

## Summary of the operational exchange visit to Lithuania

**THE SECOND OPERATIONAL EXCHANGE VISIT** was organized in Vilnius, Lithuania in 7-8 March 2023. Originally, the second visit was supposed to take place in Ukraine but due to the war, the visit was organized to Lithuania instead.

The ELECT THB-project partners brough together representatives from the police, prosecution service and labour inspectorate to learn more about latest trends, challenges, solutions, case examples and modus operandi and routes identified by the Lithuanian stakeholders, practitioners and experts. The delegation consisted of the following experts:

NAME	ORGANISATION	COUNTRY
Anniina Jokinen	HEUNI	Finland
Anna-Greta Pekkarinen	HEUNI	Finland
Niina Mäki	Labour inspectorate of Southern Finland	Finland
Noora Halmeenlaakso	Helsinki police department	Finland
Mikko Sipilä	Prosecution Authority, Itä-Uusimaa	Finland
Pekka Ylinen	Central Finland Police Department	Finland
Agnese Zīle-Veisberga	Ministry of the Interior of Latvia	Latvia
Jurijs Misjuns	The State Police	Latvia
Marija Soldatova	The State Police	Latvia
Maris Indrikovs	Labour inspectorate	Latvia
Anna Markina	University of Tartu	Estonia
lgor Krotenko	Estonian Police and Borderguard Board	Estonia
Margo Kivila	Estonian Police and Borderguard Board	Estonia
Janis Miilits	Labour inspectorate	Estonia
Sirle Blumberg	Social Insurance Board	Estonia

## First day

On the first day, authorities from Estonia, Finland, Latvia and Lithuania gathered in the Courtyard Vilnius City Center by Marriot. Anniina Jokinen welcomed everyone to the meeting. The first guest speaker was Sonata Mickute from the Lithuanian Ministry of the Interior, Public Security Policy Group, who is also the Lithuanian National Rapporteur against Trafficking in Human Beings. She presented













the Lithuanian Criminal Code provisions sanctioning trafficking in human beings. The use of a person's forced labour or services is criminalized in Lithuania, although there have not been many cases.

Ms Mickute presented the National Referral Mechanism and the related Recommendations which is an official document that includes, for example, terminology, indicators, identification criteria, referral process, and collaboration in relation to the work against trafficking. The process of identifying trafficking victims includes filling out a victim identification card that is then given to the police. In terms of trafficking, Lithuania is a country of transit (to Scandinavia from Vietnam, African countries), destination (from Ukraine, Belarus, Czech Republic) and origin (to the UK, France, Sweden, Germany, Netherlands, Spain, USA). Lately, Lithuania has become more of a country of destination for both Lithuanian and migrant victims.

The number of trafficking related pre-trial investigations opened in Lithuania has decreased since 2017. A study was conducted but did not reveal any reasons for the decrease: the quality of investigations, for example, was found to be good. Before, exploitation in criminal activity was the most common form of exploitation, but in 2022 it was sexual exploitation. 164 persons were convicted for trafficking in human beings between 2015 and 2022, and 318 victims in total were recorded by the state. 140 of the victims were women, 122 men, 19 girls and 17 boys. The minors were mainly children from foster homes exploited in criminal activity, begging and sexual exploitation. The victims were mostly citizens of Lithuania, but also from e.g. Russia, Colombia, Nepal, Ukraine, Czech Republic, Thailand, India, Cambodia and Tajikistan.

The next presenter was Kazimir Kasparevič from the Lithuanian State Border Guard with colleagues Jolanta Bakšienė and Natalija Garlienė. One of their most extensive trafficking cases was unfolded in 2017. Lithuanians and Ukrainians were transported to Poland and the United Kingdom with promises of lucrative work, but the conditions turned out to be exploitative. The Lithuanian police established a joint investigation team with the Ukrainian police. The main challenge was that even though the police was able to interview 11 of the 15 assumed victims, only two of them gave real evidence while the rest refused to co-operate.

There has been migration through the Belarusian border, but cases are difficult to identify, because Lithuania is often not the main destination country. Instead, the migrants are headed to countries such as Germany, where they may have friends or relatives. There have also been suspected cases involving women migrating from Africa, which have been challenging to identify due to language barriers. The women were housed in Lithuania and worked with social workers, but no THB cases were established.









