



**"2022 HUMANITARIAN CRISIS  
IN BELARUS AND AT THE BORDER  
WITH THE EUROPEAN UNION"**



# Content

Introduction	2
Methodology	3
General situation with the rights of foreigners and stateless people in Belarus in 2022	4
Human rights analysis of the humanitarian crisis in 2022	7
Timeline of the humanitarian crisis in Belarus for 2022	15
Through the eyes of transit refugees: survey results in 2022	21
Recommendations	26

# Introduction

In 2021, a cross-border humanitarian crisis began on the border between Belarus and neighboring states of the European Union (hereinafter referred to as the EU), when, in aggregate, tens of thousands of transit refugees arrived and continue to arrive singly or in groups to Belarus to cross the border with the EU and apply for international protection.

If in 2021 we observed the organized arrival of foreigners mainly from the countries of the Middle East on tourist visas, mass gatherings of refugees on the streets of Minsk and a refugee camp in Bruzgi, then in 2022 the picture has changed, although the humanitarian crisis itself and violations of the human rights of migrants by Belarus and neighboring countries - Poland, Lithuania and Latvia - has continued.

In January 2022, about 700 migrants remained in the refugee camp. In March 2022, the camp completely ceased to exist, and the refugees who remained in it were sent home or settled around Belarus in anticipation of being sent home. A new stage of ignoring the problem on the part of the Belarusian authorities, the reduction of flights from the Middle East to Belarus and the construction of new barriers at the border have led to a change in the dynamics of the humanitarian crisis and new problems for transit refugees.

This report maps the main stages of the humanitarian crisis in 2022, analyzes important developments in terms of the protection and promotion of human rights, and formulates recommendations for states affected by the humanitarian crisis and other important actors.

## Methodology

This report is based on information collected by the human rights organization **Human Constanta** during 2022 from open sources, including news reports from the Belarusian border committee, statistics from the border services of Poland, Lithuania and Latvia, as well as testimonies of refugees/migrants in transit who are in Belarus or have already left it.

In preparing the report, we analyzed the Belarusian legislation in the field of international protection and law enforcement practice in 2022. Additionally, we relied on data published by civil society organizations and initiatives in countries affected by the humanitarian crisis.

The same as in 2021, we faced the problem of collecting reliable statistics and its verification due to the lack of access to official data and the concealment of the real situation by various actors, especially in border areas. Therefore, the figures presented may remain a controversial element of this report. In 2022, taking into account the crisis going «underground» and the continued repressions against civil society in Belarus, the situation with access to transit refugees at different stages of their stay in Belarus worsened. The refugees' testimonies we got cannot be fully verified due to the lack of access to many procedures and actors in Belarus. Our team did not have access to the border areas and could not accompany foreigners when applying to the state bodies of Belarus.

# General situation with the rights of foreigners and stateless people in Belarus in 2022

Human Constanta has been protecting the human rights of foreign citizens and stateless people in Belarus for over 7 years. The Human Constanta team has been monitoring the situation on the Belarusian-Polish border in Brest since 2016, where a large number of transit refugees came, mainly from Russia (North Caucasus) and other countries, who tried to apply for international protection in Poland at the Terespol border checkpoint. Since 2017, a free legal office for foreign citizens and stateless people in Belarus has been operating in Minsk, in which foreigners, both in Belarus and abroad, can receive free legal advice on various issues of their stay or arrival in the country. The Human Constanta team monitors the situation with the human rights of migrants in Belarus, monitors forced migration, analyzes legislation in this area, and also provides humanitarian assistance to forced migrants who find themselves on the territory of Belarus.

In 2020, Human Constanta recorded a sharp deterioration in the situation with the rights of migrants in Belarus against the background of mass repression that followed peaceful protests in response to the rigged results of the presidential elections. A large number of foreign citizens, along with Belarusians, were brought to administrative responsibility under the so-called “people's” articles 23.34 (violation of the procedure for organizing or holding mass events), 23.4 (disobedience to a lawful order or demand of an official in the exercise of his official powers) of the Code of Administrative Offenses in Belarus. In all cases, this subsequently became the basis for decisions on expulsion/deportation with a ban on entry, often for the maximum period provided by law. At the same time, thorough checks by state bodies also affected other foreign citizens living in Belarus. Decisions on expulsion or deportation were made even in the case of a single administrative prosecution, including for minor offenses that did not encroach on public order. Such trends continued in 2022 as a tool of repression against people who disagree with the actions of the regime or who accidentally came to the attention of the authorities.

