



14.7.2022

## MISSION REPORT

following the LIBE mission to Vilnius, Lithuania, and Riga, Latvia, 1 to 3 March 2022

Committee on Civil Liberties, Justice and Home Affairs and Committee on Constitutional Affairs

Members of the mission:

Juan Fernando López Aguilar	(S&D) (Leader of the mission)
Maite Pagazaurtundúa	(Renew)
Katarina Barley	(S&D)
Cornelia Ernst	(The Left)
Isabel Santos	(S&D)
Diana Riba i Giner	(Verts/ALE)
Lena Düpont	(PPE)

## ***Introduction***

In 2021, the EU - and particularly Latvia, Lithuania and Poland - experienced an unprecedented increase in irregular border crossings from Belarus. This was widely perceived as the consequence of a hostile attack of Alexandr Lukashenko's regime against EU member states by means of luring people to the border, in cooperation with migrant smugglers and criminal networks in order to exert political pressure on the EU.

Thousands of people flew to Minsk from the Middle East and then attempted to cross the EU borders. The growing number of people from Africa and the Middle East crossing into neighbouring Lithuania, Latvia and Poland put their asylum systems under pressure not experienced before. These three Member States then introduced a state of emergency

The EU condemned this form of treatment of human beings whose lives and wellbeing were put in danger for political purposes by the Belarusian regime, with the objective of destabilizing neighbouring countries and the European Union's external border and diverting attention away from its own increasing human rights violations.

In response to this situation, Member States' authorities at the EU borders with Belarus took several measures, some deemed to set obstacles or impede the access to the asylum procedure for people in need of international protection, and as a result not in line with EU Asylum Acquis.

Following the Conference of Presidents' decision on 25 November 2021, the LIBE mission to Lithuania and Latvia was authorised between 21-23 February 2022 for 7 Members plus the Chair. The mission's aim was to enable an assessment of the situation of migrants and applicants for international protection in the region, given the latest developments at the Lithuanian and Latvian borders with Belarus. The mission took place on 1-3 March 2022<sup>1</sup>.

A detailed briefing with information regarding the situation in Lithuania and Latvia was made available to Members before the mission by the Parliament's Policy Department for Citizens' Rights and Constitutional Affairs<sup>2</sup>.

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<sup>1</sup> the agenda of the mission is available in [Annex I](#)

<sup>2</sup> the briefing is available in [Annex II](#)

## *Summary account of meetings*

### **LATVIA**

**Tuesday, 1 March 2022**

**14:45 – 16:45      Visit to the reception centre Mucenieki, accompanied by government authorities and representatives of Caritas Latvija**

The LIBE delegation visited the reception centre for asylum seekers “Mucenieki” located close to Riga. Mr Vilmārs Mangalis, Deputy Chief of Migration Office - Latvia, welcomed Members and introduced the facilities.

The reception centre Mucenieki’s capacity was reduced from 460 to 360 persons due to COVID restrictions. In the summer 2021, the centre accommodated 360 applicants for international protection mainly from Iraq. During the LIBE visit, there were 187 applicants accommodated, mainly families originating from Iraq, Afghanistan and Belarus, including around 50 children. All the applicants in the centre had arrived before the introduction of the state of emergency on 10 August 2021.

The building was renovated and provided applicants with basic accommodation conditions and Wi-Fi access. Asylum seekers were able to prepare their meals in a shared kitchen. According to the authorities, a general practitioner visited the centre every two weeks, while a nurse was available during the working days. Language classes were provided for the adults while children were able to attend different classes in regular Latvian schools.

In total, 18 mentors and 3 social workers assisted the asylum seekers as well as 6 EUAA representatives (mainly interpreters). However, the first interview was done with border guards and not with EUAA and only with MS interpreters. Upon being granted a status, beneficiaries of international protection receive an allowance of 131 euro per month, which was described as too low to cover the cost of housing, and as part of the reason for which many of them absconded to other EU countries.

**Some** Members spoke to an asylum seeker fleeing Syria with 2 children. She explained that their destination was Germany. However, a smuggler brought them to Latvia. She was satisfied with the conditions of the centre and anxious about the expected authorities’ decision on their case.

**17:15 – 18:15      Meeting with the Ministry of Interior and the State Border Guard including regional Frontex Liaison officer based in Riga**

During the meeting, the Members met Ms Marija Golubeva, Minister of Interior, Mr Dimitrijs Trofimovs and General Guntis Pujāts the Chief of the State Border Guard; the following points, among others, were raised:

- the Minister recalled the arrival of a significant number of migrants in the summer of 2021 caused by Belarusian authorities, which invited people to travel from the Middle

- East and subsequently forced them to irregularly cross the EU borders.
- Members asked for more information on the Latvian capacity to handle asylum cases, on the expectation and contingency planning in relation with the Russian aggression in Ukraine, on the cooperation with EU agencies, on the lessons learnt and the EU solidarity, on the alleged use of force, violent pushbacks and inhumane treatment, on the pushbacks investigations, on the compliance of the new law with the EU law.
  - The Minister noted that Latvia faced a new extraordinary situation last summer with several hundreds of migrants crossing the border from Belarus seeking for international protection. The country's capacity reached its limit and a state of emergency was introduced. However, no changes to the legislation were made and therefore Latvia kept providing non-stop international protection and continued to accept only vulnerable persons. The Minister claimed that hundreds of applications for international protection overburdened the centres for asylum seekers, already under pressure due to the COVID situation. The swift EU response limiting the flights to Minsk and return flights to the Middle East reduced the number of migrants crossing the border. The cooperation with other Member States, EUAA and Frontex was very good.
  - According to the decision of the Government, third country nationals were not allowed to enter Latvia via the green border but only via the official border crossing points. However, border guards could still allow entry for vulnerable people based on case-by-case assessment and more than 100 persons had been admitted up to that moment.
  - The Minister explained that Latvian rules were fully compatible with the EU acquis and Schengen rules. People transiting from Belarus were coming from a safe third country. In line with the European Court of Human Rights ruling of 25 August 2021, Latvian authorities provided all the applicants with food and water. People were directed to the official border crossing points and consular offices, where they could apply for international protection and entered Latvia legally.
  - Not a single complaint from a migrant had been received so far. The Latvian authorities conducted several investigations, and could find no evidence of violent pushback. Border guards were not equipped with electroshock devices.
  - More people were expected to come fleeing from Ukraine, and Latvia had a contingency plan to accept up to 10 000 Ukrainians. The situation of Ukrainian nationals was different as normally they were holders of biometric passports, and therefore could enter and stay up to 90 days legally.

**18:45 - 19:15**

**Meeting with the Latvian Ombudsman, representatives from UNHCR (covering Latvia and Lithuania), Organisation 'I want to help refugees' and Latvian Centre for Human Rights**

During the meeting, the Members met Egils Grasmanis from Organisation "Gribu palīdzēt bēgļiem" (I want to help refugees), while other stakeholders cancelled last minute their presence at this meeting. The following points, among others, were raised:

- The Organisation drew attention to the situation of migrants attempting to cross Latvian borders from Belarus. In January 2022 there were 1200 attempts and in February 2324 attempts to cross the border. In view of the organisation, the authorities admitted very

few of the migrants: 20 in January and 51 in February. The access of the Organisation to the Daugavpils detention centre was limited and it was difficult to provide assistance to migrants. There were reports of 100 to 200 migrants per day coming at the border and some of the migrants made several attempts. It was highlighted that it is the same group of migrants who keep attempting to enter for months.