Mr Kasparevič added that the Border Guard has not had a large amount of trafficking cases. Trafficking is not the main crime they investigate, and most of their cases are related to illegal migration. However, the Border Guard has a mandate to investigate trafficking-related criminality. If there are grounds for a pre-trial investigation, the law enforcement agency with the most information launches it. In the 2017 trafficking case presented above, the Ukrainian Border Guard officials shared intel with their Lithuanian colleagues who were then able to start the investigation.

A discussion followed concerning the low number of cases of trafficking involving Ukrainian refugees in the Baltic countries. The Lithuanian participants commented that some of it may be attributed to successful prevention efforts, however, it may also be that the Ukrainian migrants are hesitant to contact the police and do not fully trust institutions. A Latvian participant pointed out that the first wave of refugees mainly consisted of highly educated persons who are generally less vulnerable to exploitation. Now there are second and third waves of refugees who may be more likely to accept riskier job offers, for example. From the Estonian point of view, the risks of exploitation may be lower since many Estonians and Ukrainians are able to communicate in Russian, whereas the language barrier is more of an issue with e.g. Asian migrants. Finnish participants added that people are conscious of the issue, and the public opinion is on the Ukrainians' side, so locals could also be more likely to report if they suspected exploitation. However, it may take time for cases to turn up, and some cases are at this point being investigated in the construction sector.

Mr Gediminas Noreika, Adviser of illegal activities monitoring division in the State Labour Inspectorate gave a presentation on the situation of migrant workers in the Lithuanian labour market. In their work, labour inspectors identify persons who are working illegally. When it is a case of undeclared work only, the employer is fined, whereas the worker is not sanctioned. In 2022, the majority of cases took place in the transportation sector. Before that, construction was the sector with the most breaches. Most victims of labour exploitation used to be of Ukrainian origin, but nowadays most have come from Belarus or Central Asia. Truck drivers employed by Lithuanian companies drive around Europe, and often file complaints with the labour inspectorate only after they return and are made redundant.

Before the war, there were a lot of Ukrainian workers posted to the Lithuanian construction sector. These workers usually did not work in Poland at all but came straight to Lithuania. Their living and working conditions were often sub-standard, and they did not receive full payment for their work.

Since the start of the Ukrainian war, about 75 000 refugees have come to Lithuania. About 45 000 of the refugees are of working age, and 23 000 of them have been employed. People see Ukrainians in a favorable light, and legislation for employing Ukrainians has been simplified. The border guard reported that very few undocument migrants are identified at the moment. The inspectors have co-











operated closely with the police in doing inspections to places where Ukrainians work, but no cases of labour exploitation have been detected as of yet. As a good practice Mr Noreika mentioned that they have translated a lot of their materials into Ukrainian, for example, labour legislation, contracts and complaint forms. The labour inspectorate has also organised seminars and consultations for organisations working with refugees and spread information through social media. Information to the workers has also been disseminated through NGOs.

Mr Noreika also presented a pilot project of the labour inspectorate. The project has been going on since 2020 and it consists of a pilot group of inspectors for the control and prevention of trafficking in human beings. They gather and systemise data and collaborate with NGOs and the police. If they suspect trafficking, they will refer the case to another authority. Other divisions of the inspectorate can also refer cases to them if they suspect exploitation. The groups work in Vilnius and Kaunas regions, and in 2021–2022, filled out 7 identification cards that were sent to the police for pre-trial investigation. These cases were from the construction and transport sectors, as well as from agriculture. In agriculture, the exploited workers are mostly socially vulnerable Lithuanian citizens. They are often without a permanent place of residence and the employer houses and employs them in the farm in precarious circumstances.

Another good practice presented by Mr Noreika were the Labour Dispute Commsissions operating in Lithuania. They received more than 5 000 complaints in 2022, almost 1000 of which came from migrants. Most complaints dealt with wages. The complaint forms and related documents have been translated and can be filled out in Russian or English as well. A consultation division of the labour inspectorate helps workers to fill out and submit the forms. This has been seen as beneficial for the Committee since the complaints filed are usually informative enough to process.