The situation in the field of forced migration in Belarus continues to be unfavorable for applicants for international protection. It is known that in 2022, 2,571 people from 42 countries applied for protection in Belarus. Decisions were made in respect of 1,559 applicants. Refugee status was granted only to 19 foreigners, and 1540 foreigners received additional protection for a period of 1 year (of which 1517 are citizens of Ukraine). Despite the fact that the website of the Department of Citizenship and Migration (DCM) explicitly states that “a significant percentage of positive decisions on applications for protection is due to the fact that during the reporting period, the majority of applicants are foreigners who arrived from regions covered by armed conflicts (Ukraine, Syria, Afghanistan, Yemen, Cameroon)”, according to statistics, since 1997, citizens of Somalia, Congo, Nigeria have been denied protection in Belarus.

In its previous reports, the Human Constanta team has repeatedly emphasized that Belarus has not yet formed an effective mechanism for granting international protection that would guarantee respect for human rights. In some cases, we recorded the absence of a real opportunity to apply for protection during detention due to the lack of access to information about such a procedure - due to the lack of interpreters, and lawyers, as well as the lack of automatic provision of information to detainees in a language they understand. The procedure for examining applications for protection remains complex and non-transparent, deviating from the presumption of credibility for applicants. The statistics on forced migration published by the state authorities do not contain information on the reasons for the denial of protection in Belarus and do not allow for an analysis of the legality of the existing practice.

In Belarus, there are no separate institutions for the detention of foreign citizens and stateless people in case they violate migration laws. They are kept in temporary detention facilities for administratively detained or arrested persons in conditions unsuitable for long-term detention. The foreigners who applied for protection in Belarus, in case of detention, are kept in such conditions. Such practices and inhumane conditions of detention frighten people already on the territory of

Belarus and prevent them from seeking protection.

In Belarus, cases of deportation of foreigners to countries where they are threatened with torture, the death penalty, and military conflicts are recorded. Moreover, the Belarusian authorities ignore the decisions and requests of international organizations and take decisions to deport people from the country, despite the considerations of the UNHRC. From February 2023, Belarusians and foreigners whose rights have been violated by the Belarusian authorities will no longer have the opportunity to apply to the UNHRC, which narrows the list of tools to protect vulnerable groups and indicates a general deterioration in the human rights situation in Belarus.

In the fall of 2021, the Belarusian authorities signed a protocol on cooperation on the voluntary return of foreign citizens to their homeland or to the country of permanent legal residence. On the one hand, this allowed several hundred migrants to return safely to their countries. On the other hand, in some cases, such a return was forced. Migrants were forced to sign documents on voluntary return, without being explained the procedure itself, as well as the possibilities of applying for protection in Belarus, or the authorities unreasonably refused to accept applications for protection. The UN Special Rapporteur on the human rights of migrants recorded that the majority of migrants placed in the refugee camp were asked to sign documents on voluntary return or leave the facility in the direction of the Polish border.

In 2022, the general deterioration of the human rights situation in Belarus, the ongoing repressions, including against the backdrop of the armed conflict in Ukraine, the ineffective system of international protection, the actions of the Belarusian authorities to create tension at the border negatively affected the situation of foreign citizens and stateless people in Belarus.

# Human rights assessment of the humanitarian crisis in Belarus in 2022

In 2021, while studying the humanitarian crisis in Belarus, the Human Constanta team identified a number of direct and indirect factors influencing why transit refugees chose the illegal route of crossing the border of Belarus and EU countries. People expose themselves to additional risk due to the lack of legal channels to legally enter the EU for migrants from so-called “migratory disadvantaged” or destabilized regions of the world, a lack of understanding of legal procedures among the migrants themselves, deceptive practices and misleading migrants by the organizers of migration routes.

The humanitarian crisis throughout 2021 and 2022 was accompanied by illegal practices of refusals to accept applications for protection and «pushing» across the border by Polish, Lithuanian and Latvian border guards and a complete disregard for the problem by the Belarusian authorities. The crisis was also exacerbated by the lack of strategic programs to support transit refugees and the harassment of people helping refugees on both sides of the border.

Since 2021, Belarusian civil society has been systematically attacked by the authorities. Criminal cases were initiated against many human rights activists, journalists, media workers and lawyers, who represented the interests of the accused in politically sensitive cases. Since 2021, approximately 1,189 civil society organizations have been unjustifiably liquidated or are in the process of liquidation, including all independent human rights organizations (Human Constanta was liquidated in July 2021). Legislative amendments to the Criminal Code of Belarus, adopted in December 2021, reintroduced criminal liability for actions on behalf of unregistered or liquidated organizations. Thus, the liquidation by the authorities of all independent human rights organizations actually led to the criminalization of any human rights and humanitarian activities. In such a situation, any action to help migrants could potentially become the basis for persecution and bringing to criminal liability.

