



## **Briefing Paper – Detention in Lithuania**

### **Médecins Sans Frontières, May 2022**

*MSF is an international medical humanitarian organization with experience providing medical humanitarian assistance in over 70 countries around the world. MSF has extensive experience responding to the severe physical and mental health damage that inhumane migration and deterrence policies have inflicted on people seeking protection in Greece, Italy, France, Belgium, the Balkans, on Nauru Island, Libya and on our Search and Rescue (SAR) missions in the Central Mediterranean. Since 2014, MSF has been scaling up presence in EU migration contexts.*

#### **MSF activities in Lithuania:**

In 2021, a sudden increased number of people from Iraq, Congo, Syria, Cameroon and Afghanistan tried to cross from Belarus into Poland, Lithuania and Latvia. Governments of all three countries restricted access to their borders and declared a state of emergency, making the practice of pushbacks de facto legal. Over 4,000 people crossed the border from Belarus into Lithuania, where they experienced pushbacks and violence by border guards on both sides.

MSF teams have been responding at the EU/ Belarus border since September 2021, following reports of violence and pushbacks at the borders. In Lithuania, MSF initially responded in nine border post reception areas. During this period, MSF teams provided psychological support, health promotion and distributed relief items.

Since January 2022, MSF has been providing primary health care and psychological support in two of the three Foreigner Registration Centres (FRC) under the Ministry of Interior (Mol) and run by the State Border Guard Service (SBGS), where the highest medical and psychological needs were identified at the time. The two centres are in Kybartai (Vilkaviskis District) and Medininkai (Vilnius District). Activities include mental health and triage to refer patients to the psychologist or mobile medical unit (MMU) under the Ministry of Health, as well as identifying survivors of violence and torture and sexual and gender-based violence (SGBV). According to national legislation, people's freedom of movement in FRCs is restricted for one year<sup>1</sup> and can be extended to 18 months on a case-by-case basis<sup>2</sup>; for this reason, MSF refers to these facilities as detention centres<sup>3</sup>.

Between January and March 2022, MSF teams carried out 2,636 consultations. The majority were for psychological first aid and psychosomatic complaints, related to detention and lack of access to necessities, including over-the-counter medications. In this period, MSF teams identified over 50 survivors of sexual and gender-based violence (SGBV) and/or torture. The majority had experienced violence in their country of origin. We have also identified the need to provide treatment for sexually transmitted infections and family planning. Our mental health teams provided 214 counselling sessions to 98 individuals, where stressors relate to detention, limited freedom, uncertainty about their future and the asylum process, including fears of repatriation. A total of 778 individuals have received psychological first aid (PFA) through group activities since January. MSF has prioritised individual psychological sessions, rather than group sessions, due to the current absence of other actors providing this needed service. Protection cases are referred to the Lithuanian Red Cross, the implementing partner of the UNHCR. MSF

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<sup>1</sup> LRT, [Lithuanian parliament allows restricting migrants' movement for up to a year](#), December 2021

<sup>2</sup> Delfi, [Official: no alternative to returning irregular migrants to countries of origin](#), April 2022

<sup>3</sup> Besides the three FRC managed by the Mol, the Ministry of Social Security and Labour (MoSSL) is running two Refugee Reception Centres (RRC). Centres under the MoSSL are run by civilians and social workers, who have experience working with vulnerable adults and children and the integration of refugees and asylum seekers in Lithuania. In general, the conditions in detention centres run by the MoSSL are reported to be better, likely due to the absence of military personnel.



medical teams have also identified multiple people with chronic medical conditions as well as several malnutrition cases, all in need of close monitoring and medical care. There is currently no 24/7 medical care available in the two detention centres or adequate emergency equipment to deal with, for example, an acute heart attack.

## Main critical issues observed in the reporting period:

### 1. Conditions of detention

*We are humans, how can we be in the same place for 6 months, it is like a prison.*

*woman detained in Medininkai, February 2022*

According to the legislation passed in July 2021, people should be detained in the FRCs for up to 6 months. Since July, the length of detention has already been extended once. Currently, people can be detained for up to 18 months. People do not know how much longer they will be detained for, or how many times detention can be extended. The UN Agency for Refugees, UNHCR, criticized these moves, arguing that “*detention of asylum seekers should not be used by default or mandatorily for all arrivals, but rather remain the exception*”<sup>4</sup>. The Ombudsmen’s office of the Republic of Lithuania also raised concerns around the detention of asylum seekers and migrants and the principle of proportionality<sup>5</sup>. In August 2021, the Commissioner for Human Rights of the Council of Europe raised concerns to the Prime Minister of Lithuania that the way asylum seekers and migrants were being accommodated amounted to *de facto* detention, calling for adequate safeguards and alternatives to detention<sup>6</sup>. In her response, the Prime Minister stated accommodation was temporary and could not be considered detention. The majority of people MSF has spoken to have already been detained for 9 months.

