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Lithuania: Reports of Arbitrary Detention, Physical Abuse, and Pushbacks

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Recent reports highlight ongoing abuses of migrants and asylum seekers by Lithuanian border guards, including arbitrary detention, ill-treatment, and pushbacks into Belarus.

The [Human Rights Monitoring Institute](#) (HRMI), a [GDP](#) partner in [Lithuania](#), recently documented three cases involving unlawful restrictions of migrants' liberty, abuses by Lithuanian authorities, and pushbacks to Belarus. According to their [report](#), migrants were repeatedly pushed back towards Belarussian border areas, leaving many stranded in limbo between the countries even as they suffered from extreme exposure to and frostbite from extremely cold temperatures. Lithuanian officials reportedly refused to allow them to submit asylum applications and physically abused them.

Concerns about Lithuania's border enforcement measures are long-standing. The criticism has become particularly loud since 2021, when Belarus was accused of "weaponising" vulnerable migrants and asylum seekers by encouraging them to cross irregularly into Lithuania after the EU imposed sanctions on the country over its violent repression of civil society. As the number of people arriving at Lithuania's border increased, [Lithuanian lawmakers adopted new legislation boosting detention powers](#) during emergencies related to supposed mass influxes of foreigners, which has led to thousands of migrants and asylum seekers being detained, including large numbers of children.

According to the recent HRMI report, the new mistreatment complaints spurred a [pre-trial investigation](#) "on the grounds of danger to life and serious injury to health" caused by unlawful actions of the officials and unlawful restrictions to liberty. Such actions would not only contravene Lithuania's own legislation on asylum but also violate EU legal norms governing access to asylum procedures, the return of foreigners, the right to liberty and security, and the principle of *non-refoulement*. However, the Lithuanian Special Investigation Service reportedly terminated the pre-trial investigation on the grounds that the officials' "actions were in compliance with the applicable legal regulations." By doing so, according to HRMI, Lithuania may be in breach of Articles 2 and 3 of the European Convention on Human Rights, which provides that governments must probe and prevent threats to human life.

Broader concerns about controversial detention policies in Lithuania

Lithuania had previously been subject to [severe criticism](#) from several human rights groups because of its pushback policy, arbitrary detentions, denial of asylum, inhumane conditions in detention, and abuses against refugees and migrants. In July 2021 the Lithuanian Parliament [passed a legislation](#) allowing the mass detention of asylum seekers, in response to an increase in irregular border crossings from Belarus. The [law](#) banned releasing migrants from detention for six months—and up to [two years](#) in case of a declared state of emergency—restricted their rights to appeal and allowed deportations while appeals are still being processed.

In November 2021 [the GDP and the Human Rights Monitoring Institute](#) issued a joint submission to the UN Committee against Torture about reports of mistreatment and disappearances of migrants and asylum seekers detained near the border with Belarus. Also in January 2023, the GDP and HRMI [issued a separate submission to the UN Committee on the Rights of the Child](#) that reported on the mistreatment children and families suffered during Lithuanian border enforcement efforts.

Despite these and numerous other efforts to raise awareness of Lithuania's harmful immigration practices, in [April 2023](#) the country adopted additional legislation authorising border officials to push back migrants at the border without giving them the possibility to claim asylum or appeal. Lithuanian [Law on the Legal Status of Aliens](#) has been amended multiple times in recent years, expanding progressively the [grounds for detention](#). In light of 2023 amendments to the law, [UNHCR](#) asked Lithuania to clarify the role of the Reception Agency in providing support and services to asylum seekers



Source: Human Rights Monitoring Institute – <https://hrmi.lt/en/litigation-concerning-the-pushback-policy-of-migrants-and-the-restrictions-of-their-liberty-implemented-in-the-republic-of-lithuania/>

in detention. The refugee agency also raised concerns about the mandatory stay for up to six months in closed temporary accommodation sites, noting that this contravenes international and EU standards, and suggested reducing the time frame to a maximum of four weeks. [UNHCR](#) also recommended the introduction of safeguards against unlawful and arbitrary detention, alternatives to detention and automatic judicial review in the legal framework governing border procedures.

Also, in another sign of the country's hardening stance on migrants, Lithuania recently expressed an interest in exploiting a provision in the [controversial](#) new EU [Asylum and Migration Pact](#) that would enable it to pay [3.16 million](#) annually instead of welcoming 158 new migrants each year. [Lithuania's Chief Economic and Policy Adviser](#) said that "a rise in migration numbers definitely isn't what Lithuania is aiming for, especially for the current period, therefore the president prefers a financial solution."

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