

# LITHUANIAN MIGRANTS AS VICTIMS OF HUMAN TRAFFICKING FOR FORCED LABOUR AND LABOUR EXPLOITATION ABROAD

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## 1. Introduction<sup>2</sup>

One of the potential threats faced by Lithuanian nationals seeking jobs abroad and working abroad is the possibility of experiencing labour exploitation or becoming victims of human trafficking for forced labour.

This study addresses both of these phenomena in order to find out the scope and the nature of the problem and to assess the situation in respect of prevention and victim assistance in Lithuania.

In this research, human trafficking for forced labour is understood as a situation in which two phenomena, labour exploitation and human trafficking, co-exist and overlap. Human trafficking for forced labour is analysed in the context of the broader phenomenon of labour exploitation. Such an approach is not chosen coincidentally. As the primary data of this research shows, modern human trafficking for forced labour within the European Union (EU) (Lithuania included) may not bear all the characteristics of human trafficking. There are situations where the stage of victim transportation is absent and victims are persuaded to travel to the agreed point of destination themselves. This research shows that victims may be exposed to psychological and not necessarily to physical coercion. Based on the primary data of this research, it is difficult to distinguish where labour exploitation ends and human trafficking for forced labour begins.

Nevertheless, despite the gradual transformation of these phenomena, labour exploitation and human trafficking for forced labour abroad remain important

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problems globally. The International Labour Organisation estimates that 20.9 million people are victims of forced labour globally.<sup>3</sup> According to data of the United Nations Office on Drugs and Crime, in 2010 globally 79 % of all detected cases of human trafficking were connected to prostitution and sexual exploitation and 18 % of cases to forced labour. It was less common for cases to be related to forced begging and organ trafficking.<sup>4</sup> In 2012, the proportion of human trafficking for forced labour grew to 36% of all detected human trafficking cases.<sup>5</sup> Thus, last year approximately every third detected victim of human trafficking in the world suffered from forced labour.

The United Nations perceives human trafficking for forced labour to be one of the most serious contemporary social problems and states that at least in 2012, 136 different nationalities were trafficked and detected in 118 different countries.<sup>6</sup> Even though there is evidence that trafficking from Eastern Europe and Central Asia has been declining since 2000,<sup>7</sup> the significance of the problem remains.

Lithuania's accession to the EU opened possibilities for Lithuanian nationals to enjoy the freedom to move and work in the EU. However, these positive changes have been accompanied by some negative consequences such as a weakening of the possibilities of preventing human trafficking. When human trafficking is not limited by state borders, its control becomes harder, and recruitment and transportation of victims becomes easier. On the other hand, the more people go to work abroad, the greater the likelihood of labour exploitation.

As a rule, Lithuania is a country of origin of labour force. According to data from the most recent census conducted in 2011, "around 769 thousand people or one fifth of the population have left the country since independence in 1990."<sup>8</sup> In 2012 emigration flows from Lithuania decreased, yet remained high and accounted for 41,100 persons who officially declared that they have left Lithuania.<sup>9</sup> The major destinations in 2012 were the United Kingdom (UK)

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3 ILO Global Estimate of Forced Labour. ILO 2012.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf) (downloaded 30 June 2013).

4 The Globalization of Crime. A Transnational Organized Crime Threat Assessment. United Nations Office on Drugs and Crime, 2010. [http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA\\_Report\\_2010\\_low\\_res.pdf](http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf) (downloaded 9 May 2013).

5 UNODC, Global Report on Trafficking in Persons 2012, New York: United Nations, 2012. [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf) (downloaded 5 June 2013).

6 Ibid.

7 Ibid.

8 International Organisation for Migration – Lithuania, Migration in Numbers, <http://123.emn.lt/en/general-trends/migration-10-years-overview> (downloaded 2 August 2013).

9 Ibid.

(19,857 persons), Ireland (3,523 persons), Norway (3,230 persons), Germany (3,178 persons), Spain (1,451 persons), the United States of America (1,226 persons), Sweden (986 persons), and Denmark (932 persons).<sup>10</sup> Presumably the unofficial numbers for emigration are much higher.

According to the data of a representative survey which was conducted in Lithuania in 2012 and involved 3,022 respondents, 10 % of the respondents (300 persons) had worked abroad during the preceding five years. Out of those 300 persons who had worked abroad, 7 % (22 persons) stated that they had worked under inhuman conditions; 4 % (13 persons) stated that they had not received their wages; one respondent said that his freedom of movement had been restricted; one respondent stated that violence and threats had been used; and three respondents stated that they had not been able to cancel the employment contract. 48 % of all those who suffered from the above (18 persons) experienced it in the UK; 12 % (5 persons) in Spain; 9 % (4 persons) in Norway; 9 % (3 persons) in Germany; 6 % (2 persons) in Ireland; and there were also one case each in France, Greece, the Russian Federation and Sweden.<sup>11</sup> As this data shows, some Lithuanian nationals experience labour exploitation abroad. It should be taken into consideration that some of those who suffered exploitation do not consider it to be exploitation, and therefore it is difficult to measure the scope of the phenomenon precisely. Also in the case of human trafficking for forced labour, there is no precise data, since only a small part of these cases are reported to the police and there is no court practice in Lithuania. Indeed, until recently, there have been no cases in court resulting in a conviction for human trafficking for forced labour.<sup>12</sup> On the other hand, there were 4,980 criminal acts registered in 2012 under Article 182 “Fraud” of the Criminal Code.<sup>13</sup> By definition this crime is closely related to deceitful employment abroad, and similar criminal acts might be registered under this Article.<sup>14</sup> For example, people may pay money for information about available jobs abroad, and travel only to find upon arrival that there is no job. Some of them look for a job on their own anyway and find it, others return and report the matter to the police. As groups of people are cheated in such a way, many criminal acts are recorded by the police. During this research, several randomly selected criminal acts were analysed. However, no forced labour and human trafficking indicators were traced.

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<sup>10</sup> Ibid.

<sup>11</sup> The representative public opinion survey was ordered by the Ministry of Interior of Lithuania and conducted on 9 August – 8 October 2012. The survey was conducted by “Baltijos tyrimai”. In total, 3,022 respondents aged 15–74 were researched using individual interviews in their homes in all counties of Lithuania.

<sup>12</sup> Source of information: Expert interview No.E2.

<sup>13</sup> Information Technology and Communications Department of the Ministry of the Interior. Crime Statistics. [http://www.ird.lt/infusions/report\\_manager/crimes\\_lithuania.php?id3=27](http://www.ird.lt/infusions/report_manager/crimes_lithuania.php?id3=27).

<sup>14</sup> Source of information: Expert interview No.E2.

As there are almost no statistics on labour exploitation involving Lithuanian nationals abroad, as well as the fact that the statistics on human trafficking for forced labour are not precise and, in general, there is little research in this area in Lithuania, the need to collect and study such data is obvious. Even though cases of labour exploitation and human trafficking for forced labour do exist within Lithuania, this study is limited to the analysis of the situation of Lithuanian nationals working abroad (mostly in the EU and Norway). The goal of this research is to analyse the situation of human trafficking for forced labour of Lithuanian nationals abroad within the broader context of labour exploitation.

This research aims at analysing the process of human trafficking for forced labour and labour exploitation, starting with the analysis of legal regulations, the scope of the problem, and measures of prevention and victim assistance, and continuing to the analysis of actual experiences of Lithuanian nationals seeking a job abroad and working abroad: how they find a job abroad, how employees are recruited, and what the models are of trafficking for forced labour and labour exploitation.