- Members asked additional information on the actual situation at the border and the modus operandi of migrants, on the accommodation of people from Ukraine, on the allegations of the use of force, electroshocks and violent pushbacks, on access to legal aid, on the possibility to apply for asylum at the border crossing points or consular posts, on the vulnerability assessment and unaccompanied minors.
- According to the Organisation, 200 people were back every day (an average of few thousand per month) at the peak of the crisis. According to the Organisation, migrants that were admitted had to sign voluntary return forms and had no chance to apply for international protection. The Latvian Human Rights Centre had access to the detention centre until January 2022. There was no information on issued humanitarian visas at Border Crossing Points or consular offices. In August 2021, there were reports on the use of force by special forces “commandos”. Unaccompanied minors had also been detained. There was a clear difference for people fleeing from Ukraine, tolerated by the Latvian society, which was not the case for the migrants from the Middle East.

### **Wednesday, 2 March 2022**

#### **10:00 - 12:15            Visit to Daugavpils Regional Board of the State Border Guard and Daugavpils detention centre**

During the meeting at the Daugavpils Regional Board of the State Border Guard and the Daugavpils detention centre, the following main points were presented by the authorities regarding the situation at the Latvian-Belarusian border and in the detention centre:

- Major Pāvels Rogožins presented the main tasks of the Regional Board including border checks, border surveillance, immigration control and pre-trial criminal investigations. There are 3 international BCPs and 4 BCPs for local traffic as well as 4 border surveillance units. In 2021, 441 persons were detained for irregular border crossings at the green border with Belarus while in 2020 there were only 5 persons. There were 614 applications for asylum in 2021 and 180 applications in 2020. The significant raise was explained with the change of Belarusian policy as a result of Presidential elections in 2020, the protests in 2020-2021 and the hijack of Ryanair Flight 4978. With the introduction of the state of emergency from 11 August 2021, the border guards no longer accepted applications for international protection. The authorities increased the number of patrols and installed a temporary barbed-wire fence at some parts of the border. A project for 134 km of permanent fencing has been developed and should be finalised by the end of 2023. In 2021, a total of 6270 irregular entries were prevented and only 145 persons were allowed to enter due to humanitarian reasons and then detained, out of which 69 persons returned voluntarily, 4 persons were removed to a third country and 23 persons applied for international protection. The State Border Guard provided 5188 nutrition sets to migrants.

- The Daugavpils detention centre can accommodate up to 84 persons, 51 persons were detained during the visit. They undergo personal search and medical checks and the authorities provide them with information on their rights and obligations, with hygiene supplies and accommodation. Detainees can receive legal assistance, health care and basic language education. There are no psychologists in the centre, nor any psychological assessment, but it was reported that border guards can invite one if border guards see signs of need of psychological help. Asked about school for children, it was reported that this was “not used as an opportunity”.
- Members asked for additional information on humanitarian visas, on EU support, on the situation with migrants trapped in the forest, on the number of minors held in the detention centre and their situation, on the number of asylum applications and the stage of their procedure, on the allegations of the use of force, electroshocks and violent pushbacks, on access to legal aid, on the possibility to apply for asylum at the BCPs , on NGOs’ access to the detainees, on cooperation with special police forces (“commandos”), on contingency planning and others.

Representatives from the Daugavpils Regional Board replied that border guards issued visas including on humanitarian grounds in accordance with the Visa Code. In 2021, 43 visas were issued on humanitarian grounds at Silene BCP (39 to Belarus nationals, 2 to Ukrainian nationals and 1 to a Russian national compared to 11 in 2020 (9 to Belarus nationals and 2 to Armenian nationals) and 4 so far in 2022 to Belarus nationals. The EU supported the national authorities by providing technical equipment and border guards. The Regional Board was fully prepared for the potential crisis linked to the war in Ukraine. Migrants in the forest were informed that crossing the green border was illegal and they were directed to BCPs. At that moment, following the request of their detained parents, 8 children were in the detention centre. There were no unaccompanied minors detained in the centre. All cases were examined individually. If people requested asylum, they were transferred to the centre for asylum seekers “Muceniki”. Border guards cooperated with national armed forces, none of them wore black uniforms like the supposed ‘commandos’.

- At the detention centre, the authorities presented the living conditions and services provided for detainees. Migrants were interviewed and checked separately. They could use Wi-Fi, a basic sports equipment and a small walking yard as well as a phone for 15 min per day. A doctor was available and for traumatic cases, border guards could ask for the assistance of a psychologist. Children of detainees could attend a regular school in the neighbourhood and the authorities provided transportation. However, due to various reasons children did barely go to school in practice. Due to COVID, NGOs had access to detainees only remotely. Legal aid could also be provided remotely, upon request. The duration of detention was 6 months, and could be extended by the court for another six. Migrants usually stayed 1-2 months and returned voluntarily receiving 600 EUR as reintegration support. Few of them had been removed.

Members were able to speak in private to four detainees, unfortunately the absence of any interpreter in the centre made it difficult to communicate. However, Members were able to hear allegations of multiple pushbacks while being kept in the forest, of violence by border forces, of lack of legal assistance and of reduced access to phones. All detainees also reported they were afraid to return to Iraq and complained about the

quarantine. Asked whether they had to sign a form saying they were accepting voluntary return to Iraq, they seemed to confirm these allegations.

**13:00 - 13:45                    Visit of Border Crossing Point Silene - presentation of border checks**

During the visit to the Silene Border Crossing Point, the Latvian authorities presented border checks of passengers, vehicles, buses and trucks as well as part of the border fence (the wire has been a “gift” from Slovenia). Border guards used various specialised equipment to detect forged documents and people hidden in trucks. The procedure of issuing humanitarian visas at the border was also explained. The application was processed by border guards while the decision was taken by the Chief of the State Border Guard. In the specific cases referred to , visas had been issued on humanitarian grounds to Belarusian citizens attending funerals of relatives in Latvia.

Asked about the existence of a tent in the forest, the head of border guard confirmed its existence, but explained that the tent is being moved all the time depending where migrants are. There were no further explanations given about the use of this tent. Members were unable to verify its existence.

They were expecting on that day a group of people from Ukraine who were being evacuated, the practice so far had been to issue visas with a limited territorial validity to Ukrainian without biometric passports.

**14:00 - 14:45                    Visit of the Border Police Guard Station of Silene and Green border - presentation of border surveillance**

During the visit to the Silene Border Police Guard Station, the Latvian authorities presented border surveillance tasks, the units and their special equipment. Night-vision and thermal cameras are placed along the borderline in accordance with the risk assessment. Members could see a Frontex car, but did not meet anybody from the agency there. There are mixed patrols with police and national armed forces, which do not wear black uniforms. Most of the unauthorised border crossings involved cigarette smugglers. Border guards noted that until 2020, the cooperation with the Belarusian authorities had been very good but the situation changed dramatically after rigged presidential elections in Belarus in summer 2020 and the ensuing political crisis. Border guards reported being provoked and threatened by their counterparts on the Belarussian side.

**LITHUANIA**

**Wednesday, 2 March 2022**

**18:00 – 19:30                    Visit to the reception centre Naujininkai, in the presence of the**

## Ministry for Social Security and Labour

During visit to the reception centre Naujininkai, Members met Ms Laura Perevičiūtė, Head of Foreigners Integration Unit in the Ministry of Social Security and Labour.

