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BORDER GUARD TRAINING ON HUMAN RIGHTS

A MAPPING PAPER FOCUSING ON SELECTED
EU MEMBER STATES' PRACTICES



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1. Introduction

The present mapping paper was written within the framework of the EPIM-funded project "Access to Protection: a human right". The project is coordinated by the Italian Council for Refugees (CIR) and the participating countries are: Italy, Germany, Greece, Hungary, Malta and Spain.

The project aims at bringing national and EU policies and practices in line with the obligations set out by the European instruments on human rights and in particular by the decision of the ECtHR in the *Hirsi* case, as far as access to territory and to protection are concerned. Since the training of border officials plays a significant role in this matter a mapping exercise was carried out amongst the project countries with the aim to find out to what extent human rights training is part of the border guard training curriculum and also to identify gaps in available training tools. The analysis could then serve as the basis for future training material development and training activities.

The methodology of the mapping exercise included desk-research conducted by the Hungarian Helsinki Committee in May-June 2013 which was then supplemented by the contribution of national project partners during the second half of 2013.

The paper first summarizes the main trainings offered to border guards by institutions and then focuses on the countries involved in this project.

1.1. The scope of border guard training

Border Guard Training, including training on fundamental rights, is usually provided by specialised national police teaching staff or/ and by Frontex. Support is provided by external stakeholders such as the European Asylum Support Office, European Police School (CEPOL), UNHCR or NGOs. However, involvement of NGOs in the training activities remains relatively low.

Basic border guard training mainly focuses on practical regular police tasks and challenges rather than specific issues related to human rights or the rights of migrants. The areas primarily covered by these trainings include: dealing with new border surveillance technology (e.g. application of information systems), combating illegal immigration¹ and transnational crimes (drug smuggling and trafficking in human beings), English language skills, and the general legal framework of the border surveillance operations.² In comparison with this, training on fundamental rights for border guards is relatively rare. However, it has gained momentum over the last years. There are two important factors that play a role in this: one being the introduction of a fundamental rights component into the Common Core Curriculum (CCC)³ of the European Union – a common minimum standard of skills and knowledge every European border guard has to be equipped with⁴ – and the other the EU Fundamental Rights Agency (FRA) which played an important role in putting fundamental rights on the border guard training agenda and to map existing border guard training activities.⁵

2. Training activities – by institutions

2.1. Frontex training and the Common Core Curriculum of the European Union

2.1.1. General description

Pursuant to Article 5 of the revised Frontex Regulation⁶, both Frontex and the Member States are under an obligation to ensure that the border guard, before being deployed, "have received training in

¹ See: Italian Ministry of Interior 2007-2013, p. 31, p. 48.

² See: List of Reported Training Courses Provided across the EU, Center for the Study of Democracy 2011, pp. 77-78.; in: Frontex (2012b).

³ For further detail see section 2.1.

⁴ This can be seen as a result of the harsh criticism against human rights abuses committed by Frontex itself in the framework of border surveillance operations.

⁵ For further detail see section 2.3.

⁶ The Council Regulation (EC) No. 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union has been amended in 2011 by Regulation 1168/2011/EU, 25 October 2011.

relevant Union and international law, including *fundamental rights and access to international protection and guidelines* for the purpose of identifying persons seeking protection and directing them towards the appropriate facilities” (emphasis added).

The idea of the Common Core Curriculum (CCC) was developed by the Council of the European Union in 2002 and it aims at standardising the training of border guards all over Europe. It was developed in 2004 and revised in 2006-2007 and, most recently, in 2012.⁷ The latest version - to which the FRA and UNHCR have contributed extensively - includes the set of fundamental rights knowledge and skills that every border guard should have. This fundamental rights component was not included in the earlier version of the Curriculum.⁸ As national curricula in the member states had already been adopted by the time the revised CCC was issued, the changes could not be implemented for the 2012–2013 training year. They should, however, be reflected in the academic year of 2013–2014.⁹

The CCC relies on the EU Bologna system: in offering measurable, common standards for national border guard training institutions, teachers and students in all EU Member States; in enhancing the role of the Frontex Partnership Academies by a mobility/exchange programme and by an Erasmus-like student exchange programme.¹⁰

In 2012, Frontex in turn developed a Fundamental Rights Manual¹¹ in order to provide the trainers with methodology and to enhance the knowledge and skills of border guard officers in the field of fundamental rights and international protection.¹² It has been developed in consultation with universities and international organisations such as UNHCR, IOM, and the Committee for the Prevention of Torture, and NGOs.

