

STATEMENT

UPR Pre-session on Lithuania

Geneva 7-8 December 2021

Delivered by The Seimas Ombudsmen's Office, a National Human Rights institution (NHRI)

1. Presentation of Organisation

The Seimas Ombudsmen's Office, a National Human Rights institution (NHRI) since 2018 and National Prevention Institution since 2014, welcomes the opportunity to provide information relevant to the review of Lithuania under UPR Pre-session on Lithuania.

2. National Consultation for the drafting of the national report

On behalf of the Government of Lithuania, the Ministry of Justice initiated some consultations on the development of the National report. Though the process included Civil Society Organisations and National human rights institution, and other Ombuds institutions, discussions were rather occasional.

3. Plan of the Statement

The oral submission focuses only on human rights concerns relating to Lithuania's treatment of migrants, refugees, and people seeking asylum, including its use of immigration detention because of the recent migration crisis in Lithuania.

4. Statement

Previously (in 2017), UPR addressed numerous concerns regarding the mistreatment of people in migration-related detention in the country, thus issuing relevant recommendations, some of which appear not to have been fully addressed.

4.1. Unlawful detention of irregular migrants and the observance of human rights of migrants, asylum seekers and refugees.

A. The follow-up to the second review

The state addressed some issues raised by the Seimas Ombudsmen concerning poor medical assistance of foreigners, problems of ensuring the right to adequate food, a lack of social activities, detention of children with adults in prison-like facilities. The Foreigners Registration Centre underwent a renovation, finalised on 5 November 2021 by significantly improving reception conditions. However, social, psychological and rehabilitation services for traumatised individuals and people with specific needs, including people of different identity were not developed properly. Furthermore, the issue of adequate identification of vulnerable and traumatised people was not addressed too.

B. New developments since the second review

All this changed when Belarus started pushing migrants towards Lithuania and other neighbouring countries by using them as political pawns in its ongoing quarrel with the EU. By accepting almost 4 thousand migrants (as of mid-August 2021, 4,110 people had been detained at the border), on 2 August 2021, Lithuania has closed the Belarus-Lithuania border by issuing a decree legitimising utilisation of deterrence measures, many of which are named as push-backs by the Seimas Ombudsman.

Furthermore, the amendments to the legislation introduced significant changes limiting almost all migrants rights, including access to asylum procedures, thus giving rise to the automatic detention of applicants and the restriction of their appeal rights. Lithuania's parliament set a detention period of six months for people arriving irregularly. The reception conditions at the temporary tent camps included restriction of the liberty of migrants, which lasted for an average of forty days, failing to ensure adequate material reception conditions, hygiene, weather-appropriate clothing, footwear and the right to privacy, as well as a failure to ensure the right to adequate food, was indicated as equivalent to inhuman or degrading treatment by the Seimas Ombudsman. Though Government has moved foreigners to new built Foreign Registration centres, one of which in previous prison facilities, most foreigners live in modular cabins with limited space inside and restricted possibilities to move outside within the heavily fenced and guarded area and prison-like conditions.

C. Recommendation

We encourage the Lithuanian government to cease all pushbacks at its border and stop practices of arbitrary detention of migrants. We encourage Lithuania to take all measures to ensure that the reception of foreigners in protecting the Lithuanian border is in full compliance with the Convention relating to the Status of Refugees 1951. Finally, we encourage Lithuania to open the Belarus-Lithuania border for journalists, NGO's and human rights monitors to observe as well as report on the human rights situation at the border.