The following points, among others, were raised:

- the reception centre was established in September 2021 in a former homeless facility with capacity to accommodate 100 people. It was further enlarged, partially renovated and adapted to the new task under heavy time pressure. During the visit, there were 440 people, mainly families with about 200 children, from Iraq (Kurdish and Arabic speakers from Iraq represented 80-85% of the detainees) , Syria and Afghanistan. Unaccompanied minors were accommodated in another reception centre in Rupla. They had all been detained since they crossed the border into Lithuania. Many of them reported that they asked for asylum and had been detained for at least 8 months in these different centres.
- Members were able to have individual conversations with the migrants detained for a long time both about conditions in Lithuania in centres they had been to, but also about way to Lithuania , however interpretation was not provided. Some of migrants reported that they used taxis from Minsk to reach the border. Some migrants reported of being subject of violence at the border but could not precisely state where and by whom.
- Decisions on asylum applications took on average 6 months. However, many of the people who talked to individual Members complained that they were kept in detention for more than 10 months as a result of an overburdened asylum system.
- In situations of health emergencies, people were directed to local hospitals. However, some families complained of the absence of access to medical specialists including due to high cost of private consultations.
- The facility had a shop in the detention centre and free Wi-Fi access. According to the authorities, people could buy food and prepare their meals themselves. Every person received 77 euro per month. Some complained that on some floors there were no more functioning showers and sanitariums. Many were distressed and wanted to go to Western Europe.
- Children from 7 to 18 years old attended a room dedicated to schooling within the facility and have a basic knowledge of Lithuanian language. The reception centre is closed, however the authorities are trying to ensure a kindergarten for small children outside the facility. Sports and art activities are also provided in the centre in the afternoons, which was found insufficient. Many children told members about their wish to just be able to go out of the centre to go to school outside.
- According to the authorities, a number of social workers and educational experts provided support to the asylum seekers, while the authorities themselves provided legal assistance. Migrants reported lack of adequate legal assistance. Most of the people at the time of the visit were from Iraq and had their application reaching the appeal stage. A representative of the ministry explained that 95% of Syrians and Afghans get a status of international protection unlike people from Iraq. As Iraq only accepts voluntary return, people are kept in closed facilities until they agree to return voluntary.

**Thursday, 3 March 2022**

**07:30 - 08:15 Meeting with representatives from Frontex, EUAA and Lithuanian Ombudsman**

During the meeting with representatives of Frontex, EUAA and Lithuanian Ombudsman, the following points, among others, were raised:

- The Ombudsman noted that messages for disturbances in Medininkai Foreigners Registration Centre had been received last night involving disproportionate use of force. Médecins Sans Frontières was not allowed to have access to migrants, who were kept in the centre for more than 6 months. Legal aid was limited as one lawyer represented several hundreds migrants. The reception conditions could also be improved.
- The representatives of Frontex and EUAA presented the cooperation with national authorities. Agencies could act not alone, but only assist Member States on request. The EUAA deployed experts in 5 reception centres to assist national authorities in registration of applicants and in training of the staff.
- Members asked for more information on the current situation, on the lessons learnt and the EU solidarity, on the expected new flows from Ukraine and the atmosphere in the society, on the reception conditions, on the duration of the asylum procedures, on the foreseen changes in the national legislation, on the access to education and others.
- The Ombudsman noted that a detailed report<sup>3</sup> on the situation in the Kybartai Aliens Registration Centre had been published and Members received it in English. The situation in the other registration centres is not much different. At the beginning, people were living in camps with poor conditions. Many recommendations were made and in September 2021, migrants were transferred to registration centres and the situation was changing. UNHCR, FRA and FRO did issue recommendations towards the authorities to improve the situation. However, the Ombudsman considered that the EU public support for Lithuanian actions against migrants made the task of helping them more difficult as their recommendations were not being heard anymore given the full support of the Commission. The approach towards people coming from Iraq is hostile, unlike towards migrants from Ukraine. There was no readmission agreement with Iraq therefore people are in indefinite detention. Civil society organisations had difficulty putting their messages across. No changes were expected in the legislation.
- The Ombudsman said she had shared with EU institutions her analysis, which showed non-compliance of the national law with international norms. She pointed that people were held in detention without a court order for more than 6 months, that legal aid was not adequate, and that appeals against rejection were ex-officio. She also reported that her office had been under pressure from the authorities, following the release of a critical report about the conditions in Kybartai detention centre. However, recently, the authorities communicated to her that they would change the conditions in this centre based on Ombudsman's recommendations.

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<sup>3</sup> [https://www.lrski.lt/wp-content/uploads/2022/01/Final\\_Ataskaita\\_Kybartai\\_2021.pdf](https://www.lrski.lt/wp-content/uploads/2022/01/Final_Ataskaita_Kybartai_2021.pdf)

- The representatives of Frontex and EUAA noted that the agencies support Lithuania in accordance with operational plans. EUAA had 16 asylum support experts and 60 interpreters working on the ground. The operational plan had to be adapted, as EUAA cannot operate in detention facilities. More than 3000 people were accommodated in the registration centres. Most of the cases reached the appeal stage. Frontex deployed 50 officers and their number was more than 100 during the RABIT operation. The Agency provides support for border checks at BCPs and for border surveillance. Asked about the implementation of FRO recommendations, Frontex said they were discussed and that the Agency also changed the profile of the persons deployed.

**09:45 - 11:45                      Exchange with Nikita Matyushchenkov, Lithuanian Human Rights Centre, Red Cross, Lyra Jakulevičienė and Asta Astrauskienė**

- Mr Matyushchenkov, who explained his clients are in Latvia and were victims of pushbacks there, but some also previously in Lithuania. He gave more details regarding cases before the European Court on Human Rights and the OHCHR Working Group on Enforced or Involuntary Disappearances, and highlighted that he has 2 confirmed cases of separated families after pushbacks.

He reported that some of his clients have been detained illegally in the forest for half a year by the Latvian authorities and that they talked to him about “commandos” in dark uniforms who detained people in a tent on Latvian side. However he was not able to verify this claim in person. Some of his clients could only go out of the forest because they signed a voluntary return paper. Two of his clients reported that they had been sleeping in open sky since August last year and were still in the forest.

Ms Jakulevičienė highlighted changes to the legislation introduced by the authorities in preceding months. They included replacement of the state of emergency with a new term ‘extraordinary situation’ and replacement of the term ‘detention’ with ‘accommodation with restriction of movement’. She noted that new entry procedures effectively obliged border guards to push back people. According to her, migrants’ access to legal aid remained limited.

- Members asked for additional information on the court’s decisions, on procedures and follow-up measures, on the pressure on judges, on the relations with authorities, on pushbacks without prior assessment, on access of the civil society to border areas. Questions were raised on the existence of a tent in the forest in Latvia, where migrants were said to be held, on the alleged use of force and electroshocks, and on the compliance of the legislation with the EU law.
- Mr Matyushchenkov noted that the Latvian authorities denied the existence of ‘a tent’ in the forest, where migrants had reported to him they were held, but he considered migrants’ reports as credible. There was no contact with the people hiding in the forest. According to his clients, the conditions were very poor with no access to food and water. According to Mr Matyushchenkov, in December, the tent would have been removed by the authorities and the conditions would have become even worse. People were pushed back and forth between Latvia and Belarus and forced to agree to “voluntary” returns.
- Ms Jakulevičienė noted that there were reports on intimidation of judges following positive asylum decisions, the chairwoman of the Supreme Court as well as the chair of

the Constitutional court said they were being pressured. She also noted that the changes in the legislation made it possible to reject entry as if the person was not in the territory, which meant that there was no right of appeal anymore.