Frontex offers trainings on a regular basis. Its training system is based on the cooperation of external stakeholders such as the European Police College (CEPOL), FRA or the Geneva Centre for the Democratic Control of Armed Forces (DCAF).¹³ In 2013, the total budget for Networking and Cooperation with Stakeholders Programme was EUR 370.000.¹⁴ The European Training Scheme¹⁵ - the tool for the implementation of the CCC - encompasses the following institutions:

- **National Training Coordinators:** network of national experts, training counterparts from Member States. Two conferences are planned for 2013.
- **Frontex Partnership Academies:** network of national border guard academies from Member States which support Frontex training by hosting Frontex meetings and training activities. The scope of the Partnership Academy Network is extended towards increasing their involvement and input to training projects. Two conferences are planned for 2013. An overview of the Academies can be found on the [Frontex homepage](#).¹⁶ The training courses at these facilities are focused on small groups of 10 to 20 participants.¹⁷
- **Frontex Virtual Aula** is the web-based platform of Frontex Training including information about Frontex training projects and Frontex training activities. The aim of the Virtual Aula is to offer to Partnership Academies, managers, national training coordinators, trainers, teachers and project assistants an overall picture of what is carried out in Europe in the field of border guard training. For 2013, it is foreseen that relevant activities are synchronised with other EU agencies, e.g. in the context of eLearning. Furthermore, a Schengen Border Code e-Learning Module will be developed and reviewed twice a year.¹⁸

⁷ Frontex (2012d), Common Training Standards For The Eu Border Guard Services, <http://www.frontex.europa.eu/news/common-training-standards-for-the-eu-border-guard-services-1NyLhR>

⁸ FRA report, p. 110, p. 106.

⁹ FRA report, p. 106.

¹⁰ Frontex website, 2012, <http://www.frontex.europa.eu/news/common-training-standards-for-the-eu-border-guard-services-1NyLhR> (last accessed 25.04.2013).

¹¹ http://www.frontex.europa.eu/assets/Publications/General/Frontex_Fundamental_Rights_Strategy.pdf

¹² Frontex 2013.

¹³ <http://www.dcaf.ch/Project/DCAF-Border-Security-Programme>

¹⁴ Frontex 2013.

¹⁵ Stockholm Programme, Art. 1.2.6.

¹⁶ Also see European Commission 2008, para. 14.

¹⁷ <http://www.frontex.europa.eu/training/partnership-academies/>

¹⁸ Frontex 2012a, 2013.

Areas, issues dealt with: The CCC is composed of a general part and specific modules for air, land and sea borders. Several parts of the CCC contain references to fundamental rights.

Training gaps and needs: The trainings offered are focused more on tactics than human rights. They are generally of a *practical nature*, focusing on what a border guard needs to know and to do in a particular situation.¹⁹

2.1.2. Frontex-led trainings in 2011

In the framework of three programmes comprising 20 projects, the Training Unit organised 223 activities with the participation of almost 3500 participants. In 2011, a common methodology and materials were developed, such as the "Trainer's Manual on Combating Trafficking in Human Beings for Border Guards" and the "Air Crew Training Manual".²⁰ A "Pilot training for border guards on combating trafficking in human beings" was conducted in 2011.²¹ Since 2005 the Partnership Agreements have provided physical facilities and logistical services to enable border guard courses, meetings, workshops, and other training events.²²

2.1.3. Frontex-led trainings in 2012²³

Member States are still required to introduce the Fundamental Rights Training Manual developed by Frontex in 2012.²⁴ The Fundamental Rights Training Manual was written with the aim to develop and implement common standards for border guard training in the Member States. Although the issue of fundamental rights was not given a primary importance in the trainings²⁵, fundamental rights experts were included in the trainers' pool.²⁶ Within the same context the "Trafficking in Human Beings Training Tool" with a budget of EUR 200.000 was developed in cooperation with EU agencies, NGOs and international organisations. According to information provided by Frontex, the tool provides a common basis for the provision of training in handling victims with respect to their dignity and fundamental rights.

Furthermore, a regular annual conference on the "European Curricula for Border Guard Education" was established. It aims to collect and discuss reflections on existing border guard training programmes and to reach a common understanding on future curricula development.

At the first Partnership Academy (see 2.1.1.) meeting in Helsinki the training tasks were divided as follows:

- development of teachers' training aiming at the implementation of CCC (Academy in Finland)
- actual project meetings, multiplier trainings, ad-hoc trainings (training centre in Austria²⁷)
- mid-level trainings which are organized via four-week long seminars of for 15 participants (academies in Germany, Lithuania, Hungary, Slovenia and Finland)
- sea-border related trainings (Cyprus, Italy, Portugal - discussions not concluded yet)
- air-border related trainings and forged documents detection trainings (Netherlands - discussions not concluded yet)
- land-border operational related trainings (academy in Lithuania)

¹⁹ FRA report, p. 106.

²⁰ Frontex 2011, p. 17.

²¹ Frontex 2011, p. 27.

²² University of Malta 2011.

²³ If not explicitly indicated otherwise, all information in this sub-chapter is provided by Frontex (2012a).