On the other side of the border, the practice of criminalizing the actions

of human rights defenders and activists who help migrants has also gradually taken hold. In April 2022, Human Rights Watch recorded that throughout the spring, Polish authorities periodically detained activists helping migrants who crossed the border between Belarus and Poland. Some of them were charged with organizing illegal migration. In Latvia, a criminal trial was initiated against two representatives of the Latvian organization “Gribu palīdzēt bēgļiem” (Russian: «I want to help refugees»), who provided assistance to transit refugees on the border between Belarus and Latvia. The authorities accused them of illegally moving people across the border. Such methods are aimed at intimidating activists and human rights activists so that refugees in transit at the border and in countries involved in a humanitarian crisis are left without help and basic support.

Despite legal and physical obstacles for activists and human rights defenders from Belarus, Poland, Lithuania and Latvia, documentation of the humanitarian crisis continues. While working on Belarusian territory, the **Human Constanta** team found that the main problem for migrants in Belarus is still the lack of systematic humanitarian and medical support from the authorities and the remaining organizations, especially in winter, the lack of legal assistance and legal certainty. After the closure of the refugee camp in the spring of 2022, the Belarusian authorities continued to ignore migrants on their territory, denying them basic assistance. The **Human Constanta** team conditionally divided the difficulties and threats faced by transit refugees in Belarus into the following categories:

- Access to medical care. According to Belarusian legislation, foreigners entering Belarus must have health insurance policies in order to receive emergency medical care in Belarus. The visas of the majority of transit refugees who arrived in Belarus on tourist visas have already expired. Other migrants who entered Belarus from the territory of Russia also do not have the appropriate documents. This means that many people do not have valid health insurance. The lack of health insurance prevents people from accessing Belarusian medical facilities even in life-threatening emergencies, as they have to pay for emergency medical care and put themselves at risk of

detention or arrest.

- Throughout 2022, we received reports of people in serious physical conditions stuck in the forests in the border areas. Due to unacceptable living conditions in the forests and a sharp drop in temperature in the autumn/winter period, intimidation and beatings by border guards on both sides of the border, exacerbation of chronic diseases, refugees are often unable to move independently and need to be transported to medical facilities. In most cases, we received refusals from ambulance crews or border guards to evacuate people from the forests.
- We have worked with several cases where pregnant women faced difficult physical conditions, lack of medical care and safety and legal hurdles in Belarus. These women preferred not to seek help from medical institutions for fear of being detained before or immediately after childbirth and losing their children. According to the official position of the DCM, the citizenship and migration divisions, when considering administrative cases in relation to foreigners who have dependent minor children, mainly impose penalties in the form of fines. If it comes to deportation, then a decision is made on voluntary deportation in order to avoid the need to detain foreigners. However, in practice, refugees in transit face threats from migration or law enforcement agencies. Procedures for removing children are not explained to them, which leads to misleading and manipulation.
- Access to humanitarian aid. Most Belarusian independent civil society organizations were liquidated in 2021-2022. The rest of the organizations have limited mandates and access to refugees in transit (UNHCR's mandate extends only to those who decide to apply for international protection in Belarus; IOM provides assistance only to those who agree and fall under the program of voluntary return to their countries; Belarusian Red Cross Society works only in cases where there is a sanction from the Belarusian authorities). In July 2022, we became aware of the suspension of the IOM voluntary return program, which left in a vulnerable position those migrants who decided to return home but did not have the means to do so. Also, migrants were concerned about the fact that these organizations operate under the full control of the state and provide

support to migrants only to the extent permitted by the state.

- We recorded that many refugees are not aware of the assistance options they can receive in Belarus. They do not have Belarusian SIM cards, and they do not feel safe when they personally visit the offices of organizations. As a result, refugees in transit are less likely to receive humanitarian assistance.
- Migrants who decide to stay in Belarus and apply for international protection also often find themselves in a difficult situation due to a lack of assistance from the state and other organizations. The current legislation provides for the following types of state material assistance to foreigners applying for international protection:
  - one-time financial assistance in the amount of one basic unit (approximately 12 euros);
  - payment for travel to the migration authorities;
  - payment for accommodation in a temporary settlement or for independent living;
  - payment for food in the amount of not more than 5 basic units (approximately 60 euros);
  - purchase of clothes not exceeding 4 basic units (approximately 48 euros).
- If one-time assistance is provided to all asylum seekers in Belarus, then the rest of the assistance is provided only by the decision of a special commission on the basis of a foreigner's application. Thus, the amount of assistance provided by law is small and does not provide even the minimum vital needs of people. However, additional assistance is not provided automatically. The foreigners we interviewed reported that there was no information about the possibility of applying for such assistance.
- Access to legal assistance. Legal assistance to people in Belarus can be provided by lawyers with valid licenses issued by the Ministry of Justice. Due to political pressure, 92 lawyers have had their licenses revoked, and 7 lawyers remain imprisoned on criminal charges. As a

part of the criminal process, detainees are guaranteed the right to a lawyer, and if necessary, a lawyer must be provided by the state. However, the state does not provide foreigners with a defense lawyer in administrative proceedings, for example, in the event of arrest for violation of migration rules or forced expulsion.