**09:45 - 11:45            Visit of the Medininkai Foreigners Registration Centre (container camp)**

The LIBE Delegation visited Medininkai Border Guard training centre, used as registration and accommodation centre. There were 602 persons accommodated in containers (including 5 families with 12 children) and they were unable to leave the facility. According to the authorities, hot meals, WiFi access, medical services and basic education were provided.

Asked by Members about the incident involving disproportionate use of force that had allegedly happened over night in the centre, the authorities of the centre explained that some people from the section of the containers tried to escape and that action had to be taken, but that did not involve disproportionate use of force.

Members asked to visit people detained in the facilities, but the access was first denied by authorities, allegedly because of Covid-19, while this had been notified previously as an aim of the delegation. As a consequence, the delegation had only 10-15 minutes to visit facilities and talk to people.

- During the visit, the Members were brought to visit families accommodated in one of the border guard's buildings. People were very visibly showing their frustration and depression.
- In the meantime, asked further about the incident, a camp manager explained to advisers that a small number of women from Sector B broke the fence to another sector and tried to escape the previous night. The guards asked for reinforcement and separated 14 women and 6 men. Some of them were transferred to other centres. People from Congo and Cameroon who were afraid of the spill-over effects of the war in Ukraine initiated the protests. They were irritated that the Ukrainians were being treated better and, according to the authorities, became aggressive.
- After this explanation, the political advisers visited very shortly the container section of the centre, where some of them spoke few minutes with two young girls who presented themselves as minors, one of them visibly injured, and made allegations involving a disproportionate use of force by the authorities outside and inside the container during the night of 1-2 March. They also reported that it was not the first incident involving Lithuanian armed special police forces using violence in Medininkai Centre. A report published by Amnesty International on 27 June reports about the 2nd March incident based on testimonies collected in the Centre presents similar version of the events.
- After the mission, Lithuanian authorities provided additional written information regarding the incident of 1-2 March 2022. According to this explanation, a large group

of adult residents of the Centre launched a riot, broke to other sectors and tried to escape. The authorities called for reinforcements from other border guard and public security service units. The authorities used tear gas against rioters who resisted and disobeyed the officers. Some of them were detained for up to 48 hours, as validated by the court, where the participants of the riot were represented by an attorney. The authorities stated that, minors were not involved in the incident. Full information about this incident presented by the Lithuanian authorities can be found in [Annex III](#).

- Seimas Ombudspersons' Office informed that it has no powers to conduct investigations into particular incidents involving alleged ill-treatment. If they receive complaints from victims, they can forward them to the prosecution office or the police. In the aforementioned case, as they received only anonymized information from a NGO, this course of action could not be pursued.

### **12:15 - 12:45            Visit of a location at the border with the newest fence**

Members visited a technical surveillance post at the border between Lithuania and Belarus and examined a section of newly installed fence. The authorities had installed about 100 km of new fence 4 m height, equipped with barbed wire and a surveillance system and plan to install 500 km more. The surveillance system included stationary cameras for day and night vision and seismic sensors as well as a sound system with audio-recorded warnings and messages to redirect migrants to nearest border crossing points in 7 languages.

The authorities assured Members that officers were instructed how to deal with asylum applications. All persons detected in the 5 km border zone along the borderline were returned to Belarus after vulnerability assessment. Frontex officers had not been involved in such activities.

### ***Press conference***

The LIBE mission concluded with a press conference by the LIBE Chair, Juan Fernando López Aguilar. The link to the press conference is here below.

[https://multimedia.europarl.europa.eu/en/webstreaming/press-point-by-juan-fernando-lopez-aguilar-chair-of-libe-delegation\\_20220303-1205-SPECIAL-PRESSER](https://multimedia.europarl.europa.eu/en/webstreaming/press-point-by-juan-fernando-lopez-aguilar-chair-of-libe-delegation_20220303-1205-SPECIAL-PRESSER)

### ***Conclusions***

The fact-finding mission was carried out by the Committee on Civil Liberties, Justice and Home Affairs from 1 to 3 March in Latvia and Lithuania. Members of the mission came from all political groups represented in the European Parliament, and the programme was agreed on the basis of inputs and suggestions submitted by all of them.

During the visit, Members were able to see different detention and reception facilities as well as border guard structures in Latvia and Lithuania. They met national authorities responsible for border control and those responsible for migration management as well as a number of NGOs and migrants.

While there may be elements and protocols in Latvia that could be improved, the effort to provide adequate conditions for these people was evident. In Lithuania, on the other hand, greater and more systemic shortcomings were noted.

In general, it was clear that the border guards' focus was on protecting the external EU border under difficult circumstances and not on granting access to international protection. Members took note of the level of preparedness of the border guards. Border guards are well equipped and use modern infrastructure and means of transport.

Members learnt about the EU support provided on request, including through deployments of Frontex standing corps and EUAA officials.

Members could examine the living conditions of migrants, which in most cases needed improvement. The standards and reception conditions in reception and detention centres in Latvia and Lithuania were upgraded following arrival of the migrants in the summer of 2021. However, they need to be further improved in order to meet the standards and conditions provided by the EU legislation.

The measures taken by Latvian and Lithuanian authorities at the EU borders with Belarus were taken as a response to unprecedented pressure. However, Members stressed that the rights of migrants have to be fully respected in line with the applicable EU law. Any changes of the national legislation should not lead to limitation on access to international protection, which is a fundamental right. The measures imposed by Latvian and Lithuanian authorities at the EU borders with Belarus have been impeding access to asylum procedure for persons in need of international protection, and are not in line with the EU Asylum Acquis.

Greater effort is necessary to ensure full compliance with EU law, in particular as regards the Common European Asylum System and the Charter of Fundamental Rights, in actions taken at the external borders, and in terms of reception conditions and asylum procedures.

Members highly appreciated the work done by different non-government actors on the ground. Closer cooperation between the authorities in Latvia and Lithuania and the civil society actors would be beneficial for the protection of asylum seekers and their rights. Access to legal aid should be properly ensured.

Members call on the Commission to enhance cooperation with Latvia and Lithuania to improve the situation and accelerate the progress, but it must also look into any possible violations of EU acquis, and take the necessary measures should the national authorities not be complying with EU law.

The Parliament was informed after the mission that the decision of the Latvian Cabinet of Ministers on the emergency situation at the border area with Belarus, adopted on 10 August 2021, was amended on 5 April 2022<sup>4</sup> following a court judgment. The amendment concerns point 6 of the decision and it lays down that the State Border Guard may accept applications for international protection at the border crossing points located in the area where the state of

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<sup>4</sup> <https://www.vestnesis.lv/op/2022/69.46>

emergency situation applies, including Silene and Paternieki as well as at the Daugavpils detention centre. On 11 May 2022, the Cabinet extended the emergency situation until 10 August 2022<sup>5</sup>.