²⁴ Frontex 2012a; Frontex 2011, p. 27.

²⁵ Instead, EUR 20.000 were available for a research conference which aims to gather reliable information indicating what proportion of illegal flows border guards fail to intercept (Frontex (2012a)).

²⁶ Frontex 2012a.

²⁷ A major step forward towards institutionalisation of BORDER GUARD TRAINING and common training standards within the EU was the creation of the Vienna based Ad-hoc-Centre for Border Guard Training in 2003 (Monar 2006, p. 201; For further details about the Ad-hoc-Centre see Council of the EU: <http://register.consilium.eu.int/pdf/en/03/st12/st12570-re01.en03.pdf>). Its activities were fully taken over by Frontex in 2005 (European Commission 2008, para. 14).

- providing university support through an accompanying evaluation of the updating process of the CCC (Institute for Educational Research in Jyväskylä – Finland).²⁸

2.1.4. Frontex-led trainings 2013²⁹

A budget of EUR 4.5 M (+0.5 M) was made available for border guard training which is a significant increase in comparison to previous years (see table below). It is expected that this will lead to an overall increase of training activities by 14% during 2013 including courses on fundamental rights for all Frontex staff in 2013.

Total use of appropriations made available in 2010.

Source: Frontex, General Report 2011, p. 24

Title / Article (amounts in € 1 000)	Budget		Paid		Unused	
	2010	2010	2011	Total	%	
Title 1	15 735	15 064	274	15 338	97%	397
Title 2	12 200	5 953	4 885	10 838	89%	1 362
Title 3	64 912	42 760	17 662	60 422	93%	4 490
Total	92 847	63 777	22 821	88 598	93%	8 249
Breakdown per unit/sector for Title 3						
Joint Operations Unit	47 449	37 500	8 300	45 800	97%	1 649
Land Borders	6 702	4 648	1 783	6 431	96%	271
Sea Borders	29 554	23 539	4 862	28 401	96%	1 153
Air Borders	2 079	1 469	481	1 950	94%	129
Joint Return	9 114	7 844	1 174	9 018	99%	96
Risk Analysis	1 568	590	792	1 382	88%	186
Situation Center	270	197	47	244	90%	26
Training	5 622	3 026	1 562	4 588	82%	1 034
Research & Development	1 400	261	746	1 007	72%	393
Pooled Resources	6 776	903	4 831	5 734	85%	1 042
Miscellaneous Operational Activities	190	146	41	187	98%	3
Operational IT Projects	1 637	137	1 343	1 480	90%	157

Areas, Issues dealt with: According to the Frontex Programme of Work 2013³⁰, emphasis on the training design will be laid on fundamental rights, trafficking in human beings (in 2011 the Handbook on Risk Profiles on Trafficking in Human Beings has already been launched), and the development of standardized training programmes for joint organized activities and joint operations, e.g. for return officers, escort leaders, interview officers. The one-week Training for Schengen Evaluators (Scheval Training) target nominated Member State's experts leading the Schengen Evaluation Missions. For 2013, a mechanism is to be developed to evaluate the trainings' conformity with fundamental rights provisions with the support of FRA (budget: EUR 180.000).

2.2. European Police College (CEPOL)

CEPOL is an EU Agency, established in 2005.³¹ CEPOL's mission is to bring together senior police officers from police forces in Europe and to encourage cross-border cooperation in the fight against crime, for public security and law and order by organising training activities and research findings.

In 2012, Greece, Malta, Italy and Spain sent staff to at least one of the CEPOL trainings on trafficking in human beings. CEPOL organised one course on dealing with victims of trafficking in line with human rights standards in collaboration with Spain. 26 participants from 18 countries including Greece, Italy and Malta attended.³²

²⁸ Frontex 2012c.

²⁹ If not explicitly indicated otherwise, all information in this sub-chapter are gained from Frontex (2013).

³⁰ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/frontex_wp2013_/frontex_wp2013_en.pdf

³¹ Council Decision 2005/681/JHA of 20 September 2005.

³² FRA report, p. 109.

Generally speaking, CEPOL trainings focus rather on technical issues of border management than on fundamental rights issues. During the drafting period of this report, for example, there were two SIS II trainings offered by CEPOL.³³

2.3. European Union Agency for Fundamental Rights (FRA)

The FRA provides the EU institutions and Member States with independent, evidence-based advice on *fundamental rights*. The Agency was founded in 2007. Its role in relation to the work of border guards is threefold: 1. It explores whether the training curricula of national border academies adequately prepares border guards for the fundamental rights challenges³⁴, 2. It provides input into some Frontex trainings³⁵ and 3. It monitors existing border guard trainings. This latter task is extremely valuable as reliable information about border guard training is hardly accessible. More information is now available about border guard training thanks to the latest FRA publications "Fundamental rights at Europe's southern sea borders" (2013)³⁶ and "Handbook on European law relating to asylum, borders and immigration" (2013)³⁷.