- Deportation is regulated by the Code of Administrative Offenses of the Republic of Belarus (CAO). Article 2.8 of the Procedural and Executive Code of the Republic of Belarus on Administrative Offenses (hereinafter referred to as the PIkoAP RB) establishes that «a person against whom an administrative process is being conducted has the right to protection. This right can be exercised both in person and with the help of a lawyer». Article 4.5 of the Code of Administrative Offenses establishes that the powers of a lawyer are confirmed by a lawyer's certificate and a power of attorney drawn up in a simple written form, or by a warrant. At the same time, in accordance with paragraph 4 of the order of the Ministry of Justice of the Republic of Belarus dated February 3, 2012 No. 37 «On approval of the Instruction on the procedure for issuing, recording and storing warrants», the grounds for issuing a lawyer's warrant for representing a client is an agreement on legal assistance concluded between a lawyer and the client or another person acting in the interests of the client. Therefore, a foreigner detained in the course of an administrative process must summon a lawyer to the place of detention to conclude a legal aid contract or issue a power of attorney, or instruct another person to act on his/her behalf. Only after that, the lawyer can defend the detainee. At the same time, the lawyer will not be allowed into the place of administrative detention without such a warrant. Such a legal conflict, the lack of communication between the detained foreigners and the outside world, often lack of knowledge of local languages can lead to unjustifiably long detentions and violations of a number of procedural rights of foreigners and the right to protection.
- Access to international protection procedures. The mechanism for granting international protection in Belarus does not always guarantee the observance of human rights. In a number of cases, there is no real possibility of using the right to defense due to the

lack of information about such a procedure during detention, the inability to use the services of an interpreter or a lawyer. The procedure for considering an application for granting protection is complex and non-transparent, without the presumption of confidence in applicants. Cases of refusal to grant refugee status and expulsion to countries with military conflicts, a direct threat of the death penalty, torture and extrajudicial persecution (Iran, Afghanistan, Russia, Turkey) have been recorded. The percentage of positive decisions on granting refugee status or other forms of protection in Belarus is low. Thus, according to the statistics of the Department of Citizenship and Migration of Belarus for the period from 2004 to 2022, 10,085 people applied for protection, of which only 278 people received refugee status. Another 6,128 people received additional protection, 5,791 of which are citizens of Ukraine who came to Belarus after the start of the war in 2014. Applicants often face unprofessional attitudes from local migration officials, discrimination and a lack of political will to establish an effective international protection system in Belarus. In its annual reports on the situation of human rights in the world, Amnesty International has repeatedly stated that Belarus does not yet have a functioning protection system and that the country has repeatedly extradited people in need of international protection to the authorities of countries where such people faced a real risk of torture or other forms of abuse.

In 2022, the Human Constanta team recorded several cases when migration authorities refused to accept foreigners' applications for protection. This practice has developed primarily in relation to the citizens of Cuba. We also noticed that this approach of the authorities caused fear among migrants to apply to the migration services, which are part of the law enforcement system. In 2021, some foreigners who applied to the migration authorities were forced to sign documents on «voluntary return», without explaining the content and meaning of the signed text.

- Intimidation, violence and illegal actions by Belarusian border guards. According to numerous reports of transit refugees, in 2022, Belarusian border guards continued to push or directly force people to illegally cross the border. In case of unsuccessful attempts to cross

the border, refugees in transit ended up in the forest, trying to survive without shelter, food, water and access to medical care. Many remained in the forest and were daily abused by the Belarusian border guards, who forced people to cross the border with the EU countries. Our appeals to the State Border Committee of Belarus with a request to evacuate people from the forest on the border were often ignored.

- **Dead and missing at the border.** During 2022, there were numerous reports of deaths and disappearances of refugees in transit at the border between Belarus and EU countries. The exact number of dead and missing at the border remains unknown. Most death reports come from the State Border Committee, but are not confirmed by the relevant services of Lithuania, Poland and Latvia. Human rights activists from neighboring countries also provide information about the dead and missing refugees at the border, which they have been able to collect since the beginning of the humanitarian crisis. So, according to the Lithuanian organization Sienos Grupe, at least 30 people do not get in touch with their relatives and friends and can be considered missing on the border with Belarus. Polish human rights activists report 37 confirmed deaths at the border since 2021 and 317 missing refugees whose relatives they are in contact with. According to the “Missing migrants project” of the International Organization for Migration (IOM), for the period 2021-2022 there were 23 deaths on the border between Belarus and the EU. **Human Constanta** was also approached by relatives of transit refugees, who disappeared on the territory of Belarus and whose fate is still unknown.

