



# **Human trafficking in Lithuania: from new forms of exploitation to recent political developments**

Karolis Žibas

Caritas Lithuania

## General context and rationale behind

Lithuania is a source and transit country for women and girls who are recruited for **prostitution and sexual exploitation** in Western Europe. Lithuania is also considered a source country for males who are subjected to labour trafficking.

Lithuania has become a source country for children and adult trafficking victims who are **forced to engage in criminal activities** in some of the Nordic countries, France, the Netherlands, Spain and the United Kingdom.

Even though Lithuania is considered a source and transit country for trafficking victims, it has been observed that Lithuania is also a destination country for women who are brought for **sexual exploitation and prostitution**.

**Sham-exploitative marriages**

## The definition

‘He/she who sold, bought or in other ways transferred or acquired, recruited, transported or kept a human being in captivity by means of physical violence or threats or **otherwise deprived the person of the ability to resist, or using the victim’s dependence or vulnerability, or deception**, or accepting or paying money or receiving or providing other benefit to the person who in fact controls the victim, if the perpetrator knew or intended that the injured person, irrespective of whether he/she agreed to this, should be exploited for slavery or similar conditions to slavery, prostitution, pornography or other forms of sexual exploitation, **forced marriage**, forced labour or services including forced begging, involvement in criminal activity or for other forms of exploitation’ (*Criminal Code of the Republic of Lithuania*).

## The development of the definition

In 2005, the Criminal Code was amended (No. 81-2945. No. X-272 of 30 June 2005) by adding an article concerning **forced labour** as a form of exploitation. Therefore, until 2012, according to the Criminal Code of the Republic of Lithuania, **prostitution, pornography and forced labour** constituted aims of exploitation.

In 2012, new amendments of the Criminal Code were introduced (No. VIII-1968 of 26 September 2000), which made provisions for new forms of exploitation: **forced begging** and **forced criminality**. The Criminal Code also foresees criminalisation of profiting from or involving another person in prostitution (articles 307 and 308).

In 2016 – **sham (forced) marriage as a form of exploitation**



# Statistics

Table 1. Pre-trial investigations 2013–2015

<b>Article of the Criminal Code</b>	<b>2013</b>	<b>2014</b>	<b>2015*</b>
Article 147 – Human trafficking	16	20	18
Article 157 – Child trafficking	5	2	7
Articles 147 and 157	1	1	1
Article 147(1) exploitation for forced labour or services	1		1
Articles 157 and 147(1)		1	
Article 147(2) profiting from another person's forced labour or services			1
<b>TOTAL</b>	<b>23</b>	<b>24</b>	<b>27</b>

*Note:* The articles of the Criminal Code of the Republic of Lithuania (No. VIII-1968 of 26 September 2000) that regulate the crime of human trafficking are 147 (trafficking in human beings), 147(1) (exploitation for forced labour or services), 147(2) (profiting from forced labour or services), 157 (buying or selling children), 307 (profiting from another person's prostitution), 308 (forcing another person into prostitution). Forced begging and criminal activities are included in article No. 147, without a specific sub-article.

## **Institutional setting to combat THB three-level system of coordination and prevention:**

- The first level consists of the **national coordinator**, whose role is to organise activities and coordinate the functioning of the system.
- The second level is also coordinated by the **national coordinator**. This level is represented by inter-departmental working groups, which consist of experts and institutions that implement programmes combating THB.
- The third level consists of law enforcement institutions, where authorities cooperate with representatives of municipalities, NGOs, social workers, etc. **At this level, NGOs play an important role by implementing actions against THB and supporting victim reintegration.**

## **Legislative framework to combat THB: the development**

The first Programme for Human Trafficking and Prostitution Control and Prevention 2002–2004: the specific focus was on trafficking for sexual exploitation and prostitution.

The second Programme for Human Trafficking Prevention and Control 2005–2008: broader scope and acknowledged various forms of exploitation.

The Third Programme for Human Trafficking Prevention and Control 2009–2012 highlighted new challenges: prevention and control, protection of victims, international and intersectional collaboration.

“The inter-institutional action plan for the implementation of the national crime prevention and control programme for 2013–2015” (No. 1381 of 14 November 2012).

