



Briefing Note – Detention in Latvia

Médecins Sans Frontières, October 2022

Médecins Sans Frontières (MSF) is an international medical humanitarian organisation 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 Lithuania, 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 Latvia

In 2021, a sudden increased number of people from countries including 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 pushbacks a de facto practice.

Latvian border authorities report having denied entry to people at the Belarus border on 6,800 occasions between August 2021 and August 2022, with multiple repeat pushbacks¹. From August 2021 to March 2022, 148 people were admitted to Latvia on humanitarian grounds, while 500 were detained after crossing the border². Human rights institutions have expressed concerns about reports of migrants and asylum-seekers attempting to enter Latvia from Belarus being subjected to violence, including forcible pushbacks by state border guards, being trapped in the forested border regions without access to necessities and denied access to adequate asylum procedures by Latvian authorities^{3 4}.

MSF teams have been responding at the EU/ Belarus border since September 2021, following similar reports of violence and pushbacks at the borders. In **Lithuania**, MSF initially responded at border post reception areas by providing psychological support, health promotion and distributing relief items. MSF later provided primary health care and psychological support in some of Lithuania's Foreigner Registration Centres (FRC) under the Ministry of Interior (MoI) and run by the State Border Guard Service (SBGS), as well as remote psychological sessions, psychosocial activities and provision of non-food items (NFIs) to asylum seekers and migrants who entered the country from Belarus.

In **Latvia**, MSF started providing psychological and psychosocial support to asylum seekers and migrants detained in the Mucenieki and Daugavpils Immigration Detention Centres (IDC) in July 2022, after an assessment of needs.

Following our initial visits, the MSF team identified that there was little stimulation for people in the centres, as the common spaces did not offer many creative outlets. Therefore, MSF has provided NFIs like books, board games and stationery. After conversations with people held in the centres, we also provided food and hygiene items as they indicated a lack of ready access and financial barriers to such items.

¹ <https://www.schengenvisainfo.com/news/latvia-prolongs-state-of-emergency-at-the-border-with-belarus/>

² <https://www.rs.gov.lv/lv/jaunums/27-marta-noversts-5-cilveku-meginajums-nelikumigi-skersot-latvijas-baltkrievijas-valsts-robezu>

³ <https://www.coe.int/en/web/commissioner/-/latvian-authorities-should-investigate-human-rights-abuses-at-border-with-belarus>

⁴ <https://verfassungsblog.de/trapped-in-a-lawless-zone/>



Critical issues observed

1. Conditions of detention

Increased securitisation

Both Mucenieki and Daugavpils IDCs are heavily securitised and surveilled via CCTV, severely limiting people's privacy. State Border Guards accompany people to shared areas and are present when people use shared facilities. Further monitoring is in place as SBGS employs physical verification frequently during the day, including at night-time.

Personal mobile phones are confiscated upon arrival, and people are allowed limited access to their phones twice daily. This limits communication with their family, friends, and organisations that could provide information and other assistance. **Limited access to external communication and very limited opportunities to contact family has a severe impact on people's mental health.**

In Daugavpils IDC, people usually have access to their phones for 2 hours per day in the week and 3 hours per day at the weekends. In Mucenieki IDC, people have access to their phones for approximately 2 hours per day, while in both centres the phone-call rooms are shared by four people or more at a time.

Lack of Interpretation

The lack of interpreters inside the centres further **limits people's access to information and support.** Many people who spoke with MSF explained that they had **not yet received information on the length of detention, nor on their rights and obligations, often due to lack of adequate interpretation in their native language.**

People have further reported that due to language barriers, they cannot explain their concerns properly, both when it comes to requests for necessities and, most importantly, during medical consultations. Due to the lack of adequate interpretation in the centres, many people reported that they were not able to understand diagnoses and the treatment provided to them.