At the end of 2022, we are not aware of cases when the authorities of Belarus, Poland, Lithuania and Latvia informed relatives of the dead and missing or admitted any offenses on their part that led to the deaths of transit refugees. There is an obvious need to create an independent mechanism for investigating the deaths and disappearances of refugees at the border with the participation of the authorities of all four countries, as well as the procedure for returning bodies to relatives in the countries of refugee citizenship.

These problems are not isolated and are ignored by the Belarusian authorities, which continue to use people in a vulnerable position as an

instrument of political pressure on the EU states. Belarus cannot be recognized as a safe country for transit refugees and provide them with respect for human rights and access to minimal support and legal procedures.

## Timeline of the humanitarian crisis in 2022

The New Year began with reports of the tense situation on the entire border of Belarus and the EU countries. On **January 1, 2022**, the Belarusian State Border Committee reported on attempts to forcibly push refugees from the territory of Latvia back to Belarus. On **January 2**, Polish border guards announced new attempts to cross the border by refugees. Also, for the first two days of the new year, 116 migrants tried to get to Latvia. Similar messages came almost daily from Poland, Latvia and Lithuania throughout the year.

Based on the news feed of the Belarusian state news channels, in 2022 the approach of the Belarusian authorities to the humanitarian crisis has changed dramatically from completely ignoring the problem to actively accusing the EU authorities of violating the human rights of refugees at the border and within the countries themselves. Thus, on **January 12**, the Investigative Committee of Belarus initiated the collection of additional information about the victims of the Polish border services and promised to give a fundamental legal assessment of such actions.

Along with criticism of the EU countries, Belarus continued to send people to their countries of origin en masse. On **January 16**, it became known about the repatriation of 4,000 thousand Iraqi citizens from the territory of Belarus. At the same time, news appeared that migrants were trying to cross the Polish border using force and with the support of Belarusian services.

In response to such provocations and numerous attempts to cross the border, on **January 25**, Poland announced the start of the construction of a wall on the border with Belarus. And on **February 1**, the Latvian government decided to extend the state of emergency in the border zone until **May 10**. Statements to start building a wall on the border with Belarus during the year also came from Latvia and Lithuania.

Violence was reported not only at the border but also in the refugee camps. Thus, a video has been widely circulated on social networks, which shows how employees of the foreign registration center in

edininkai, Lithuania, are dragging a migrant woman to the consul to resolve the issue of her forced return home. According to the Ombudsman of the Seimas of Lithuania, the conditions of detention of migrants in the Kybartai Foreign Registration Center in Lithuania can be equated to inhuman or degrading treatment. This attitude towards migrants caused a backlash, which led to several outbreaks of violence in Lithuanian refugee camps.

Voluntary return programs have been launched not only in Belarus, but in the EU countries. Thus, on **February 6**, it was reported that 270 migrants were sent home or to third countries from Lithuania, who had arrived in Lithuania since the beginning of the humanitarian crisis. It was also indicated that migrants who agreed to voluntarily leave Belarus would receive a payment of 1,000 euros.

On **March 22**, the Belarusian refugee camp was completely disbanded. It was reported that 98 refugees voluntarily took a flight from Minsk to Erbil. The fate of several hundred more people from the camp was not mentioned in the official statement of the state border committee of Belarus.

Also on **March 22**, the Polish border service announced the detention of four activists for organizing illegal crossing of the Polish-Belarusian border by foreigners and charging them with a criminal offense.

On **May 10**, the government of Latvia adopted another decision to extend the state of emergency on the border between Latvia and Belarus, which meant that the possibility of returning migrants who crossed the border in violation of the established rules back to Belarus by force and bypassing the obligation to consider applications for protection remained possible. For its part, Amnesty International later called on Latvia not to extend the state of emergency on the border with Belarus, but immediately cancel it, as well as restore the right to asylum in the country for everyone who seeks safety, regardless of who these people are and how they crossed the border. On **November 2**, the state of emergency in Latvia was again extended.

On May 21, the third secretary of the Permanent Mission of Belarus to

the UN spoke at the Forum on International Migration and rejected any accusations of instrumentalization of migration against Belarus.

On **June 7**, the human rights organization **Human Rights Watch** released a report on the humanitarian crisis on the border between Belarus and the EU, indicating that not only EU countries violate the human rights of migrants and use unreasonable physical force against them. There are also migrants' testimonies of appalling conditions and abuse in the Belarusian refugee camp in Bruzgi. People slept on wooden pallets without heating or electricity and received food once a day. The facts of sexual violence against women and girls by border guards and law enforcement officers were also stated.

On **June 21**, a working meeting of the Investigative Committee of Belarus with the delegation of Iraq on the investigation of crimes against migrants committed by officials of Poland was held. It was reported that Belarusian investigators recorded criminal acts against 135 citizens of Iraq, as well as three facts of injury and illegal expulsion from the EU to Belarus, which led to the death of victims of Iraqi origin.