2.4. UNHCR

Courses/ Programme: UNHCR Protection Training Manual for European Border and Entry Officials.³⁸ The main purpose of this training manual is to build the capacity of EU and other European border and entry officials to establish "protection-sensitive entry systems" in border areas.

Tools: CD/ Online based tools which assist in the preparation and delivery of a workshop (by national authorities, NGOs etc). According to the manual, a team of facilitators would ideally be composed of at least two trainers, preferably three, from border control institutions (from national or regional structures), UNHCR, and a national authority or organization responsible for dealing with protection-related issues.³⁹

Period of training activity: The Manual was launched in 2006. The **target group** includes the following groups: European border authorities and Frontex, as well as UNHCR staff and national partners, including NGOs.

The **issues dealt with** are the following:

1. Training material including practical exercises, set of learning goals and methodology,
2. Information about the *law* (refugee law; EU Fundamental Rights; roles of each stakeholder, such as UNHCR, in border control), *politics* (EU asylum system), *practical aspect of border surveillance* (forced returns, rescue operations at sea, identification of persons in need), *others* (e.g. Ethics and Communication at Border Points).

Number of persons trained: Due to the nature of this learning medium no statement can be made in this regard.

3. Training activities - country-by-country data⁴⁰

3.1. Airport entry point - Germany

German border guards are trained in the Federal Police Academy of Lübeck. It is one of the academies certified for implementing the first EU European Mid-Level Course for junior supervisory staff of border guard activities. This training tool was developed by Frontex in cooperation with a working group consisting of several EU Member States. The course concentrates on teaching basic border guard tactics, procedures, and operational structures in the respective states and is complemented by

³³ bit.ly/180Top2

³⁴ <http://fra.europa.eu/en/project/2011/treatment-third-country-nationals-eus-external-borders-protecting-fundamental-rights-eu>

³⁵ FRA report, p. 110.

³⁶ <http://fra.europa.eu/en/publication/2013/fundamental-rights-europes-southern-sea-borders>

³⁷ <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>

³⁸ UNHCR 2011.

³⁹ UNHCR 2011, Introduction, p. 4.

⁴⁰ The list of national services responsible for border control can be found [here](#).

practical training modules at the external borders. In the first four-week course, the 15 participants from 15 different EU Member States will spend one week each at border police academies and border police offices in Germany, Lithuania, Hungary and Slovenia. The curriculum includes knowledge of command, control and operational structures of other border guard services, however, fundamental rights education is not mentioned.⁴¹

In Germany, there is no border guard training conducted by NGOs. However, in the framework of the *Forum Abschiebungsbeobachtung Flughafen Frankfurt am Main (FAFF)* NGOs monitor whether removal practice at the Airport is in compliance with human and fundamental rights obligations. This working group operates in a partnership between the Federal Police on the one hand and Amnesty International, Hessian Refugee Council, Caritas, Diakonisches Werk (Social Service Agency of the Protestant Church in Germany), Protestant and Catholic Church, PRO ASYL on the other hand.⁴²

3.2. Sea Border - Greece, Malta, Italy, Spain

Table 15: Implementation of the CCC at national level,
five EU Member States Source: FRA report 2013, p. 108.

EU Member States	Institution	Undertook to implement the CCC
CY	National Police	Yes
EL	Hellenic Police	Yes
	Hellenic Coast Guards	Yes
ES	National Police	Yes
	<i>Guardia Civil</i>	Yes
	Spanish Navy	No
IT	National Police	Yes
	<i>Guardia di Finanza</i>	Yes
	Italian Navy	No
	Italian Coast Guards	No
MT	National Police	Yes
	Armed Forces of Malta	No

Note: EU Member State country codes: CY: Cyprus; EL: Greece; ES: Spain; IT: Italy; MT: Malta.

Source: Frontex National Training Coordinators, 2012

The specific Common Core Curriculum module on the sea border covers the applicable law of the sea framework, search and rescue procedures, and the special regime for seafarers and the particular characteristics of maritime operations. The table below shows some of the fundamental rights-related skills and knowledge the CCC contains in its general part.⁴³

⁴¹ Frontex, Mid Level course For border guard officers started In Lübeck, Germany
<http://www.frontex.europa.eu/news/frontex-mid-level-course-for-border-guard-officers-started-in-lubeck-germany-MI42Xc>

⁴² Pro Asyl 2013.

⁴³ FRA Report, p. 106.