The next presenter was Mr Aurelijus Gutauskas, Judge of the Criminal Cases Division of the Supreme Court of Lithuania who is also a GRETA member. Mr Gutauskas stated that the state's and the society's understanding of human trafficking remains limited. Problems associated with the (criminal) process in cases of trafficking include fragmented cases, insufficient evidence, weak social institutions, and insufficient professional capacity to provide victim support. The victims' willingness to testify wanes over time, and even when they co-operate with the authorities, there is no guarantee that the outcome will be favourable to them. Moreover, the defendents often have good lawyers who target the insufficient evidence or contradictions. Cases often result in acquittals or trafficking activities being requalified as e.g. involving someone in prostitution, which also result in more lenient sanctions.

In terms of trafficking, Lithuania is mainly a transit country. Lithuanian citizens are exploited abroad as well as within the country in all forms of trafficking. Minors are exploited in theft, burglaries and











prostitution. The changing geopolitics are changing the modus operandi of traffickers, and a lot of recruitment and exploitation is taking place in the cyberspace, where it is difficult to make the perpetrators liable. Three or four years ago, cases of suspected trafficking of Lithuanians often involved vulnerable people who fell victim due to material circumstances, deceit and being socially vulnerable. Nowadays there are also cases of young girls exploited in criminal activities in Europe. Many of the victims have a substance addiction. Overall, victims are often controlled through physical and emotional isolation as well as false promises. Regarding refugees, there have also been suspected cases of survival sex.

In terms of sexual exploitation, Mr Gutauskas highlighted the increase in direct webcams, video chat programmes and online apps that facilitate the exploitation and are used to control victims. In court cases, evidence needs to be collected of the abuse of vulnerability as well as of the restriction of freedom – these conditions show that the victim had no option but to succumb to the exploitation. According to Mr Gutauskas, interviewing the victim immediately after they have left the situation is a mistake because they are unable to give testimony when under a great deal of stress. Instead, the victim should be given a chance to meet with a psychologist, a doctor and/or a lawyer first.

Mr Gutauskas argued that in Lithuania, labour exploitation is the most difficult phenomenon. Poverty, unemployment, the shadow economy, and the demand for cheap labour and services are triggering factors for trafficking for labour exploitation. Case law regarding the phenomenon is not developed. Forced labour has been overshadowed by sexual exploitation and is seen mainly as a problem of migration that threatens the economic stability of the country, instead of as a human trafficking problem. Mr Gutauskas argued that trafficking should be seen as a state of "non-normality", in which victims are treated in a way that does not align with what is deemed appropriate in a civilized society.

After the lunch break, representatives of the Lithuanian Police gave their presentations. The first presentation was by Ms Liliana Malinovskaja from the Divison of Prevention. The Division's prevention tasks against trafficking include providing information to potential victims (minors, unemployed persons, domestic violence victims, migrants, Ukrainian refugees); sharing information to the society (safe neighbourhood groups, university students); ensuring information sharing among police officials in cooperation with NGOs; and improving victims' search algorithms.

There have been community officers within the Lithuanian police since a 2010 pilot project which then became nation-wide in 2014. In 2022 there were 960 community officer measures/activities, which reached ~25 000 people. There are also four virtual patrols which aim to prevent criminal activity. They work in the main social media channels, i.e. Facebook, Instagram, Tiktok and Telegram. At the beginning of the war, the police employed 14 Ukrainian nationals who have been











working in the migration centers in the largest cities. They have helped Ukrainian refugees communicate with locals. Their task was also to pick up on potential signs of trafficking or other issues. The prevention division works in co-operation with NGOs such as the National Association against Human Trafficking, the support organisation for families of missing people, Caritas, as well as with the employment services.

Lolita Plančiūnaitė-Vaičiulienė, the Chief Investigator for THB and child sexual abuse in the Lithuanian Criminal Policy Bureau or the Lithuanian Police gave a presentation next. According to Ms Plančiūnaitė-Vaičiulienė, the modus operandi of the perpetrators of human trafficking consists of, for example, false promises of income, the exploitation of vulnerability, the loverboy tactic, "voluntary" business agreements, and prostitution in exchange for protection. As a trend, trafficking crimes are committed to exploit victims in forced labour or to obtain credit or benefits in their name. Victims are also brought to Germany, and accounts are opened in their name to legalize criminally obtained money. Child victims often do not attend school, and live in a poor environment, often in childrens' institutions. Many have an addiction to psychoactive substances. Adult victims often have no education or job, have problematic family relationships, do not speak foreign languages, and suffer from substance addiction.