In order to achieve the aim, three research methods were applied: documentary analysis, interviews and observations. The research was conducted between March and June 2013.

During this research the following documents were analysed:

- Documents of international organisations, declarations and other documents related to human trafficking and labour exploitation;
- National and international legal documents that regulate trafficking in human beings and labour abroad;
- Research reports and statistical data of international and national organisations on trafficking in human beings and labour exploitation;
- Information of official internet sites of Lithuanian state institutions, public agencies and non-governmental organisations (NGOs);
- Public statements of leaders of NGOs;
- On-line advertisements (ads) offering jobs abroad (ad sites and the site of the Labour Exchange)

The second method used in this study is direct semi-structured and unstructured interviews. Two questionnaires were prepared (see Annex 1 and Annex 2): one was designed for people who worked abroad or were seeking jobs abroad, and the second one was for experts who, because of their professional activities, could provide interesting and valuable research information. In some cases, when the professional experience of the respondents was very specific and narrow, the unstructured interview technique was applied.

Thus, the study used the following interview techniques:

1. Semi-structured expert interviews.
2. Unstructured expert interviews.
3. Semi-structured interviews with Lithuanian nationals who worked abroad or were looking for jobs abroad.

The interviews were conducted between March and June 2013. The study took place in the following major cities in Lithuania: Vilnius, Kaunas, Alytus, and Panevėžys.

Two types of interview questionnaires were developed. The experts were asked about their experience working with victims of human trafficking and labour exploitation, as well as the general trends in labour migration. The migrants were asked about ways of seeking a job abroad and their experiences with working abroad.

The experts were selected on a target basis, while respondents who worked and looked for jobs abroad were selected using the information provided by the experts, and using a snowball approach.

The following experts were interviewed:

- Leaders of NGOs that provide help to victims of human trafficking and labour exploitation abroad, namely representatives of the Caritas Lithuania project “Aid to the Victims of Trafficking and Prostitution”, the Men’s Crisis Centre and the Missing Persons Families Support Centre.
- Specialists of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour, and the local Vilnius Labour Exchange;
- EURES advisers based at the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and at the local Vilnius Labour Exchange;
- A criminal police expert specialised in investigations of trafficking in human beings and exploitation for forced labour.

The interviews with those who worked or sought jobs abroad were with the following:

- Victims of trafficking in human beings for forced labour currently living in Lithuania;
- People who worked abroad and experienced labour exploitation;
- People with long-term work experience abroad, who looked for jobs in a variety of ways;
- People looking for jobs abroad.

In total, the empirical study included nine expert interviews and seven interviews with people who worked abroad or sought jobs abroad. On average,

an expert interview lasted half an hour. The longest interview lasted 55 minutes, and the shortest one 18 minutes. Most of the expert interviews were conducted at the place of work of the experts. One of the interviews took place in a neutral place, a café.

The interviews with people who worked abroad or who had sought employment abroad were conducted in neutral locations, usually cafes, and two interviews were conducted in university premises. The longest interview lasted 1 hour and 19 minutes, and the shortest 13 minutes.

The interviews were transcribed and the qualitative data was coded into categories. The study gathered additional information on everyday life of Lithuanian emigrants as well as activities of NGOs in Lithuania, which was not directly used in the report, but was helpful in understanding the overall context and could be used in further research.

**Table 1.** Description of the experts interviewed.

<b>No.</b>	<b>Organization</b>	<b>Interview length</b>	<b>Interview place</b>
E1	Caritas Lithuania project “Aid to the Victims of Trafficking and Prostitution” (NGO)	22 min.	Vilnius
E2	Criminal police	44 min.	Vilnius
E3	Lithuanian Labour Exchange, EURES	31 min.	Vilnius
E4	Lithuanian Labour Exchange	22 min.	Vilnius
E5	Vilnius Labour Exchange	18 min.	Vilnius
E6	Vilnius Labour Exchange, EURES	20 min.	Vilnius
E7	Vilnius Labour Exchange	35 min.	Vilnius
E8	Men’s Crisis Centre (NGO)	43 min.	Kaunas
E9	Missing Persons Families Support Centre (NGO)	55 min.	Vilnius

**Table 2.** Description of respondents interviewed.

No.	Age	Gender	Length of work abroad	Country where he/she worked	Interview length	Interview location
1	26	female	6 months	UK	59 min.	Vilnius
2	34	male	11 years	UK	17 min.	Alytus
3	36	female	10 years	UK	1 hour 14 min.	Vilnius
4	32	female	9 years	UK	28 min.	Vilnius
5	20	male	1 month	Netherlands	14 min.	Kaunas
6	52	female	Did not work	Did not work	13 min.	Vilnius
7	50	male	1 month	Germany	1 hour 19 min.	Panevėžys

In addition to documentary analysis and the interviews, four observations were carried out on the Vilnius – London – Vilnius flights of two budget airlines, Wizzair and Ryanair. The Vilnius – London – Vilnius route was chosen due to the fact that the UK is one of the most popular countries for Lithuanian nationals seeking a job abroad. As the data of the representative survey of 2012 shows, in Lithuania 48 % of all respondents who had experienced labour exploitation or restriction of movement, received no wages, or “worked under inhuman conditions”<sup>15</sup>, experienced this in the UK.<sup>16</sup>

While planning the study it was assumed that the most suitable way of observation would be a combination of free talks with the passengers (non-structured interviews) and observation in the form of listening to the discussions among passengers. Due to the nature of the specific observation type it was not possible to conduct more than one or two unstructured interviews with the passengers during one flight. Unstructured interviews were limited to passengers sitting nearby in the airplane. Observation opportunities were also very dependent on the conditions of the airport, since the waiting rooms at both London Luton and London Stansted airports are shared, and at the boarding gate passengers are invited to board the plane about 15 minutes before the departure. The observation conditions at Vilnius Airport were better, because passengers are immediately routed to the boarding gate, allowing for more time to monitor the passengers.

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<sup>15</sup> The survey question was formulated as follows: “Have you been in the following situations while working abroad: Had to work in inhuman and slavery conditions? . . . ”

<sup>16</sup> The representative public opinion survey was ordered by the Ministry of Interior and conducted from 9 August to 8 October 2012. The survey was conducted by “Baltijos tyrimai”. In total, 3,022 respondents aged 15–74 were interviewed using individual interviews in their homes in all counties of Lithuania.

The observation data was recorded in diaries the day after the observations were completed.

During these four observations five unstructured interviews were conducted with persons working abroad for a long time (see Table 1).

**Table 3.** Description of observations.

<b>Nr.</b>	<b>Flight</b>	<b>Airlines</b>	<b>Number of interviews</b>	<b>Length of interviews</b>
1	Vilnius – London Luton	Wizzair	2	I - 2 hours; II - 15 min.
2	London Stansted – Vilnius	Ryanair	1	30 minutes
3	Vilnius – London Luton	Ryanair	1	20 minutes
4	London Luton – Vilnius	Ryanair	1	2.5 hours

This report is first and foremost based on primary data collected during the research. All typologies, categories, and indicators presented in the tables are based on the primary data of this research and are supported by interview quotes, observation findings or analysis of data from documentary sources.

It is important to note that the data on the scope of the problem of human trafficking for forced labour, problems of victim identification, typology of victims, ways of “bonding” of victims and victim assistance is based on a much larger number of cases of human trafficking than those 13 cases described in the study. The experts provided information about general trends and features of human trafficking, prostitution included.