Consequently, some people may ask other people's help with interpretation, but for sensitive medical issues people may be hesitant to do so as it risks confidentiality and jeopardises their protection. In addition, in some cases, English-speaking SBGS officials were asked to interpret, severely compromising medical confidentiality.

Use of force, verbal abuse and intimidation

From MSF's first visits, it was striking that people in the IDCs were being referred to as "inmates" considering that this was a place where asylum seekers and migrants were being held. This generates a **perception and a feeling that these people are seen as criminals and leads to them not being treated with the respect and the sensitivity their situation requires,** further impacting their mental health.

In order to access any activities within the centres, the people detained are required to make requests to the SBGS. These include the use of common areas, the library and gym, as well as the restricted outside area, which is accessible for a few hours per day. Similarly, for families with children a request is needed to access shared and outside areas, including the IDC's children's playground.

The submission of a written request is required for people who want to protest through non-violent resistance, such as holding a hunger strike. **In cases where people did not comply with the guards' demands, SBGS has admitted to using force and moving people to other blocks**



or between centres. Many people further reported being subjected to verbal abuse by SBGS and discrimination by the IDC's medical staff. MSF has observed that the national medical staff's lack of cultural awareness may be contributing to the use of derogatory language, which compounds prejudice and causes harm, contrary to medical ethics.

2. Mental health concerns

Along with single men and women, a number of families with young children have been detained in both IDCs in the period during which MSF has been present. Despite the relatively small number of people detained in both centres, the need for mental healthcare is severe and ongoing.

For most of the people MSF spoke with, **conditions of detention have been an important factor in exacerbating existing mental health issues.** Many experience a high severity of hopelessness, sadness, suicidal thoughts, ruminations, anxiousness and sleep disturbances. Recurrent themes include: (i) the distress of lacking adequate information on the length of their detention period and their rights, (ii) limited access to phones, specialised health services and legal counselling, (iii) feelings of being subjected to degrading treatment, (iv) worries for their family members back home, and (v) threats and fear of return to their home country.

For a significant number of those consulted, the precipitating events are displacement and displacement-related events, e.g., having to flee their home because of danger, separation from their families, uncertainty and lack of influence regarding their future. Many people who are seeking protection and arriving in Latvia have already been exposed to traumatic events in their home countries and during their stay in Latvia. **Most of the people treated by MSF reported one or more traumatic events in their country of origin,** including people who have experienced psychological, physical and sexual violence. Further, for several people MSF has spoken to, their subjection to pushbacks at the Latvian-Belarus borders has had significant impact on their mental health.

For **families with children,** additional concerns include the lack of access to non-formal education for detained children and the barriers that detention imposes on parents, limiting their parental agency and possibilities to provide their children with the range of activities necessary for their personal and emotional development and wellbeing.

Existing reports highlight the detrimental effects detention has on children. According to the World Health Organisation's (WHO) findings⁵, **detention has a significantly greater impact on children's mental health compared to that of adults, with the consequences on their development seeming to continue even after their release.** Current conditions of detention are noted to aggravate previous trauma, create risks of additional trauma, and increase mental distress and vulnerabilities of both adult and minor detainees.

3. Limitations in access to protection and humanitarian aid

The lack of interpreters inside the centres further **limits people's access to information and support.** Many people who spoke with MSF explained that they had **not yet received information on the length of detention, nor on their rights and obligations, often due to lack of adequate interpretation in their native language.**

⁵ <https://www.who.int/europe/news/item/04-05-2022-immigration-detention-is-harmful-to-health---alternatives-to-detention-should-be-used>



In both centres, individuals are offered free legal assistance, yet the majority of the people mentioned that they rarely manage to have adequate contact and face-to-face consultations with the lawyers provided by the state.

Civil society actors and referral pathways and opportunities for accessing independent support are extremely limited, further hindering people's access to protection and asylum procedures, thereby effectively undermining their right to seek and enjoy asylum.

