SOLIDARITY UNITY

Submission to the Universal Periodic Review of the United Nations Human Rights Council 4th Cycle

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This submission is prepared for the fourth cycle of the Universal Periodic Review (UPR) of the Republic of Lithuania. It focuses on the protection of asylum seekers, refugees, and migrants, with a concentration on vulnerable groups, specifically women and children.

The report evaluates Lithuania's implementation of the recommendations that were accepted during the previous Universal Periodic Review (UPR) cycle. It focuses on recommendations related to access to asylum procedures, the principle of non-refoulement, reception conditions, and the protection of migrant and refugee children. Lithuania has implemented several legislative and policy reforms to address the increased migration at the Belarusian border since 2021. However, concerns about the practical fulfillment of international human rights and refugee protection standards still exist.

The findings presented in this submission are drawn from desk research and information published by United Nations treaty bodies, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), along with relevant civil society organizations.

This report focuses on three main violations. Restrictions on access to asylum procedures and non-refoulement, persistent protection gaps affecting migrant and refugee children, and difficulties faced by women in vulnerable situations within Lithuania's migration and asylum system.

Legal Framework

Standards governing the state's obligations regarding the treatment of asylum seekers, refugees, and migrants in Lithuania are specified in various international and regional legal documents. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol prohibit states from returning individuals to territories where they may face persecution, torture, or other serious human rights violations under Article 33. Additionally, the Convention on the Rights of the Child (CRC) necessitates that states protect and prioritize the best interests of all children, including those who are asylum-seeking, refugees, or migrants. Lastly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obligates states to protect women from discrimination, violence, and barriers to justice, especially those experiencing migration and displacement.

In addition to the international obligations, Lithuania is subject to several regional legal frameworks due to its membership in the European Union and the Council of Europe. The European Convention on Human Rights (ECHR) prohibits inhuman or degrading treatment and protects individuals against collective deportation. Furthermore, the Charter of Fundamental Rights of the European Union guarantees the right to asylum and reinforces the principle of non-refoulement. Moreover, Lithuania is required to comply with the Common European Asylum System (CEAS), including the Reception Conditions Directive. This directive sets minimum standards for housing, material support, healthcare, and safeguards for vulnerable asylum seekers.
In the previous Universal Periodic Review cycle, Lithuania accepted several recommendations regarding access to asylum procedures, protection of vulnerable migrants, and compliance with international refugee and human rights regulations. However, there are still significant shortcomings in the implementation of these commitments, highlighted by concerns raised by United Nations mechanisms, treaty bodies, and civil society organizations.

Violation I - Restrictions on Access to Asylum Procedures and Risks to the Non-Refoulement Principle

Access to asylum procedures is one of the most important mechanisms for securing international refugee protection. As part of the previous UPR cycle, Lithuania accepted several recommendations regarding migrants, refugees, and asylum seekers. These include recommendations such as proper processing of international protection applications, prevention of pushbacks at the border, implementation of the non-refoulement principle, improvement of reception procedures, and revision of asylum legislation to ensure compliance with international obligations. However, serious concerns remain regarding Lithuania's practical implementation of these recommendations, especially concerning the situation arising from the Belarusian-Lithuanian border after 2021.

In response to the increase in irregular arrivals from Belarus in 2021, Lithuania introduced emergency regulations and revised its migration legislation. Although Lithuania has the right to manage its borders and address security concerns,

these regulations raised concerns as they limited asylum seekers' ability to enter the country and apply for international protection. According to the UNHCR, Lithuanian law previously allowed individuals to apply for asylum at the border or within the country, regardless of their method of entry. However, after the emergency measures were introduced, Lithuania began refusing admission to individuals who crossed the border irregularly from Belarus. These individuals were redirected to official border crossing points or diplomatic missions without clear procedural safeguards, such as the right to an individual decision, interpretation, or legal counseling (UNHCR, 2024).

According to UNHCR, the Lithuanian State Border Guard Service reported 21,993 cases of non-admission as of early March 2024. These included 8,106 cases between August and December 2021, 11,211 cases in 2022, 2,643 cases in 2023, and 33 cases up to early March 2024. Additionally, UNHCR reported that only an estimated 570 individuals were allowed to enter under exceptions. Even though these figures may not represent 21,993 individuals since the same person may have been pushed back multiple times, they still show the systematic pattern of refusals.

