COUNTRY REPORT

IMMIGRATION DETENTION IN LITHUANIA: DETENTION AND DENIAL AMIDST EXTREME POPULATION DECLINE

MAY 2019

GLOBALDETENTIONPROJECT

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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: Pabrade Detention Centre. © yesfuture/ Flickr creative commons

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GLOSSARY

CAT	UN Committee against Torture
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECRI	European Commission against Racism and Intolerance
HRC	UN Human Rights Committee
RRC	Refugee Reception Centre

KEY ISSUES

- Immigration legislation includes grounds for detention that are not provided in the EU Returns Directive, including for irregular entry or stay, use of false documents, national security, and public order.

- Prior to recent renovations, the material conditions at Lithuania's sole immigration detention centre, the Foreigners Registration Centre in Pabrade, have been repeatedly criticised as inadequate.

- Individuals requesting asylum at the border who are subject to accelerated asylum procedures may be detained at border crossing points for up to four weeks.

- "Alternatives to detention" are rarely granted because of onerous financial and social requirements.

1. INTRODUCTION

Lithuania is a Baltic state situated at a crossroads connecting Eastern Europe, Scandinavia, and Russia. Low wages and poor employment prospects have led to severe demographic decline. Since joining the European Union (EU) in 2004, the country's population has decreased by 500,000, falling to under three million.[1]

The number of migrants living in Lithuania has also fallen, from approximately 214,000 in 2000 to 125,000 in 2017.[2] And yet, the country remains among the worst performers with respect to its integration policies, according to the Migrant Integration Policy Index. Annually, only some 400 people apply for asylum in the country, which is among the lowest rates in the EU. People from Russia and Belarus generally constitute the top two nationalities of asylum applicants.[3]

The country also refuses entry to increasing numbers of people. In the past five years refusals have nearly doubled, from to 2,865 in in 2013 to 5,180 in 2017 (a figure similar to Romania).

Approximately 2,000 people are apprehended annually for immigration purposes,[4] while fewer than 200 were placed in detention in 2017.[5] The top source countries of apprehended people are Belarus, Russia, Ukraine, and Vietnam. In 2017, 1,860 people were deported. [6]

The country has one dedicated detention centre, the Pabrade Detention Centre (also known as the Foreigners Registration Centre), which is located north-east of Vilnius. The facility has attracted widespread criticism in recent years due to its poor conditions, repeated allegations of disproportionate use of force, and over-crowding. The centre is undergoing renovations,

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[1] A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report*, 2017 https://www.fafo.no/images/pub/2017/20631.pdf

[2] UNDESA, "International Migration," 2017, https://www.un.org/en/development/desa/population/migration/publications/wallchart/docs/MigrationWallChart2017.pdf

[3] In 2018, 60 applications were submitted by people with Russian citizenship, 35 were from Iraq, 20 were from Afghanistan, and 15 were from Belarus, Ukraine, Iran, and Syria (each). See: Eurostat, "Database: Asylum and Managed Migration," https://ec.europa.eu/eurostat/data/database

[4] Eurostat, *Database: Asylum and managed migration*, https://ec.europa.eu/eurostat/data/database

[5] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2017," 2018, http://www.migracija.lt/index.php?1357390560; Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2016," 2017, http://www.migracija.lt/index.php?1357390560

[6] Eurostat, *Database: Asylum and managed migration*, https://ec.europa.eu/eurostat/data/database

which are due to be completed by 2022. The renovation reportedly will cost approximately 6.4 million EUR, 90 percent of which is to be provided by the EU.[7]

In addition to the Pabrade centre, non-citizens who apply for asylum at the border and are subject to accelerated asylum procedures may be held at border crossing points and in transit zones for up to 28 days.[8] According to the UNHCR, the border procedure may fall short of international standards because it does not have sufficient safeguards against unlawful or arbitrary detention.[9] According to the ombudsman, the State Border Guard Service oversees 70 facilities where non-citizens may be detained in the course of border procedures.

[7] Diena, "*Užsieniečių registracijos centro Pabradėje laukia rekonstrukcija,*" 24 March 2019, http://www.diena.lt/naujienos/lietuva/salies-pulsas/uzsienieciu-registracijos-centro-pabradeje-laukia-rekonstrukcija-906616

[8] A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report,* https://www.fafo.no/images/pub/2017/20631.pdf

[9] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

2. LAWS, POLICIES, PRACTICES

2.1 Key norms. Adopted in March 1991, Lithuania's first post-Soviet immigration law was aimed in part at restricting the number of immigrants from other former Soviet republics.[10] Since then, the country has adopted a series of additional laws and amendments governing immigration and citizenship. The current piece of legislation—the Law on the Legal Status of Aliens (Aliens' Law) (*įstatymas dėl užsieniečių teisinės padėties*)—was adopted in 2004 and regulates the entry, stay, and departure of non-citizens from Lithuania, including pre-removal detention (*sulaikymas*). Since then, the Aliens' Law has been amended several times, including amendments adopted between 2012-2014 that expanded the grounds for detention. According to some sources, detention has been imposed more regularly since the transposition of the EU Returns Directive.[11]

2.2 Grounds for detention. Pursuant to Article 113(1) of the Aliens' Law, a non-citizen can be detained: 1) to prevent unauthorised entry; 2) when they enter or stay unlawfully; 3) in order to return a person to another country when they have not been admitted to Lithuania; 4) when a person is suspected of using false documents; 5) to expel a non-citizen from Lithuania or another EU member state on the basis of Council Directive 2001/40/EC on mutual recognition of expulsion decisions; 6) to prevent dangerous communicable diseases; or 7) when a non-citizen's stay in Lithuania poses a threat to national security, public order, or public health.