## Legislative framework of combating THB: the development in 2016

- Commission at the Ministry of Interior to fight human trafficking (03.11.2016)
- Amendments in the Criminal Code of the Republic of Lithuania (2016)
- Action plan (2017–2019) to fight against human trafficking (29.08.2016; No. 1V-598). **The content:**
  - ✓ *No any great step forward*
  - ✓ *No any effective system for victim support*
  - ✓ *No any emphasis on new forms of exploitation*
  - ✓ *No any emphasis on child trafficking*
  - ✓ *No any independed reporter*
  - ✓ *No any national coordinator*



## Challenges: coordination and strategic thinking

Since 2010, no any coordinator (person, department) has been appointed (before 2010, permanent secretary of the Ministry of Interior). Coordinating institution – Ministry of Interior. **Who is responsible at the Ministry?**

The institution, which is responsible for implementation of anti-trafficking policies, performs functions of overall communication and reporting, **which means that the same institution at the same time performs functions of implementation and evaluation.**

**The need of independed reporter** and more strategic thinking

## **Challenges: coordination**

The strongest critique in the US report concerns policy coordination. The report states that the government does not have a formal national coordinator. In addition, there is a lack of a standardised system which would provide specialised assistance to victims (US Trafficking in Persons Report 2015)

*... There is a lack of coordination and trust between different institutions and organization. There is a need to distinguish who is responsible and for what kind of measures and actions; what role ministries, municipalities and other governmental institutions are taking ... (vice minister, Ministry of Social Security and Labour, November 2016)*

## Research

Different cities and towns:  
Vilnius, Kaunas, Klaipėda,  
Alytus, Panevėžys and  
Tauragė.

17 experts were interviewed during the research: nine representing non-governmental organisations, State institutions and crisis centres (N), and eight representing judicial institutions and courts (P).

Table 2. Area of activity of the experts who participated in the research and interview codes

Area of activity	Code	Number of experts
Non-governmental organisations, budgetary institutions and crisis centres that work in the area of prevention and victim assistance (social workers, psychologists and project managers)	N	9
Judicial institutions (police, prosecutor's office): officers, pre-trial investigation investigators, prosecutors; courts (judges)	P	8
<b>TOTAL</b>		<b>17</b>

*Note:* each citation in the text from an expert interview is marked by a code. For example, N-1

## **Challenges: coordination**

*“It is clear to see that there is no unified system in our country. Information is neither recorded nor held by one department; once the information is received, there is no unified strategy for what to do with that information; there is not any coordinating ‘brain’ that would create rules or instructions on how we should all respond to particular types of information or cases. We are all scattered, there are several agencies that are chasing that information; we are not obligated. There are no explicit formal cooperation agreements with specific obligations, nor a priori obligations that would make us share information with each other.” (N: 13 July 2015)*

## Challenges: THB as a political priority

In July 2013 the Government dismantled the anti-trafficking police unit. The responsibilities of this unit were transferred to the police section investigating serious crimes.

*“If there were more employees ... there would be more cases started ... no doubt.” (P: 21 September 2015)*

*There are no people, so you can do all you want, they simply can't do more than they already do. Imagine, two investigators, so what can they do? There are all kinds of cases, not only human trafficking, but also drugs, car thefts, etc., that are being investigated by the same two people. They can't do it physically, if there were more employees, technical capabilities, there would be more cases that could be investigated and brought to court ... no doubt.” (P: 21 September 2015)*

## Challenges: coordination and political priorities

*“I started working with human trafficking in 2012, I saw that it really is chaos. Nobody knows who does what. Everybody is equally pointing to someone else. Efforts are needed ... Until there are no specialised subdivisions, I think, it will not change.” (P: 15 October 2015)*

- **No political priority** → lack of strategic thinking → no strategy
- Lack of funding → lack of human resources → lack of coordination
- Only few pre-trial investigations → court cases
- Only few pre-trial investigation → **no political priority**

## **Challenges: THB as a political priority**

*“Here [in Lithuania] ... it is not considered a big problem. Yet, it is, in fact, one of the main problems. Everyone thinks that sham marriages occur in Europe, but that it does not concern us. Some time ago, it was a priority area in the public prosecutor’s office, but then it was rejected. Now, what is in the foreground are economic, financial matters, the shadow economy. There is a greater emphasis on finding money in the shadow economy, than there is on finding out about human trafficking, which is also part of the shadow economy ... (P: 21 September 2015)*

*“This is only the tip of the iceberg. We see very little, ... the scope is big and we see only the tip of iceberg.” (P: 21 September 2015)*

## Challenges: THB as a political priority

*“There is zero strategy. Every organisation looks down from their bell tower. There is not any relationship between them. Instead, if they somehow joined then there would be a common direction. In general, there is not even a direction at the state level. Earlier there was at least that prevention of human trafficking, a programme, and now I do not know. Everything is paper work. It is obvious there is a hole in the place of human trafficking. And it has been there for many years.” (P: 14 July 2015)*

*First, in order to solve the problem of violence, it is necessary to want to solve it. Recognising that there is a problem is already a big step ... (N: 11 August 2015)*