Recent challenges in tackling THB have included the identification of victims, the COVID-19 pandemic, illegal migration, as well as the situation of the Ukrainian refugees. Organized criminal groups adapted to the pandemic situation transferring networks online. The cyberspace was used for criminal purposes (recruitment, sexual exploitation and advertising, porn, fraud) and for online recruitment of minors for sexual and other exploitation. There was a growth of illegal and underpaid work and an increase in irregular migration. Illegal migration is not seen as trafficking, however, because migrants pay the smugglers money.

Over 74 000 refugees have arrived from Ukraine, over 24 000 of them children. Payments of ~500€ for transportation from Ukraine have been observed, as well as fraud of social payments to Ukrainians. There have been two potential cases of trafficking regarding Ukrainians: one concerning the sale of Ukrainian children for adoption, and the other a Ukrainian girl trafficked for sexual exploitation.

Ms Plančiūnaitė-Vaičiulienė then presented several case examples regarding trafficking, some concerning the exploitation of third country migrants in Lithuania and some the exploitation of Lithuanian nationals in the UK. Since 2015 human trafficking crimes have been investigated by the officials of the organized crime division. There is no unit focused solely on human trafficking. Also Ms Loreta Kairionytė was present for the discussion.











During the final part of the first day, each of the project partners gave brief presentations of their respective countries. Agnese Zīle-Veisberga gave a presentation on Latvia. In Latvia, trafficking for labour exploitation is the most common form of THB. In most cases victims are recruited by someone they know. Ms Zīle-Veisberga presented two case examples. The first one featured a commune for people with substance disorders in which victims were made to work all day without pay with the aim of getting rid of addiction. The commune was owned by three people and in reality, it was not established as an NGO or a social enterprise. Victims were recruited through soup kitchens, for instance, and they were offered accommodation, food and treatment for SUD. They were housed in poor conditions, there was camera surveillance and limited possibilities to contact their relatives. The work was agricultural and forest work in which the victims had no contact with other local people. The land/farm owners had made an agreement that money is paid to the owners of the social organization who would then hand out the wages, but the victims did not receive any money at all. Another case was related to exploitative marriage in Cyprus. A Latvian woman married an Indian man in Cyprus. She was kept in a flat in Larnaca with the husband and his friend, and was forced to have intercourse with both of them. Her documents were taken away but she had access to her phone. She sent geodata and photos to the Cyprus police who were then able to find her. The husband's residence permit was cancelled, he was deported and charged for THB.

The Estonian presentation was given by representatives of the police and border guard board, Margo Kivila and Igor Krotenko, and the labour inspectorate, Janis Miilits. Mr Kivila stated that there is very little cross-border traffic on the Eastern border due to the Russian sanctions. The Border Guard intelligence units inspect businesses and addresses where immigrants may work or live.









Mr Kivila presented a case example of an on-going case related to labour exploitation. The exploitation took place in Estonian cleaning company. It began in 2019 and the victims were Ukrainian migrant workers who were forced to work 320 hours a month for 1448 €, the minimum wage in the sector at the time. The work contracts were in the Estonian language and no translation was provided. There were no work hour logs either. The work took place in e.g., shopping malls, post offices, warehouses, and the Tallinn harbour, in both day and night shifts, 12-16 hours a day, seven days a week. Some victims had one day off during the month. Sick leave was not allowed so the victims worked also while they were sick. The victims were vulnerable as they had no knowledge on Estonian labour law and were threatened with deportation by the employers. The victims put up with this because of the economic situation in Ukraine and many had also taken big loans to get to Estonia. There were some problems with the investigation: many victims were afraid of testifying, many left Estonia, some were afraid of the employer and of losing their jobs. There were more than 100 potential victims, but only a few came forward and testified to the police.

The Estonian labour inspectorate has conducted targeted inspections to companies who employ workers from Ukraine since May 2022. The focus has been on the proper formalization of the work relationship and workers' rights. Some indicators of exploitation have been observed, such as extremely long workdays (17+ hours) and employees working for more than seven consecutive days. In cleaning and construction, the resting times are not followed. Recently, victims of Asian background have become more common. There is also a Labour Dispute Committee in Estonia. 1800 labour dispute applications related to the use of migrant labour were lodged in 2022 which is a slight increase from 2021. 40% of the cases were related to the construction sector.