On **June 27**, it became known that the Latvian Internal Security Bureau began checking public reports of possible ill-treatment against Iraqis who tried to enter Latvia from Belarus in violation of established rules in 2021. The Prosecutor's Office of Latvia also received a complaint from two Latvian non-governmental organizations, based on the testimonies of the refugees about the physical violence used against them.

On **June 30**, the Court of Justice of the European Union (CJEU) ruled in the case against Lithuania, finding that crossing the border in violation of the established rules cannot be an obstacle to accepting a protection claim. States cannot designate specific locations for receiving applications. The Court also ruled that Lithuanian legislation, which allows a foreigner to be detained solely on the basis of illegal border crossing during an emergency without individual assessment, is incompatible with EU law.

On **July 12**, the UN Special Rapporteur on the human rights of migrants began an official visit to Poland and Belarus, focusing on the situation

on the border between the two countries. On **July 18**, he visited the Belarusian city of Grodno, where he discussed the humanitarian crisis in Belarus and on the border with the local authorities. He also met with other government agencies. As a result of his visit to Poland and Belarus, the UN Special Rapporteur made a preliminary statement, in which he spoke about violations of the rights of migrants by both countries.

On **July 15**, migrants with Russian visas in their passports were detained at the border between Belarus and Poland. This case confirmed the usual practice when part of the migrants come to Russia and cross the Belarusian-Russian border for further movement to the EU border. The head of the Ministry of Internal Affairs of Lithuania also reacted to this, saying that migration was and is being used as a tool of pressure on Lithuania and the EU as a whole, and people who have a residence permit or other status in the Russian Federation are transported in an organized manner to Minsk, and then with the help of Belarusian officials and border guards are being pushed into Lithuania. It was also noted that the policy of expulsion of migrants who violate the border is expected to be enshrined in the legislation of Lithuania. On **November 7**, it became known that the Lithuanian Ministry of Internal Affairs had already prepared such amendments to the national legislation.

On **November 14**, the secretary of the National Security and Defense Council of Ukraine said that Ukraine is strengthening the border with Belarus, focusing on the example of Poland, since there are security issues because of refugees, and is also starting to build a fence. Thus, in 2022, all countries neighboring Belarus, with the exception of Russia, began to fence themselves off from Belarus with physical fences.

On **November 15**, the statistics of the State Border Committee of Belarus was published, according to which 27 deaths of refugees on Polish territory were documented during the 14 months of the humanitarian crisis.

On **November 17** a message appeared on the committee's website that Belarusian border guards found two refugees on the border with Lithuania. Belarusian doctors recorded the death of one of the refugees,

the second was taken to the hospital with bruises, signs of frostbite and exhaustion.

**November 20** — a message appeared on the committee's website that the body of a refugee from Iraq without outerwear was found on the borders of Belarus and Poland. According to the authorities, upon further study of the traces left on the border strip, it became clear that the body was moved from Poland to Belarus.

**November 22** — according to the State Border Committee of Belarus, a corpse of a refugee was found on the Belarusian-Polish border. Near the Polish engineering barriers, border guards discovered several refugees from North Africa. Next to the group, there was the body of a man. According to the refugees, Polish border guards forced them to move the body from Polish territory to Belarus.

On **November 24**, another report was published about the death of a foreigner on the border with Poland. Border guards discovered the body of a man of African appearance yesterday near the Polish barriers. The corpse of the foreigner was near the gate intended for the migration of animals.

**December 21** — a report was published about the discovery of the body of a man with a Syrian passport near the gate in the Polish barrier. Based on the nature of the footprints left in the snow, the corpse was moved from Poland to Belarus. Documents of a Syrian citizen and a deportation order dated **December 19, 2022** with a ban on entry into Poland and other Schengen states for a period of 3 years, issued by the commandant of the Polish Border Guard in Bobrovniki, were found among the belongings.

**December 28**, another report about the discovery of the corpse of a refugee near the Polish barriers. Belarusian border guards found a citizen of Syria, next to whom was the corpse of his daughter, also a citizen of Syria. The foreigner explained that they had been in Poland for three days and were detained. According to the refugee, the Polish security forces took away their backpacks with personal and warm clothes, food, put them in a car and took them to the border.

**December 29** — message about the death of a citizen of Togo on the Polish border. Belarusian authorities claim that the nature of the traces found by experts on the body of a refugee indicates that the foreigner was dragged from the territory of Poland.