## **Challenges: international cooperation and response to THB**

*“In my opinion, we simply have to start analysing cases. I would include municipalities where vulnerable people and victims live ... I think social services, if they understood and would like to take responsibility. Another thing, there is never going to be a stop to any form of human trafficking until there is real international cooperation. I do not say that it does not exist at all, but it is rather fragmented as selfish, ‘when I need it’ (N: 13 July 2015)*

*“Not once have I said to foreign colleagues that if we see it as a responsibility of British or Irish colleagues, then we will only be catching the intermediaries, as the organiser will be sitting in Tauragė...” (P: 15 October 2015)*

**Transnational crime needs transnational efforts**

## **Challenges: international cooperation and response to THB**

*“In cases where the Lithuanians were convicted, the British themselves showed a wish to cooperate. They themselves proposed that we establish a joint investigation team, which is a very rare thing ... so we met in the beginning of the year in The Hague, discussed it and sort of worked out a plan to establish that joint team. Everything is going well so far. But in the other case, the Tauragė case, it is the opposite. Enquiries are being sent but somehow they are not very willingly responding to them ... we need to verify, but to verify without any control from the United Kingdom, that is impossible, so it became like a vicious circle, neither going forward nor backward.”*  
(P: 21 September 2015)

**Different understanding of poverty, exclusion and vulnerability**

## **Vulnerability in THB**

*“When a person, especially from a socially at-risk family, when she is told that her bathroom will be normal, that she will even go abroad, she does not hear, she does not see, it is most important for her to escape those drunkards, rapists. Also for those living in a foster home, it is important to say, I lived in England. That is a rise in status.” (N: 27 July 2015)*

*“We had a case in Lithuania in which the parents sold their daughter for 600 litas [~174 euros] to a Ukrainian guy and he left for Germany. The parents said, ‘she will get married, so what?’ They get money. They got married and immediately after the ceremony, he left Lithuania.” (N: 27 July 2015)*

## **The space for interpretation: vulnerability in THB**

*“Courts do not understand the problem very well. We had a court decision last summer, where the court of appeal changed it. The criteria of vulnerability was argued using the fact that the victim does not have a job and does not have a place to live, poor education, parents in jail, life in orphanages, the father a former prisoner. The victim was taken from an orphanage, conflicts started at home again. Eventually the victim was kicked out of her home. Not having a place to live, slept under balconies, did some occasional work for farmers and so forth. And this is how I tried to prove vulnerability to the court, using this aspect, but **the court said, what kind of vulnerability is this? This is how most residents in the countryside live, this is not any kind of vulnerability.**” (P: 21 September 2015)*

## Prejudice and stereotypes

*“Victims of sexual violence. Here comes a young woman... she was raped when she came home on the last bus, she was walking down the path, it seems somewhere on the outskirts of a forest. A car stopped, she was dragged into the car and gang raped. She came to write her statement and **she was told, ‘child, where were you going at night? How were you dressed? A short summer skirt?’... The investigator is asking these questions...**” (N: 16 July 2015)*

*“With regard to sham marriages, this attitude used to be stereotyped also in the field of prostitution, that [victims] want that themselves, go on their own ... now it is sham marriages, that they were stupid, wanted to make money, to get money for nothing. The girls went there and showed themselves. **It really is a stereotypical attitude, an unwillingness to go into the details of the situation.**” (N: 30 July 2015)*

## Gender

*“They all remain at risk and that **condition becomes normalised**. For example, a girl who married into that family – she had never seen a model of a family. She was always told, it was explained to her, an environment of a small town, that a woman must fulfill her duties – prepare the food, tidy the rooms, give birth to children, satisfy her husband. And how do you tell her that she is forced to do that if it already flows in her blood that she has to do it. She does not know of any alternative.” (N: 16 July 2015)*

## **Not victim-oriented (suspected-oriented) judicial system**

*“It is very difficult to try these cases in the courts since ... in the courts, they look sceptically at it. Those victims, they are simply afraid to appear in the court session ... They are physically shaking, they are afraid, they do not want to go to the court session... Then they beat off any desire of those victims to testify, then you do not understand what is going on, but it is as it is and what is most important is that you cannot change anything.” (P: 21 September 2015)*

## Victim support

*“Assistance to victims ... it is really not sufficient and really not effective. As much as we would like, it is very hard for us to cover all of Lithuania ... In the provinces [i.e., rural areas], I think there is no help and it is very complicated. That assistance ... in the provinces is not even ready” ... “Non-governmental organisations are not very obligated. They receive funds from the ministry, they are obligated to perform some actions, but they are not obligated to expand, to be proactive – completely unobligated. The quality of their work is not checked or questioned.” (N: 13 July 2015)*



## The need for trainings and **application**

*The entire judicial and law system, starting with the police officers, regular patrol officers, who go to the scene of the crime, investigators, prosecutors, judges – they all need training. I would even say that training needs to be organised initially not together, but individually... For teachers, at schools. Our schools do not have any education with regard to questions about violence against women, sexual exploitation.” (N: 30 July 2015)*

*“I think that laws are passed, we just need to learn them and start applying them. So what that we create new laws – none of them work.” (N: 11 August 2015)*

## General conclusions

The general challenge of anti-trafficking efforts: the absence of a comprehensive strategy, the lack of funding, weak coordination.