Subject	Knowledge	Skill
1.3.3. Identification of psychologically vulnerable persons	Border guard (BG)* is able to identify behavioural patterns which indicate that a person could be a victim of trafficking suffering trauma.	BG is able to channel appropriate care for psychologically vulnerable persons.
1.4.1 Principles of interviewing	BG is able to list and explain the guiding principles and national procedures for interviewing in border-related situations. BG is able to prove the need to have an adequate knowledge of fundamental rights standards and national legislation when meeting and interviewing people in border-related situations.	BG is able to apply adequately their knowledge of fundamental rights standards and national legislation when interviewing in a border-related situation.
1.4.2. Working with an interpreter	BG is able to describe when to call on the services of an interpreter and explain the procedures to follow.	BG is able to communicate effectively with a foreigner by using an appropriate interpreter, with due consideration concerning gender and cultural sensitivities.
1.5.1. Cultural diversity	BG is able to explain the basics of cultural diversity and how to deal with it in a border guard-related situation. BG is able to acknowledge and understand cultural diversity.	BG is able to deal with people from different cultures and with different values in a professional manner.
1.5.4. Prejudices, racism, racial discrimination, xenophobia, Islamophobia, homophobia, and other related intolerances	BG is able to explain ways of preventing prejudice, racism, racial discrimination, xenophobia, Islamophobia, homophobia, and other related intolerances and is able to identify the impact of such on the relationship with the customer.	BG is able to serve the public in a professional and sensitive way without any influence of prejudice, racism, racial discrimination, xenophobia, Islamophobia, homophobia, and other related intolerances.

1.5.6. Different background: other diversities	BG is able to explain applicable national instructions and guidelines when dealing with people of different backgrounds (age, sex, sexual orientation, gender identity, persons with disabilities and other diversities).	BG is able to handle situations with people from different backgrounds (age, sex, sexual orientation, gender identity, persons with disabilities and other diversities) with respect and sensitivity.
1.7.3. European Convention on Human Rights	BG is able to explain that no one shall be subject to torture or to inhuman or degrading treatment or punishment. BG is able to explain basic procedural guarantees relating to deprivation of liberty. BG is able to explain the role of the European Court of Human Rights and its jurisprudence related to BG work.	BG is able to identify acceptable and non-acceptable behaviour under the European Convention on Human Rights relating to torture or to inhuman or degrading treatment or punishment as well as deprivation of liberty.
1.7.7. Persons seeking asylum	BG is able to define the principle of <i>non-refoulement</i> and the right to remain in the Member State pending examination of the application.	BG is able to demonstrate where to refer persons in need of protection and assistance and the procedure to follow.
1.7.8. Identification and Referral of Victims of Trafficking	BG is able to identify potential victims of human trafficking including children [and to] recognise the needs of the victims [...].	BG is able to, according to international and national standards and legislation: apply, as appropriate, child- and gender-sensitive techniques and ethical principles in conducting victim-centred interviews; refer (potential) victims to specialised service providers; [...].
1.7.9. Protection of children	BG is able to list specific protection needs of children as well as key rights, such as the protection of the family and specifically from separation from parents, the best interests of the child and the presumption against detention of children.	BG is able to apply appropriate measures, including referral to appropriate structures for the following groups of children in need of protection: unaccompanied and separated children, asylum-seeking children, potential victims of trafficking [...], missing children and children abducted by a family member.
1.8.7. Asylum and international protection procedures (relating to English language training)	BG is able to list and name terms related to asylum [...].	BG is able to identify a request for asylum/international protection regardless of how this is presented.
2.3.5. Dealing with a victim of crime	BG identifies the rights and specific needs of victims of crime [...]. BG understands that victims may suffer from trauma and that this may affect the way they react. [...]	BG is able to deal with the victim in a respectful and professional manner. BG is able to interview victims of crime paying attention to their rights and needs, in particular in cases where the person is traumatised. BG is able to advise the victim of assistance and legal remedies open to the victim.
2.3.11. Investigative interviewing: interviewing techniques		BG is able to carry out an interview by utilising basic interview techniques which are in conformity with human rights law in order to obtain reconnaissance results.
3.1.2. General principles of using coercive measures		BG is able to control his or her emotions at every stage and to continuously evaluate the risk of the given situation and to act only on legal and tactical considerations by respecting fundamental rights.
3.5.8. First aid in special cases		BG is able to apply on a mannequin: [...] the drowning protocol.

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⁴⁴ Source: FRA report, Table 14, p. 106.