## 2. The concept and legal regulation of human trafficking and forced labour in Lithuania

In Lithuania, human trafficking was criminalised by introducing a corresponding article in the Criminal Code on 2 July 1998. Later several amendments were made to the Criminal Code and after the recent amendments in 2012, human trafficking is regulated in the Lithuanian Criminal Code in accordance with the standards of the main international documents, including Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA [OJ L 101 of 15.4.2011]<sup>17</sup> and incorporates criminal liability for all forms of trafficking in human beings, as well as exploitation for forced labour or services and usage of person's forced labour or services: Article 147 Human Trafficking, Article 147(1) Exploitation for Forced Labour or Services, Article 147(2) Usage of Person's Forced Labour or Services and Article 157 Sale or Purchase of a Child<sup>18</sup>.

### **Article 147. Human Trafficking<sup>19</sup>**

1. A person who sells, purchases, or otherwise transfers or acquires a person, or recruits, transports, or holds in captivity a person by using physical violence or threats, or otherwise depriving him of a possibility of resistance, or by taking advantage of the victim's dependence or vulnerability, or by resorting to deceit, or by paying or granting other material benefit to a person who actually has the victim under his control, where the offender is aware of or seeks involvement of the victim, regardless if the victim agreed, in exploitation in slavery conditions or conditions close to slavery, prostitution or other forms of sexual exploitation, forced labour or services, including for criminal activities or other exploitative purposes, shall be punished by imprisonment for a term of two up to ten years.

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<sup>17</sup> On 26 July 2012 Lithuania ratified the Council of Europe Convention on Action against Trafficking in Human Beings No. 197 of 2005 (it came into force on 1 November 2012), on 22 April 2003 Lithuania ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, on 10 June 2004 the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified, on 26 September 1994 the ILO Forced Labour Convention No. 29 of 1930, and other main international legal instruments to combat human trafficking and forced labour.

<sup>18</sup> The latest amendments were enacted by law No. XI-2198 of 30 June 2012. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=450648&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=450648&p_query=&p_tr2=2). (downloaded 30 June 2013)

<sup>19</sup> Unofficial translation. No official translation is available.

2. A person who commits the act provided for in Paragraph 1 of this Article in respect of two or more victims, or endangering life of the victim, or by participating in an organised group, or being aware or seeking to acquire the victim's organ, tissue or cells, or being civil servant or executing public administrative functions and executing authority, shall be punished by imprisonment for a term of four up to twelve years.

3. The victim of the offence provided for in this Article may be exempted from criminal liability for the offence which he was forced to commit due to the offence against the victim provided for in this Article.

4. A legal entity shall also be held liable for the acts provided for in Paragraphs 1 and 2 of this Article.”

#### **Article 147<sup>(1)</sup>. Exploitation for Forced Labour or Services<sup>20</sup>**

1. A person who, by using physical violence, threats, deceit, or other ways specified in Article 147 of this Code, illegally forced a person to do a certain job or to provide certain services, including begging, shall be punished by a fine, or by restriction of liberty, or by arrest, or by imprisonment for a term of up to three years.

2. A person who commits the act indicated in Paragraph 1 of this Article by forcing a person to work or provide services under the conditions of slavery or under other inhuman conditions, shall be punished by arrest or by imprisonment for a term of up to eight years.

3. A legal entity shall also be held liable for the acts provided for in this Article.”

#### **Article 147<sup>(2)</sup>. Usage of Person's Forced Labour or Services<sup>21</sup>**

“1. A person who has enjoyed the work of another person or the provision of services, including prostitution, being aware of, or must or could have known that the person is doing this job or providing these services due to the fact that this person was used for the purposes of exploitation under physical violence, threats, deception, or other means referred to in Article 147 of this Code,

shall be punished by a fine, or restriction of liberty, or deprivation of liberty, or deprivation of liberty of up to two years.

2. The person who did the deed provided for in this Article shall be exempt from criminal responsibility if this person, prior to his recognition as the suspect, voluntarily informed the law enforcement authority and actively cooperated in establishing the victim of human trafficking

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<sup>20</sup> Unofficial translation. No official translation is available.

<sup>21</sup> Unofficial translation. No official translation is available.

(Article 147) or of the purchase or sale of a child (Article 157), or solving any of these crimes.

3. A legal entity shall also be held liable for the acts provided for in this Article.”<sup>22</sup>

### **Article 157. Sale or Purchase of a Child<sup>23</sup>**

1. A person who offered to buy, otherwise to acquire, sold, purchased, otherwise transferred, acquired, recruited, transported, or held in captivity a child, being aware or seeking that, regardless if the child agreed, the child would be illegally adopted, exploited under slavery or similar conditions, for prostitution, pornography, other forms of sexual exploitation, forced labour or services, including begging, to commit criminal activity, or other exploitative purposes, shall be punished by imprisonment for a term of three up to twelve years.

2. A person who commits the act provided for in Paragraph 1 of this Article in respect of two or more children, or a preteen, or endangering life of the victim, or by participating in an organised group, or being aware or seeking to acquire the victim’s organ, tissue or cells, or being a civil servant or executing public administrative functions and executing authority, shall be punished by imprisonment for a term of five up to fifteen years.

3. The victim of the offence provided for in this Article may be exempted from criminal liability for the offence which he was forced to commit due to the offence against the victim provided for in this Article.

4. A legal entity shall also be held liable for the acts provided for in Paragraphs 1 and 2 of this Article.”

The Criminal Code also incorporates punishment for inhuman and degrading treatment, involvement of another person in prostitution, earning from another person’s prostitution, etc. It also foresees strict penalties for fraud and sending abroad and leaving another person in a vulnerable situation.

In 2007, a set of indicators of human trafficking was developed in Lithuania. It consisted of two main parts: legal indicators related to the above Articles of the Criminal Code, and risk indicators which could lead to legal identification of the crime of human trafficking. The latter coincides with the ILO indicators and the other internationally used indicators of human trafficking and forced labour. An update of this set of indicators is expected by the end of 2013.

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<sup>22</sup> Nr. XI-2198, 2012-06-30, Žin., 2012, Nr. 82-4276 (downloaded 13 July 2012). [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=450648&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=450648&p_query=&p_tr2=2) (downloaded 30 June 2013)

<sup>23</sup> Unofficial translation. No official translation is available.

It is also important to mention that a systematic and multidisciplinary way to combat trafficking in human beings in Lithuania has been used since 2002. Lithuania was among the first countries in the Baltic Sea region to introduce a specialised programme to combat human trafficking. The Control and Prevention of Trafficking in Human Beings and Prostitution Programme for 2002-2004 was adopted by the Government on 17 January 2002. Most recently Lithuania has implemented the fourth national action plan adopted by the Government on 14 November 2012.

### 3. The scope of the problem and problems of victims identification

The 2013 Eurostat report “Trafficking in Human Beings” reports 25 identified<sup>24</sup> victims in Lithuania in 2008, 14 in 2009, and 3 in 2010.<sup>25</sup> Compared to other EU countries in 2010, the Lithuanian number was one of the smallest.

**Table 4.** Number of identified and presumed victims in EU Member States in 2010.<sup>26</sup>

Member States	Number of identified and presumed victims	Number of identified and presumed victims per 100,000 inhabitants
Belgium	130	1.2
Bulgaria	432	5.7
Czech Republic	83	0.8
Denmark	53	1.0
Germany	651	0.8
Estonia	57	4.3
Ireland	78	1.7
Greece	92	0.8
Spain	1605	3.5
France	726	1.2
Italy	2381	3.9
Cyprus	52	6.3
Latvia	19	0.8

<sup>24</sup> Lithuania supplied data only about identified victims in criminal proceedings.

<sup>25</sup> Trafficking in Human Beings. Eurostat. Luxembourg: Publications Office of the European Union, 2013, p.31. [http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileType=pdf) (downloaded 12 May 2013).

