Identify cases of infringement of fundamental rights.
1.6.7. Access to international protection and the asylum procedure, and the principle of non-refoulement	Principles of refugee protection and procedures facilitating access to international protection; role and responsibilities relevant to facilitating access and safeguarding the principle of <i>non-refoulement</i> ; cooperation with national, EU and international organisations	Identify persons in need of international protection; take responsibility for providing access to international protection and asylum procedure and referring persons in need of protection to competent authorities.
1.6.8. Identification and referral of victims of trafficking and other vulnerable groups	Forms of human trafficking and vulnerabilities; the difference between smuggling and trafficking; role and responsibilities concerning the identification and special needs of victims of human trafficking and other vulnerable groups.	Identify indicators suggestion a person may be a victim of human trafficking or may be vulnerable.

Subject	Knowledge	Skills & Competences
1.6.9. Protection of children	Protection needs and rights of children; national authorities and organisations for referral; procedure in case of unaccompanied and separated children.	Identify when children may need enhanced protection and assistance.
2.1.3. Schengen acquis	[...] Duties of BGs concerning persons seeking international protection.	-
2.1.6. Return, readmission, refusal of entry and removal	[...] Importance of voluntary returns; safeguards prior to the return of vulnerable groups.	Take responsibility for referring cases with a particular focus on fundamental rights.
2.2.1. Constitutional law	[...] Provisions regarding tasks and functions of the state, citizens' rights.	Operate in accordance with constitutional law with regard to citizen rights, tasks and functions of the state.
2.3.3. People smuggling and trafficking in human beings	[...]	Identify potential victims of people smuggling and trafficking in human beings with special attention to children and other vulnerable groups.
2.4.1. Principles of interviewing	Principles and procedures for interviewing taking into account gender, age and cultural sensitivities, protection needs and vulnerabilities. [...]	Interviewing in accordance with fundamental rights, gender, age and cultural sensitivities, protection needs and vulnerabilities, and national legislation.
2.3.2. Interviewing ethics	Methods and principles for interviewing individuals with special consideration for persons in need of international protection, children, traumatised persons or victims of crime.	-
2.4.8. Working with an interpreter	Situations where it is necessary to involve an interpreter; interviewing procedure with an interpreter.	Perform interviews with the assistance of an interpreter.

Subject	Knowledge	Skills & Competences
2.6.1. First-line border checks	Rights of vulnerable persons, persons in need of international protection, <i>non-refoulement</i> , core tenants of EU fundamental rights law. [...]	[...] Identify vulnerable persons and persons in need of international protection; take responsibility for referral of vulnerable persons and persons in need of international protection.
3.1.1. Legislation and principles of using coercive measures	Provisions of the national and EU laws, policies, rules and procedures; necessity and proportionality; limits and exceptions concerning coercive measures; prevention of fundamental rights violations [...]	Prerequisites and consequences of applying coercive measures.
3.1.2. Legislation and principles in case of detainment/custody and arrest	-	Take responsibility for respecting the right to human dignity, the prohibition of torture, liberty and security, fair treatment, non-discrimination and referral procedures.
3.1.7. Profiling	-	Actively reject stereotypes and biases; respect fair treatment, non-discrimination and human dignity.

ANNEX II. SUMMARY OF FRONTEX ORGANISED TRAINING

Summary of training programmes for statutory staff 2019 – 2020

Training	Duration	Location	Total number of trainees 2019	Total number of trainees 2020
Border surveillance officer – Maritime Operations	4 weeks independent + 2 weeks contact	Poland, Estonia, Finland	63	22
Air Crew Preparation for Joint Operations	4 weeks independent + 1 week contact	Italy, Greece	52	-
Coast Guard Functions Officers	4 weeks independent + 1 week contact	Italy, Greece	86	-
EBCG Team – Land border surveillance training	5 – 9 days	Croatia	126	17
Profile Training for Cross-Border Crime Detection Officers	8 days	Estonia	-	10
Debriefing Officer	5 days	Poland	-	4
TOTAL			327	53

Summary of training programmes for national officers in 2018:

Training	Duration	Location	Target group	Total number of trainees
European Course for Fundamental	7 days	Poland, Bosnia and Herzegovina,	National multipliers	37

Training	Duration	Location	Target group	Total number of trainees
<i>Rights trainers</i>		Serbia		
<i>Readmission Officers' training</i>	5 – 7 days	Greece	National officers	380 (Greece)
<i>Forced Return Escort Leaders in Return Operations</i>	5 – 6 days	Netherlands, Greece	National experts	78, 31 (Greece)
<i>(Eurosur) National Coordination Centre (NCC) Operators</i>	-	Spain, Poland		28
<i>Ad hoc Training on Fundamental Rights</i>	4 days	Romania	Romanian border guards	18 (Romania)
<i>Course for Return Specialist</i>	2 – 4 days	Poland, Netherlands	National experts	54
TOTAL				626

Summary of training programmes for national officers in 2019:

Training	Duration	Location	Target group	Total number of trainees
<i>European course for predictive border profiling specialists</i>	12 days	online	National border guards	120
<i>Readmission Officers' training</i>	3 – 5 days	Greece	National officers	259 (Greece)
<i>Regional profile training for screening</i>	5 days	Greece	National officers	18 (incl. Greece, Croatia, Hungary and Spain)
<i>Forced Return Escort Leaders</i>	8 hours independent	Netherlands, Greece,	National experts	105, 50 (Greece), 50