With the 2012-2014 amendments to the Aliens' Law, a new set of grounds for detention was added, which were modelled upon the EU Returns Directive. Under Article 113(2) of the Aliens' Law, a non-citizen can be detained pending deportation or transfer if they obstruct proceedings or it is deemed likely that they will abscond. Article 113(5) lists the circumstances revealing a risk of absconding, and these include when a non-citizen 1) does not possess a personal identity document and refuses to cooperate in establishing his identity and/ or nationality; 2) does not have a residence in Lithuania or does not live at a specified address; 3) does not have family ties with persons living in Lithuania, or social, economic, or other ties with the country; 4) does not have the funds to live in Lithuania; 5) has failed to leave Lithuania voluntarily within the prescribed time limit; 6) fails to comply with requirements imposed on them under the alternatives to detention; 7) has failed to comply with the procedure of allowing temporary leave from a reception centre; 8) has applied for asylum in order to avoid criminal liability for an illegal border crossing; 9) may pose a threat to public order; or 10) as an asylum seeker, does not cooperate with the competent

[10] B. Brake, "Migration Focus: Lithuania Country Page," 2007, http://www.focus-migration.de/Litauen.1257.0.html

[11] L. Jakuleviciene, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," MADE REAL, 2015, http://odysseus-network.eu/made-real-national-reports/

authorities. According to non-governmental sources, the criteria for finding a risk of absconding are interpreted broadly.[12]

Article 113(2) is frequently applied to persons returned to Lithuania based on the EU Dublin Regulation. If an asylum seeker has previously left Lithuania and subsequently been returned to the country based on the Dublin Regulation, or if they admit in an initial interview that their destination country was another member state, it is deemed sufficient to establish a risk of absconding.[13]

According to official sources, irregular stay or entry is the ground most frequently relied upon[14] while, as Lithuanian experts have observed, grounds relating to national security and public order are rarely used. When a non-citizen has committed criminal offences, the public order ground tends to be applied. Likewise, public health grounds are sometimes used by the authorities, particularly when an individual suffering from a dangerous contagious disease does not comply with the prescribed treatment (for example, they leave a medical establishment without authorisation or are in close contact with other persons).[15] In 2011, the European Commission against Racism and Intolerance (ECRI) recommended that the threat to national security, public order, or public health no longer be considered a ground justifying detention and urged Lithuania to amend its legislation accordingly.[16]

2.3 Asylum seekers. The initial 2004 version of the Aliens' Law did not provide for specific grounds for the detention of asylum seekers—instead, the general grounds for detention were also applicable to such persons. In practice however, alternatives to detention were frequently used for asylum seekers. In 2006, amendments were adopted that eliminated the legal basis for the detention of asylum seekers. As a result, asylum seekers were subsequently generally not detained, and were instead accommodated in the non-secure section of the Foreigners' Registration Centre or in other open reception centres.[17]

However, when Article 113(2) was added to the Aliens' Law in 2012 (see 2.2 Grounds for detention), authorities began applying detention in increasing numbers of asylum cases. As

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[12] V. Siniovas and V. Ivankevičiūtė, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," MADE REAL, 2015, http://odysseus-network.eu/made-real-national-reports/

[13] L. Jakuleviciene, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," MADE REAL, 2015, http://odysseus-network.eu/made-real-national-reports/; V. Siniovas and V. Ivankevičiūtė, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," MADE REAL, 2015, http://odysseus-network.eu/made-real-national-reports/

[14] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[15] V. Siniovas and V. Ivankevičiūtė, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," MADE REAL, 2015, http://odysseus-network.eu/made-real-national-reports/

[16] European Commission against Racism and Intolerance (ECRI), "ECRI Report on Lithuania (Fourth Monitoring Cycle) CRI(2011)38," June 2011, http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Lithuania/Lithuania_CBC_en.asp

[17] Caritas Lithuania, "Lithuania," *in* Jesuit Refugee Service – Europe (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*, 2007; Jesuit Refugee Service, "Becoming Vulnerable in Detention: Civil Society Report on the Detention of Vulnerable Asylum Seekers and Irregular Migrants in the European Union," 2010; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

official sources have explained, this amendment was aimed at reducing the number of non-citizens abusing the asylum procedure. (Before the law was adopted, approximately 70 percent of asylum seekers accommodated in the non-secure section of the Foreigners' Registration Centre reportedly absconded.)[18]

In 2013, amendments to the Aliens Law expanded the grounds for detaining asylum seekers under Article 113(4). These grounds mirror the grounds laid down in the EU Reception Conditions Directive. Accordingly, asylum seekers may be detained: 1) to detect and/or to verify their identity and/or nationality; 2) to ascertain the reasons underlying their asylum request if this information cannot be obtained without resorting to detention and the person poses a risk of absconding under article 113(5)(6)-(10); 3) if the person applies for asylum while in pre-removal detention and there are serious grounds to believe that the request has purely been made to delay their return; 4) when a Dublin transfer is pending and the individual poses a risk of absconding; or 5) when the non-citizen poses a threat to national security or public order.

In light of these changes, in 2014 the UN Committee Against Torture (CAT) urged Lithuania to detain asylum seekers only as a measure of last resort for as short a period as possible.[19] In 2018, the UN Human Rights Committee (HRC), recommended that the country avoid detaining asylum seekers and provide effective alternatives to detention so that detention is used only as a last resort and for as short a period as possible.[20]

Lithuania detained 14 asylum seekers in 2016 and 12 in 2017.[21]

Asylum seekers who apply for asylum at the border may be held at border crossing points and in transit zones until the Migration Department adopts a decision on how to process their asylum application—a procedure that is to be completed within 48 hours.[22] According to reports however, the decision on how to process the application sometimes takes more than 48 hours.[23] In 2016, of the 425 asylum applications lodged, 359 were filed at border points.[24]

If the Migration Department decides to examine the application as part of a border procedure, the applicant will be held in the transit zone until the application is fully processed, which can last for up to 10 days (seven days plus three days possible

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[18] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[19] UN Committee against Torture (CAT), "Concluding Observations on the Third Periodic Report of Lithuania, CAT/C/LTU/CO/3," 17 June 2014, http://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[20] UN Human Rights Committee (CAT), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[21] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

[22] European Migration Network National Contact Point (EMN NCP), "EMN Ad-Hoc Query on EE AHQ on Accelerated Asylum Procedures and Asylum Procedures at the Border (Part 1)," 2017, https://bit.ly/2JluxaA

[23] A. Brunovskis, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report*, 2017, https://www.ks.no/contentassets/0d41f4c2d7754c4abb2c0c63341929dd/lithuania.pdf

[24] European Migration Network National Contact Point (EMN NCP), "EMN Ad-Hoc Query on EE AHQ on Accelerated Asylum Procedures and Asylum Procedures at the Border (Part 1)," 2017, https://bit.ly/2JluxaA; A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report,* 2017, https://www.fafo.no/images/pub/2017/20631.pdf

extension). If the applicant appeals the decision, they may remain at the border crossing point or transit zone until a decision is issued. If no decision is made within 28 days of the application, the Migration Department will admit the applicant into Lithuania. Likewise, when it is not possible to ensure suitable conditions in these premises, the State Border Guard Service, in coordination with the Migration Department, will admit the individual into Lithuanian territory.[25] This is frequently done at the request of civil society groups.[26] Reportedly, most asylum seekers spend one night in a border facility, after which they are transferred to the registration or detention centre.[27]

Various international bodies have criticised these border procedures. In 2018, the UN Human Rights Committee (HRC) expressed concern regarding the detention of asylum seekers at the border for up to 28 days in unsuitable conditions and without judicial remedies to challenge their detention. The committee urged Lithuania not to unlawfully or arbitrarily detain asylum seekers at the border. According to the HRC, the country should also clarify in the Aliens' Law that holding an asylum seeker at the border, including in a transit zone, constitutes detention and that the relevant procedural and juridical guarantees should be granted.[28] The UN High Commissioner for Refugees has also stated that the border procedure may fall short of international standards because it does not provide sufficient safeguards against unlawful or arbitrary detention.[29]

2.4 Children. The Aliens' Law does not prohibit the detention of children. According to Article 114(4) of the Aliens' Law, vulnerable persons and families with children may be detained in exceptional cases, taking into account the best interests of the child.