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<sup>5</sup> <https://www.vestnesis.lv/op/2022/90A.1>

## Annex I

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

# Mission to Latvia and Lithuania

Riga/Vilnius  
1 to 3 March 2022

## DRAFT PROGRAMME

Tuesday 1 March 2022

### LATVIA

13:30-13:45 (equivalent to Brussels time 12:30-12:45)

Participation in voting EP Plenary session 1 March

14:45- 16:45

Visit Mucenieki reception centre, accompanied by government authorities and representatives of Caritas Latvija<sup>6</sup>

17:15 - 18:15

Meeting with the Ministry of Interior and the State Border Guard including regional Frontex Liaison officer based in Riga

18:45 - 19:45 (location: hotel)

Meeting with the Latvian Ombudsman<sup>7</sup>, representatives from UNHCR (covering Latvia and Lithuania), Organisation ‘I want to help refugees’ and Latvian Centre for Human Rights<sup>8</sup>

Wednesday 2 March 2022

10:00-12:15

Visit to Daugavpils regional board of the State Border Guard and Daugavpils detention centre

13:00-13:45

Visit of Border Police Guard Station of Silene and Green border - presentation of border

<sup>6</sup> <https://www.caritas.lv/>, [info@caritas.lv](mailto:info@caritas.lv)

<sup>7</sup> <https://www.tiesibsargs.lv/en>

<sup>8</sup> <https://cilvektiesibas.org.lv/en/>

surveillance

14:00-14:45

Visit of Border Crossing Point Silene - presentation of border checks

## **LITHUANIA**

18:00-19:30

Visit of the Naujininkai Reception Centre in Vilnius, in the presence of the Ministry for Social Security and Labour<sup>9</sup>

**Thursday 3 March 2022**

07:30-08:15

Working breakfast with representatives from Frontex, EUAA (EC if applicable) and Lithuanian Ombudsman

08:15-09:00

Exchange with Nikita Matyushchenkov, Lithuanian Human Rights Centre, Red Cross, Lyra Jakuleviciene and Asta Astrauskiene

09:45-12:30 accompanied by the Vice-Minister of the Interior

- Visit of the Medininkai Foreigners Registration Centre (modular houses camp) (09:45-10:10)

10:10-10:25

- Visit of a location at the border with Belarus without a fence (10:25-10:40)

10:40-10:55

- Visit of a location at the border with Belarus with an older fence (10:55-11:10)

10:10-11:25

- Visit of Padvarionys Frontier Station, including presentation on border surveillance (11:25-11:45)

11:45-12:15:

- Visit of a location at the border with the newest fence (12:15-12:30)

13:30-14:00

- PRESS POINT - Conference Center Vilnius Airport

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<sup>9</sup> If possible: Covid restrictions in place.

## Annex II

# BRIEFING

## Mission to Latvia and Lithuania (1-3 March 2022)

### Background

Tensions between Belarus and the EU are high since much of the Belarusian opposition have sought refuge in the EU from violent oppression following the disputed presidential reelection of authoritarian leader Alexander Lukashenko in August 2020. His main challenger and the likely winner of the vote, Sviatlana Tsikhanouskaya, is living in exile in Lithuania<sup>10</sup>.

On 23 May 2021 Belarusian authorities diverted to Minsk Ryanair flight FR4978 flying from Athens to Vilnius and detained Belarusian opposition journalist Roman Protasevich and his girlfriend Sofia Sapega<sup>11</sup>.

In response to the EU sanctions the state of Belarus organised state-sponsored smuggling of migrants into the EU, allowing thousands of migrants in May 2021 to cross the border into Lithuania. Belarusian leader Alexander Lukashenko later expanded this scheme to Poland and Latvia. Lithuania has the longest EU border with Belarus – 678 km, while Latvia has a 4 times shorter border (172.912 km) and Poland reaches a 398.6 km length of its border with Belarus. Flights and internal travel were organised to facilitate the transit of migrants first to Lithuania and then to Latvia and Poland, a majority being Iraqi nationals<sup>12</sup>.

In July 2021, Belarus also escalated confrontation with the EU by abandoning the EU-Belarus readmission treaty and easing country's visa restrictions to allow thousands of migrants from the Middle East, Asia and Africa to cross freely into Lithuania<sup>13</sup>.

Lithuanian authorities stated that Alexander Lukashenko is using migrants as a "political weapon" using migration as hybrid warfare<sup>14</sup>. Out of 3311 applications for asylum 104 were approved, in 3207 cases asylum was not granted.<sup>15</sup>

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<sup>10</sup> <https://www.bbc.com/news/world-europe-53721410>

<sup>11</sup> <https://www.politico.eu/article/journalist-roman-protasevich-belarusian-hijacking-ryanair-belarus-svetlana-tikhanovskaya/>

<sup>12</sup> [https://pace.coe.int/en/files/29493/html?\\_cf\\_chl\\_jschl\\_tk\\_=qHCTYfMjosvrYIXscfygpfryV9LzzwtADpv5DPFfLdQ-1642679577-0-gaNycGzNCVE#\\_TOC\\_d106e134](https://pace.coe.int/en/files/29493/html?_cf_chl_jschl_tk_=qHCTYfMjosvrYIXscfygpfryV9LzzwtADpv5DPFfLdQ-1642679577-0-gaNycGzNCVE#_TOC_d106e134)

<sup>13</sup> <https://www.dw.com/en/opinion-a-year-after-anti-lukashenko-protests-began-belarus-within-putins-reach/a-58785244>

<sup>14</sup> <https://www.politico.eu/article/belarus-migrant-arrivals-growing-lithuania-minister-warns/>

<sup>15</sup> <https://migracija.lrv.lt/lt/statistika>

## Actions by Latvia and Lithuania in response to migration

- **State of Emergency**

In response to this crisis, the Lithuanian Government decided to introduce a state of emergency, valid from 11 August until 10 November 2021 and later extended until 15 January 2022, as a framework to accelerate decision-making and strengthen the response capacity. In addition, the construction of a barrier on the Belarusian-Lithuanian border started in July.

On 5 January 2022 the Lithuanian Prime Minister announced that the state of emergency (introduced on 11 August 2021 and extended in November 2021 until 15 January 2022) would no longer be active at camps hosting migrants arriving from Belarus, but might be considered depending on how the situation develops.<sup>16</sup>

Over 4 200 migrants had entered Lithuania from Belarus in 2021, compared with around 80 the previous year. They were initially detained in five reception facilities currently accommodating around 3100 people.<sup>17</sup>

Along with neighbouring Lithuania, on 10 August 2021 Latvia has declared a state of emergency on the country's border with Belarus until 10 November. The state of emergency **has been declared in four border administrative territories: Ludza region, Krāslava region, Augšdaugava region and Daugavpils city. The border guards were given the right to use physical force if necessary and special means to immediately return a person to the country from which he or she crossed the state border irregularly, and not to accept applications for international protection or alternative status**<sup>18</sup>. The Polish government on 6 September 2021 also declared a state of emergency.<sup>19</sup>

On 19 October 2021, the Latvian government agreed to extend until 10 February 2022 the state of emergency announced along the border with Belarus, given that the situation at the border has not stabilized, and to continue the measures to prevent illegal border crossings that have been implemented so far<sup>20</sup>. On 1 February 2022 the state of emergency in Latvia was extended until 10 May 2022. Border guards are to remain empowered to send back irregular migrants who entered from Belarus.<sup>21</sup>

In Latvia since the introduction of the state of emergency on 10 August 2021, 121 irregular migrants have not been prevented from crossing the border on humanitarian grounds, and a total of 473 third-country nationals have been detained after crossing irregularly in 2021 and 2022. Since 10 August 2021, a total of 5 853 people have been deterred from crossing the border irregularly<sup>22</sup>.

At least 21 deaths in 2021 were unofficially reported on the Belarusian borders with the European Union, although the actual figure is likely to be higher<sup>23</sup>.