Training	Duration	Location	Target group	Total number of trainees
<i>in Return Operations</i>	+ 40 hours contact	Cyprus		(Cyprus)
<i>Training for forced-return monitors</i>	16 hours independent + 40 hours contact	Norway, Italy	National experts, observers from the Frontex Consultative forum	36
<i>Frontex course for screening experts</i>	7 days	Poland	National border guards	17
<i>Frontex course for registration officers</i>	7 days	Poland	National border guards	17
<i>Frontex course for debriefing experts</i>	5 days	Poland	National experts	40
<i>Profile related advanced specialization training</i>	4 days	Poland	National registration officers	4
TOTAL				716

Summary of training programmes for national officers in 2020:

Training	Duration	Location	Target group	Total number of trainees
<i>Training for Readmission Officers</i>	7 days	Greece	National officers	84
<i>National Forced Return Escort in Return Operations</i>	5 days	Moldova	National experts	25 (Moldova)
<i>Forced Return Escort Leaders in Return Operations</i>	8 hours independent + 40 hours contact	Netherlands	National experts	24
TOTAL				133

ANNEX III. SUMMARY OF THE ANALYSIS OF HRE AND TRAINING PROGRAMMES IN ITALY, HUNGARY, CROATIA AND GREECE

Areas of analysis	Spain	Italy	Hungary	Croatia	Greece
1. Does the content of basic pre-service human rights education and training reflect relevant areas of border guarding?	To a small extent. Basic training is of a generalist type and not aimed at specialisation in any specific area. Basic training includes topic related to the basics of human rights standards and protection mechanisms.	To some extent in the National Police. The topics include the basics of human rights standards and protection mechanisms, as well as some topics related to access to international protection, as well as diversity, anti-discrimination and the protection of vulnerable groups. To a small extent in <i>Guardia di Finanza</i> . Education and training mostly focus on the basics of human right standards and protection mechanisms.	To a small extent. Basic training mostly focuses on the basics of human rights standards and protection mechanisms, with some mention of “multicultural knowledge” in the training of border patrol units.	-	To some extent. A specialised course on border guard standards that includes human rights protection is a part of the basic training in both the Hellenic National Police and the Hellenic Coast Guard. In both institutions officer education includes content related to the basics of human rights standards and protection mechanisms. The Hellenic Coast Guard curriculum additionally includes topics on diversity and prejudice.

Areas of analysis	Spain	Italy	Hungary	Croatia	Greece
2. Is the teaching load of human rights in the overall programme adequate?	-	The teaching load of human rights is negligible. For non-commissioned officers it amounts to 0.4%. For officers it amounts to 1.1% in the ordinary sector and 1.4% in the aero-naval sector.	The teaching load of human rights is negligible. For border patrol units it amounts to a maximum of 2.5% of the programme; for officers, it amounts to approximately 1%.	-	The teaching load could not be calculated for the Hellenic Police. For the Hellenic Coast Guard teaching load of human rights is negligible. For seamen, it amounts to approximately 2.4%, for officers 1.8%.
3. Are there sufficient continuous programmes of education and training for human rights?	Continuous training programmes do not include specific human/fundamental rights in border guarding. Some human rights-related topics are included as special didactic units as a part of other courses. Information was not provided on the number of border guards trained.	A limited number of human rights topics are included in the continuous education and training programmes that appear to involve up to 22% of staff.	Continuous training programmes appear to mainstream human rights topics with a specialised course on human rights concerning border guarding. Yearly, less than 6% of officers appear to be included in any training involving human rights, and less than 1% in the specialised course.	-	Human rights topics are included in several continuous training programmes with one specialised course on human rights concerning border guarding. About 329 law enforcement officials participate yearly in any training with a human rights component, and 30 in the specialised course.

Areas of analysis	Spain	Italy	Hungary	Croatia	Greece
4. Do the teaching methods promote the acquisition of desirable attitudes and skills?	Practical teaching methods were mentioned, however, not enough information was provided to evaluate.	Teaching methods appear to be geared almost exclusively towards the transmission of theoretical knowledge.	There appears to be some effort to promote the acquisition of skills. The acquisition of attitudes is stressed only in continuous education programmes.	-	There appears to be some effort to promote practical skills, as teaching methods occasionally include problem-solving tasks and educational visits.
5. Is the expertise in human rights taken into account when selecting educators?	-	There appear to be no specific requirements for human rights educators.	There appear to be no specific requirements for human rights educators.	-	There appear to be no specific requirements for human rights educators.
6. Do non-governmental organisations and other organisations and institutions participate in the training programmes?	Non-governmental organisations seem to be involved to some extent in the development and delivery of continuous training programmes.	The involvement of non-governmental actors appears to be sporadic.	There is no involvement of non-governmental actors.	Non-governmental organisations and other non-law enforcement organisations conduct continuous training programmes on human rights.	There appears to be no involvement of non-governmental actors.

Areas of analysis	Spain	Italy	Hungary	Croatia	Greece
7. Is there a follow-up and evaluation of training programmes?	There is no evidence of a follow-up or evaluation.	There is no evidence of a follow-up or evaluation.	Evaluation appears to be conducted only at the level of immediate outcomes.	-	Evaluation appears to be conducted only at the level of immediate outcomes.

Note. The analysis in Spain is conducted for the National Police. In Italy, the analysis is conducted for the National Police only with regards to the basic pre-service education; the remainder of the results refer to *Guardia di Finanza*. The analysis in Hungary and Croatia was conducted for the National Police, and in Greece for the Hellenic National Police and the Hellenic Coast Guard.



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