Until 2015, the Aliens' Law provided for a specific detention alternative for unaccompanied children. Under Article 115(2)(3), which has now been repealed, unaccompanied children were entrusted to a relevant social agency and were accommodated in the Refugee Reception Centre (RRC), located in Rukla. This centre is under the responsibility of the Social Security and Labour Ministry and as of 2013 it had a capacity of 15.[30] Reportedly, nine unaccompanied children were placed in the RRC in 2013; 81 in 2012; four in 2011; eight in 2010; and none in 2009.[31] According to official and academic sources, this alternative was generally applied and unaccompanied children were not placed in

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[25] European Migration Network National Contact Point (EMN NCP), "EMN Ad-Hoc Query on EE AHQ on Accelerated Asylum Procedures and Asylum Procedures at the Border (Part 1)," 2017, https://bit.ly/2JluxaA; A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report,* 2017, https://www.fafo.no/images/pub/2017/20631.pdf

[26] Undisclosed source, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[27] European Migration Network National Contact Point (EMN NCP), "EMN Ad-Hoc Query on EE AHQ on Accelerated Asylum Procedures and Asylum Procedures at the Border (Part 1)," 2017, https://bit.ly/2JluxaA; A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report,* 2017, https://www.fafo.no/images/pub/2017/20631.pdf

[28] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[29] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

[30] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Organisation of Reception Facilities for Asylum Seekers in Different Member States," 2013, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[31] V. Siniovas and V. Ivankevičiūtė, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL*, 2015, http://odysseus-network.eu/made-real-national-reports/

detention.[32] Out of 102 unaccompanied children accommodated in the centre as an alternative to detention between 2009-2013, 101 reportedly left the centre and absconded.[33]

Despite the fact that Article 115(2)(3) has been repealed, reports indicate that in practice unaccompanied children continue to be placed in the RRC by the State Child Rights Protection and Adoption Service.[34] Reportedly, no unaccompanied children have been detained since 2015.[35]

In 2015 the non-governmental sources noted that whether families with children are detained depends considerably on judges considering their case. Indeed, while some judges often rule that the detention of families is not proportionate, others frequently authorise their detention.[36] In 2017, 10 children in families were detained, two in 2016, five in 2015, 11 in 2014, and six in 2013.[37]

In 2011, the ECRI urged Lithuania to ensure that children are held in detention only in exceptional circumstances.[38]

2.5 Other vulnerable groups. According to Article 114(4) of the Aliens' Law, vulnerable persons may me detained in exceptional cases. Article 2(18) defines the notion of vulnerable persons as persons with special needs, including: children, persons with disabilities, persons older than 75, pregnant women, single parents, persons with mental disabilities, victims of trafficking, torture, rape, or other forms of psychological, physical, or sexual violence.

Although persons with disabilities can be detained, in 2017 the ombudsman highlighted that detention premises at border crossings, including sanitary facilities, are not adapted for persons with disabilities.[39]

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[32] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm; L. Jakuleviciene, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL,* 2015, http://odysseus-network.eu/made-real-national-reports/

[33] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[34] Gintarė Guzevičiūtė (Lithuanian Red Cross), *Email exchange with Izabella Majcher* (Global Detention Project), December 2016; International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "The Effectiveness of Return in Lithuania: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en

[35] International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "The Effectiveness of Return in Lithuania: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en

[36] V. Siniovas and V. Ivankevičiūtė, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL,* 2015, http://odysseus-network.eu/made-real-national-reports/

[37] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

[38] European Commission against Racism and Intolerance (ECRI), "ECRI Report on Lithuania (Fourth Monitoring Cycle), CRI(2011)38," June 2011, http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Lithuania/Lithuania_CBC_en.asp

[39] Ombudsman, "Summary of the Annual Report of 2017 on the Activity of the Seimas Ombudsmen," 2018, http://www.lrski.lt/en/reports.html

As in other Baltic countries such as Latvia and Estonia, the situation of statelessness emerged as an important humanitarian issue in Lithuania following the dissolution of the Soviet Union.[40] According to UNHCR, between 2006 and 2012 only 15 stateless persons were placed in detention for a period that exceeded 48 hours.[41] According to the Interior Ministry, three stateless persons were detained in 2015; seven in 2014; one in 2013; six in 2012; two in 2011; none in 2010; eight in 2009; and none between 2006 and 2008. In turn, one stateless person was subject to alternatives to detention in 2015; five in 2011; two in 2010; five in 2009; three in 2008; and none in 2006 and 2007.[42] According to UNHCR, official statistics may not reflect the true number of stateless persons in detention because some detainees are registered by their presumed nationality.[43]

2.6 Length of detention. The police or other law enforcement officers may detain non-nationals for an initial maximum period of 48 hours, and detention beyond this period must be authorised by a court (Article 114(1)-(2)).