<sup>26</sup> Trafficking in Human Beings. Eurostat. Luxembourg: Publications Office of the European Union, 2013, p.31. [http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileType=pdf) (downloaded 12 May 2013).

<b>Member States</b>	<b>Number of identified and presumed victims</b>	<b>Number of identified and presumed victims per 100,000 inhabitants</b>
Lithuania	3	0.1
Luxembourg	8	1.6
Hungary	10	0.1
Malta	4	0.1
Netherlands	993	0.6
Austria	62	0.7
Poland	278	0.7
Portugal	8	0.1
Romania	1154	5.4
Slovenia	31	1.5
Slovakia	38	0.7
Finland	79	1.5
Sweden	74	0.8
United Kingdom	427	0.7
European Union: total	9528	2.0

The low official indicative number of victims in Lithuania does not mean that the problem does not exist or that it is of a small scale. According to this research, there is a set of conditions that complicates the identification of victims. First of all, these relate to victims who often do not apply for help, do not consider themselves to be victims, do not know where to complain, and do not believe that they can be helped, etc. Secondly, the police, prosecutors, judges, or the staff of consulates may have insufficient competence in this area. The problem of trafficking for forced labour is not well understood, and some victims remain unidentified and without assistance. According to the Eurostat report: “The identification of victims of trafficking in human beings is widely considered to be one of the challenging aspects in addressing trafficking in human beings. Front line officials might not always recognise indicators of a victim of trafficking in human beings and victims might not always consider themselves to be human trafficking victims.”<sup>27</sup>

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<sup>27</sup> Trafficking in Human Beings. Eurostat. Luxembourg: Publications Office of the European Union, 2013, p. 30. [http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat\\_EN.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action?nodePath=%2FPublications%2FTrafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileName=Trafficking+in+Human+beings+-+DGHome-Eurostat_EN.pdf&fileType=pdf) (downloaded 12 May 2013).

Some victims in Lithuania are identified when they request assistance from NGOs. Importantly, often victims are identified only when they request help from NGOs on completely different issues than trafficking, and it turns out, as if by accident, that they were victims of trafficking for forced labour.<sup>28</sup> Some of these victims receive NGO assistance after being directed to them by the police, or Lithuanian embassies.

On the basis of data of the NGOs, one can conclude that there might be far more identified victims of human trafficking in Lithuania, as compared to the Eurostat report. In its reports, the Missing Persons Families Support Centre says that in 2012 it provided assistance to 33 victims of human trafficking, three of whom received shelter.<sup>29</sup> According to the data of the Caritas Lithuania project “Aid to the Victims of Trafficking and Prostitution”, since 2001, when the project started, the organisation received 620 women of whom 60 % were victims of trafficking in women abroad (in Germany, England, Spain, Greece, the Czech Republic, Italy and the Netherlands), and 40% were engaged or were forced to engage in prostitution in Lithuania. These women were 12–42 years old.<sup>30</sup> According to the project leader, “every year we provide assistance to some 100 victims.”<sup>31</sup>

Since statistics on humans trafficking for forced labour is imprecise, this research tried to pinpoint the scope of the problem by consulting expert opinion. NGO experts working with such victims maintain that the precise calculation of the number of victims is impossible because, first of all, many cases remain unknown since victims do not seek assistance or do not report, and, secondly, some cases are registered abroad but are not included in the Lithuanian statistics.

The interviewed experts pointed out that in general there are not many cases of human trafficking for forced labour that become known. As one of the experts puts it:

Well, I cannot tell anything typical because there are not many cases. Either very young or very old men, who are being exploited (they left hoping for some kind of specific job, they do not get that job or get a different job, or do not get any at all), and they suffer both physical and psychological violence. They come back and, most often through the

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<sup>28</sup> During meetings of national experts it became evident that at times there are cases in which NGOs, seeking to guarantee the anonymity of victims, do not encourage them to turn to the police and do not provide such information.

<sup>29</sup> Missing Persons Families Support Centre, [www.missing.lt](http://www.missing.lt) (downloaded 20 June 2013).

<sup>30</sup> Caritas Lithuania project “Aid to the Victims of Trafficking and Prostitution, <http://www.anti-trafficking.lt> (downloaded 21 June 2013).

<sup>31</sup> Caritas Lithuania, <http://www.caritas.lt/index.php?id=new&new=100> (downloaded 21 June 2013).

police, they get to us . . . At least 5–6 victims [come to the Caritas] a year. (Expert No. E1)

The other NGO expert that deals with the victims of human trafficking for forced labour says that:

According to the project report [Men's Crisis Centre] we had 51 persons who suffered from slave labour in Lithuania and abroad . . . [Abroad] there were some 38–39, and 11 of our local exploitation, or maybe 9 local, something like that [number]. (Expert No. E8)

The general tendency, according to the experts, is that the number of human trafficking for forced labour is decreasing:

Clearly, the number of cases is now reduced. Out of 20, 10 are left or so, less . . . Many are jailed for that thing, that thing is constantly in the mass media . . . it appears, i.e. these cases, prevention. Quite a few of those [criminal] groups, specifically those people who are engaged, are sentenced, while others - emigrated from Lithuania . . . It makes sense that the number of crimes is decreasing. (Expert No. E2)

Experts think that Lithuanian statistics are not accurate since cases that are reported abroad are not included in the statistics. As one of the experts points out:

About 50 victims are identified . . . a year. For example, the year before the last year there were initiated 21 pre-trial investigations, if I'm not mistaken – 10 inquiries . . . In terms of scale, those numbers are identified by our police, they do not correspond to the real situation. Because these numbers do not include, for example, inquiries carried out in foreign countries, where the victims and the suspects are Lithuanian nationals. I know not one such inquiry. The last one was in England . . . there were over 30 Lithuanian victims and 6–7 suspects were Lithuanians - exploiters who are constantly doing these things. We do not see these numbers in our statistics. Further, there were inquiries in Sweden, where [there is] prostitution, in Iceland, all these numbers. All these numbers remain in those countries, that is to say they do not show in our statistics. (Expert No. E2)

The number of cases reported by the experts is not large, but, as has already been indicated, they are obviously more numerous than what is shown by the official statistics. Summarising the expert opinion, several explanations emerge as to why few victims are identified and why relatively few court cases take place in Lithuania.

The first explanation refers to the qualifications of police officers that do not allow the identification of victims:

Here it depends on a concrete police division, which investigates, it depends on the preparation and qualification to identify a case. (Expert No. E1)



The second explanation provided by the experts is the termination of cases:

In the cases I am speaking about, all 100 per cent of them will be terminated, but at least they have been initiated. (Expert No. E1)

The third explanation refers to the fact that in the statistics cases are classified in accordance to in which countries the legal procedures are started or victims receive assistance:

In terms of scale, those numbers are identified by our police, they do not correspond to the real situation. Because these numbers do not include, for example, inquiries carried out in foreign countries, where the victims and the suspects are Lithuanian nationals. . . . Most often victims remain in that country. Each EU Member State should have their mechanism of directing victims to assistance. . . . I know a case where a victim is in Iceland, and did not come back to Lithuania, she has integrated there. She was in Iceland, at the beginning I think, and then she moved to Norway. She did not come back, there is such a possibility. Maybe because those countries assist victims, I don't know. These Western countries are still richer than Lithuania. (Expert No. E2)

The fourth explanation is reclassification of cases under other articles:

