



POLICY BRIEF

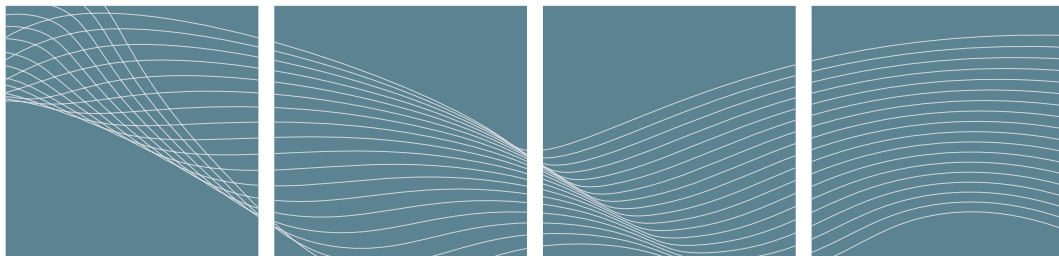
INSTRUMENTALISATION OF MIGRATION IN THE BALTIC SEA REGION — A HYBRID THREAT AT THE INTERSECTION OF NATIONAL SECURITY AND HUMAN RIGHTS

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SUMMARY

The instrumentalisation of migration by Belarus and Russia constitutes a **deliberate hybrid threat** to European democracies, now formally recognised under EU law and affirmed by the CBSS Sopot Declaration of 29 May 2026.

By exploiting vulnerable people seeking safety, these states seek **to impose a humanitarian dilemma** not of the EU's making, by turning the human rights commitments of democratic states into instruments of pressure.

A credible response requires coherent attribution, sustained international attention, and a framework that integrates security, anti-trafficking safeguards, and legal accountability as complementary priorities.

BACKGROUND

Russia's illegal, unjustified and unprovoked war of aggression against Ukraine has fundamentally changed the European security landscape, with consequences extending far beyond Ukraine's borders. The CBSS Sopot Declaration of 29 May 2026 affirms that Russia remains the most important direct and long-term threat to Euro-Atlantic security. CBSS Member States face a broadening range of hostile actions, including cyber operations, sabotage targeting European supply chains, foreign information manipulation and interference (FIMI) and the instrumentalisation of migration. This deteriorating environment has significantly increased the urgency of addressing hybrid threats in a coordinated and effective manner across the Baltic Sea Region.

Since 2021, Belarus and Russia have deployed migration pressure as part of this hybrid toolkit, turning vulnerable people in migration into leverage against neighbouring states. Evidence from state bodies in the Baltic Sea Region shows that Belarus deliberately facilitated travel and onward movement to EU external borders through simplified visa procedures, charter routes, organised tour packages, and escorted movements toward border areas, with the aim of destabilising and politically pressuring the states concerned. This deliberate strategy seeks to create a humanitarian dilemma for the EU and its Member States: vulnerable people seeking safety are cynically exploited by hostile state actors who seek to take advantage of the commitment of democratic states to uphold human rights and respect international obligations, turning those very principles into instruments of pressure, even as they themselves disregard the fundamental rights and dignity of the individuals concerned.

The hostile practices involved are described interchangeably in public discourse, and a conceptual fragmentation reflects an underlying uncertainty as to how hostile state conduct of this kind should be classified and addressed.

Clarification is not merely academic or semantic: it is necessary to sustain international attention, support coordinated diplomatic responses and ensure that responsibility remains clearly attributed to the state actors orchestrating these abuses. Critically, a fragmented or hesitant understanding of these hostile actions risks encouraging further instrumentalisation, whereas a coherent and determined approach can contribute to reducing vulnerability to future pressure.

Against this backdrop, the Council of the Baltic Sea States (CBSS) and the Ministry of Interior and Administration of Poland convened a regional expert seminar in Warsaw on 17 April 2026. The seminar brought together representatives of Baltic Sea Region ministries of justice, interior and foreign affairs, border authorities, and researchers to provide a comprehensive regional overview of the phenomenon. Operational experiences shared by participating CBSS Member States confirmed the hybrid dimension of instrumentalisation: it is simultaneously a deliberate security threat directed at EU external borders and an instance of individuals being used as instruments in attempts to destabilise democratic states and pursue political objectives.

DEFINING INSTRUMENTALISATION OF MIGRATION

The legal definition of instrumentalisation of migration is anchored in EU law. Under Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum, a situation of instrumentalisation is defined as:

A situation of instrumentalisation could arise where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders of the Union or to a Member State, where such actions are indicative of an intention of a third country or a hostile non-state actor to destabilise the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.

— Regulation (EU) 2024/1359

The EU Fundamental Rights Agency's 2025 position paper on the topic underlines that EU law sets a deliberately high threshold for what qualifies as instrumentalisation. The hostile actions involved must be serious enough to pose an objective risk to essential state functions – a requirement that reflects the exceptional nature of the measures that may follow. Any restrictions on the rights of migrants and refugees permitted under the Charter in such circumstances must remain confined to situations that meet this definition, and the FRA cautions explicitly that they must not serve as a basis for broader measures directed at migrants and refugees more generally.

