
Belarus-Poland Border: U.S. Should Stand for Human Rights and Human Lives

Over the last week, human rights challenges at the Belarus-Poland border have escalated, as Belarus pushes migrants and refugees toward the border and Poland sends thousands of officers to prevent their entry and push them back. The motivations of both countries are rife with disdain for human rights: Belarus is reportedly retaliating against human rights sanctions by orchestrating attempted border crossings and the Polish government is violating refugee and human rights law in its treatment of people seeking refuge, while using the border drama to support its own political agenda and policies that trample on human rights law.

Earlier this week, the U.S. State Department called on the Belarussian government to “immediately halt its campaign of orchestrating and coercing irregular migrant flows across its borders into Europe” and condemned its “political exploitation and coercion of vulnerable people” at the border. In Washington D.C. this week, European Union and U.S. officials discussed the potential of imposing additional sanctions on Belarus.

While this dispute plays out, people are caught in the middle and their lives are in danger. In recent weeks, refugees and migrants from a range of places – including Afghans and Iraqi Kurds, as well as others from Cote d’Ivoire, Democratic Republic of Congo, Syria, and even Cuba – have faced grave risks, including dangerous humanitarian conditions and denial of the right to seek asylum. Human Rights First has outlined below some of the difficulties facing refugees and migrants, based on recent on-the-ground and other human rights research.

The United States can and should take steps to save human lives. For example, the U.S. government should:

- Press for immediate de-escalation of the border confrontation in line with states’ obligations under international human rights and refugee law and an urgent, official, large-scale humanitarian response, supporting calls of Polish human rights defenders, the UN High Commissioner for Human Rights, the UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM).
- The U.S. embassy in Warsaw should send a delegation to the Polish border area with Belarus to meet local authorities, human rights defenders, and asylum seekers to assess the situation, and identify any additional steps to protect refugees and migrants, as well as human rights defenders. The U.S. should urge that humanitarian staff, civil society representatives, journalists and lawyers have access to the border area, and call on states to ensure border officers do not harass, threaten, or impede them.
- Biden administration officials and members of the U.S. Congress should consistently and publicly call on Poland and Belarus to meet international law obligations to uphold nonrefoulement at borders and protect people seeking refuge. UNHCR and IOM have called on states “to ensure that the safety and human rights of migrants and refugees are upheld,” and that “both sides must uphold their obligations under international law and guarantee the safety, dignity, and protection of the rights of people stranded at the border.” The UN High Commissioner for Human Rights called on authorities to ensure “the human rights of these individuals are the paramount concern,” and stressed that under international law, no one should ever be prevented from seeking asylum or other forms of international human rights protection, and that individual consideration must be given to their protection needs.
- The Biden administration must uphold asylum and refugee law at its own borders to lead by example and effectively encourage other countries to respect international law. Despite strong objections from UNHCR, public health experts, and human rights and civil rights leaders, the Biden administration is using Trump administration policy to evade refugee law and turn away asylum seekers to grave dangers at its southern border, as Human Rights First has detailed in a series of reports. The Biden administration must end Trump asylum policies and uphold refugee law at its own borders.

Background: Belarus

Since late August 2021, Belarus has been transporting refugees and migrants by bus to its borders with Poland, as well as to Latvia and Lithuania – all European Union countries. The European Union has accused Belarus of encouraging migrants to cross into the European Union through Belarus, as a form of retaliation against sanctions imposed on President Alexander Lukashenko's government due to its human rights abuses and violent crackdown on protests following last year's disputed election.

After bussing them to the border, Belarussian authorities have been holding refugees and migrants for a night or two in makeshift camps on the Belarus side of the border, accompany them to the Polish border, and instruct them to walk into Poland. On Monday, the situation escalated, as Belarussian security officers forcefully directed a large group toward the Polish border fence.

Poland's Pushback of Asylum Seekers and "Exclusion" Zone

In recent weeks, human rights monitors have observed as Polish border guards, recently supplemented by police and soldiers, push refugees and migrants back to the Belarus border. The Belarus officers refuse to take them back, leaving many stranded in the forests in the border region.

The Polish government has declared a three-kilometer (about two mile) exclusion zone along the border. Polish authorities refuse to allow journalists, medics, humanitarian workers or other persons to enter this zone. Human rights researchers have reported that migrants found in this zone are taken back to the Belarus border, without steps to identify whether they have protection needs under international law. Even migrants found beyond this zone – including those encountered further into Poland – have been returned to Belarus, without an assessment of their refugee protection needs. Some families report that Polish officers pushed them back to Belarus repeatedly. One family reported being pushed back 14 times.

As they are expelled from Poland, and as Belarus refuses to allow them back in, refugees and migrants have been left stranded and freezing in Poland's forests. This includes families with small children. Few are adequately dressed for the cold weather. Some have been trapped in the forests for weeks. Temperatures are falling, and some people are suffering from hypothermia, frostbite, dehydration, malnutrition, and other harmful conditions. Eight people have already been found dead in the forests, as of last week.

Even refugees and migrants in Polish hospitals near the border risk being returned to the forests if found by Polish authorities. Hospitals have, as a result, become flashpoints between medics and border guards.

Some people who have managed to avoid being sent back to Belarus have been able to apply for asylum in Poland. Others are met by relatives, friends, or sometimes smugglers, who drive them to their destinations – typically the home of family members – in Germany, the Netherlands, or other countries.

Targeting of Refugee and Migrant Advocates

Polish authorities are not only forbidding journalists, medics, humanitarian workers, and others from entering the exclusion zone, they are also targeting human rights defenders and humanitarian workers who are attempting to aid refugees and migrants. For example:

- Some non-governmental organizations, notably Grupa Granica, and local residents are being obstructed and threatened by Polish officers for their efforts to provide food, water, medicine, or other humanitarian aid to asylum seekers and migrants stranded in the forests. Not only are Polish officers preventing them from providing humanitarian relief, but officers have also threatened some NGO staff and residents with arrest for trafficking or smuggling.
- In October 2021, Polish border guards stopped advocates who were taking a Syrian migrant with hypothermia to a hospital. The guards threatened to arrest them for trafficking. Although the guards eventually allowed them to take the man to hospital, they fined the advocates 500 Zloty (about \$150) for "illegally helping" a migrant. They refused to pay the fine and are waiting for a court date. The Syrian man was treated in the hospital for several hours, but then returned to the forest by Polish officers.