**Medininkai**, a school for State Border Guards (SBG), became an FRC in September 2021. It is composed of temporary modular containers with outdoor bathrooms and showers, where there are an estimated 560 people today. Single women, single men, and adult families are separated into different sectors, which are locked and fenced off from each other. Families with children and unaccompanied minors (UAM) were moved to centres under Ministry of Social Security and Labour (MoSSL) at the beginning of the year. MSF is concerned that some UAM, mistakenly identified as adults, remain in Medininkai. Each outdoor modular container houses 4 people, while the less frequent larger containers have up to 14. Containers are not equipped for cooking, and individuals must rely on the three daily meals provided by the Mol, in takeaway containers. MSF has received many complaints about the food, which despite some improvements, is often cold, not culturally appropriate and people often do not know what they are eating. This has resulted in many gastro-intestinal symptoms. Medininkai also has a building, where vulnerable individuals are moved and can cook in a communal kitchen. People can purchase food from a van twice a week; however, the cost of items is extremely high. There is a recently established outdoor gym that people can use once a week. In practice, access varies depending on the individual SBG staff present. People are free to leave their individual containers; however, they can only leave their sector to exercise or see the doctor. The sectors themselves are small and there is limited space for movement.

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<sup>4</sup> UN High Commissioner for Refugees (UNHCR), UNHCR legal observations on the amendments to the Law of the Republic of Lithuania on Legal Status of Aliens (No XIV-506) , 28 July 2021, available at: <https://www.refworld.org/docid/610d26971a1.html> [accessed 5 May 2022]

<sup>5</sup> The Seimas Ombudsmen’s Office of the Republic of Lithuania, regarding the Draft Law Amending and Supplementing the Law of the Republic of Lithuania on the Legal Status Of Aliens, 12 July 2021

<sup>6</sup> COE, [Lithuania: safeguards in asylum procedures and preventing pushbacks should be central to response to migration challenges](#), August 2021



**Kybartai**, a prison under the Ministry of Justice until September 2021, is now an SBG run FRC for single men. There were no major renovations to the facility. In January 2022, the Seimas Ombudsperson stated that the conditions in Kybartai are equivalent to inhuman or degrading treatment<sup>7</sup>. The report states that the right of asylum seekers and migrants to be informed about their rights and obligations, the decisions made against them, and access to legal aid is not adequately guaranteed. It is estimated that 420 men are currently detained here. Across its four floors, people are separated by nationality. On each floor SBGs are present and there is a communal kitchen and toilet. People have access to a closed off outdoor area every day. Every other day, people can use the outdoor showers, access a green closed off space, and access the market to buy groceries. Items in the market are very expensive. Within Kybartai there is a section for more severe detention (Corpus B), where an estimated 40 men are held because they are accused of a crime or because they are “trouble makers”. They have access to cooking facilities and an indoor shower. Individuals in Corpus B are not allowed outside, except for a small closed off area, and are accompanied to the market by SBGs. Kybartai is currently undergoing renovations and it is expected some asylum seekers and migrants will be moved from Medininkai, when it closes in August.

## 2. Abuse and violence while in detention

*After they took me to the isolation room. When they put me there for 6 days, I was alone, they gave me food through the hole in the window [...] Whenever I ask the person why I was moved there they told me that the request had come from the immigration department. man detained in Kybartai, Lithuania, February 2022*

The two centres where MSF is present are heavily militarised contexts, where people have restricted movement and are under the constant scrutiny of SBGs, who use violent approaches to de-escalation, including tasers, pepper spray and the use of dogs for intimidation. Since January 2022, MSF has documented 18 cases of violence, aggression and mistreatment while in detention, two of these by other asylum seekers and migrants, and the remainder by SBGs. The number of violent events is likely higher. We have documented solitary confinement for over 24 hours, groups of individuals put in prison cells for periods of one week, the confiscation of phones, and beatings. MSF psychologists have heard of people being strip-searched, handcuffed, and verbally abused by the SBGs while in detention.

Many people seeking safety are exposed to violence, torture, or kidnapping on their journeys or in the country they are fleeing. Already vulnerable individuals are further exposed to violence and degrading treatment in detention. In February, MSF provided medical care to two individuals who were attacked by SBG dogs, after trying to escape detention. One of the individuals later required treatment in the emergency department. MSF mental health staff provided psychological support to three survivors after they disclosed sexual violence while in detention. This case has since been reported in local media<sup>8</sup>. MSF advocated for them to be moved to a more appropriate centre under the MoSSL, which took over two weeks. **Based on MSF experience in Lithuania, detention contributes to systemic violence against an already vulnerable population.**

At the beginning of March 2022, MSF teams were denied access to Medininkai for two days, following reports of riots. This prevented MSF from providing psychological care and medical activities and we later heard reports of violence towards asylum seekers and migrants during this period, after riot police were brought in. Some individuals

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<sup>7</sup> Ombudsmen's Office of the Republic of Lithuania, [The Seimas Ombudsperson voiced criticism over reception conditions in Kybartai Foreigners' Registration Centre](#), January 2022

<sup>8</sup> LRT News, [Prosecutors launch investigation into possible long-term sexual abuse of migrants at one SBGS alien registration center](#), 26<sup>th</sup> April 2022



involved in the riots were moved to Kybartai, where they were locked in cells for one week. Several MSF patients reported they were violently woken in the night of the riots, with taser guns used as intimidation.