While the original version of the Aliens' Law did not set out the maximum permissible length of detention, formal limits on detention were introduced by the 2011 and 2015 amendments. Thus, like Denmark and Sweden, Lithuania introduced a formal limit on detention in order to comply with the EU Returns Directive but, like Denmark, the country relied on the maximum length of detention permissible under the directive. According to Article 114(5) of the Aliens' Law, the initial period of detention may not exceed six months. Detention can nevertheless be extended by another 12 months if the person does not cooperate in the preparation of their removal or there are delays in obtaining required documents. Unlike many other EU countries, once a non-citizen has been released upon the expiry of the maximum period of detention, they cannot be re-detained. This rule stems from domestic jurisprudence.[44]

According to official sources, the average length of detention was 38 days in 2013; 40 days in 2012; 51 days in 2011; 61 days in 2010; and 66 days in 2009.[45]

In 2018, the HRC recommended that Lithuania use detention for the shortest possible period and reduce the length of detention.[46] Meanwhile in 2014, the CAT urged the country to refrain from detaining non-citizens for prolonged periods.[47]

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[40] UN High Commissioner for Refugees (UNHCR), "Mapping Statelessness in Lithuania," 2016, http://www.refworld.org/docid/580f649c4.html

[41] UN High Commissioner for Refugees (UNHCR), "Mapping Statelessness in Lithuania," 2016, http://www.refworld.org/docid/580f649c4.html

[42] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2015," May 2016, http://www.migracija.lt/index.php?1357390560; UN High Commissioner for Refugees (UNHCR), "Mapping Statelessness in Lithuania," 2016, http://www.refworld.org/docid/580f649c4.html

[43] UN High Commissioner for Refugees (UNHCR), "Mapping Statelessness in Lithuania," 2016, http://www.refworld.org/docid/580f649c4.html

[44] L. Jakuleviciene, "National Synthesis Report – Lithuania: Detention for the Purpose of Removal," *Odysseus Network, Redial Project,* 2017, http://euredial.eu/publications/national-synthesis-reports/

[45] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[46] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[47] UN Committee against Torture (CAT), "Concluding Observations on the Third Periodic Report of Lithuania, CAT/C/LTU/CO/3," 17 June 2014, http://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

2.7 Procedural guarantees. Detention beyond 48 hours must be authorised by a court (Article 114(2))—specifically, within 48 hours of arrest, a police or other law enforcement officer should apply to a district court with a request to authorise detention. The non-citizen should be present at the court hearing and is entitled to legal assistance granted by the state (Article 116(1)). The hearing is regulated by the Administrative Proceedings Law (Article 116(2)). The court's decision to order detention or an alternative measure should be announced in a language the non-citizen can understand, and should indicate the reasons for the measure (Article 116(3)). In particular, the court's decision to detain an individual must state the grounds for detention, the time period of detention with the exact calendar date indicated, and the place of detention (Article 116(4)).

When the grounds for detention are no longer valid, including when expulsion is not feasible, the detention centre is required—and the detainee is entitled—to request the district court to review the detention decision. Within 10 days of receiving the request, the court should adopt a decision to uphold, reverse, or quash the detention decision (Article 118). In contrast to the initial detention decision, free legal aid is not provided at this stage of the procedure.[48]

Under Article 117 of the Aliens' Law, a non-citizen is entitled to appeal their detention, extension of their detention, or the imposition of an alternative to detention before the Supreme Administrative Court within 14 days of the decision's delivery. Detainees can submit their appeal through the detention centre, which is obliged to transfer the appeal to the court. The Supreme Administrative Court must adopt a decision within 10 days of receiving the appeal, and the appeal proceedings are regulated by the Administrative Proceedings Law.

Free legal assistance is organised by the Interior Ministry's Migration Department. However, state-guaranteed legal aid is limited to representation during the initial court hearing, and does not cover preparation or counselling before the court session or any legal consultation related to any other matter. In turn, the Lithuanian Red Cross offers broader legal aid, although its assistance is dependent on project-based financing and its lawyers need permission to access detainees.[49]

In 2018, the HRC expressed concern over the reported lack of legal aid available to migrants in detention. The committee recommended that all migrants are provided with access to a lawyer and legal aid when the interests of justice so require, as well as information on their rights—including at the border.[50]

According to official sources, non-citizens are entitled to free interpretation services upon admission to the detention centre.[51]

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[48] L. Jakuleviciene, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL,* 2015, http://odysseus-network.eu/made-real-national-reports/

[49] L. Jakuleviciene, "Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL*, 2015, http://odysseus-network.eu/made-real-national-reports/

[50] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[51] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

2.8 Non-custodial measures. Under Article 115(1) of the Aliens' Law, if the non-citizen's identity has been established, they do not pose a threat to national security or public order, and they collaborate with the authorities, the court may decide to grant the person an "alternative to detention." In addition to these conditions, in order to be afforded an "alternative to detention," a non-citizen should have adequate means of subsistence, as well as social and family links with Lithuania.

This framing of "alternatives" raises a number of questions. On the one hand, if officials deem that a person does not merit being given a detention order, it would be inappropriate to then offer an "alternative to detention" measure. It is not clear if the legislation adequately takes this into consideration. Also, some of the conditions, such as collaborating with authorities, appear to be at odds with necessity and proportionality. Finally, practical considerations like having adequate financial or social resources appear exceedingly onerous.

In practice, few non-citizens can meet these requirements and thus alternatives are rarely granted.[52] In 2016, 16 non-citizens were afforded alternatives; 24 in 2015; 70 in 2014; 24 in 2013, 94 in 2012; 15 in 2011; 35 in 2010; and 21 in 2009.[53]

Article 115(2) enumerates the following non-custodial measures: 1) regular reporting to the Migration Department or State Border Guard Service; 2) release of a non-citizen into the care of a relative, who is either a citizen of Lithuania or a resident foreigner; or 3) accommodation in a non-secure section of the detention centre without restrictions on freedom of movement. The last option is applicable only to asylum seekers.[54]

In 2014, the CAT urged Lithuania to promote alternatives to detention.[55]
In 2018, this was reiterated by the HRC when it recommended that effective alternatives be provided so that detention is used only as a measure of last resort.[56]

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[52] International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "The Effectiveness of Return in Lithuania: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," *November* 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm; Lithuanian Red Cross Society, "Detention of Asylum Seekers and Alternatives to Detention in Lithuania," 2011, http://redcross.eu/en/upload/documents/pdf/2012/Migration/Lithuania_Study_on_detention%20pdf.pdf

[53] International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "The Effectiveness of Return in Lithuania: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[54] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[55] UN Committee against Torture (CAT), "Concluding Observations on the Third Periodic Report of Lithuania, CAT/C/LTU/CO/3," 17 June 2014, http://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[56] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

2.9 Detaining authorities and institutions. A non-citizen may only be detained by a police officer or another law enforcement officer for up to 48 hours, and a court must decide on detention that exceeds this time frame (Aliens' Law, Article 114).

Until its 2016 amendment, the Aliens' Law used the term "Foreigners' Registration Centre" (*užsieniečių registracijos centras*) when referring to the country's detention centre (Article 114(2)). The current version of the Aliens' Law instead speaks of the "State Border Guard Service" (*Valstybės sienos apsaugos tarnyba*).