These practices endanger the principle of non-refoulement. UNHCR reported getting distress calls from people who said they entered Lithuania and tried to apply for asylum, but they were pushed back to Belarus by Lithuanian border guards. Reportedly, some individuals were left in the border area without food, water, shelter, or basic support. In 2023, the Committee on Economic, Social, and Cultural Rights also expressed concerns about reports of the continued pushback of asylum seekers and migrants without proper assessments. This includes cases where people were left near the border in poor conditions, without access to asylum procedures or emergency assistance. These findings raise concerns over whether Lithuania’s border policy prevents asylum seekers from receiving assessments of their protection needs.

This issue is also reflected within European legal frameworks. In June 2022, the Court of Justice of the European Union rejected certain sections of Lithuania’s national legislation as they restricted the right to asylum and justified the automatic detention of asylum seekers and migrants. Amnesty International described this decision as a significant rejection of Lithuania’s approach to asylum and detention. However, developments since then show that these concerns have not been fully resolved. In 2023, Amnesty International criticized Lithuania for legalizing pushbacks, arguing that the new legal framework provided authorities with the power to freely return individuals who crossed the border illegally during emergency situations. This highlights the persisting gap between Lithuania’s accepted UPR recommendations and the progression of its migration policies (Amnesty International, 2022; Amnesty International, 2023).

Concerns extend beyond border access and pushbacks. Detention and access to legal remedies are other major issues. In December 2022, the European Court of Human Rights communicated the case of K.A. v. Lithuania. It involves a Syrian asylum seeker who arrived from Belarus in July 2021 and submitted an asylum application. The applicant was placed in the Foreigners’ Registration Center in Kybartai for six months, with no freedom of movement within Lithuania. The applicant argued that his deprivation of liberty was unjustified and that the judicial review was unreasonably slow. The applicant also argued that he was not provided with free legal assistance. As the case has not been finalized, it should not be presented as a finding of violation. However, the case shows that the concerns about detention, access to legal aid, and effective judicial review for asylum seekers in Lithuania are serious (European Court of Human Rights, 2022).

Overall, the UPR recommendations regarding access to asylum procedures, non-refoulement, and the treatment of migrants and asylum seekers have been partially implemented in Lithuania. Recommendations 138.82, 138.83, 138.84, 138.85, and 138.86 address the need to register applications for international protection, avoid pushbacks, respect the principle of non-refoulement, improve asylum and reception procedures, and revise asylum legislation to comply with international obligations. However, evidence from UNHCR, CESCR, Amnesty International, and European legal proceedings shows that significant concerns remain. Therefore, Lithuania still needs to take further measures to ensure that the aforementioned recommendations are addressed.

Violation II - Inadequate Reception Conditions for Women and Girls

Another major concern is the protection of migrant, refugee, and asylum-seeking children, especially those who are unaccompanied and separated. In the previous UPR cycle, Lithuania accepted several recommendations related to the

protection of vulnerable children. These recommendations include promoting the rights of children, strengthening the national child protection system, monitoring conditions in institutions accommodating children, protecting children from violence, exploitation, and trafficking, and ensuring access to education and health services for migrants, refugees, and asylum seeker children.

The Committee on the Rights of the Child recognized several positive steps taken by Lithuania, such as its ratification of the Optional Protocol to the Convention on the Rights of the Child in 2022, its adoption of the Child Welfare Action Plan for 2022-2026, and implementation of the Child Guarantee System Action Plan for 2023-2030. Nevertheless, the Committee noted that asylum-seeking, refugee, and migrant children remain in need of urgent measures. This shows that legislative progress has not fully translated into practical protection for children affected by migration and asylum procedures (Committee on the Rights of the Child, 2024).

The Committee on the Rights of the Child shared concerns about the detention of asylum seekers under the age of 18, including those detained at the border. The Committee also raised concerns about reported pushback operations against asylum-seeking and migrant children. The Committee urged Lithuania to stop detaining asylum-seeking and migrant children under any circumstances and demanded that children are given access to information about asylum procedures, legal aid, and individual assessments. While these concerns are connected to the broader problems discussed in Violation I, they require separate attention as children require additional protection under the CRC.

According to the 2021 OHCHR Stakeholder Summary, Lithuania depended only on institutional care for unaccompanied migrant minors and had not formed a network of guardians to foster these children. The report also expressed concerns about unaccompanied minors escaping from care institutions and noted that alternatives to detention were insufficient. These findings suggest that the well-being of these children is not evaluated through a child-sensitive and individualized approach. Instead, migrant children end up in systems that fail to provide adequate care and protection.

CRC identified several procedural deficiencies. The Committee requested that Lithuania ensure that age assessment procedures are used only when there is serious doubt about a person’s age and are based on informed consent. The Committee recommended a child-sensitive, multidisciplinary procedure that provides access to legal counseling and the ability to challenge age assessment outcomes. These safeguards are important since incorrect or poorly conducted age assessments may result in children being subjected to adult procedures or inadequate protection.