Anniina Jokinen gave the presentation on labour exploitation and trafficking in Finland showcasing latest statistics from the police and the National Assistance System. Labour trafficking in the most commonly identified form of trafficking in Finland. Ms Jokinen also presented two case examples concerning exploitation in the greenhouse sector as well as in the berry picking sector. In the first case, in 2022 a criminal investigation was launched in the agricultural sector in Närpiö, where the suspected middlemen reportedly charged €10 000−20 000 from tens of Vietnamese migrant workers to secure a job in Finland. After arriving in the country, the workers were accommodated in crowded, isolated apartments, and had few opportunities to change their living and working conditions. The suspects involved in the investigation include a Vietnamese couple and two local greenhouse entrepreneurs. The investigation is still on-going. In another case, two people were arrested on the suspicion of aggravated trafficking in human beings in Finland in autumn of 2022. The case was connected to a large berry company which has recruited berry pickers from Thailand and, according to the suspicions of the Police, exploited them between 2020-2022. According to the Police, the berry pickers have been in a vulnerable position due to their dependency on the









perpetrators who have exploited their vulnerability and and coerced them to work in circumstances that resemble forced labour.

The recent modus operandi include increasing number of cases of charging fees for securing the job and for inflated fees for visa, travel, and other costs identified by the police but also other actors such as trade unions and employers' associations. According to the police, more or less all workers from developing countries pay a recruitment fee to get to Finland, ranging approximately from €2 000 to €25 000 per person. The fee can also be indirectly charged e.g. in the form of decreased wages in the first year(s) of employment. Debt makes workers vulnerable to further exploitation. Another trend is the use of light entrepreneurship (independent contractors who use an invoicing service) in connection with labour exploitation. It is a question of bogus self-employment in which the workers themselves do not understand that they are light entrepreneurs and responsible for their own employer obligations. This concerns construction sector and food deliveries most relevant, but there is potential for this to move to also other sectors and makes it difficult for authorities to monitor.

After the presentations, a final discussion focused on a lively exchange of ideas and information from the experts in the four countries regarding the recent modus operandi and case examples observed.



## **Second day**

On day two, we met with representatives of NGOs and a researcher. Alvydas Šakočius from the National Association Against Human Trafficking was the first presenter for the second day. The











Association was established in 2019. It is an umbrella association of the (six) NGOs that provide help to victims of trafficking. Help is offered to all victims and their families, whether they wish to cooperate with law enforcement authorities or not. The Association receives state funding as well as funding from international donors. Their annual budget for the provision of social aid is 300 000 €. Victims can also receive medical, psychological and legal assistance, and since 2020, the Association has operated a hotline. About 20% of trafficking victims approach the organization for help. In addition to direct assistance, the Association participates in e.g., innovations and information campaigns against trafficking, also in co-operation with foreign stakeholders.

Mr Šakočius highlighted that the forms of exploitation have changed since the COVID-19 pandemic, and that now more and more exploitation and recruitment for exploitation happens online. Illegal migration through Belarus slowed down, and now it is mainly Ukrainian refugees who are entering the country. The National Association Against Human Trafficking has translated their information brochures into Ukrainians, and are able to, in the context of a joint project with IOM, accommodate and financially support Ukrainian refugees who have fallen victims to human trafficking. At this stage they have come across only one case, which was related to forced labour.

According to Mr Šakočius, the number of criminal investigations into trafficking in Lithuania may be going down because prevention activities are working to some extent. As Lithuania is part of the EU and the Schengen area, there is no need for illicit arrangements regarding transportation or employment. If trafficking victims do not wish to co-operate with the police, the cases are usually closed. The Association aims to help the victims with residence permits, or if the victim wants to leave the country, the Association can assist in that, too. In general, the provision of help does not differ whether the victim is Lithuanian or a migrant, but Lithuanians can often receive aid from other sources as well, e.g., from the municipality.