## Through the eyes of transit refugees: survey results in 2022

In 2022, the **Human Constanta** team continued to conduct short surveys and in-depth interviews with transit refugees located in Belarus. The refugees were asked to answer a series of questions about their country of origin, reasons for migration, their experience of crossing the border between Belarus and the EU countries, as well as future plans. In 2022, great attention was paid to the humanitarian and medical needs of people, which also made it possible to draw a conclusion about the primary problems faced by transit refugees in Belarus.

In 2022, the **Human Constanta** team collected 172 short surveys and 3 in-depth interviews. Of the 172 respondents, only 60 people came alone, the rest of the respondents came with their partners, families, including minor children. In this period, as in 2021, it was recorded that the largest number of transit refugees are citizens of Syria (66 respondents). However, in 2022, the geography of countries where people came from has expanded significantly. So, we interviewed 41 people from Yemen, 21 from Iran, 16 from Iraq, 11 from Cuba. People also came from Morocco, Egypt, Eritrea and other countries in Africa and Asia.

In 2021, all respondents stated that they arrived in Belarus by air on valid tourist or study visas. In 2022, those people who arrived on a visa through Lebanon, Turkey, Syria were joined by people who first arrived in Russia or had been there for a long time, and then crossed the border between Russia and Belarus. The lack of checkpoints on the land border between Belarus and Russia makes it difficult to collect statistics on the number of refugees who arrived from Russia. At least 48 people directly stated that they arrived in Belarus from Russian territory, others arrived on visas through travel agencies or were transported by smugglers.

The refugees interviewed were forced to leave their homes for various reasons. Threats of various kinds were named as the main reason for migration (24% of respondents). People noted that in their home countries there are armed conflicts, wars, violence from government

departments and individual groups. Men from Syria and Yemen fear being drafted into compulsory military service amid the ongoing wars in those countries. Young people from Iraq talk about the never-ending terrorist attacks taking place in their hometowns and across the country. At least 1 man and 2 women from African states said they had fled forced marriages as a common practice in their communities.

40 people indicated that they were tortured or feared such a threat in the future (12.8% of respondents), 22 people noted persecution based on ethnicity (7% of respondents), and 25 people — persecution for religious reasons (8% of respondents). 22 people have become victims of unfair criminal prosecution in their country or fear this in the future (7% of respondents).

68 respondents named the economic factor (21.7% of respondents) as the main or additional reason for leaving their native country. People say that wars and an unstable political situation negatively affect the economic condition of their countries, the labor market, and access to medicine. 2 Yemeni citizens said that persecution at home forced them to move to Saudi Arabia, where their employer beat them and forced them to work 17 hours a day. For example, some refugees have experienced multiple forced migrations in conditions of inability to return home.

136 people (79% of respondents) had already tried to cross the border between Belarus and EU countries by the time the questionnaire was completed. Everyone who tried it did it by bypassing the established border points: some of the people with the help of smugglers, others on their own on foot through the forest and swampy areas. They all also spoke about the extremely difficult conditions in which they found themselves at the border and the brutal actions of both Belarusian and Polish/Lithuanian/Latvian border guards and representatives of law enforcement agencies. Some of the respondents crossed the border with the EU countries and were already detained there, after that they were forcibly returned to the territory of Belarus. Their applications for international protection were not accepted. People claim that they were not only beaten by officials from various departments in all four countries, but also their clothes were taken away, valuables and cash

were taken away.

The statement of the UN Special Rapporteur on the human rights of migrants, made following a visit to Belarus in the summer of 2022, also states that the majority of migrants placed in the refugee center in Belarus were not allowed to leave the facility, except in the direction of Poland. Thus, the practice of forcing migrants by Belarusian border guards to cross the border in violation of the established rules was once again confirmed.

According to the stories of some refugees they had to cut the bars of the fence on the Polish part of the border. Despite the negative experience and forced return to Belarus, some of them are ready to try to cross the border again. Thus, the installation of the fence did not prevent people from seeking protection in the EU, but only increased the risk of injury and worsened the humanitarian situation for those “stuck” in the forest at the border.

Numerous pieces of evidence of illegal practices used by the border and law enforcement services of Belarus, Poland, Lithuania and Latvia confirm the massive nature of human rights violations both at the local level - by ordinary employees of various departments, and at the state level. Such an approach and lack of cooperation, the practice of pushing people across the border, the lack of monitoring of the border by independent actors contribute to the aggravation of the humanitarian crisis and victims among transit refugees.

When conducting surveys, we also asked people whether they plan to apply for international protection immediately after crossing the border or if they have a different goal, whether they are familiar with the rules and procedures of the EU, whether they want to stay in Belarus.

93 respondents answered that they were ready to apply for protection in Poland, Lithuania or Latvia immediately after crossing the border. One respondent applied for asylum through the Lithuanian embassy in Minsk. Some respondents believe that Poland, Lithuania and Latvia will automatically deny them protection and are afraid to stay in these countries due to violence and illegal procedures. 63 people declared their readiness to stay in Belarus and ask for protection here.