[In the Czech Republic] this was the only case in which we succeeded. In reality more than 100 people were transported there. Yet we have managed to find and question about 50. Yet, finally, this case went to court not as a trafficking case. . . . And how about the abandonment of Lithuanian nationals abroad without help. . . . Penalty is a joke there, they have received financial penalties. Even though according to our deep conviction, this was a normal case of trafficking. The major problem in that case was that, I think, during the investigation, three or four public prosecutors have changed and each of them had their own opinion on the issue. And finally the last took a decision that it will not be sent to court as a case of trafficking. He lacked internal conviction, because he was not specialised in this area and he has chosen an easier way. And the case was sent under a different article, while the one hundred per cent evidence was there, and you could not simply justify this, no way. Before sending the case to court we had discussed for two hours with the public prosecutor and we tried to prove that it is necessary to send it as a case of human trafficking, let the court say what is slavery and what is what. If it corresponds to the criteria, then we would have a normal decision of court and clarification. OK, if they are cleared [of charges], they would say what was lacking in this case, but it did not happen. (Expert No. E2)

And the last explanation is that the responsible lawyers lack knowledge about human trafficking for forced labour:

What is very strange, I later understood, the attorney does not quite understand that [trafficking for forced labour]. . . . This is why we do not have a single case which is investigated in court as trafficking for labour – all cases are trafficking for sexual exploitation, there are no questions there for anybody, everything is clear here. (Expert No. E2)

Thus, the interviews with the experts showed that the low number of identified victims cannot be explained by the reluctance of victims to seek assistance or to report or by their inability to request assistance alone. The identification of cases of trafficking in humans and the ensuing legal procedures depend on the qualifications of the police and prosecutor's office staff and on their ability to identify victims, the general understanding of humans trafficking for forced labour throughout the legal procedure chain, and adequate interpretation of the problem.

### **3.1 Why victims do not apply for help?**

The study sought to find out why a large proportion of cases remain unknown, and via what channels information about forced labour cases becomes public. As observed by non-governmental experts, victims do not seek help themselves, and tend to deny that they have become victims of human trafficking:

No, men really do not. Nor do women. . . . That a person himself would apply, it really does not happen. It was the case with us, the psychologist worked with us. There was a man that had suffered. An attempt was made to persuade him to report to the police, yet no, no, what do you think, somebody has tricked me. No. You need to work, there should be prevention. Until there is prevention (or maybe it has to do with gender equality) that it is not a shame for a man to cry. A man should not be ashamed to cry. (Expert No. E9)

When you tell them, do you understand that you worked under conditions of slavery? A man at once, you know, he retreats. And says, how could you think that I, such a man, no, no, this is a simple misunderstanding. (Expert No. E8)

Summarising the information gathered, it can be said that most of the victims do not realise their own experience as human trafficking. This is often a characteristic of a lower social class and of alienated people. Yet another part is inclined to deny their experiences because the trauma and patriarchal socialisation does not allow them to admit that they have become victims of human trafficking:

And that a man is exploited, he does not even know, he says, they cheated me. (Expert No. E9)

This is the story of a psychological trauma. (Expert No. E1)

Especially for men it is alien to [seek help], dignity was already humiliated, and to appeal, there is yet another humiliation of dignity. (Expert No. E1)

There are also other reasons why the number of victims is not known. Victims do not know where to turn to, they do not believe that anyone can help, or are afraid to apply because they have committed criminal offences:

Do not know where to [apply]. (Expert No. E1)

They do not trust that somebody can help. (Expert No. E1)

Sometimes the owner fraternises: goes and has a drink with the local sheriff, for instance. Then where could you run to or complain? (Expert No. E1)

In the Czech Republic this was a case: out of those 50 people questioned - none of them complained to the police. And we asked them, why? So, they said, they did not pay us the money, we were stealing from the shops, thus how could we go to the police, how will we complain there? They feel guilty legally, that they did something wrong: they were stealing in order to survive, they were going to steal, because they used to get (in our money) 10 litas or 100 CZK per week – how can a person survive? (Expert No. E2)

In addition, victims are bound by promises, they are frightened, convinced that they are indebted, and therefore dare not seek help.

Legal proceedings, according to the experts, start only when information on human trafficking is received from the NGOs, embassies and consulates abroad, or if the people turn themselves to the police or the police receives information about cases of trafficking from other sources. NGOs that provide assistance to victims get to know about cases when victims come for consultations on employment opportunities or other personal problems. Then it turns out that they are victims of human trafficking for forced labour. Information may come through indirect channels as well, when family members or friends call the help lines seeking help. Information about victims comes from the police as well. Victims themselves, according to the experts, tend not to seek help from NGOs.

The main channels of information about trafficking in humans are:

- The police (“They experience both physical and psychological violence, they come back, and, most often they come to us [Caritas] through the police.”(Expert No. E1))
- Lithuanian embassies and consulates (“There people come to the embassy and consulate for help.” (Expert No. E1))
- NGOs (“Most often they apply because of other reasons: the relationship within the family has worsened, I divorce my wife, there is violence in the family and then, as one more life story, we get to

know the painful experience of work, of such painful work.” (Expert No. E8))

- Information provided by the relatives, friends and acquaintances of victims (“Tells a doctor, yes, for sure, it happens that they tell the neighbour. This is a kind of interrupted channel of information.” (Expert No. E1); “Relatives or parents call [the helpline]. It happened that one left with his friend, the friend is back, while the son is absent.” (Expert No. E9)

A special feature of human trafficking for forced labour is that victims themselves rarely seek assistance and often do not see themselves as victims of human trafficking.

## 4. Prevention and victim assistance

Lithuanian NGOs working with the victims of human trafficking and human trafficking for forced labour, in particular, note that public authorities pay insufficient attention to the issue of human trafficking. The website of the Lithuanian Caritas has a statement of the leader of its project “Aid for the Victims of Prostitution and Trafficking in Women”:

The importance of preventive education, public awareness is not completely understood. Representatives of the Ministry of Education and Science do not come to conferences and discussions organised by us. And unnecessarily so. The recruitment tactics of human traffickers are becoming more subtle, they evolve. It should be really discussed at schools, care institutions. And to be spoken in a language understandable to each group, attractively. An old truth is that prevention pays off the cost of providing assistance. It would be difficult to choose today what should be given priority – victim support or prevention. I think these are different parts of the same process. In Lithuania, assistance to victims of human trafficking was given to the non-governmental sector, but the state itself is not committed to anything specific. If there is money – we will support. Such a view does not encourage the provision of quality services; several NGOs view support for victims as one of their many implemented projects without which they would simply not survive.<sup>32</sup>

A big share of prevention programmes in Lithuania is conducted by NGOs on the basis of support funds or foreign embassies. The table below provides a systematic list of prevention activities and support for human trafficking victims by Lithuanian NGOs.

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<sup>32</sup> Caritas Lithuania, <http://www.caritas.lt/index.php?id=new&new=100> (downloaded 21 June 2013).