The detention centre is run by the State Border Guard Service, which is under the authority of the Interior Ministry.[57]

2.10 Regulation of detention conditions. Operations of detention centres are regulated by the Interior Ministry's Order on the Temporary Accommodation of Foreigners at the Foreigners' Registration Centre: Conditions and Procedure (*įsakymas dėl laikinojo užsieniečių apgyvendinimo užsieniečių registracijos centre sąlygų ir tvarkos aprašo*), which was approved in 2007 and amended in 2016.

The Interior Ministry's order regulates detainees' rights and obligations, disciplinary measures, health care, material conditions, and organisation of visits. Accordingly, men and women are to be confined separately (Article 4(3)), and families are to be held together to ensure adequate privacy (Article 4(4)). Detainees are not permitted to retain their mobile phones (Article 24(4)).

Article 18 lists several detainee entitlements, including their right to obtain information about their legal situation in Lithuania, use legal aid provided by the state, hire a lawyer at their own expense, receive free emergency medical assistance, receive and send letters or money, receive parcels, buy food, clothing and other necessities, use the centre's pay phones, practice religion, contact international and non-governmental organisations, and receive visits (upon permission from the head of the centre). Detainees are to be provided with primary health care from a general doctor or a nurse, as well as emergency assistance in health care institutions (Articles 32-35). Adult detainees receive three meals a day, while children are to receive four (Article 43). Detainees should have access to outdoor areas (Article 44), and children are entitled to schooling (Article 18(16)).

The Interior Ministry's order also provides for disciplinary sanctions: specifically, detainees who do not respect the centre's internal order and regulations may be ordered to clean the facility or placed in isolation for up to 48 hours (Article 26).

2.11 Domestic monitoring. Immigration detention centres and practices receive scrutiny from both official and non-governmental bodies.

Acting as the National Preventive Mechanism, the Seimas Ombudsman (*Seimo kontrolierius*) visits places of immigration detention. In 2015, the ombudsman office visited

[57] Gintarė Guzevičiūtė (Lithuanian Red Cross), *Email exchange with Izabella Majcher* (Global Detention Project), December 2016; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm; Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2015," May 2016, http://www.migracija.lt/index.php?1357390560; Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2014," May 2015, http://www.migracija.lt/index.php?1357390560

Pabrade Detention Centre and in 2016, it visited three border and frontier posts. The summaries in English of these visits are provided in annual reports.[58]

According to the regulations, competent national, international, and non-government organisations and religious communities may access the detention centre, but visit requests must be made at least three working days before a planned visit (Interior Ministry's Order on the Temporary Accommodation of Foreigners at the Foreigners' Registration Centre: Conditions and Procedure, Articles 50-60). Caritas and the Lithuanian Red Cross are the two main civil society groups visiting the detention centre.[59] In 2010, UNHCR, the State Border Guard Service, and the Lithuanian Red Cross signed a tripartite memorandum of understanding that provided for visits.[60] In 2016-2017, the Red Cross conducted 13 monitoring visits of the detention centre and 44 visits of border guard premises.[61] Besides monitoring, the Red Cross used to visit the centre weekly to offer counselling to detained asylum seekers. Currently, such visits are subject to a request from the detainee.[62]

2.12 International monitoring. Immigration detention practices in Lithuania have been the subject of reports and investigations from several regional and international bodies.

As a state party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Lithuania receives regular monitoring visits from the CPT that can include visits to immigration detention centres. However, the last time that the CPT visited the Pabrade Foreigners Registration Centre appears to have been during its visit to the country in 2010. Followed this visit, the CPT recommended that the personnel of the centre be adequately selected and trained and that a programme of activities for detainees be developed.[63] After its most recent periodic visit in 2016, the CPT made no mention of immigration-related detention. The committee also made an ad hoc visit in 2018, which was intended to review the country's effort to implement reform to its prisons made after the 2016 visit.[64]

In recent years, two UN human rights treaty bodies have made immigration detention-related recommendations to Lithuania, notably the HRC (2018)[65] and the CAT (2014).[66] The HRC urged Lithuania to avoid placing asylum seekers in detention and to provide effective alternatives to detention so that detention is used only as a last resort and for as short a

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[58] Ombudsman, "Summary of the Annual Report of 2017 on the Activity of the Seimas Ombudsmen," 2018, http://www.lrski.lt/en/reports.html; Ombudsman, "Summary of the Annual Report of 2016 on the Activity of the Seimas Ombudsmen," 2017, http://www.lrski.lt/en/reports.html

[59] Undisclosed source, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019; Gintare Guzeviciute (Lithuanian Red Cross), Email to Michael Flynn (Global Detention Project), October 2016.

[60] Lithuanian Red Cross Society, *Detention of asylum seekers and alternatives to detention in Lithuania*, 2011, http://redcross.eu/en/upload/documents/pdf/2012/Migration/Lithuania_Study_on_detention%20pdf.pdf

[61] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

[62] Undisclosed source, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[63] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT), "Report to the Lithuanian Government on the Visit to Lithuania Carried OPut by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 February 2000, CPT/Inf (2010) 22," October 2001, https://www.coe.int/en/web/cpt/lithuania

[64] Committee for the Prevention of Torture, "The Cpt and Lithuania, https://www.coe.int/en/web/cpt/lithuania

[65] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania," CCPR/C/LTU/CO/4, 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[66] UN Committee against Torture (CAT), "Concluding Observations on the Third Periodic Report of Lithuania, CAT/C/LTU/CO/3," 17 June 2014, http://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

period as possible, as well as reduce the length and practice of detaining migrants, and ensure that migrants have access to a lawyer and legal aid where the interests of justice so require and are provided with information on their rights, including at the border. Further, the country should ensure adequate access to social and psychological rehabilitation and health care services at the centre. Finally, Lithuania should ensure against unlawful or arbitrary detention of asylum seekers at the border. In turn, the CAT recommended that the country refrain from detaining non-citizens for prolonged periods and use the detention of asylum seekers only as a measure of last resort for as short a period as possible, promote alternatives to detention, and proceed with the announced reconstruction of the detention centre to offer separate accommodation to vulnerable people.