At the same time, people are afraid to contact the local migration authorities because of the risk of forced deportation to their country of citizenship. Others are afraid that they will not be able to find a job and secure their livelihood due to the lack of knowledge of the language and the low standard of living in the country as a whole. Almost all indicated that they have no information and understanding of how to apply for protection in Belarus and what the procedure and practice of applying are.

In one of the in-depth interviews, a Yemeni citizen told us that he first arrived in Russia on a visa obtained in Egypt, from where he went across the land border to Belarus. He learned about the possibility of such a way to Europe from his friends, who had already managed to successfully get through Belarus to the Netherlands and receive protection there. Our respondent said that he had to leave Yemen because of constant armed conflicts, a complete lack of access to education or work. During the two months in Belarus, he managed to make several attempts to cross the border with Poland and Lithuania, which were accompanied by violence and beatings from the border guards. Ultimately, the Yemeni citizen applied for protection in Belarus and is now awaiting a decision on his application. The main problem in his case is the extremely limited support from the state for the period of consideration of the application and the lack of full-fledged programs for the integration of foreigners.

In another in-depth interview, a citizen of Cuba said that she and her family also arrived in Belarus from Russia across the land border. As a reason for fleeing Cuba, she cited her membership in an opposition political party and the persecution by the state authorities of her and her family. They learned about the possibility of crossing the border with the EU from the news and decided to independently lay a route on the map through the border of Belarus and Poland. Our respondent said that the Polish border guards heavily patrolled the border and did not leave them the opportunity to cross it. At the same time, Belarusian border guards repeatedly forced them to try to cross the border with threats and force, beat them and denied them water and food. Time in the forest at the border forced our respondent and her family to apply

for protection in Belarus. However, like a citizen of Yemen, they faced a lack of assistance from organizations or the Belarusian state.

The results of surveys and interviews showed that the humanitarian crisis in 2022 only worsened due to the increase in the level of violence by the border guards and law enforcement agencies of Belarus, Lithuania, Latvia and Poland, as well as the lack of access to the border zone and the possibility of monitoring by independent civil society organizations. The geography of forced migration is expanding, and people fleeing wars, persecution, and torture find new ways to come to Belarus, despite the reduction in flights from Iraq and Syria. In particular, the absence of border checkpoints on the border between Belarus and Russia allows people to quietly arrive in Belarus for further travel to the EU countries. Systemic violations of the right to seek protection and violence by the authorities of Belarus and EU bordering countries have led to a decrease in confidence on the part of transit refugees and a deterioration in their humanitarian situation.

## Recommendations

In 2022, despite the construction of border fences and the cancellation of mass flights from the Middle East, the humanitarian crisis is not over. Such restrictive measures, without taking into account the interests of transit refugees and respect for human rights, do not stop migration flows, but only exacerbate the risks and dangers for foreigners. Belarus and the bordering EU countries should reconsider their approaches to this problem and act within the framework of international legal standards of the right to protection and human rights.

Thus, we call on the government of Belarus and the governments of Poland, Lithuania and Latvia to:

- to fully ensure the observance of human rights, the rights of migrants and refugees;
- abandon the practice of using transit refugees as an instrument of political pressure;
- ensure access on the territory of countries and in border areas to international organizations and NGOs to transit refugees in need of humanitarian, medical and legal assistance;
- abandon the practice of unlawful refusals to accept applications for international protection and forcible “pushing out” of refugees in transit to the territory of Belarus;
- review the current policy of allocating financial support only to individual asylum seekers and provide equal access to support for all asylum seekers;
- do not recognize Belarus as the first safe country for transit refugees;
- when providing financial assistance to resolve a humanitarian crisis to entities located in Belarus, make sure that the funds will not be received by the Belarusian authorities and will be used in accordance with the stated purpose;
- demand greater publicity and transparency in the activities of the

## OM and UNHCR offices in Belarus;

- ensure international and/or civil monitoring of human rights observance during the return of foreigners to their countries of origin;
- ensure the most complete collection of information on transit refugees and migrants within countries and attempts to cross the border and provide this information to the public;
- establish an independent mechanism to document and investigate deaths and disappearances at the border;
- provide a safe and supportive space for civil society organizations and human rights defenders, activists, free from intimidation and arbitrary harassment.

## **Human Constanta** – is a human rights organization

We work with human rights in three main areas:

- Protection of the rights of foreign citizens and stateless persons.
- Promotion of anti-discrimination and human rights education.
- Digital freedoms and rights.

## **Our mission**

To promote public interests and joint actions in response to modern challenges in the field of human rights.

## **What are we doing?**

- Help others to protect their rights.
- We compare Belarusian laws and practices with the best foreign examples and human rights standards.
- We share this knowledge through awareness-raising and educational activities.



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