The CBSS Sopot Declaration (29 May 2026), adopted by the Foreign Ministers of all CBSS Member States and the EU High Representative, explicitly identifies instrumentalisation of migration, including through the actions of Belarus in relation to illegal migration pressure, as one of the aggressive actions against which the region must reinforce its response measures. The Council of Europe's Chisinau Declaration (15 May 2026) characterises instrumentalisation of migration as a phenomenon posing challenges for territorial integrity and national security.

A HYBRID THREAT TO THE BALTIC SEA REGION: HISTORICAL PRECEDENT, STATE DIRECTION AND ORGANISED CRIME

Findings presented during the Warsaw seminar shows that the current pattern is not new to the region. In 2015–16, organised migration flows were recorded at northern borders of CBSS member states – crossings that in normal circumstances saw no more than a handful of asylum seekers per year. These events are understood and assessed as a strategic test run, with likely objectives including the restoration of bilateral channels that had been cut following Russia’s 2014 invasion of Ukraine, attempts to influence EU sanctions decisions, the testing of a new tool of pressure, and the gathering of intelligence. The methods used during this period directly shaped what was applied at EU external borders from 2021 onwards. This consistency of approach, alongside the clear evidence presented at the seminar, confirms that the instrumentalisation of migration is a deliberate and evolving instrument in the toolkit of hostile state actors.

Operational overviews and first-hand accounts shared by frontline CBSS Member States provided strong evidence that this threat combines deliberate state action with organised criminal networks, exploiting legal and humanitarian frameworks as instruments of political pressure. Beginning during the summer of 2021, Belarus organised the movement of thousands of third-country nationals, primarily from the Middle East, to the EU’s external borders through the issuance of state visas, chartered flights, and transit arrangements. These individuals were transported to EU borders under state-facilitated conditions and were, in many cases, provided with inaccurate information regarding the prospects of onward entry into the EU. Belarusian state security and border personnel were documented escorting migrants to the land border, preventing their return, and, in a number of instances, participating in attempts to breach EU border infrastructure. The activity is understood by the affected states as a coordinated response to EU sanctions imposed following the forced diversion of Ryanair flight FR4978 in May 2021.

Illegal crossings along the EU’s Eastern borders surged dramatically in 2021, totalling nearly 8,000, a figure roughly thirteen times higher than the previous year. The main nationalities on this particular route in 2021 included individuals from Iraq, Syria and Afghanistan.

Border authorities across affected member states presented a consistent picture: migration flows of this nature are state-directed, with hostile state actors enabling and organising movements in close coordination and synergy with criminal networks across the full logistical chain – from recruitment and financing through to transport and border crossings. The criminal structures identified by competent authorities involve foreign security service authorisation, organisers operating across multiple

jurisdictions, financial facilitators using cryptocurrency and hawala systems, and intermediaries recruited from within migrant communities. In response, the affected states have committed hundreds of millions of euros to border infrastructure. That infrastructure has nonetheless been subject to persistent interference, including theft of sensors, tunnelling activity, and direct physical attacks.

A REGION-WIDE CHALLENGE AND THE IMPORTANCE OF LEGAL ACCOUNTABILITY

Operational assessments shared at the seminar demonstrated that the phenomenon is not confined to a single border segment but constitutes a region-wide challenge. Affected states have each had to develop concrete operational, legal and administrative responses: amending national migration regulations, investing in physical and technical border infrastructure, adapting screening and investigation procedures, and intensifying cooperation with humanitarian organisations. This shared exposure has also driven collective efforts toward international legal accountability.

A significant legal development unfolded in 2025 when proceedings were lodged by Lithuania before the International Court of Justice (ICJ) against Belarus under the Protocol against the Smuggling of Migrants by Land, Sea and Air, to which both states are parties, following the failure of consultations and attempted arbitration in 2024. The case alleges state-orchestrated migrant smuggling, including the involvement of state entities and border units, and details visa facilitation and escorted crossings as evidence of Belarus's direct responsibility. For instance, a specialised Belarussian border unit is said to have escorted migrants to crossing points, breached border fencing, and compelled individuals to enter Lithuanian territory by force, with those who resisted reportedly subjected to violence.

The legal case rests on alleged breaches of five articles of the Protocol, identified in the application's introductory paragraphs and developed in detail in its section on violations. Lithuania contends that Belarus has failed to take necessary border measures to prevent and detect the smuggling of migrants and to ensure the security and control of documents in breach of Articles 11 and 12; failing to exchange information to prevent, detect, and investigate the smuggling of migrants, strengthen cooperation with Lithuania's border control agencies, and cooperate in the field of public information to prevent potential migrants from falling victim to organised criminalized groups in breach of Articles 10, 11 (6), and 15; and failing to preserve and protect the rights of migrants and afford them appropriate assistance in violation of Article 16.