In 2012 the revised Common Core Curriculum was presented to trainers in EU Member States. None of the Mediterranean countries considered here participated in these workshops. Greece, Italy and Malta, however, requested the revised Curriculum for national implementation. Police academies in Greece, Italy, Spain and Malta are using the Curriculum to define the content of their national training, but this is not always the case for other institutions involved in maritime surveillance. In Greece, Italy, Spain and Malta, border guards are part of the police. Although there are other institutions - partly of a military nature – that are also involved in maritime border surveillance. The training provided for the border guards depends on the institution they are working for: those who are part of the police undergo the same basic training as other police officers, whereas border surveillance authorities have their own training structures.⁴⁵

National curricula of the basic training in the Mediterranean countries incorporate the subject of fundamental rights to various degrees. Border guard training in all these countries includes some theoretical lessons on key international and European human rights instruments, albeit the degree to which these are complemented by practical exercises varies as does their content. There were budget cuts across most programmes for 2012, but this had no influence upon training provisions concerning fundamental rights. Training, including on fundamental rights, is usually provided by specialised police teaching staff, with some external participation by university professors, judges, prosecutors, NGOs or international organisations.⁴⁶ In addition to general training, most of these institutions also provide specialised or refresher courses on specific matters, including those relating to border management. These may incorporate a fundamental rights component or be primarily or fully devoted to fundamental rights issues, such as training offered by UNHCR or the Council of Europe.⁴⁷

Table 4: Main authorities involved in maritime border surveillance, by EU Member State

EU Member State	Maritime Surveillance (irregular migration)	Support in maritime surveillance	Search and rescue coordination	Processing migrants after disembarking
EL	Hellenic Coast Guard		Hellenic Coast Guard	Hellenic Police
ES	<i>Guardia Civil</i> (a law enforcement body under the Ministries of Defence and Interior)		Maritime Rescue (<i>Salvamento Marítimo</i>)	National Police
IT	<i>Guardia di Finanza</i> (in territorial sea and contiguous zone) – a law enforcement body under the Ministry of Economy and Finance	Navy (in international waters)	Coast Guard (<i>Comando Generale delle Capitanerie di Porto</i>)	National Police
MT	Armed Forces of Malta (Maritime Squadron)		Armed Forces of Malta (Maritime Squadron)	Malta Police

Note: EU Member State country codes: EL, Greece; ES, Spain; IT, Italy; and MT, Malta.

Source: FRA, 2012

⁴⁵ FRA report, p. 108.

⁴⁶ FRA report, p. 109.

⁴⁷ FRA report, p. 110.

3.2.1. Greece

[Institutional structure]: There is no Frontex partnership academy in Greece. Therefore border guard training is provided by the national police academy. Separate training structures exist for the Hellenic Coast Guards, two other organisations that primarily deal with maritime border surveillance in these EU Member States. In Greece, all Hellenic Police staff are trained at the Hellenic Academy of Police located near Athens.⁴⁸ The European Asylum Support Office provided over 15 sessions of specific training to Greece in 2012. However, it should be noted, that these trainings target Member States' administrative authorities, courts and tribunals responsible for asylum matters rather than the border guards in particular.⁴⁹

[Issues dealt with]: In 2007, the Police strived to incorporate the common EU and Frontex training standard in its national trainings.⁵⁰ In 2008 and 2009, the training areas for Hellenic Coast Guard and Hellenic Police personnel tailored for external borders management were the following: Community Law - especially Schengen Borders Code⁵¹ - and the Practical Handbook for Border Guards; linguistic training; "training on searches at transportation means for the location of hidden illegal immigrants"; inspections on ships/craft in the context of actions against illegal immigration; detecting forged/falsified documents and training of Special Units of the Hellenic Coast Guards, aiming to the provision of basic knowledge on the self-protection of the trainees against (illegal) "immigrants or facilitators having a dangerous behaviour"; tactics for interrogation.⁵² That overview demonstrates that the training is rather technically oriented, focusing on counteracting illegal migration, which is characteristic of national border guard training designs in general. Fundamental rights issues – including the obligation of *non-refoulement* for maritime border guards –and awareness raising regarding persons with special protection needs were not part of the training curriculum.⁵³ While Article 5 of the above-cited Frontex Regulation⁵⁴ lays emphasis on the identification of "persons seeking protection", the emphasis in most of the national trainings is on the identification of "illegal" migrants.

[Training gaps]: In *Greece*, similarly to *Malta*, there is no specialised course for border management. Front-line border guards can be deployed to border control immediately after completing general police training, without first having to undergo specialised border training, although elements relating to migration and border surveillance are included in the general police training. At the same time, officers may also attend re-fresher courses or seminars offered by national training institutions including border management issues.⁵⁵

3.2.2. Malta

[Institutional structure]: There is a national police academy which provides education and further training to the police, including border guards. Separate training structures exist for the Armed Forces in Malta, which primarily deal with maritime border surveillance.⁵⁶

Malta's basic human rights trainings focus on regular police tasks rather than on specific issues related to the rights of migrants. Law professors typically deliver the training which appears to be practice-oriented.⁵⁷

⁴⁸ FRA report, p. 108.

⁴⁹ EASO strategy, p. 2.

⁵⁰ Hellenic Police 2010, p. 28.

⁵¹ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders.

⁵² Hellenic Police 2010, p.25f.

⁵³ Hellenic Police 2010, p.25.

⁵⁴ The Council Regulation (EC) No. 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union has been amended in 2011 by Regulation 1168/2011/EU, 25 October 2011.