All the people who spoke to MSF described feeling that during their asylum interview they did not have the chance to properly defend their asylum claim. **Many people have reported receiving a negative decision on their asylum claim and they have very limited means and legal aid to launch an appeal.**

Numerous people have also reported that they have not received adequate information during asylum procedures, as there is limited access to legal aid in the individual's native language. In addition, in many cases people have been asked to sign documents without those being translated to a language they can understand. Some have reported being misled by the SBGS asking them to sign deportation documents. Similarly, there are people who were made to believe that they had filed an asylum application request, yet, they have received a deportation order.

Most people who spoke to MSF reported that the **information repeatedly provided in all facilities by the Office of Citizenship and Migration Affairs (OCMA), under the Mol, is mainly on voluntary returns**, such as IOM leaflets, thus promoting these returns. Contact details of the state-provided lawyers is on display in both IDC's common areas, yet only in Latvian language.

Finally, MSF observed that due to the limited presence of civil society and humanitarian actors in Latvia, **protection safeguarding is extremely narrow, as there exist no protection referral pathways for specialised support**, such as for sexual violence and child protection.

Recommendations

Considering the above, MSF asks to:

For the Latvian authorities:

- **End the unlawful and arbitrary detention of people held in the two IDCs**, and provide people with safe reception. This must include appropriate vulnerability assessment, access to humanitarian assistance and protection safeguarding.
- **Instead of resorting to detention, urgently implement alternatives to detention for people held in the two detention centres, with priority to the vulnerable population.** That can include their immediate transfer to an alternative safe location, such as Muceneki Open Reception Centre, where they can be provided with sufficient and adequate humanitarian assistance and protection. Vulnerability screening should be implemented, but must not be used as a tool to identify people who are not vulnerable, for deportation or further detention, as seen in other contexts⁶.
- **Safeguard children's rights in accordance with EU and international law**, such as the UN Convention on the Rights of the Child, to which Latvia acceded on 14 April 1992. Detention of a child must only be used as a measure of last resort and for the shortest appropriate period of time, and in all actions and decisions concerning children, **the best interests of the child have to be a central consideration.** This also includes placing

⁶ MSF, *Constructing Crisis at Europe's Borders*, 2021



unaccompanied minors in appropriate accommodation and treating them in a manner that assesses and takes into account their best interests as a primary consideration.

- **For as long as migrants, asylum seekers and refugees are systematically detained in Latvia, improve the conditions of detention**, to ensure humane and dignified treatment. MSF team observes increasing and alarming mental health distress, linked to various factors including conditions of detention, which are generally preventable. Some stressors can be reduced through implementing changes, such as improving access to adequate means of communication, lifting limitations for private phone use or, alternatively, through increasing the time and privacy allocated for phone use in the shared area allocated for communication. In this regard, Latvian authorities have to **ensure that safety and security is guaranteed for all detained people**, and that they are **treated humanely with the dignity and respect to which they are fundamentally entitled**.
- Ensure all people detained have **access to legal counsel, legal aid free of charge in a language they understand**.
- **Ensure the provision of transparent and comprehensive information on asylum procedures**, including information on examination of the asylum applications and the exercise of the right to appeal.
- **Ensure the availability of professional interpreters**, especially for the provision of information, medical consultations and sessions with lawyers. Such interpreters should understand relevant legal or medical terminology and observe (medical) confidentiality.

For the civil society organisations and international organisations:

- Increase and strengthen response capacity for the provision of humanitarian assistance.
- Increase and **strengthen response capacity for protection, including increased visits and monitoring by independent organisations** to places of detention to assess and identify extra-vulnerable people, including victims of psychological, physical or sexual violence.
- Continue and **increase efforts and advocacy to ensure safe and dignified alternative solutions to detention** for all people on the move are found, which still guarantee access to healthcare, legal counsel and aid, and protection.
- Increase advocacy efforts to **ensure that migration and asylum policies and practices of Latvia respect the fundamental rights of people on the move**, and are in line with international and EU law.