

Forced-Return Monitoring III (FReM III)

National Training on Escorted Return Operations and Forced-Return Monitoring Mechanisms

09-10 May 2019

Nicosia, Cyprus

TRAINING REPORT

1. General Overview

Project Title: Forced-Return Monitoring III (FReM III)

Training title: National Training on Escorted Return Operations and Forced-Return Monitoring Mechanisms

Duration: 09-10 May 2019

Location: Hilton Park Nicosia, Achaion 1, Egkomi 2413, Cyprus.

Target Group: Representatives of the Ombudsman Office of Cyprus, the Greek Ombudsman Office, the Cyprus Police and the Civil Registry and Migration Department of the Ministry of Interior of Cyprus.

Training objective: To provide specialised knowledge on the relevant aspects of forced returns, including monitoring, escorting and the respective national and Frontex systems. Therefore, the training covered the following topics:

- European framework relevant for return operations;
- Return operations – terminology and phases;
- Frontex mandate in return operations;
- National framework relevant for return operations in Cyprus;
- Fundamental rights in return operations, including the Frontex Complaints Mechanism and Serious Incident Reporting;
- Frontex pool of forced-return monitors (Pool);

- National forced-return monitoring mechanism in Cyprus;
- Use of force and means of restraint during return operations;
- The role, mandate and responsibilities of forced-return monitors in return operations;
- Reporting and communication during the various stages of forced-return monitoring;
- The role, mandate and responsibilities of escorts in return operations; and
- Potential impact of return operations.

Learning Outcomes of the training:

At the end of the training participants shall be able to:

- Outline the European and national legal and procedural frameworks that apply to return operations;
- Describe the mandate of Frontex in return operations and explain the functioning of the pool of forced-return monitors;
- Identify the fundamental rights applicable to return operations;
- Illustrate the roles and responsibilities of escorts and monitors participating in each phase of a return operation;
- Explain the principles related to monitoring fundamental rights compliance in return operations;
- Explain the principles involved in reporting; and
- Recognise the possible levels of stress and explain appropriate coping strategies.

Organisers:

<p>The Office of the Commissioner for Administration and the Protection of Human Rights of Cyprus (Ombudsman Office)</p>	<ul style="list-style-type: none"> ▪ [Redacted] ▪ [Redacted]
<p>International Centre for Migration Policy Development (ICMPD)</p>	<ul style="list-style-type: none"> ▪ [Redacted] ▪ [Redacted]

Training Facilitator:

<p>Freelance Consultant</p>	<ul style="list-style-type: none"> ▪ [Redacted]
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Trainers/Experts:

<p>European Border and Coast Guard Agency (Frontex)</p>	<ul style="list-style-type: none"> ▪ [Redacted] ▪ [Redacted] ▪ [Redacted] ▪ [Redacted] ▪ [Redacted]
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Ministry of Interior, Portugal	<ul style="list-style-type: none"> ▪ [REDACTED]
Greek Police	<ul style="list-style-type: none"> ▪ [REDACTED]
Ombudsman’s Office, Greece	<ul style="list-style-type: none"> ▪ [REDACTED] ▪ [REDACTED]
The Office of the Commissioner for Administration and the Protection of Human Rights of Cyprus (Ombudsman Office)	<ul style="list-style-type: none"> ▪ [REDACTED]
Cyprus Police	<ul style="list-style-type: none"> ▪ [REDACTED]
Civil Registry and Migration Department, Cyprus	<ul style="list-style-type: none"> ▪ [REDACTED]

2. Background

According to the latest Police statistics, Cyprus currently carries out around 550-600 forced-return operations each year. This represents a decrease compared to the past years when figures were double or even triple. Most operations are individual returns, using scheduled flights with the returnees being unaccompanied during the journey. The forced-return monitoring mechanism in Cyprus was established by the Ombudsman in June 2018. Since January 2019, the mechanism has become operational and is able to monitor forced-return operations. The mechanism is presently staffed with one Senior Officer who acts as a head administrator/ coordinator of the mechanism’s operations, five officers (three initially and two were added recently) who act as monitors and one secretariat staff who provides back office and administrative/ accounting support. All staff members have also other added responsibilities that are within the Ombudsman’s mandate. The target set by the Ombudsman for this year is to monitor up to 50% of the return operations. Therefore, additional staff of the Ombudsman Office needs to be trained.

The FReM III project offers in work package 5 aiming at supporting the further strengthening and sustainability of forced-return monitoring systems in Member States targeted national support to relevant institutions. Hence, the national training was organised and funded in the framework of this work package.