⁵⁵ FRA report, p. 108.

⁵⁶ FRA report, p. 108.

⁵⁷ FRA report, p. 110.

In March 2011 the Framework Training Agreement between Frontex and the University of Malta was signed. Similarly to other Partnership Academies, it will be used to organise training activities.

In 2012, the European Asylum Support Office gave 16 train-the-trainers sessions in Malta⁵⁸, but these trainings were not aimed at only for Maltese border guards. Again, it has to be added that these trainings target administrative and judicial actors for asylum matters, rather than police staff and border guards.

3.2.3. Italy

[Institutional structure]: In Italy, there are five national police forces, two of which are primarily involved in border management issues: the National Police (*Polizia di Stato*) under the Ministry of Interior and the Tax and Financial police (*Guardia di Finanza*) under the Ministry of Finance.⁵⁹ Italian police must complete a specialised border management course before they are deployed to border security tasks.⁶⁰ This course lasts two and a half months and incorporates significant fundamental rights and migration law components. According to the FRA report, about 8 % of this programme deals with the subject of fundamental rights, with a strong focus on non-discrimination. However, there remains an important gap since these types of courses are only accessible for fully fledged police officers who have received induction for entry to officer grade.⁶¹

Each police force arranges training for its own staff autonomously, in separate law enforcement academies or training centres. For instance, the National Police has two training centres for trainee police constables (*scuole allievi agenti*) in northern Italy and one in southern Italy. The Rome-based National Police College of Higher Education (*Scuola Superiore di Polizia*) provides training for management-level police officers, whereas the Cesena training centre delivers specialist training and professional qualification courses on topics including border control.⁶² The Cesena training centre signed a “partnership” agreement with Frontex and was tasked with the basic training of border police personnel of all member States (see Common Core Curriculum above) and of the staff employed in the rapid intervention teams at the external borders of the European Union (RABIT). During the period 2005-2007, 40 training courses for Italian border officers were organized at the national level with the participation of 1001 border police officers. The majority of the courses developed by Frontex were held in Cesena and at Gaeta.⁶³ The Institute for the Aero-Naval Cooperation of the *Guardia di Finanza* Corps in Gaeta plans and organises training and post-training activities, including military exercises. Additionally, the Interagency Law Enforcement College of Advanced Studies (*Scuola di Perfezionamento per le Forze di polizia*) organises interagency training courses of varying duration for senior officers from the different police forces.⁶⁴

[Issues dealt with]: Italy uses textbooks for human rights training that give a full account of the various rights and duties arising from European and international instruments. A link is created between this theoretical knowledge and real-life situations faced by border guards.

[Training gaps]: Nevertheless training focuses on general fundamental rights, and could be enhanced as regards to the specific migration-related topics, such as the principle of *non-refoulement*.⁶⁵

3.2.4. Spain

According to Frontex, Spain was the only country among the Mediterranean countries looked at in this report which participated in the 2012 Frontex workshop to present the revised Common Core Curriculum to translators and trainers.⁶⁶

[Institutional structure]: Two national police forces are responsible for dealing with irregular migration in Spain: the National Police Force (*Cuerpo Nacional de Policía*), and the *Guardia Civil*, or *Cuerpo de la*

⁵⁸ European Council Note 2012, p. 4.

⁵⁹ Italian Ministry of the Interior 2007-2013, p. 26.

⁶⁰ FRA report, p. 109.

⁶¹ FRA report, p. 108.

⁶² FRA report, p. 108.

⁶³ Italian Ministry of Interior 2007-2013, pp. 18-19.

⁶⁴ FRA report, p. 108.

⁶⁵ FRA report, p. 109.

⁶⁶ FRA report, p. 108.

Guardia Civil, both operating under the control of the Spanish Ministry of Interior. Some ports also have specialised Port Police, cooperating on security issues around the border crossing areas. The staff of the different forces is trained by their own independent training structures; the *Guardia Civil* Training Centre in Baeza and Valdemoro and the Officers Academy in Aranjuez and El Escorial (Madrid) and the National Police schools are united under the umbrella of the Training and Improvement Division of the National Police Corps.⁶⁷

Police must complete a specialised border management course before they are deployed to border security tasks. The specialisation centre in Madrid provides this course.⁶⁸

[Issues dealt with/ tools]: There are thematic units on human rights for police constables and inspectors which include practical activities to stimulate discussion, reflection and assimilation of knowledge – e.g. the viewing of videos, the study of press reports, the study of disciplinary records, and the analysis of specific actions. These practical activities are also included in human rights training courses for higher-level police officers.⁶⁹

Particularly noteworthy is the relatively high degree of participation of external stakeholders in the *Guardia Civil* training: The Institute for Women contributes to gender-related training and the Red Cross provides input to the course on international humanitarian law for senior officers.⁷⁰ In the same vein, the National Police enhanced the participation of external actors in its fundamental rights training. Moreover, Amnesty International took a positive view on the development of human rights training in National Police and the *Guardia Civil* in 2001 and 2009. Amnesty International also highly appreciated the increased use of practical exercises aimed at the internalisation of human rights values. The *Guardia Civil* started using surveys to assess the quality of its training programmes.