Overall, Lithuania has only partially implemented the recommendations regarding migrant and refugee children. Recommendations 137.110, 138.69, 138.70, and 138.81 are still relevant as they address children in vulnerable situations, the capacity of the national child protection system, the monitoring of children in institutional settings, and migrant and refugee children's access to education and health services. To ensure that all migrant, refugee, and asylum-seeking children are treated as children first, further measures are needed to guarantee their access to guardianship, legal aid, child protection services, education, healthcare, and individualized assessments.

Violation III - Difficulties Faced by Women in Vulnerable Situations within the Migration and Asylum System

The third major concern is the protection of migrant, refugee, and asylum-seeking women. In the previous UPR cycle, Lithuania accepted recommendations on preventing violence against women, strengthening support services for survivors, stopping human trafficking, and ratifying the Istanbul Convention. These recommendations called for improvements in the legal framework to provide stronger safeguards for women affected by violence, trafficking, and exploitation.

The Committee on the Elimination of Discrimination against Women (CEDAW) recognized several positive steps taken by Lithuania, such as the revision of the Assistance for Victims of Domestic Violence Act and the introduction of emergency barring orders. However, the Committee noted that Lithuania has not yet ratified the Istanbul Convention and gender-based violence remains a structural issue that is underreported and insufficiently addressed. The Committee noted that gender stereotypes, victim-blaming attitudes, and minimal awareness of trauma and consent persist in criminal justice and police responses (CEDAW, 2026).

The CEDAW Committee noted that migrant women and girls continue to face an increased risk of trafficking, and that the number of victims trafficked to Lithuania for exploitative labor is rising. The Committee also expressed its concern regarding the inadequate identification and screening mechanisms for victims of trafficking, specifically for asylum-seeking and migrant women.
Overall, Lithuania has only partially implemented the recommendations regarding the protection of women in vulnerable situations. Recommendations 137.2 to 137.21 of the Istanbul Convention, 137.104 to 137.109 on violence against women, and 137.68 to 137.83 on human trafficking remain highly relevant. Additional measures are necessary to guarantee migrant, refugee, and asylum-seeking women access to gender-sensitive identification procedures, safe reporting mechanisms, legal assistance, specialized support services, and protection from trafficking, exploitation, and gender-based violence.

Recommendations
To address Violation I, Lithuania should implement recommendations 138.82, 138.83, 138.84, 138.85, and 138.86. This includes ensuring all applications for international protection are promptly received, registered, and referred to the relevant asylum authorities, regardless of the entry method of the applicant. Additionally, Lithuania should revise its emergency migration legislation and border procedures to ensure that no individual faces refusal of admission, pushback, or return without a personalized assessment of their protection needs. Moreover, Lithuania should guarantee access to interpretation services, legal counseling, and information about asylum procedures. The detention of asylum seekers should only be used as a last resort for the minimum necessary time and include access to free legal assistance and a timely judicial review.

Regarding Violation II, Lithuania should immediately stop detaining asylum-seeking, refugee, and migrant children under any circumstances. Lithuania should adopt child-sensitive alternatives to detention and ensure that all children are treated as such, regardless of their migration status. Additionally, Lithuania should build a functioning guardianship network for unaccompanied and separated children and prioritize family-based care over institutional placement. Age assessment procedures should not be used unless there is serious doubt about a person's age. These procedures should include informed consent, a multidisciplinary evaluation, legal support, and the right to challenge the outcome. Furthermore, children must be guaranteed access to education, healthcare, psychological support, and child-friendly information about asylum procedures.

Concerning Violation III, Lithuania should adopt concrete legislative and administrative measures to prevent gender-based violence, trafficking, and exploitation affecting migrant, refugee, and asylum-seeking women. This should include establishing mandatory screening procedures at all entry points and providing immediate referrals to specialized support services. Additionally, Lithuania should ratify the Istanbul Convention and ensure that its domestic legal framework effectively protects all women and girls, including migrant, refugee, and asylum seeker women. Moreover, Lithuania should improve its identification and screening mechanisms for victims of trafficking and gender-based violence, primarily at reception centers and border facilities. Access to safe reporting channels, legal aid, interpretation services, trauma-informed assistance, shelters, and specialized support services should also be improved. Finally, Lithuania should train border guards, police officers, prosecutors, judges, social workers, and reception staff in gender-sensitive practices to protect migrant and refugee women from violence, exploitation, and discrimination.

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