3. Overall Training Methodology

The training was the first of this kind organised in Cyprus and lasted only for two days. The participants came from a wide variety of backgrounds from different organisations such as the

Ombudsman Office of Cyprus, the Greek Ombudsman Office, the Cyprus Police and the Civil Registry and Migration Department of the Ministry of Interior of Cyprus. Due to the short duration of the training, a mixed target group and the objective to cover all relevant aspects of forced returns, including monitoring, escorting and the respective national and Frontex systems, no complex methodologies were used. Instead, the trainers used lectures, interactive presentations by involving participants, elaborating of content with participants, group works and various shorter exercises for the implementation of the sessions.

4. Overall Training Structure

Day 1 – was dedicated to the introduction to the course and to allow participants, trainers and organisers to become acquainted with each other. Furthermore, day 1 focused on the legal framework related to forced-returns, the different types and phases of return operations, the role and mandate of Frontex, the national legal framework in Cyprus, the fundamental rights most pertinent and potentially at risk of being infringed during a forced-return operation and the functioning of the Pool of Forced-Return Monitors (Pool).

Day 2 – was dedicated to the use of force and means of restraint during forced-returns, the role and mandates of both escort officers, escort leaders and forced-return monitors. Furthermore, day 2 focused on the reporting and communication during the various stages of forced-return monitoring. Whenever relevant, the national context in Cyprus was highlighted. Finally, the training discussed the potential impact of return operations on the escort officers, escort leaders and forced-return monitors.

5. Content of the Training Sessions

Day 1 Learning Outcomes

- Outline the European and national legal and procedural frameworks that apply to return operations;
- Describe the mandate of Frontex in return operations and explain the functioning of the pool of forced-return monitors;
- Identify the fundamental rights applicable to return operations.

Content of the sessions

Session 00 Welcoming of Participants

The training was hosted by the Office of the Commissioner for Administration and the Protection of Human Rights of Cyprus (Ombudsman Office). It was opened by the Ombudsman Office, the Cyprus Police and Frontex; ICMPD and the training facilitator also welcomed the participants.

Session 00 Introduction to the Training

During the introduction, participants were introduced to the training programme and the ground rules for the training. Furthermore, they were asked to introduce themselves to the other participants, trainers and organisers by telling their name, where they work and if they had any experience in implementing or monitoring forced returns. During the introduction, participants also voiced their expectations for the training.

Session 01 **European framework relevant for return operations**

This session was implemented by the representative from the European Centre for Returns (ECRet) at Frontex. During a lecture he presented the European framework relevant to return operations including the Council Decision 2004/573/EC, Return Directive 2008/115/EC and the Return Handbook C (2017) 6505 27.9.2017. Throughout the lecture, participants were invited to contribute with their knowledge.

Session 02 **Return operations**

In follow-up to the European framework, this session provided an interactive introduction to the relevant terms and definitions and the different types and phases of return operations. The methodologies used included a gallery of key terms, an interactive presentation and discussion among participants and trainer. The trainer – the ECRet representative – also introduced the forced-return operation implementation plan and highlighted its importance. Participants were divided into working groups in which they discussed the definitions of different key terms that they presented later on in the plenary. During the presentations other participants were invited to contribute; the trainer clarified whenever suitable.

Session 03 **Frontex mandate in return operations**

This session was also implemented by the ECRet representative, with the support of the Frontex Fundamental Rights Office. During an interactive presentation, participants were acquainted with the mandate and role of Frontex in return operations and were introduced to the European Border and Coast Guard (EBCG) Regulation (EU) 2016/399, the Guide for Joint Return Operations by Air coordinated by Frontex and the Frontex Codes of Conduct.

Session 04 **National framework relevant for return operations in Cyprus**

This session was implemented by the representatives of the Cyprus Police and the Civil Registry and Migration Department in Cyprus. The lecture by the representative of the Cyprus Police focused on the national context and the relevant national procedures, while the lecture by the Civil Registry and Migration Department focused mainly on the legal framework.

Session 05 (I) **Fundamental rights in return operations – part I**

This and the subsequent session were implemented by the representatives of the Greek Ombudsman Office. In part I the trainers provided an introduction of the international human rights and regional fundamental rights framework relevant in the EU context. During this session the different fundamental rights that are most pertinent and potentially at risk of being infringed during a forced-return operation were discussed.

Session 05 (II) **Fundamental rights in return operations – part II**

During the part II of the session, a practical exercise took place aiming at identifying where and how the rights most at risk during a return operation may be most at risk. Participants worked in three groups; they discussed the different fundamental rights that had been assigned to their respective group and after the discussion, a representative from each group reported back to the plenary. The trainers facilitated the discussion and clarified whenever suitable.

Session 06 **Frontex pool of forced-return monitors (Pool)**

This session was implemented by the Frontex Fundamental Rights Office and provided an introduction to the development and functioning of the pool of forced-return monitors. It clarified the current management of the pool, the nomination and deployment procedure, the training and capacity building framework and the current reporting system. The session was implemented as an interactive presentation and discussion among participants and trainers.