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<sup>16</sup> <https://www.euractiv.com/section/justice-home-affairs/news/lithuania-declares-state-of-emergency-on-border-with-belarus/>

<sup>17</sup> Data on 6 February 2022, <https://www.lrytas.lt/lietuvsodiena/aktualijos/2022/02/06/news/vsat-270-migrantu-siemet-sutiko-savanoriskai-palikti-lietuva-su-1000-euru-ismokomis-22295717>

<sup>18</sup> <https://eng.lsm.lv/article/society/society/three-month-state-of-emergency-declared-at-latvia-belarus-border.a416329/>

<sup>19</sup> <https://www.infomigrants.net/en/post/34885/poland-approves-state-of-emergency-on-belarus-border>

<sup>20</sup> <https://eng.lsm.lv/article/society/defense/latvia-extends-state-of-emergency-on-belarus-border.a426304/>

<sup>21</sup> <https://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=61fa331c3>

<sup>22</sup> Data on 10 February 2022, <https://eng.lsm.lv/article/society/defense/35-turned-back-on-latvia-belarus-border.a442796/>

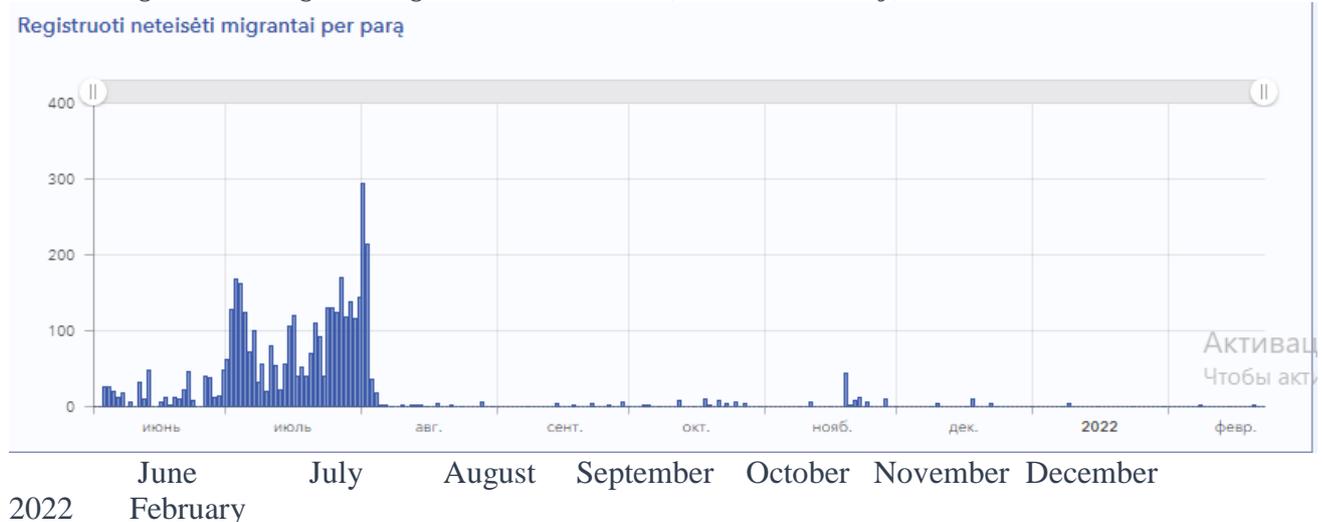
<sup>23</sup> <https://www.iom.int/news/rising-migrant-deaths-top-4400-year-iom-records-more-45000-2014>

- **Changes to the legal framework**

On 3 August 2021 the decision of Lithuanian Interior Minister allowed authorities to use force to prevent irregular border crossings and to send migrants to official border crossing points or to diplomatic missions, where they can apply for asylum legally. This has led to allegations of pushbacks<sup>24</sup>. More than 8 200 irregular migrants have been deterred since August 2021<sup>25</sup>.

In several interviews, members of the government have claimed that this policy is not in violation of international and European law, as they maintain that access is available across the official border points or applications can be launched at embassies. A further consequence of this policy is that the number of arrivals has decreased significantly from a daily average of between 100-200 persons in June-July 2021 <sup>26</sup>. Detailed information is presented in Table below.

Table : Registered irregular migrants in Lithuania (2021-2022, daily)



Source: Lithuanian Statistics Department :

<https://www.arcgis.com/apps/dashboards/9b0a008b1fff41a88c5efcc61a876be2>

Following the declaration of the state of emergency, fast track amendments to the Law on the Legal Status of Aliens were adopted by the Lithuanian Parliament. During summer 2021, the Parliament of the Republic of Lithuania amended the Law twice. The first package of amendments was approved on 13 July 2021 . The law was amended for the second time on 10 August 2021. Following the amendment of the law, secondary legislation for its implementation was approved and/or amended accordingly. The amendments state that applications for asylum can only be lodged at crossing points or transit zones, when someone legally entered Lithuania, or at a Lithuanian diplomatic mission or consulate. Another rule says an applicant's request for asylum cannot be accepted after apprehension at the border, except at official crossing points. These amendments to the legal act governing the asylum procedure and the rights and obligations of asylum seekers raise questions concerning compliance with Lithuania’s international obligations and with EU law.<sup>27</sup>

<sup>24</sup> <https://www.infomigrants.net/en/post/34091/lithuania-introduces-pushbacks-against-migrants-crossing-from-belarus>

<sup>25</sup> <https://www.etaplus.lt/vsata-praejusia-para-i-lietuva-neileisti-devyni-migrantai>

<sup>26</sup> [https://pace.coe.int/en/files/29493/html?\\_cf\\_chl\\_jschl\\_tk\\_=qHCTYfMjosvrYIXscfypgfryV9LzzwtADpv5DPFfLdQ-1642679577-0-gaNycGzNCVE#\\_TOC\\_d106e134](https://pace.coe.int/en/files/29493/html?_cf_chl_jschl_tk_=qHCTYfMjosvrYIXscfypgfryV9LzzwtADpv5DPFfLdQ-1642679577-0-gaNycGzNCVE#_TOC_d106e134)

<sup>27</sup> <https://ecre.org/wp-content/uploads/2021/09/Legal-Note-11.pdf>

- **Construction of a physical barrier**

A special Law on the Installation of a physical barrier on the territory of the Republic of Lithuania at the EU external border with the Republic of Belarus was passed by the Parliament on 10 August 2021<sup>28</sup>.

Lithuania has allocated 152 million euros from the state budget to complete building 500 kilometres of the wall by September 2022. In total, the border between Belarus and Lithuania runs 679 kilometres, while partly cutting through lakes and rivers. The wall is also supplemented by a 3-meter-high heap of coiled razor wire next to it. Video surveillance equipment will also be integrated into the structure<sup>29</sup>.

In November 2021 Latvia installed a 37 kilometres-long temporary fence on its border with Belarus and is also considering installing a permanent fence of about 130 kilometres by 2024<sup>30</sup>. Poland has also started building a wall being modelled on one built by Hungary on its border with Serbia in 2015<sup>31</sup>.

On 7 October 2021, the Ministers of Home Affairs of 12 countries (Austria, Bulgaria, Cyprus, Denmark, Estonia, Greece, Hungary, Lithuania, Latvia, Poland, Czech Republic and Slovakia) addressed a letter to the Commission calling for update the EU legal framework to new **realities and among others to allow EU funding of 'physical barriers' as border protection measures**<sup>32</sup>. The Commission stresses there is already much funding to support border management, as well as high-tech management tools such as surveillance cameras<sup>33</sup>.

- **Repatriation flights**

As announced by the Lithuanian Interior Minister on 3 January 2022, Lithuania has flown 537 irregular migrants back to their countries of origin, including 482 people who agreed to go back home voluntarily. Lithuania offered migrants 1000 euros until 20 January 2022 to voluntarily return to their country of origin<sup>34</sup>.