Angelè Lazauskienè told us about the work Caritas Lithuania does with women victims of human trafficking. They provide long term assistance: in cases where a criminal investigation is initiated, the support often lasts for 3-4 years. During this time a lot can happen in a person's life which must be taken into account. According to Ms Lazauskienė, victims of different forms of exploitation were quite equally distributed a few years ago. Nowadays, there are three main groups:

- 1. People detained who have previously been in reception centres;
- 2. Ukrainian war refugees. They are offered low-threshold support in Ukrainian support centers from Lithuanian and Ukrainian volunteers as well as from a lawyer and a psychologist who visit the center twice a week;











3. Third country nationals arriving with a work visa. Eight people in total have contact Caritas this year. All of them have migrated from third countries: Ukraine, Kyrgyzstan, Kazakhstan and Georgia. Most third country nationals have taken out a loan to get to Lithuania. These loans are often ~2 500 € which is a substantial sum given that the workers' average monthly salary in their home country may be 50 €. Workers often have to borrow money from relatives or friends or take a credit. The fees are paid to agencies who take care of the paperwork, however, the fees tend to be inflated.

Third country nationals can apply for a legal work permit but not all of them are approved. The migrants cannot return home because they have to pay back their debt, so they work in the country illegally. Some employers use this situation to their advantage, which could even be described as their modus operandi. Mr Šakočius added that Lithuanian trade unions are very active, especially in the transportation sector. If there are disagreements related to contracts, for example, the unions deal with them. In cases of suspected trafficking, the unions contact the National Association Against Human Trafficking.

Eglè Puidokaité from the NGO Klaipèda Social and Psychological Assistance Center gave a presentation remotely via Teams. The clients of the Assistance Center are victims of trafficking but also of pimping and other crimes. Last year there were around 20 clients who were victims of trafficking. Based on a meeting with Klaipeda police, even now the majority of women in prostitution come from Ukraine. They come in voluntarily to earn money. Challenges in assistance include the language barrier, as the younger generation of Lithuanians do not speak Russian. Moreover, there are prejudiced views within the police, as many do not see that women in prostitution can be victims of exploitation. Unfortunaly, representatives of two other NGOs, Kristina Mišinienė, from NGO "Centre for Combating Trafficking and Exploitation of Human Beings" and Darius Joneikis, NGO "Ramintoja" informed us during the meeting that they were unable to join us and to present their work to the group.

After lunch, researcher Giedrė Blažytė from the Diversity Development Group gave a presentation. Diversity Development Group is a non-profit established in 2012. In 2022, they did an assessment of the structural model of providing assistance to victims of human trafficking, and in 2019, an independent evaluation of the National Action Plan on THB. The main conclusion in the evaluation of the National Action Plan was that the plan is a formal commitment but there are gaps in the implementation. The distribution of responsibilities among the stakeholders is incomplete, and there is a lack of continuous financial support (for instance, services are organized in project activities so there is little continuity). Furthermore, there is a lack of human rights approach as well as strategic approach in implementing preventative actions. The coordination of counter-trafficking activities in municipalities should also be strengthened. As good practices related to the National Action Plan,









Ms Blažytė mentioned the establishment of the National Association Against Human Trafficking, the Lithuanian liaison in the UK, a project in municipalities to prepare THB guidelines, and a project-based "competition" in Lithuanian communities abroad to have awareness raising campaigns.



## **Conclusions**

Exploitation in criminal activity forms a large share of cases of trafficking in Lithuania, although in 2022, sexual exploitation was the main purpose of trafficking. The authorities as well as the NGO representatives highlighted the increase in recruitment and exploitation taking place online, especially in relation to sexual exploitation. During the COVID-19 pandemic, the role of the internet became even more central, and cases of trafficking of Lithuanian nationals within the country were unfolded. The number of pre-trial investigations has been on a downward trend in the recent years, however, but the reason for this remains unclear.

There have been only a few cases of suspected exploitation of Ukrainian refugees in Lithuania. This may be due to successful prevention actions as well as the public supporting Ukrainians. The refugees receive temporary protection, and many are also able to communicate in Russian with the locals which may reduce their vulnerability in terms of exploitation risks.

A lot of interesting work against trafficking has been introduced in Lithuania, many in form of pilot projects that have later been implemented in a national-wide scale. Local criminal process actors and other experts also raised challenges, including dealing with perpetrators who are quick to adapt to changing circumstance by e.g. taking their operations online, a lack of case law, cases failing due to insufficient evidence and uncooperative victims, and difficulties in identifying cases as Lithuania is a transit country instead of a country of destination for many migrants and refugees.