Session 07 **National forced-return monitoring mechanism in Cyprus**

The last session on day 1 focused on the national forced-return monitoring mechanism in Cyprus. In form of a presentation, the representative of the Ombudsman Office of Cyprus introduced the mandate of the Ombudsman Office, in particular its role and responsibilities related to forced-return monitoring and all other elements relevant to its functioning such as selection and training, actual monitoring and cooperation with relevant stakeholders as well as reporting and follow-up.

Day 2 Learning Outcomes

- Illustrate the roles and responsibilities of escorts and monitors participating in each phase of a return operation;
- Explain the principles related to monitoring fundamental rights compliance in return operations;
- Explain the principles involved in reporting;
- Recognise the possible levels of stress and explain appropriate coping strategies.

Content of the sessions

Session 08 **Use of force and means of restraint during return operations**

At the beginning of day 2, the facilitator made a recap of the previous day with the participants and subsequently introduced the agenda for the day.

Session 08 was implemented by the representatives of the Portuguese Immigration and Borders Service (SEF) and the Greek Police Academy. The theoretical introduction to the use of force and means of restraint was followed by a practical demonstration. During the theoretical part the dynamic and individual risk assessment and its relevance was explained to the participants who were also acquainted with the different levels of behaviour of returnees during an operation. During the practical part the trainers showed various restraints and demonstrated their application. Participants were able to try out different restraints that are commonly used during forced-return operations. Throughout the whole session, reference was made to the relevant fundamental rights.

Session 09 **The role, mandate and responsibilities of escorts in return operations**

This session was also implemented by the representatives of the Portuguese SEF and the Greek Police Academy who introduced the role, mandate and responsibilities of escort officers and escort leaders during all phases of a return operation. Jointly with the participants, the trainers developed the relevant content along the way which was then also documented on flipcharts.

Session 10 **The role, mandate and responsibilities of forced-return monitors – national mandate vs. mandate within the Pool**

This session was implemented by the representatives of the Greek Ombudsman Office. Through an interactive presentation inviting participants to contribute their knowledge and experience whenever possible, the session provided a thorough introduction to the main tasks and responsibilities of forced-return monitors during all phases of a return operation. Participants learned the main principles of monitoring and what they need to focus on during the respective phases. The trainers also emphasised the needs of the monitors prior, during and after a return operation, also to raise the awareness of the colleagues from the return enforcing institution.

Participants were also asked to pack for a mission using pre-prepared cards with pictures of different items that monitors could possibly take on a mission. The aim of this exercise was to introduce to participants the practical aspects when monitors prepare their mission – what to take, what not to take. Afterwards, participants presented to the plenary the content of their backpacks explaining why they had or had not chosen the particular item. The trainers facilitated the discussion and clarified whenever suitable.

Session 11 **Reporting and communication during the various stages of forced-return monitoring – national mandate vs. mandate within the Pool**

This session was also implemented by the representatives of the Greek Ombudsman Office. Participants undertook an implicit bias test with the aim to raise their awareness about potential implicit biases that everyone could hold. Those biases later on influence one's interpretation of certain facts and may threaten one's objectivity.

In an open dialogue with participants the good practices involved in drafting a report were discussed: accuracy, confidentiality, impartiality and non-discrimination. Participants learned what they should include and how, where to submit their reports and what happens to the reports thereafter. Various examples and experiences were discussed while trainers were showing examples of different writing styles with reference to the book "Exercices de style" by Raymond Queneau. In summary, when drafting their reports monitors need to be structured, comprehensive, detailed, accurate and timely.