The EU is engaged in intensive cooperation with Iraq. Direct flights from Baghdad to Belarus were suspended in August 2021, following which flights from Erbil transiting through third countries to Belarus were also stopped. Iraq is organising repatriation flights for Iraqis<sup>35</sup>. On 4 December 2021, a repatriation flight carrying 419 migrants landed in the capital of Iraqi Kurdistan, Erbil, and another one landed three days later<sup>36</sup>. Since 18 November, over 4000 people have been repatriated from Belarus to Iraq and Syria by Iraqi airlines under the

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<sup>28</sup> [https://www.lrs.lt/sip/portal.show?p\\_r=35403&p\\_k=2&p\\_t=277647](https://www.lrs.lt/sip/portal.show?p_r=35403&p_k=2&p_t=277647)

<sup>29</sup> <https://www.infomigrants.net/en/post/36261/lithuania-starts-building-wall-on-eastern-eu-border>

<sup>30</sup> <https://www.euronews.com/2021/11/18/poland-belarus-latvia-to-install-temporary-fence-as-migrant-crisis-escalates>

<sup>31</sup> <https://euobserver.com/world/152711>

<sup>32</sup> <https://www.euractiv.com/section/justice-home-affairs/news/twelve-member-states-ask-commission-to-finance-physical-barriers-as-border-protection-measures/>

<sup>33</sup> <https://www.politico.eu/article/eu-external-border-walls-divide-countries-internally-poland-belarus-hungary/>

<sup>34</sup> <https://www.euronews.com/2022/01/02/lithuania-pays-migrants-1-000-to-return-to-iraq>

<sup>35</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_6187](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6187)

<sup>36</sup> <https://www.rudaw.net/english/kurdistan/041220212>

pressure of the EU institutions<sup>37</sup>.

According to Belarusian officials, around 2000 migrants, mainly from the Middle East, have been camped in November 2021 in a warehouse turned into a temporary shelter near the border with Poland. At the same time, Lukashenko made it clear that if someone wants to **take their chances and cross the border into the EU, his government won't stop them**<sup>38</sup>.

#### Position of the EU

On 24 May 2021 the European leaders condemned<sup>39</sup> in the strongest possible terms the forced landing of a Ryanair flight in Minsk, Belarus and called on the Council to adopt additional listings of persons and entities and further targeted economic sanctions.<sup>40</sup>

In reaction to the continued brutal repression against the Belarus society, and in particular to the hijacking of a passenger flight on 23 May 2021, on 4 June 2021 the EU banned Belarusian carriers from overflying EU airspace and accessing EU airports<sup>41</sup>. Moreover, on 21 June 2021 the Council introduced the fourth package<sup>42</sup> of sanctions against natural and legal persons, entities and bodies as well as targeted economic sanctions by means of Council Regulation (EC) No 765/2006 and Council Decision 2012/642/CFSP<sup>43</sup>.

In her State of the Union address on 15 September 2021, President of the European Commission Ursula von der Leyen stressed that the regime in Minsk has instrumentalised **human beings by putting people on planes and literally pushing them towards Europe's borders**. She called it **'a hybrid attack to destabilise Europe'**<sup>44</sup>.

On 21 and 22 October 2021, the European Council adopted conclusions<sup>45</sup> in which it declared that it would not accept any attempt by third countries to instrumentalise migrants **for political purposes, condemned all hybrid attacks at the EU's borders and affirmed that it would respond accordingly**. The conclusions stressed that the EU would continue to counter **the Belarusian regime's ongoing hybrid attack, including by adopting further restrictive measures against persons and legal entities**, in line with its gradual approach, as a matter of urgency.

On 9 November 2021 the Council adopted the Commission proposal on partial suspension of the EU- Belarus visa facilitation agreement<sup>46</sup>. On 15 November 2021, the Council amended<sup>47</sup> its sanctions regime in view of the situation at the EU border with Belarus, to respond to the instrumentalisation of human beings carried out by the Belarus regime for political purposes. The Council broadened the listing criteria on which specific designations

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<sup>37</sup> <https://www.euractiv.com/section/justice-home-affairs/news/iraq-says-almost-4000-repatriated-from-belarus-borders/>

<sup>38</sup> <https://www.politico.eu/article/alexander-lukashenko-sends-mixed-signals-over-belarus-poland-migrant-crisis/>

<sup>39</sup> <https://www.consilium.europa.eu/en/press/press-releases/2021/05/23/communique-of-european-council-president-charles-michel-on-the-incident-involving-a-forced-landing-of-a-ryanair-flight-in-minsk-belarus-on-23-may/>

<sup>40</sup> <https://www.consilium.europa.eu/en/press/press-releases/2021/05/24/european-council-conclusions-on-belarus-24-may-2021/>

<sup>41</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0907>

<sup>42</sup> <https://www.consilium.europa.eu/en/press/press-releases/2021/06/21/belarus-fourth-package-of-eu-sanctions-over-enduring-repression-and-the-forced-landing-of-a-ryanair-flight/>

<sup>43</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2021.224.01.0015.01.ENG&toc=OJ%3AL%3A2021%3A224I%3ATOC>

<sup>44</sup> [https://ec.europa.eu/info/strategy/strategic-planning/state-union-addresses/state-union-2021\\_en](https://ec.europa.eu/info/strategy/strategic-planning/state-union-addresses/state-union-2021_en)

<sup>45</sup> <https://www.consilium.europa.eu/en/meetings/european-council/2021/10/21-22/>

<sup>46</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1940>

<sup>47</sup> <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-belarus/>

can be based. The Council adopted Decision 2021/1989<sup>48</sup> and Regulation 2021/1986<sup>49</sup> introducing certain exceptions to the prohibition on providing insurance and re-insurance to the Belarusian Government and Belarusian public bodies and agencies, in order to avoid unintended consequences. This means, the EU will now be able to target individuals and entities organising or contributing to activities that facilitate illegal crossing of the EU's external borders.

On 23 November 2021, the Commission tabled a proposal<sup>50</sup> to prevent and restrict the activities of transport operators that engage in or facilitate smuggling or trafficking people into the EU.

On 2 December, the Council decided to impose the fifth package<sup>51</sup> of restrictive measures on additional 17 individuals and 11 entities in view of the situation in Belarus. Altogether, EU restrictive measures on Belarus now apply to a total of 183 individuals and 26 entities. The restrictive measures include a travel ban, which impedes those listed from entering or transiting through EU territories, and an asset freeze, used against the funds or economic resources of the listed persons. In addition, EU citizens and companies are forbidden from making funds available to the listed individuals and entities.

Natural persons are additionally subject to a travel ban, which prevents them from entering or transiting through EU territories. The decision targets prominent members of the judicial branch, including the Supreme Court, and the State Control Committee, as well as propaganda outlets and ministries contributing to continuing repression of civil society, democratic opposition, independent media outlets and journalists.

The list also includes high-ranking political officials of the Lukashenko regime, as well as companies (such as Belavia Airlines), tour operators (Tsentrikurort, Oskartour) and hotels (Minsk, Planeta) that helped incite and organise illegal border crossings through Belarus to the EU, and in this way participated in the instrumentalisation of migration for political purposes.

Since the beginning of the crisis, the EU provided immediate support to Latvia, Lithuania and Poland for border management in the form of emergency funding, deployment of experts and in-kind assistance from European countries under the Civil Protection Mechanism.

Following Commissioner Johansson's visit to Lithuania in July 2021 the Commission granted **emergency financial assistance of € 36, 7 million to Lithuania**<sup>52</sup>. The Commission has further made **€200 million available for border management in Latvia, Lithuania and Poland**<sup>53</sup>.