THE HUMAN RIGHTS DIMENSION

The human costs in the context of the instrumentalised migration to the Baltic Sea region can be grave. Migrants who attempted to turn back to Belarus faced detention and physical mistreatment, while others were transported to the border in dangerous conditions, including overcrowded vehicles. Deaths from hypothermia and exhaustion have been recorded among those left stranded in border zones. Thousands of individuals, among them children, elderly persons and other vulnerable groups, were left without adequate shelter, food, water or medical attention as a direct result of the orchestrated crossings.

The humanitarian conditions that arise in affected border regions are not accidental. They are the intended result of a deliberate strategy, designed to use the humanitarian and legal obligations of democratic states against those states themselves. By placing vulnerable individuals in situations of danger, exposure and uncertainty at EU external borders, these actors seek to exploit the commitment of democratic societies to human rights, the rule of law, and international protection obligations. The cruelty of this strategy lies precisely in its calculation: that states which are parties to, for instance, the ECHR, the Refugee Convention, and anti-trafficking legal instruments are intended to face an *impossible* choice between upholding their values and defending their borders.

The security and humanitarian dimensions of instrumentalisation are not in competition but are complementary and mutually reinforcing, and addressing one without the other risks creating legal blind spots. This is particularly relevant when it comes to identifying victims of human trafficking. To date, the number of formally identified trafficking victims in the context of the instrumentalised migration flows remains low, which may in part reflect the practical challenges involved in identification under the current circumstances. It is well established that migrants travelling irregular routes are vulnerable to exploitation at multiple points along their journey, whether before departure, in transit, or upon arrival, and that human trafficking can occur within or alongside the same migration flows that instrumentalisation generates. In this context, the affected states have taken steps to address this challenge, developing dedicated indicators and training programmes to help border authorities recognise and respond to potential victims. These efforts are widely regarded as a valuable foundation, and there is broad recognition that they should be continued to ensure that responses to instrumentalised migration flows remain attentive to potential protection needs of victims of human trafficking.

The EU Crisis and Force Majeure Regulation establishes that Member states may request authorisation to apply derogations from standard asylum procedural requirements, including at the border. The regulation is intended to work alongside related instruments. It is clear that even where emergency derogations are applied, member states also remain guided by other EU frameworks and regulations, for instance, (EU) 2024/1346, when it comes to persons with particular vulnerabilities. In practice, this suggests that the application of derogations is expected to remain sensitive to the reception and procedural standards established by those instruments, particularly

for applicants who are victims of human trafficking, minors or LGBTQ persons.

The Chişinău Declaration deals with the human costs of instrumentalised migration and the rights of the migrants involved. It recognises that these migrants are still protected by the Convention, and other international law, but also noting that the way they crossed the border may be relevant when assessing whether a State has met its obligations:

The Committee of Ministers notes with concern that instances of instrumentalisation by a hostile State or other actor may result in acute humanitarian crises, leaving migrants stranded at borders where they may be at significant risk of becoming victims of violence, exploitation, trafficking, smuggling, or inhuman or degrading treatment, without adequate protection or assistance. Migrants involved in instrumentalised migratory movements are entitled to respect for and protection of their rights under the Convention and other European and international law, subject to limitations permitted under the Convention and other European and international law. The conduct of the individuals involved in attempts to irregularly cross the State border may be relevant in assessing the State's compliance with certain Convention obligations.

CONCLUSION

The instrumentalisation of migration and the potential consequences, is by its nature a phenomenon that sits at the intersection of national security and human rights – and effective responses must reflect that complexity.

The instrumentalisation of migration is a real hybrid threat – and represents a structural challenge that is likely to continue as part of the broader hybrid threat landscape facing the Baltic Sea region. The responses developed by affected Member States, and the EU, encompassing border management, force majeure regulations, legal adaptation, regional cooperation, and international accountability mechanisms – including sanctions – demonstrate that tools exist and are being refined.

Sustaining their impact will require continued coordination across relevant policy domains, consistent attribution of responsibility to orchestrating state actors – and, importantly, vigilance in ensuring that protection frameworks for vulnerable individuals remain intact. The humanitarian situation in affected border regions is monitored by the states and must continue to be closely monitored. The cooperation between state agencies, humanitarian organisations and civil society can be further developed to ensure that protection needs are identified and met in line with international legal frameworks. In this regard, it is crucial to remind that the humanitarian dilemmas arising in the context of instrumentalised migration are not an incidental consequence but a calculated outcome, one deliberately engineered by hostile state actors. The suffering of individuals at these borders is not an unintended side effect of geopolitical tension; it is its instrument, and it is to those states that responsibility must ultimately be attributed.

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