### 3. Detrimental impact of detention on mental health

*My health is not well. I have depression. If they give me 6 more months, I will not be normal after. One side of my head is not ok, I cannot sleep. man detained in Kybartai, Lithuania, February 2022*

MSF teams have witnessed the impact of detention and containment on people's mental health and wellbeing in a number of settings, including in Libya, Greece and on Nauru Island. Over the years, we have observed a dangerous intensification of European migration policies aimed at restricting migration and expanding detention and pushbacks, which disproportionately target a small group of the world's most vulnerable men, women and children. These deterrence policies inflict misery, put lives in danger and erode the resilience and mental health of people. Detention deprives individuals of their liberty, dignity, limits access to health services and psychological support and isolates and hides suffering from the public. From January to March, MSF provided psychological support to 98 people in Kybartai and Medininkai. Over half have anxiety, the majority of whom (70%) state conditions of abuse are the main trigger. MSF is also aware of 17 episodes of self-harm; organised hunger strikes; and nine suicide attempts as a direct result of detention. Detention directly contributes to mental health suffering, including suicide and self-harm.

### 4. Access to meaningful and effective protection for people on the move in Lithuania

*[The NGO] says 'you must apply for voluntary return'. They tell us that if we don't go, we will get stuck here for 2 years, there is no solution, you have to apply. For me I don't care, I cannot go back because I don't have a country. man detained in Kybartai Lithuania, February 2022*

Currently, the only option out of detention for people detained in Lithuania is through voluntary returns. There are many posters describing the process around the centres, including incentives of up to €1,000 for people to "voluntarily return". By contrast, information on the asylum process or how to seek international protection in Lithuania is limited. This puts into question how voluntary returns are. In addition, MSF has heard reports of forced returns. This is compounded by the poor access to legal aid for people in detention, to have their case and evidence fully examined, due to limited capacity for legal representation. In both detention centres, legal services are provided by the Lithuanian Red Cross, who distribute non-food items including blankets and clothes and provide psychosocial and recreational activities. The majority of people MSF spoke to complained about the limited meaningful access to legal aid to support their asylum application. MSF has identified and supported over 50 survivors of torture and SGBV, however, it is not clear if this evidence is used in their asylum process.

There is a lack of appropriate care and follow-up for psychiatric cases and acute mental health conditions. There was no care plan in place for a psychiatric patient who was forcibly transferred from Kybartai to Medininkai, to receive follow up from social workers or a referral to a psychiatrist. MSF has identified a number of other protection cases since January, including unaccompanied minors detained with and identified as adults, sexual violence against people while detained and violence and discrimination against LGBTQ+ individuals. Vulnerability pre-screening in Medininkai only started in mid-April 2022 by the European Union Agency of Asylum, but has not started at all in Kybartai. Individuals in Kybartai have to be transferred to another centre under the MoI (Pabrade) for screening. MSF has provided the names of some individuals identified as vulnerable by our teams; however, it is not yet clear what the follow up will be. **There are currently no alternatives to detention for individuals identified as particularly vulnerable to receive appropriate care.**



## Conclusions and recommendations:

Considering main critical issues observed in the reporting period, MSF asks to:

- **End the illegitimate policy of prolonged detention and provide people with safe reception.** This must include sufficient and adequate humanitarian assistance and protection safeguards, including access to free of charge legal aid.
- **Ensure unhindered access to medical assistance,** including timely referrals to health centres, mental health counselling and proper emergency care and equipment. Professional interpreters who understand medical language and patient confidentiality should be made available.
- **Ensure meaningful and effective protection to all people on the move in Lithuania,** urgently providing alternatives to detention to limit the mental health and physical impacts of prolonged detention, with priority to the vulnerable population in the detention centres. Vulnerability screening implemented should not be used as a tool to identify people who are not vulnerable for deportation or further detention, as seen in other contexts<sup>9</sup>.
- For as long as migrants, asylum seekers and refugees are systematically detained in Lithuania, **improve conditions of detention** to ensure dignified and humane treatment. MSF calls for an urgent and independent inquiry into violent incidents occurring in the detention facilities to ensure perpetrators are promptly identified and investigated. In addition, protection actors must have increased capacity and mandate to ensure referrals are followed up.
- **Increase transparency on the asylum procedure,** including – but not limited to – organisation of information sessions, and ensure urgently that all people have the possibility to access free of charge legal counsel and legal aid to support their asylum and appeal claim.
- **Guarantee that the return to countries of origin is based on informed consent** and includes appropriate protection safeguards and comprehensive counselling taking into account the situation and needs of the individual.

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<sup>9</sup> MSF, [Constructing Crisis at Europe's Borders](#), 2021