The victim referral mechanism has to be more effective. The roles of those organisations in providing assistance to victims and implementing preventative measures are not defined.

Lithuania does not have a national anti-trafficking coordinator and independent rapporteur. It should be noted that the Ministry of the Interior is performing both functions of implementation and evaluation.

Regardless of the efforts of non-governmental organisations, the project-based activity of nongovernmental organisations remains fragmentary and it lacks a long-term strategy.

## General conclusions

Professionals, especially those working in small towns and villages, lack information about the crime of human trafficking, local practitioners do not fully comprehend the scale of the crime, and assistance to victims is not effective. **In this case, it is not relevant to separate exploitative sham marriages as a specific form of exploitation, since the challenges with regard to other forms of exploitation are the same.**

There is still a lack of a victim-sensitive attitude towards both – exploitation, vulnerability and victims. **Prejudice and stereotypes prevail with regard to victims of different forms of trafficking. The earlier prevalent view about victims of prostitution has been gradually spreading into the field of exploitative sham marriages, where the normative belief is that victims travel to the countries of destination on their own will.**

## Conclusion: recruitment

There is no major difference between recruitment for exploitative sham marriages and for other forms of exploitation, with the exception of prostitution, where **the vulnerability of the potential victims tends to be higher**. In all cases, recruiters attempt to exploit the vulnerabilities of victims: **their psychological condition, their family situation and their socioeconomic status**.

However, there is no common scheme of recruitment, since means of recruitment are individualised and **adapted to each victim specifically**. Even though the means of recruitment are different depending on the social and demographic characteristics of the victim, the common economic argument (**poverty and social exclusion**) of recruitment remains the same in all the different cases.

## Conclusion: vulnerability

It can be argued that vulnerability and exploitation begin not in the country of destination after a sham marriage is concluded, but **already during the time of recruitment when the recruiter takes advantage of the victim's vulnerability**. The exploitation continues in the country of destination when (in the case of exploitative sham marriages) the victim is already drawn into exploitation.

**No any effective policy response until structural poverty and exclusion exist?**

## Conclusion: organised crime

The profile of offenders organising exploitative sham marriages is in essence **not different from other forms of exploitation**. Frequently the same offenders recruit different victims for different forms of exploitation. Currently forced criminal activity prevails in the area of human trafficking in Lithuania.

(Exploitative) sham marriages are primarily organised by small groups consisting of a few persons. The main organisers of the crime do not work in Lithuania, but instead in those countries where the exploitative sham marriages are taking place. Criminal groups include both Lithuanian citizens and third country nationals. Lithuanians are in search of the ‘supply’ (i.e., prospective brides), while third country nationals are searching for demand (i.e., the prospective groom).

## Conclusions: travel routes

For sham marriages, the main travel routes, modes of transportation and arrival in the country of destination are different from that of other forms of exploitation.

Contrary to victims of sexual exploitation and forced criminal activities, **victims of exploitative sham marriages are often mobile and travel back and forth. These victims are usually not accompanied by anyone; they travel on their own.**

## Conclusion: forms of exploitation

With regard to the social and demographic profile of victims, the exploitation of victims **ranges from restriction of freedom of movement to forced household work and sexual exploitation.**

In the same way as with labour exploitation and sexual violence, victims **experience psychological coercion and threats.** It can be argued that exploitative sham marriages are a form of human trafficking, since they include different forms of exploitation: forced labour, sexual exploitation, restriction of freedom, psychological coercion, etc.





## Recommendations

- Long-term strategy – political priority – better coordination
- More effective victim referrals mechanism
- More training less prejudices and stereotypes
- More funding and human resources – more cases – bigger priority
- Less poverty and exclusion, less victims (revictimisation)
- More gender equality – less domestic violence and (sexual) exploitation – less internal/external trafficking
- Dealing with consequences – better international cooperation
- Seeking better prevention – going out from the comfort zone and thinking outside the box
- Trafficking *to* Lithuania VS trafficking *from* Lithuania
- Mainstreaming anti-trafficking efforts to different governmental strategies



?

*... 'I get the same amount for trafficking one kilogram of cocaine as for smuggling two Vietnamese, but the risk is much lower' ... if you catch me with one kilogram of cocaine, it will not seem too little for me – 8 years or more. For the Vietnamese I will get 3 years, but the money is the same' ... (P: 15 October 2015)*