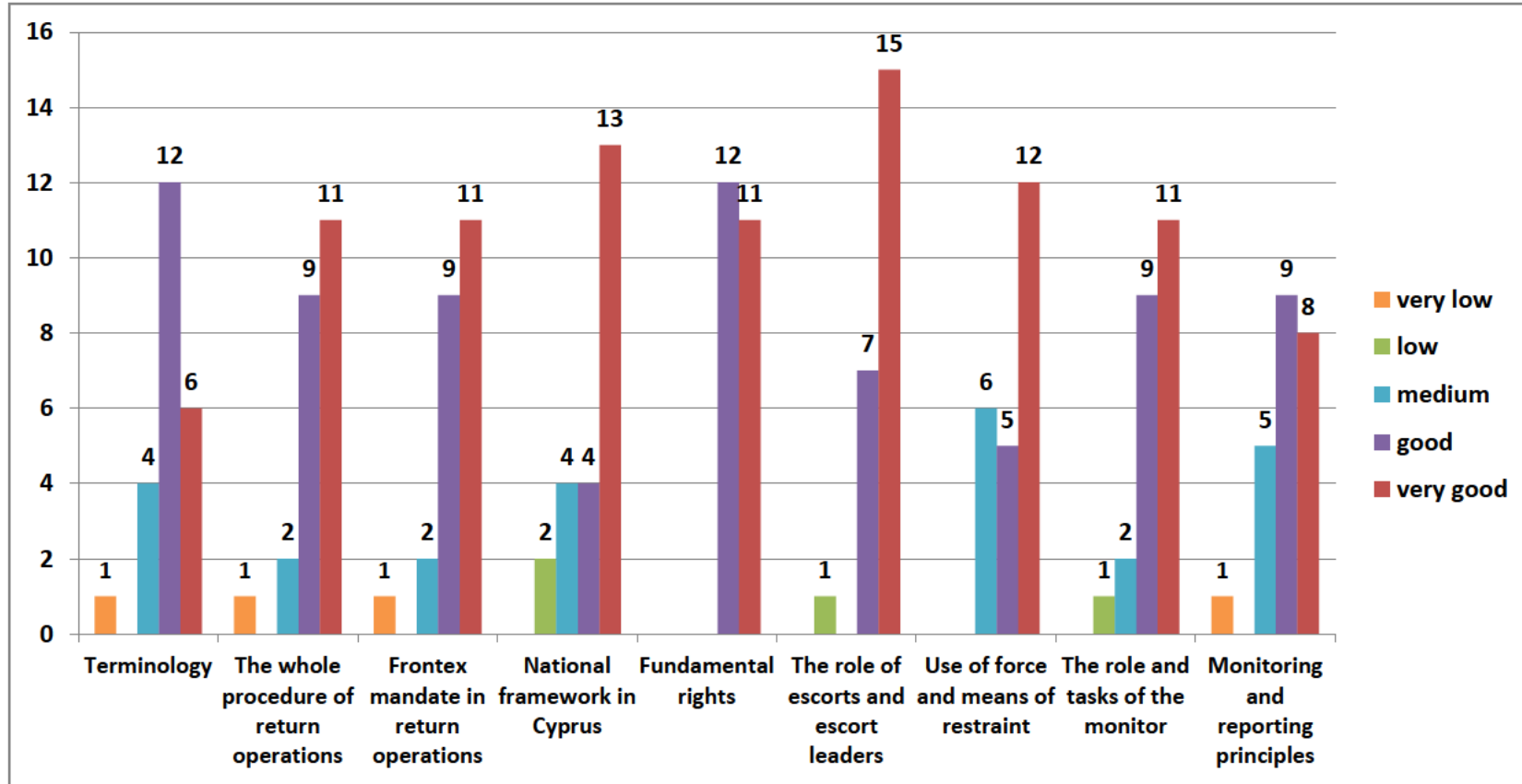
During this session, the Frontex Fundamental Rights Office also explained the Frontex Complaints Mechanism and the difference to the Serious Incident Reporting. Finally, they presented their most recent observations from forced-return operations based on the reports submitted by the monitors.

Session 12 **Potential impact of return operations**

To discuss the possible impact, participants were split once again into groups to discuss how either the returnee, the escort officers or the monitor feel during forced-return operations and why. During the reporting back in the plenary an open dialogue was encouraged to harness from the experiences of the participants and trainers who have previous experiences of implementing or monitoring forced-returns. Following the group work, the trainer from the Greek Ombudsman Office walked participants through a presentation discussing the particular challenges monitors face during forced-return operations and suggested various coping strategies to be able to deal with their potential impact on them. Participants also shared their own experiences how to cope with possible stress.

Training Evaluation

Participants evaluated the training very positively. In most thematic areas, the post-training knowledge was assessed by the participants as good or very good.



Session 00 **Closing of the Training**

Before the closing participants were asked to fill in the post-training evaluation forms. The training was closed by the organisers and host. They thanked the participants for their active participation and contribution throughout the training and wished the participants all the best for their future work and encouraged them to put in practice what they had learned during the training. They thanked all the experts and trainers for their excellent work and the facilitator for the smooth implementation of the training.

Following the closing remarks, the Commissioner for Administration and the Protection of Human Rights of Cyprus handed over to the participants the certificates for completing the training. Participants also received a notepad, lanyard and a USB stick containing all relevant material from the training including the background reading, handouts, training material, presentations and videos.

6. Overall Training Evaluation by the Facilitator

The competent preparation and organisation of the training helped the smooth and successful implementation of the event. Overall, the participants present were eager to learn, actively participated and contributed to the learning experience. The training team cooperated well, supporting each other and communicating constructively amongst themselves and with learners.

There is still a need to improve a small number of the power point presentations to ensure they serve their purpose more effectively. Notwithstanding this adjustment, the training achieved the desired learning outcomes by providing a participatory and safe environment to acquire new knowledge and develop new commitment to further foster knowledge, skills and competencies.

7. Annexes

- A. Training programme
- B. List of participants
- C. Handouts
- D. FReM III project description

The annexes can be downloaded 