In 2010, the UN High Commissioner for Refugees signed a tripartite memorandum of understanding with the State Border Guard Service and the Lithuanian Red Cross concerning visits.[67]

2.13 Criminalisation. Irregular entry or stay in Lithuania are subject to penal sanctions. Under Article 291 of the Criminal Code, an unlawful border crossing is punishable with a fine or imprisonment for up to two years. In turn, pursuant to Article 538 of the Code of Administrative Offences, undocumented entry, stay, residence, or transit is an administrative offence liable to a warning or a fine between 70 and 300 EUR.[68] These penalties are systematically imposed. In 2017, 2,320 people were subject to a warning or a fine; in 2016, 2,112; in 2015, 1,952; in 2014, 2,250; and in 2013, 2,058.[69]

In July 2015, the Supreme Court ordered Lithuania to pay more than 6,000 EUR in compensation for violating the rights of two minor Afghan refugees. Detained by the State Border Guard while crossing the Lithuanian border in April 2013, the two minors were placed in a remand prison alongside adult men for three months, where they suffered abuse and humiliation.[70]

2.14 Cost of detention. According to official sources, the daily cost of detention amounts to approximately 18 EUR, while the daily cost of accommodation in the centre's non-secure section is approximately 14.50 EUR.[71]

2.15 Trends and statistics. According to official statistics, 183 persons were detained on grounds of irregular entry or presence in Pabrade Detention Centre in 2017; 232 in 2016;

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[67] Lithuanian Red Cross Society, "Detention of Asylum Seekers and Alternatives to Detention in Lithuania," 2011, http://redcross.eu/en/upload/documents/pdf/2012/Migration/Lithuania_Study_on_detention%20pdf.pdf

[68] European Union Agency for Fundamental Rights (FRA), *"*Criminalisation of Migrants in an Irregular Situation and of Persons Engaging with Them*,"* 2014, http://fra.europa.eu/en/publication/2014/criminalisation-migrants-irregular-situation-and-persons-engaging-them

[69] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2017," 2018, http://www.migracija.lt/index.php?1357390560

[70] Human Rights Monitoring Institute, "Lithuania to Pay Over 6,000 Euros for Violating Refugee Rights," *European Liberties Platform*, 30 July 2015, http://www.liberties.eu/en/news/refugee-rights-lithuania-6000-euros

[71] V. Siniovas and V. Ivankevičiūtė, MADE"Completed Legal Questionnaire for the Project MADE REAL: Lithuania," *MADE REAL,* 2015, http://odysseus-network.eu/made-real-national-reports/

353 in 2015; 292 in 2014; 363 in 2013; 375 in 2012; 241 in 2011; 132 in 2010; and 212 in 2009.[72] Out of these, 14 were asylum seekers in 2016 and 12 in 2017.[73]

Out of 183 non-citizens detained in the Pabrade facility in 2017, 87 were from Vietnam and 20 were from Russia.[74] Persons from Vietnam constitute the largest proportion of detainees (48 percent in 2017 and 71 percent in 2016), followed by persons from Russia, most of whom are Chechen (11 percent in 2017 and eight percent in 2016). Reportedly, the identification of persons from Vietnam poses challenges to authorities.[75] The number of Georgians and Belarusians—the third and fourth most frequently detained nationalities—has dropped in recent years.[76]

Lithuania receives around 400 asylum applications a year. In 2018, 405 people applied for asylum, 545 in 2017, 430 in 2016, and 315 in 2015. In 2018, 60 applications were submitted by people with Russian citizenship, 35 were from Iraq, 20 were from Afghanistan, and 15 were from Belarus, Ukraine, Iran, and Syria (each).[77]

The number of people refused entry to Lithuania has increased in the past few years. In 2017, authorities refused entry to 5,180 people, compared to 4,575 in 2016, 3,480 in 2015, 3,450 in 2014, and 2,865 in in 2013. Most of those refused entry originate from Russia (2,240 in 2017) and Belarus (1,760 in 2017). Approximately 2,000 people are apprehended annually without proper documents. The top countries are Belarus, Russia, Ukraine, and Vietnam. Annually, fewer than 2,000 people are removed. In 2017, 1,860 people were expelled; 1,550 in 2016; 1,720 in 2015; and 1,930 in 2014.[78]

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[72] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2017," 2018, http://www.migracija.lt/index.php?1357390560; Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2016," 2017, http://www.migracija.lt/index.php?1357390560

[73] UN High Commissioner for Refugees, *Beyond Detention: Progress Report 2018*, 2019, https://www.unhcr.org/protection/detention/5c934bbd7/unhcr-global-strategy-beyond-detention-progress-report-2018.html

[74] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2017," 2018, http://www.migracija.lt/index.php?1357390560

[75] A. Sipavičienė, "Recent Developments in International Migration and Migration Policy in Lithuania, 2017," *OECD,* 2018, http://www.iom.lt/images/publikacijos/failai/1549444144_OECD_2018_Lithuania_Final.pdf

[76] Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2017," 2018, http://www.migracija.lt/index.php?1357390560; Lithuanian Interior Ministry, Migration Department, "Migration Yearbook 2016," 2017, http://www.migracija.lt/index.php?1357390560

[77] In 2018, 60 applications were submitted by people with Russian citizenship, 35 were from Iraq, 20 were from Afghanistan, and 15 were from Belarus, Ukraine, Iran, and Syria (each). See: Eurostat, "Database: Asylum and Managed Migration," https://ec.europa.eu/eurostat/data/database

[78] Eurostat, "Database: Asylum and Managed Migration," https://ec.europa.eu/eurostat/data/database

3. DETENTION INFRASTRUCTURE

3.1 Summary. Lithuania operates one dedicated immigration centre, officially called the Foreigners' Registration Centre (also the Pabrade Detention Centre). Managed by the State Border Guard Service (under the authority of the Interior Ministry),[79] the centre is located in Pabrade, close to the Belarusian border and on the site of a former Soviet military base. Before the centre was opened in 1997, immigration detainees were held in police cells. In addition, asylum seekers who apply for asylum at the border may be held in border crossing premises and transit zones for up to 28 days.[80]

3.2 Detention facilities. There is one dedicated immigration detention centre (the Foreigners' Registration Centre at Pabrade) and approximately 70 border crossing facilities. At two of the border facilities, Vilnius International Airport BCP and Kena BCP, there have been cases of people being detained for over 48 hours.