**Table 5.** Prevention activities and victim assistance of NGOs in Lithuania.<sup>33</sup>

Name of the NGO	Date of establishment	Activities carried out during the last years
Missing Persons Families Support Centre	1996 (provide victim assistance since 1997)	Preventive and educational activities (public lectures, conferences, seminars; commemorative days celebration; publicity through the mass media, posters and leaflets and dissemination; publicity of Internet threats); Assistance to victims and those potentially liable to become victims (self-help groups organisation; therapy; lectures in schools; capacity building programmes for vulnerable groups); Provision of shelter for victims and integration programmes; Food Bank program. <sup>34</sup>
Caritas Lithuania project Aid to the Victims of Trafficking and Prostitution	Caritas – (1926) 1988  Project Aid to the Victims of Trafficking and Prostitution - 2001	Provide assistance to women victims of prostitution and human trafficking both in Lithuania and abroad: Since 2004 there is a programme The Development of Volunteering in Working with Women Victims of Trafficking;  Since 2008 there is a programme Psycho-Social Counselling of the Victims of Prostitution as an Alternative to the Administrative Penalty;  A network of victim assistance has been created which is based on mobile teams of social workers and psychologists in 5 bishoprics. <sup>35</sup>
Women's issues Information Centre (WIC)	1996	The information website <a href="http://www.lygus.lt">www.lygus.lt</a> for women has been developed which, in addition to other information, provides information about human trafficking and circulates information on where victims could seek assistance;  One of the main activities of the WIC is prevention in trafficking of women;

<sup>33</sup> The list provided in the table is not complete.

<sup>34</sup> Missing Persons Families Support Centre, [www.missing.lt](http://www.missing.lt) (downloaded 20 June 2013).

<sup>35</sup> Caritas Lithuania Project Aid to the Victims of Trafficking and Prostitution, <http://www.anti-trafficking.lt> (21 June 2013).

		<p>Creation and dissemination of social advertisement;</p> <p>Publication of Training Guide for Working with Victims of Forced Labour (2011);</p> <p>Implemented project We Are Society Too: preventive billboards released, a conference organised, training conducted for women from social risk groups, Internet campaign against human trafficking and youth debates conducted.<sup>36</sup></p>
Men's Crisis Centre	2009	<p>Assistance for victims of human trafficking;</p> <p>Counselling by social worker, lawyer and psychologist;</p> <p>in 2012, a project undertaken Complex Assistance to Help Victims of Trafficking – Preventive Education of Men and Young Men in Kaunas and Kaunas District:</p> <p>Complex Support for Men Victims of Human Trafficking;</p> <p>Preventive Programme for Young Men (aged 14–18).<sup>37</sup></p>

The Missing Person Families Support Centre is one of the oldest NGOs active in providing assistance to victims of trafficking. In 1997, the Centre began providing assistance to victims of human trafficking for the purpose of prostitution, and in 2001 founded the first shelter for victims of trafficking in Lithuania. The organisation is actively engaged in the prevention of human trafficking, educational activities and providing direct assistance to victims. The Centre runs a free helpline. The Caritas project, launched in 2001, provides assistance to victims of prostitution and trade in women. The Men's Crisis Centre targets assistance to the men, victims of human trafficking, and organises preventive programs for young people. The Women's Information Centre works with woman who suffered from human trafficking.

Assistance to victims of human trafficking is also provided by Lithuania's state organisations. The Vilnius City Municipality Crisis Centre (formerly Vilnius City Mother and Child Pension) organises and provides short-term social welfare services including for women and their children – victims of human

<sup>36</sup> Information website for women administered by the WIC, [www.lygus.lt](http://www.lygus.lt) (downloaded 21 June 2013).

<sup>37</sup> Men's Crisis Centre, <http://vyrukizes.lt> (downloaded 21 June 2013).

trafficking and prostitution. The centre also carries out programmes aimed at capacity building, independence and integration.<sup>38</sup>

The public entity body Klaipėda's Social and Psychological Support Centre also provides assistance to victims of human trafficking and prostitution. The centre provides counselling, psychotherapy, legal aid, temporary accommodation, food, emergency services, access to mediation institutions. The centre runs a free helpline, and offers consultations over the Internet.<sup>39</sup> There are specialized centres for men and women in the major cities and in the majority of smaller municipalities in Lithuania.

A very important element in the provision of assistance to victims of human trafficking is the International Organisation for Migration (IOM), as "one of the main ways for the return and assistance to victims of trafficking is to address the IOM's Office in Vilnius."<sup>40</sup> However, recently the IOM Vilnius Office does not run specialized assistance programmes for returning victims of trafficking.

Since assistance for the victims of trafficking involves several stages – assistance abroad, assistance in returning to Lithuania, and assistance in Lithuania – it is very important that a wide variety of organisations providing this assistance coordinate their activities.

Lithuanian nationals who become victims abroad receive assistance from Lithuania's embassies and consulates abroad, the IOM offices, local NGOs and the police. After a victim has been identified, assistance provided includes: protection, medical assistance, accommodation, and the services of social workers, legal counsel and the consulate. The travel expenses might be covered from a special fund operated by the Ministry of Foreign Affairs of the Republic of Lithuania once a victim of trafficking is identified at a Lithuanian embassy or consulate. Upon returning to Lithuania, the victim is transferred to one of the organisations providing assistance to victims of human trafficking.<sup>41</sup>

As noted by the interviewed experts, in the prevention of human trafficking for forced labour abroad what is most important is the first step, that is, the identification of the victim:

If he applies, first of all, he must be identified as a victim of trafficking. The identification must be done by the police, if the police identify . . . he falls into the hands of the state, and he is given multi-faceted support. If he does not contact the police . . . it means that no investigation has been

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<sup>38</sup> Vilnius City Crisis Centre, <http://vmkc.lt> (downloaded 21 June 2013)

<sup>39</sup> Klaipėda Social and Psychological Assistance Centre, [www.moteriai.lt](http://www.moteriai.lt) (downloaded 22 June 2013).

<sup>40</sup> International Organisation for Migration Vilnius Office, Migration Information Centre, <http://infocentras.iom.lt> (downloaded 22 June 2013).

<sup>41</sup> International Organisation for Migration Vilnius Office, Migration Information Centre, <http://infocentras.iom.lt> (downloaded 22 June 2013).



started, there is nothing. Then maybe only NGOs [can help], because the NGOs treat it differently, and in the police all is very simple, they recognise as the victim someone who was found to be the victim in a pre-trial investigation. (Expert No. E2)

The experts believed that the standardised victim identification model in Lithuania does not work properly, assistance to victims is not coordinated, there is no proper cooperation between the different organisations that provide assistance to victims, and therefore the system of prevention and assistance to victims needs to be improved.

In the opinion of experts who participated in the study, the prevention of trafficking for forced labour abroad is a difficult task that requires complex solutions. The experts tended to consider the current situation with a degree of scepticism, but pointed out some good examples as well, such as the prevention posters on the streets and free help lines:

When these horrible billboards were out where a woman is hanging, . . . it was that maybe the people were scared . . . Being afraid is good prevention. (Expert No. E9)

Assessing the existing measures of prevention, experts pointed out that:

- Prevention is not a state priority (“Not a priority. This is very strange, because labour exploitation is much more widespread than prostitution. . . . The State does not intervene at all, it does not pay attention.” (Expert No. E1))
- There is no standardised model of identification of victims and comprehension of the problem (“We have recently done a round table in Vilnius, because we wanted to clarify [the issues] of human trafficking and labour exploitation. And what I heard from [state] services shocked me. . . . The labour inspectorate must respond from the beginning and immediately, but they [said]: no, no, no – where is the exploitation? When we all start to talk, they are: well, yes, there were some complaints from [people from place X] in 2009, some other complaints, but something somewhere disappeared. I think that [there are] those countries which in fact are not ready, and the exploitation of prostitutes shocks us. But here – as if we are fools ourselves.” (Expert No. E1))
- There is almost no control of employment agencies (“Before there were licenses, so there was more control, maybe ministries could do more [then].” (Expert No. E4); “We the Labour Exchange, see, [we are] not a controlling organisation, we do not control, we only collect the statistics about them [agencies]. They provide some reporting on employed persons: where they were employed, how many. We only collect such generalised information.” (Expert No. E4))