[Training gaps]: The assessment surveys cover all issues included in the training – including the ethical aspects of duties and rights – however there could more focus on the human rights aspects as well.⁷¹

3.3. Land border – Hungary

[Institutional structure]: Irregular migration and border management belong to the sphere of responsibilities of the Police in Hungary as of 1 January 2008 when the Border Guard was integrated into this body.

[Issues dealt with]: The university curriculum of Hungarian mid- and high-ranking border police officers includes a compulsory one-semester course in human rights. It is a one-credit lecture course which can be completed with an oral examination.

After graduation police staff in general has a monthly 8-hour compulsory training requirement and trainings are organized within this framework. The Police explained⁷² that trainings take place on different levels and on different themes involving county training departments of the police and the alien policing departments. Frontex also plays an important role in this field, since police officers regularly take part in human rights training as part of the Common Core Curriculum. In 2013 Frontex-trained local trainers organized a short course on interviewing techniques for 45 police staff involved in alien policing work.

In addition to relying on their internal resources, the Police also make use of training offered by UNHCR, the Cordelia Foundation, the Menedék Association⁷³ and the HHC. UNHCR organizes a regional summer course for European border officials annually where a few representatives of the Hungarian border police also take part. These courses are usually a week-long and focus on a different subject every year. In 2012 the course was held in Bucharest (Romania) with the title

⁶⁷ FRA report, pp. 108-109.

⁶⁸ FRA report, p. 109.

⁶⁹ FRA report, p. 108.

⁷⁰ FRA report, p. 109.

⁷¹ FRA report, p. 110.

⁷² Based on the interview conducted within the framework of this research project with the Police.

⁷³ As a good practice, the Menedék Association has been active for years in training border police officers and armed guards on duty in immigration jails. These useful training activities focused on conflict resolution and intercultural skills, rather than on human rights or legal knowledge.

"Respecting the right to seek asylum while fighting against irregular migration" while in 2013 the course was held in Gdansk (Poland) and it focused on the human rights aspects of border management⁷⁴.

In 2012-2013 the Cordelia Foundation⁷⁵ (an NGO providing psychological assistance to torture surviving asylum seekers and refugees) introduced border police officers to a method for the early identification of vulnerable asylum seekers within the framework of their projects PROTECT and PROTECT-ABLE⁷⁶. The HHC also provided introductory training on refugee law, non-refoulement and related issues to hundreds of police officers between 2005 and 2010, in close cooperation with UNHCR and the Cordelia Foundation.

The Police find cooperation in the field of training activities with civil society partners vital. An important example of this cooperation is the training material "Human Rights and International Migration"⁷⁷ co-authored by the Hungarian Helsinki Committee together with UNHCR, the Cordelia Foundation and the Police for the Faculty of Law Enforcement of the National Public Service University in 2012. The handbook's aim is to provide a brief and user-friendly summary of human rights protection related to the return and detention of foreigners, considering the needs of the target groups. The handbook was introduced to police officers in the form of two training sessions in April and May 2012. The Faculty of Law Enforcement of the National Public Service University has made the material available both in print and electronic format for its students.

[Training gaps]: Annual consultations would be a welcome development on the training plans of the Police with all stakeholders for the sake of transparency and for the identification of current needs in training and also for finding the most competent trainer for the emerging fields of interest.

4. Concluding remarks

The 2012 revised Common Core Curriculum for the first time included fundamental rights in its curriculum. Member States are under an obligation to implement this curriculum in their border guard training which is mostly conducted by the national police staff. All European countries cooperate to a certain degree with the CEPOL on police training and with Frontex on border guard training. Frontex offers training on a number of different issues and fundamental rights are incorporated in such training events to different degrees. The FRA, UNHCR, NGOs and other organisations have provided input to some of them.

There are two gaps which can be clearly identified: the first one being that human rights are only rarely an integral and sufficiently detailed component of border guard training. The second is that there are only a few good practices concerning the involvement of NGOs in border guard training such as Spain or Hungary, and even these forms of cooperation depend heavily on external, non-sustainable funding.

⁷⁴ <http://www.unhcr-centraleurope.org/pdf/what-we-do/monitoring-the-border/border-management/refugees-at-the-border.html>

⁷⁵ In a 2011 pilot project experts of the Cordelia Foundation offered regular psychological supervision to border police officers working at the Budapest International Airport.

⁷⁶ <http://protect-able.eu/country/hungary/>

⁷⁷ <http://helsinki.hu/en/human-rights-and-international-migration>

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