3.3 Conditions in detention.

3.3a The Pabrade Detention Centre. The Foreigners' Registration Centre at Pabrade had an estimated capacity of 85 as of April 2019,[81] compared to 94 in 2016 (70 places for men, 12 places for women, and 12 places for families).[82] The reported capacity has changed

[79] Gintarė Guzevičiūtė (Lithuanian Red Cross), *Email exchange with Izabella Majcher* (Global Detention Project), December 2016; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[80] Ombudsman, "Summary of the Annual Report of 2016 on the Activity of the Seimas Ombudsmen," 2017, http://www.lrski.lt/en/reports.html

[81] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[82] International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "The Effectiveness of Return in Lithuania: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/studies_en

several times: 170 places in 2011,[83] 265 in 2007,[84] and 400 in 2000.[85] The facility also includes a non-secure accommodation section, which is located in a separate building.[86]

Comprised of six sectors, the detention centre currently occupies two floors—(as of April 2019, for over a year, the first floor of the centre was being renovated).[87] The second floor contains three sectors that are dedicated to male detainees, while the third floor contains an additional sector for men, a sector for families, and a sector for women. Unaccompanied children are not placed in the detention centre.[88] Recently, the border guard launched a new project reconstructing the entire facility. Costing 6.4 million EUR, the project is mainly funded by the EU and is expected to finish in 2022. The project includes construction of a detention unit for women and families with children.[89]

The centre has 31 rooms, each of which is approximately 15 square metres and contains two or three beds.[90] There is also one secure room where persons with self-destructive behaviour can be confined. This room is under permanent monitoring through webcams and a 30cm by 30cm observation window. The bed is fixed to the wall and the sink and toilet are made of iron.[91]

As well as the detention centre, the site includes a non-secure accommodation section, separated from the detention facility by barbed wire and patrolled by uniformed and armed

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[83] Lithuanian Red Cross Society, "Detention of Asylum Seekers and Alternatives to Detention in Lithuania," 2011, http://redcross.eu/en/upload/documents/pdf/2012/Migration/Lithuania_Study_on_detention%20pdf.pdf

[84] Caritas Lithuania, "Lithuania," *In:* Jesuit Refugee Service-Europe (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*, 2007.

[85] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT), "Report to the Lithuanian Government on the Visit to Lithuania Carried OPut by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 February 2000, CPT/Inf (2010) 22," October 2001, https://www.coe.int/en/web/cpt/lithuania

[86] Gintarė Guzevičiūtė (Lithuanian Red Cross), *Email exchange with Izabella Majcher* (Global Detention Project), December 2016; European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[87] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019; Interior Ministry and International Organization for Migration (IOM) (EMN National Contact Point for Lithuania), *Ad-hoc query on detention and material detention conditions,* 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

[88] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[89] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019; Border Guard, *Iki 2022-ųjų pabaigos planuojama visiškai atnaujinti URC infrastruktūrą*, Website, 19 March 2019, http://www.pasienis.lt/lit/Iki-2022-uju-pabaigos-planuojama-visiskai-atnaujinti-URC-infrastruktura

[90] Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "EMN Ad-Hoc Query on Article 16 of the Return Directive (2008/115/EC)," 2016, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en; Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "Ad-Hoc Query on Detention and Material Detention Conditions," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

[91] Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "EMN Ad-Hoc Query on Article 16 of the Return Directive (2008/115/EC)," 2016, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

border guards.[92] The majority of services and logistical arrangements are provided jointly to the detention and accommodation section. As of 2013, the facility employed 86 staff for dealing with both detainees and asylum seekers accommodated in the non-secure section.[93]

As of 2019, the material conditions were considered adequate and there were no recent reports of disproportionate use of force and overcrowding.[94] Indeed, in recent years, the detention centre has undergone numerous renovations, which have reportedly led to improved conditions.[95] Some of the renovations were funded by the European Return Fund.[96] However in 2018, the HRC recommended that Lithuania further improve conditions in the centre by ensuring access to social and psychological rehabilitative and health care services.[97]

Prior to this, there were numerous complaints regarding poor conditions and overcrowding, as well as allegations about disproportionate use of force in the centre.[98] Following his 2015 visit, the ombudsman highlighted various issues, including overcrowding. Although premises were reportedly regularly disinfected against fleas, it was reported that they had still not been eradicated. Furthermore, there was limited possibility for detainees to cook their own food, nutrition was not in line with religious requirements, and menus for children were the same as those for adults. A social worker was employed for just one hour a day and was thus not able to ensure all the necessary social services for detainees, and detainees could not use their mobile phones.[99]

During his previous visit in 2014, the ombudsman found that the principle of gender separation was not always complied with and families could not be accommodated separately. The centre did not always ensure nutrition in line with religious convictions, and suitable spaces for practicing religion were not always provided. Although translation was generally ensured, persons speaking rare languages had difficulties in engaging with daily life in the centre. The registration of cases of the use of force was inefficient. Likewise, regulation of staff use of firearms and special measures were inadequate as official notifications were drafted inappropriately and there was no medical check-up following the use of such measures. The ombudsman also expressed concern regarding cleanliness,

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[92] L.M Borrelli and A. Lindberg, "Lithuania's 'Hotel' with Special Guests," *Border Criminologies*, 13 April 2016, https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/04/lithuania%E2%80%99s-

[93] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Organisation of Reception Facilities for Asylum Seekers in Different Member States," 2013, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[94] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019; Undisclosed source, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[95] UNHCR, "Submission by the United Nations High Commissioner for Refugeesfor the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 2nd Cycle, 26th Session: Lithuania," 2016, http://www.refworld.org/country,,UNHCR,,LTU,,57fb8ed94,0.html

[96] L. Jakuleviciene, "National Synthesis Report – Lithuania: Detention for the Purpose of Removal," *Odysseus Network, Redial Project,* 2017, http://euredial.eu/publications/national-synthesis-reports/

[97] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[98] Human Rights Monitoring Institute, "Alternative Report to the UN Committee against Torture," 2014, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LTU/INT_CAT_CSS_LTU_17040_E.pdf

[99] Ombudsman, "Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2015," 2016, http://www.lrski.lt/en/reports.html

lighting, and heating.[100]

In 2014, three other bodies also criticised various features at the facility. The Ombudsperson of Equal Opportunities assessed a complaint from detainees regarding the fact that the only meat to be provided was pork. Since about one third of the non-citizens in the centre (both secure and non-secure) at the time were Muslim, the ombudsman concluded that denying a large group of people a diet that is in line with their religious convictions amounts to discrimination.[101] Meanwhile, the CAT noted that the detention unit needed renovation and urged Lithuania to proceed with planned reconstruction of the centre.[102] Finally, the Human Rights Monitoring Institute observed that conditions in the centre were poor, including crumbling walls and an insufficient number of chairs and lockable drawers. In addition, the institute noted that the formal requirement of at least five square metres per person was not always respected.[103]