During the research, experts expressed their views on how to improve the current situation of prevention. Their main proposals were:

- Establishment of dedicated counselling centres for victims of human trafficking for forced labour;

This is human trafficking, [so] counselling, social assistance should operate outside [the frame of] women's assistance projects. . . . A man [thinks]: well, I'm not a prostitute. Today we work with everybody – there are no other structures. We have worked and we will work, but ideally there should be separate counseling centres. Yes – separate counseling for victims of labour exploitation. And it must not be mixed with prostitution. Because there is a wholly different specificity. (Expert No. E1)

- Creation of cooperating teams of the police, NGOs and social workers;

First of all, there must be teamwork - the police in conjunction with the NGOs. Without this cooperation there really will be nothing. I know – there is the Italian experience. They have such mobile teams composed of both the police and the NGOs and social workers. And from time to time they patrol in sensitive areas (for example, where the prostitutes are visiting, somewhere in the work sector, somewhere else...) And [there are] trained people who in such places try to identify victims. Here, as in the prevention, and in research – everything can be in one. They come, ask, they explain what could happen. Because often that same person does not realise that he is the victim of human trafficking - he does not understand. (Expert No. E2)

- Enhancement of public education;

A simple [person] from the countryside who has neither the education nor the language. He does not understand that he was the victim of a crime of human trafficking. He said: I was cheated. I was promised, they did not pay me: I was cheated, but he does not understand that he was sold. So I think that education must be in a very high position [among priorities]. (Expert No. E2)

- Improvement of cross-border cooperation through the establishment of the post of inspector of complaints;

Being here, maybe I do not have the possibility to go and to check that location, there should be some kind of representative in that country, to whom you can apply. One who could go and respond to those descriptions, where our client is, and see how it really is out there. (Expert No. E3)

- Creation of control mechanisms of employment agencies;

Although there is no licences of this kind now, but one should, however, control employers in the original stage – whether or not

they actually have those foreign employers, whether or not they have concluded a specific agreement with them (for what period, what jobs and for how many persons). (Expert No. E5)

A very serious normative act must be prepared on this question, in which activities [of employment agencies] would be regulated. (Expert No. E7)

This business was streamlined and now there are a lot of facts of cheating. I assess the removal [of licensing] as negative [step].” (Expert No. E7) "The matter needs to be perfected. . . . The reporting form has been approved, it [includes]: gender, age, level of education, and in what countries [the agency employed them]. And we do a summary – an analysis of the statistics and we publish [it]. (Expert No. E7)

- Control of job ads

The elimination of such ads, ads that are harmful. . . . It is necessary that there would be at least one person who deals with this, administer, monitor, and clean those sites. (Expert No. E8)

These are important measures that could help to improve the prevention of human trafficking as well as assisting victims.

## 5. The mechanisms of employment of Lithuanian nationals

### 5.1 The legal framework of the employment of Lithuanian nationals abroad

The legal framework of the employment of Lithuanian nationals abroad has changed substantially in early 2010. According to the legal norms applied in Lithuania until 5 January 2010, the Ministry of Social Security and Labour issued licences for agencies mediating in employing people.

The previous licencing system was changed after incorporating Directive 2006/123/EB of the European Parliament and of the Council of 12 December 2006 on services in the internal market into national law. This means that since 5 January 2010, it is forbidden to charge fees for mediation services when employing, and the Ministry of Social Security and Labour no longer issues licences to engage in activities of mediation in employment.

According to the existing rules, individuals and legal entities engaged in activities of employing persons must report their status to the Lithuanian Labour Exchange and send information on their activities via mail or fax to the local labour exchange in line with the Description of Rules on Provision of Information on Mediation Services for Job Recruitment.<sup>42</sup> This description was approved by the order of the Director of Lithuanian Labour Exchange at the Ministry of Social Security and Labour No. V -1 of January 6, 2010.<sup>43</sup>

The Description details that those carrying out employment activities must provide the following information:

- 5.1. About the status (the legal form) within 1 month after the provision of mediation services in employment (Annex 1);
- 5.2. Information on activities and on employment mediation services provided to natural persons – on a quarterly basis, not later than the fifth day of the first month of the following quarter (Annex 2);
- 5.3. Cessation of activities, not later than within 5 working days (free style notification).<sup>44</sup>

The Description declares that subject to failure to inform about mediation in employment services, the (guilty) persons are held responsible in accordance with the law. In general, according to the Ministry of Social Security and Labour website, employment agencies are controlled by those institutions that oversee the activities of companies and act to prevent illegal work:

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<sup>42</sup> Ibid.

<sup>43</sup> Lithuanian Labour Exchange, [http://www.ldb.lt/Informacija/Apie/Documents/V-1%20isakymas\\_del\\_tarpininkavimo\\_idarbinant\\_apraso.pdf](http://www.ldb.lt/Informacija/Apie/Documents/V-1%20isakymas_del_tarpininkavimo_idarbinant_apraso.pdf) (downloaded 15 June 2013).

<sup>44</sup> Ibid.

- The State Labour Inspectorate under the Ministry of Social Security and Labour,<sup>45</sup> which carries out and coordinates the control and prevention of illegal work.
- The Financial Crimes Investigation Service under the Ministry of the Interior<sup>46</sup> (which carries out its operational work upon request of the institutions and bodies controlling illegal work and, upon establishing the presence of evidence of financial crime, carries out prosecution),
- The State Tax Inspectorate under the Ministry of Finance<sup>47</sup> (which checks for cases of people working without business certificates, of undeclared activity or unregistered company)
- The Police Department under the Ministry of the Interior<sup>48</sup> (which provides assistance to public authorities and bodies involved in the prevention of undeclared work activities, and also conducts operational control of prohibited, unregistered activities and of work without business certificate),
- The State Social Insurance Fund “Sodra” under the Ministry of Social Security and Labour,<sup>49</sup> (which controls for violations in payments of social insurance).<sup>50</sup>

Thus, as many as five institutions are indicated (the State Labour Inspectorate, the Financial Crimes Investigation Service, the State Tax Inspectorate, the Police Department and “Sodra”) that control activities of employment agencies.

Taking into account the information gathered during the research, when it was revealed that there are cases when employment agencies charge a fee for their services, it is important to emphasise that, in accordance with the current procedures, neither direct nor indirect payments should be taken for mediation in employment. This is governed by the International Labour Organisation’s Convention on Private Employment Agencies (No. 181 art. 7), enshrined in the Law of the Republic of Lithuania On the ratification of the Convention on Private Employment Agencies (Žin., 2004, Nr. 40-1291).<sup>51</sup>

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<sup>45</sup> <http://www.vdi.lt> (downloaded 15 June 2013)

<sup>46</sup> <http://www.fntt.lt> (downloaded 15 June 2013).

<sup>47</sup> <http://www.vmi.lt> (downloaded 15 June 2013).

<sup>48</sup> <http://www.policija.lt> (downloaded 15 June 2013).

<sup>49</sup> <http://www.sodra.lt> (downloaded 15 June 2013).

<sup>50</sup> Ministry of Social Security and Labour of the Republic of Lithuania, <http://www.socmin.lt/index.php?1212497384> (downloaded 15 June 2013).

<sup>51</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_1?p\\_id=227715&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=227715&p_query=&p_tr2=2) (downloaded 18 June 2013).

The violation of requirements in the area of employment mediation is subject to a fine under the Code of Administrative Offences Article 173 (13).<sup>52</sup>

Both the Social Security and Labour Ministry and the Lithuanian Labour Exchange stress this and indicate it on their websites;<sup>53</sup> any irregularities noted in, or falling victim to, mediation in employment by natural or legal persons must be reported to the police.