Following a request for assistance from Lithuania, the European Commission has sent support through the European Civil Protection Mechanism<sup>54</sup>. Through the mechanism, Lithuania has received tents, beds, heating systems and other items crucial to attend the

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<sup>48</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1989&from=EN>

<sup>49</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1986&from=EN>

<sup>50</sup> [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_21\\_6221](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_21_6221)

<sup>51</sup> <https://www.consilium.europa.eu/en/press/press-releases/2021/12/02/belarus-eu-adopts-5th-package-of-sanctions-over-continued-human-rights-abuses-and-the-instrumentalisation-of-migrants/>

<sup>52</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021PC0752>

<sup>53</sup> [https://transport.ec.europa.eu/news/eu-proposes-blacklisting-transport-operators-involved-facilitating-smuggling-or-trafficking-people-2021-11-23\\_en](https://transport.ec.europa.eu/news/eu-proposes-blacklisting-transport-operators-involved-facilitating-smuggling-or-trafficking-people-2021-11-23_en)

<sup>54</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_3846](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3846)

needs of the migrants present in the territory of Lithuania. The Commission coordinates the delivery and finances up to 75% of the costs for transporting the assistance. Furthermore, according to the proposal for a Council decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland, **€700, 000 have been mobilised in humanitarian funding in order to support partners in providing assistance to vulnerable people stranded at the border and inside Belarus, of which €200,000 is going immediately to support the International Federation of Red Cross and Red Crescent Societies.**<sup>55</sup>

Following a request for support by Latvia and Lithuania due to a significant rise in the number of irregular border crossings from Belarus on 1 July 2021 Frontex deployed European border guard teams to Lithuania and Latvia to support border controls with Belarus.<sup>56</sup> In July 2021 Lithuanian authorities asked Frontex for additional support and the launch of a rapid border intervention at Lithuania's border with Belarus to assist the Lithuanian authorities<sup>57</sup>. The agency deployed Frontex's border guards together with officers from the Member States as part of the European Border and Coast Guard Standing Corps. Frontex also sent patrol cars and specialised officers for conducting interviews with migrants to gather information on criminal networks involved and support the exchange of operational information<sup>58</sup>.

The proposal for a Council decision on provisional emergency measures<sup>59</sup> presented on 1 December 2021, followed the invitation of the European Council to the Commission in its **Conclusions of 22 October 2021 to propose any necessary changes to Union's legal framework** and the request by impacted Member States to address emergency migratory situation.

By triggering Article 78.3 TFEU, the procedure presented in the proposal allows the Member States involved to:

- reduce border-crossing points, lodging only at specific registration points located at the vicinity of the border, to allow a more orderly management of the flows. Obviously, they should ensure a sufficient number of registration points and that the applicants receive information about the location of the nearest points where their application can be lodged,
- extend registration deadlines to up to four weeks, as opposed to the Asylum procedure directive which sets three or six days and in case of mass influx up to 10 working days.
- derogate from certain provisions of the Reception Conditions and Returns Directives for asylum seekers, applying the accelerated procedure at the border for applications. This means admitting the possibility to examine an application at the border without authorising entry to the territory, by not excluding any category of applicants. In addition, the three Member States may extend the duration of the border procedure for sixteen weeks.

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<sup>55</sup> [https://transport.ec.europa.eu/news/eu-proposes-blacklisting-transport-operators-involved-facilitating-smuggling-or-trafficking-people-2021-11-23\\_en](https://transport.ec.europa.eu/news/eu-proposes-blacklisting-transport-operators-involved-facilitating-smuggling-or-trafficking-people-2021-11-23_en)

<sup>56</sup> <https://frontex.europa.eu/media-centre/news/news-release/frontex-provides-support-for-lithuania-latvia-at-their-borders-with-belarus-hqTC5M>

<sup>57</sup> <https://frontex.europa.eu/media-centre/news/news-release/eu-solidarity-in-lithuania-OEhvw2>

<sup>58</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_3846](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3846)

<sup>59</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021PC0752>

The proposal also highlights the necessity for the EU agencies as European Union Agency for Asylum and Frontex, if allowed by the Member States involved, to offer their operational support to ensure screening of migrants, design and putting in place adequate standards of reception facilities and support border control activities.

The LIBE Committee held a hearing on the subject on 13 January 2022, where many MEPs contested several aspects of the proposals, among which the legal basis (art. 78.3 TFEU), the uncertain provisional nature of the proposal, and concrete problems with the reception points for asylum requests.

Home Affairs Commissioner Ylva Johansson said in the hearing <sup>60</sup> the situation “de-escalated significantly” after more than six months, but still deemed the “emergency” measures justified given the role of Belarus in “instrumentalising” migrants. Johansson called on Lithuania, Poland and Latvia “to have legislation where pushbacks are not accepted and not normalised”<sup>61</sup>.

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### **Annex III**

#### ***Follow-up from Lithuanian authorities on the incident of 2 March 2022***

##### **Regarding the incident on 2 March 2022:**

On 1 March 2022, at 11 pm, riots broke out at the Medininkai Foreigners Registration Centre. Fences between sectors were broken with the aim of moving to other sectors and leaving the Centre. Due to the number of persons involved in the incident, additional forces were called in from Padvaronys and Kena Frontier Stations, Special Purpose Division of the State Border Guard Service (SBGS) as well as officers from the Public Security Service, who helped to prevent the escape of foreigners. In order to prevent the escape from the Centre territory of foreigners, who resisted and disobeyed the officers, special measures (tear gas) had to be deployed. No one was injured during the incident, no medical help was needed. Minors were not involved in the incident.

Protocols of violation of internal rules were drawn up for foreigners who violated the rules of the Centre. For other persons decisions were made to detain them for up to 48 hours, of which they were informed, and the Court subsequently issued detention orders for more than 48 hours (foreigners' rights were represented in the Court by an attorney, who was given access to all the material collected).

##### **Regarding the two minor victims, the delegation spoke to on 3 March 2022:**

The Centre accommodates only one minor, a 17-year-old citizen of the Republic of Iraq, who did not participate in the events of 2 March 2022.

There are no other minors in the Centre.

SBGS officials follow legal rules in their actions and act only within the limits of the powers granted to them by laws and other legal acts.

##### **Regarding the results of the investigation by the Lithuanian authorities into alleged disproportionate use of force and inhumane and degrading treatment on persons residing in the Medininkai Centre during the incident of 2 March, including on the two minors referred to:**

An analysis of all the material of the incident revealed no irregularities in the officials' actions. All actions of the officials were carried out within the limits of their powers. After each incident, the heads of the unit analyse the circumstances of the incident, the actions taken and, if analysis finds that the limitations specified by the law have been exceeded, an official investigation is initiated. In this case, analysis of the actions of the officials did not reveal any signs of misconduct. As mentioned, the minors did not participate in this incident.

##### **Regarding the information where the other persons involved in the incident were moved to following the incident:**

Male organizers of the riot were detained and afterwards accommodated in the Kybartai Foreigners Registration Centre, women - in the Pabradė Foreigners Registration Centre.

**Regarding the information related to the alleged use of disproportionate force (with electro shocks and "special means") in the reception centre in Vilnius, during an incident on the 8 November 2021:**

This incident took place at the Medininkai Foreigners Registration Centre. This incident has led to a pre-trial investigation by the Lithuanian police. At this time, we cannot provide information regarding the use of special means, because it is in the material of an ongoing pre-trial investigation.