Detainees can go outdoors twice a day. They can receive visits and use a landline telephone, but there are not allowed to retain their mobile phones. The centre offers access to the TV, press, books, and sports equipment. According to official sources, sporting activities such as football and basketball are organised three times a week,[104] and detainees also have access to a sports room equipped with weight-lifting facilities. Children in the detention centre may participate in activities organised for children accommodated in the facility's non-secure section. The centre also organises meetings with various religious representatives and allows the Lithuanian Red Cross and Caritas to plan and implement activities according to detainees' needs.[105]

A GP visits the centre twice a week, while general medical care is provided five days a week (on working days).[106] On working days, detainees can also request psychological help. Psychologists may identify vulnerable persons, carry out individual consultations, or organise activities such as art therapy.[107]

3.3b Premises at the border. Non-citizens who apply for asylum at the border and are subject to the border procedure may be held at border crossing points and in transit zones for up to 28 days (see: 2.3 Asylum seekers). Other sources say that the maximum period is

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[100] The Seimas Ombudsmen's Office, "Report On National Prevention Of Torture 2014-2015," 2016, http://www.lrski.lt/images/dokumentai/Seimo_Kontrolieriai_Report_EN_2014-2015.pdf

[101] Human Rights Monitoring Institute, "Alternative Report to the UN Committee against Torture," 2014, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LTU/INT_CAT_CSS_LTU_17040_E.pdf

[102] UN Committee against Torture (CAT), "Concluding Observations on the Third Periodic Report of Lithuania, CAT/C/LTU/CO/3," 17 June 2014, http://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

[103] Human Rights Monitoring Institute, "Alternative Report to the UN Committee against Torture," 2014, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LTU/INT_CAT_CSS_LTU_17040_E.pdf

[104] Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "EMN Ad-Hoc Query on Ad-hoc query on Recreational Activities and Leisure Equipment in Detention," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

[105] Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "EMN Ad-Hoc Query on Ad-hoc Query on Recreational Activities and Leisure Qquipment in Detention," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

[106] European Migration Network (EMN) National Contact Point for Lithuania (Interior Ministry and International Organisation for Migration (IOM)), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

[107] Interior Ministry and International Organisation for Migration (IOM) (EMN National Contact Point for Lithuania), "EMN Ad-Hoc Query on Ad-hoc Query on Recreational Activities and Leisure Equipment in Detention," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

two weeks, since asylum seekers are allowed entry to the territory for the consideration of the appeal.[108] According to reports, most asylum seekers spend one night in the border premises, before being transferred to the registration or detention centre,[109] or up to 48 hours.[110]

Sources indicate that each border crossing has a closed room where asylum seekers can be detained.[111] According to the ombudsmen, the State Border Guard Service has 70 facilities where non-citizens may be detained, with a combined capacity of 543 places.[112]

The GDP was unable to produce an exhaustive list of transit zones and border crossing points where individuals can be detained. However, the ombudsman has highlighted the following: Vilnius Airport (Vilnius Frontier District), Kaunas Airport (Vilnius Frontier District), Tribonys Frontier Station (Varėna Frontier District), Stasylos and Šalčininkai border crossing points of Tribonys Frontier Station (Varėna Frontier District), Kapčiamiestis Frontier Station (Lazdijai Frontier District),[113] Raigardas Border Inspection Post of Druskininkai Frontier Station, Kabeliai Frontier Station, and Aleksandras Barauskas Frontier Station (Varėna Frontier District).[114] In Vilnius International Airport BCP and Kena BCP there were cases of people detained over 48 hours.[115]

Following three visits to border premises in 2016, the ombudsman found that registers did not always clarify that a person was detained and for how long, artificial lighting was inadequate, mattresses and blankets were sometimes lacking leaving premises unsuitable for detention beyond five hours, and sanitary facilities were not sufficiently clean. The State Border Guard Service announced that most of these issues would be remedied in 2017.[116] Previously, following visits to six border premises in 2015, the ombudsman had noted similar issues, including: incomplete registers, premises that were not adapted to the needs of persons with disabilities, insufficient artificial and natural lighting, missing or incomplete first aid kits, and premises that were dirty and often in need of disinfection.[117]

Sources from 2017 found that facilities had been renovated and consequently guaranteed basic standards in terms of equipment (pillows, blankets, cutlery), cleanliness, and lighting.

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[108] Vladimiras Siniovas (UNHCR Regional Representation for Northern Europe), *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[109] European Migration Network National Contact Point (EMN NCP), "EMN Ad-Hoc Query on EE AHQ on Accelerated Asylum Procedures and Asylum Procedures at the Border (Part 1)," 2017, https://bit.ly/2JluxaA; A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report,* 2017, https://www.fafo.no/images/pub/2017/20631.pdf

[110] Undisclosed source, Email exchange with Izabella Majcher (Global Detention Project), April 2019.

[111] A. Brunovskis and A. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report*, 2017, https://www.fafo.no/images/pub/2017/20631.pdf

[112] Ombudsman, "Summary of the Annual Report of 2016 on the Activity of the Seimas Ombudsmen," 2017, http://www.lrski.lt/en/reports.html

[113] As visited by the Ombudsman in 2015, see" Ombudsman, "Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2015," 2016, http://www.lrski.lt/en/reports.html

[114] As visited by the Ombudsman in 2016, see: Ombudsman, "Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2016," 2017, http://www.lrski.lt/en/reports.html

[115] Undisclosed source, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.

[116] Ombudsman, "Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2016," 2017, http://www.lrski.lt/en/reports.html

[117] Ombudsman, "Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2015," 2016, http://www.lrski.lt/en/reports.html

Asylum seekers have access to a toilet and a shower. They can buy food while accompanied by a guard, and if they do not have sufficient funds, food is provided by the State Border Guard Service.[118]

More recently, the HRC expressed concern regarding the detention of asylum seekers at the border for up to 28 days in unsuitable conditions and without judicial remedies to challenge their detention. The committee urged Lithuania not to unlawfully or arbitrarily detain asylum seekers at the border and to clarify in the Aliens' Law that holding an asylum seeker at the border, including in a transit zone, constitutes detention.[119]

[118] A. Brunovskis and S. Sønsterudbråten, "Asylum, Integration and Irregular Migration in Lithuania: Policy and Practice at the Edge of the European Union," *FAFO Report*, 2017, https://www.fafo.no/images/pub/2017/20631.pdf

[119] UN Human Rights Committee (HRC), "Concluding Observations on the Fourth Periodic Report of Lithuania, CCPR/C/LTU/CO/4," 29 August 2018, https://www.ohchr.org/EN/Countries/ENACARegion/Pages/LTIndex.aspx

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