It is also very important to mention the fact that the Ministry of Social Security and Labour is providing advice to those looking for work abroad. This is a good preventative measure that specifies what should be noted when looking for a job abroad. However, bearing in mind the fact that persons who more often fall victim to human trafficking and labour exploitation are more likely to be from lower social backgrounds and less educated,<sup>54</sup> the chance that they will read the information on the ministry's website are slim. Bearing in mind the well prepared three-step advice on "What Someone Willing to Work in Another EU Country Must Do?",<sup>55</sup> as well as the Short Memo,<sup>56</sup> this information should be spread in public access areas, particularly where there is a chance that it will be seen by people looking for job or those leaving the country.

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<sup>52</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=453621&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=453621&p_query=&p_tr2=2) (downloaded 20 June 2013).

<sup>53</sup> <http://www.socmin.lt>; <http://www.vdi.lt> (downloaded 15 June 2013).

<sup>54</sup> Source of information: Expert interview No. E2 and E8.

<sup>55</sup> "Pirmas žingsnis: renkama informacija, naudojamosi nemokama konsultacija. ... Antras žingsnis: įsitikinama, ar tarpininkaujantis įdarbinant asmuo deklaravęs tokią veiklą. ... Trečias žingsnis: sudarant sutartį reikia žinoti abiejų pusių teises ir pareigas" ("First step: information is collected, free of charge consultations are used. ... Second step: it is ascertained that a mediating agent has declared its activities. ... Third step: when the contract is being made one should know rights and obligations of both sites"). Ministry of Social Security and Labour of the Republic of Lithuania, <http://www.socmin.lt/index.php?1212497384> (downloaded 15 June 2013).

<sup>56</sup> Unofficial translation of the "Short Memo":

- Do not trust enterprises which announce only a telephone number or email address until you check the information.
- Necessarily read all contracts, do not sign them if they are only read to you. It is not just a formality, it is a legal document!
- Do not sign contracts which do not bear clear responsibilities or different things are told or promised then in the contract.
- If you have signed a contract anyway, it is necessary to apply to the court or to the state institutions controlling labour relations.
- Before travelling abroad it is necessary in any case to clarify what institutions are responsible for controlling labour relations in that country.
- Make copies of contracts and your IDs, have them with you.
- Do not work without labour contracts, do not give your IDs to suspicious persons.

Ministry of Social Security and Labour of the Republic of Lithuania,  
<http://www.socmin.lt/index.php?1212497384> (downloaded 15 June 2013).

## 5.2 The channels of Lithuanian nationals' entry to foreign labour market

The data of this research shows that both those who experienced exploitation or human trafficking, and those who have not, used almost the same channels of searching for jobs abroad. During this research only one channel of recruitment specific to the cases of human trafficking for forced labour abroad was found, mainly, direct recruitment of workers in villages. As experts interviewed in this research put it:

They travelled through the villages themselves – simply physically searched for people and recruited. They were looking exactly for such asocial [persons]. One even told me how it happened: one was offered [a job] but refused, so was made drunk, and while he was asleep and drunk he was taken there. And he woke up already in the Czech Republic. (Expert No. E2)

Mom, such a simple woman, maybe already an old woman [called], and began to explain that a gypsy came to the parish, and, of course, my son was such a strong guy . . . They took him and three or four others. . . . The gypsy with a minibus, put him in. . . . The mother began to explain to me: do you know they have gathered [people] from other villages too? (Expert No. E9)

It is important to note that during the research it was found that a very similar method is used for juvenile recruitment in asocial families. As one expert puts it:

Asocial families . . . In there, to get a permit from parents [for a child] to leave [is easy], they promise that they are going to work and earn, they get permission and leave – that's it. (Expert No. E2)

As shown by the data of the representative survey conducted in 2012 in Lithuania, people who worked abroad and experienced labour exploitation and forced labour situations found their jobs via relatives and family members (22 respondents), recruitment agencies (7 respondents), found the job themselves (5 respondents), via newspaper ads (3 respondents), and via the Internet (1 respondent).<sup>57</sup> This quantitative survey shows that there is no absolutely “safe” way to find a job abroad. The data of this research confirms the importance of these channels, the only difference is that the interviewed respondents and experts emphasised the significance of internet ads.

As the general channels of information about the jobs abroad are concerned, the collected interview data shows that the major channel of seeking employment abroad are on-line ads. Yet, as one expert points,

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<sup>57</sup> The representative public opinion survey was ordered by the Ministry of Interior and conducted on 9 August–8 October 2012. The survey was conducted by “Baltijos tyrimai”. In total, 3,022 respondents aged 15–74 were researched using individual interviews in their homes in all counties of Lithuania.

All those cases [of abuse] which I heard of, it was a job offer on the Internet. (Expert No. E1)

Thus, it could be concluded that Internet ads provide information about jobs abroad as well as serve as a tool for human traffickers and unfair employers to attract possible victims.

Based on the research, most often the search for ads offering jobs abroad is limited to Lithuanian websites and much less often a job is sought using Lithuanian websites abroad. The latter is used when already situated abroad. The Lithuanian websites abroad consist of Lithuanian émigré newspapers online as well as websites of Lithuanian émigré organisations and émigré ad websites. As one of the informants states,

I put an ad in the Lithuanian newspaper in London, and I was surprised that so many people called me seeking a job I have offered. (Observation No.1)

There are also cases when those with a good command of foreign language look for jobs directly on foreign websites:

I had already entered the German site where they had a job offer. . . . I have already seen that with those [local employment] firms there is not really [much result], you just have to try [abroad]. (Respondent No.7)

Press ads are used as well when searching for jobs abroad, However, since there are not many ads for work abroad in national and local newspapers, it is not one of the main ways to search for jobs abroad.

Searching for jobs via friends, acquaintances and relatives is very common. This relies on social trust and relationships, and, as a rule, is one of the safest ways. However, as the data of the survey already mentioned shows, it is not always a safe way to look for work abroad.

Personal attempts to find a job upon arrival in the country of destination is used by self-confident people who have a place to stay abroad and use foreign employment agencies and send their resumes directly to employers, or just distribute flyers offering their services. As the interviewed respondents put it:

I did not speak English at all - I knew, well, a hundred words. I found a friend. She was Yugoslavian, a Serb from the former Yugoslavia. . . . She made me a flyer: "clean and iron". A short one, with a telephone number. I copied those flyers in shops and would go and throw them into the doors. And so I found myself two clients. (Respondent No.3)

We have done everything ourselves, not via agency. (Respondent No.4)

I have asked an acquaintance to translate an ad in the post office, and then have contacted myself. There I found a job as a cleaner at a factory [in Britain]. (Observation No. 1)

Finding a job via employment agencies does not eliminate the risk of exploitation or forced labour, since all the responsibility is attributed to the



person looking for a job, and employment agencies assume almost no responsibility.

As the research data shows, those looking for a job abroad use a variety of channels of information about jobs. In Lithuania, they try to look for jobs online, search for ads in newspapers, use employment agencies and labour exchange services. Already upon arrival abroad, they use the services of foreign job agencies or try and seek work individually. In all cases, they often sought help of friends, acquaintances, or relatives.

### **5.3 Search for work abroad via ads**

As the research suggests, many people are looking for jobs abroad through advertisements in online and print sources. The main risk in looking for jobs online and in the press is the possibility of being cheated and becoming a victim of human trafficking.

Job ads are usually placed in the most attractive way in order to attract more potential employees. The number of applications to a large degree determines the number of applicants. Ads are full of unrealistic promises, such as “high wages” or “free accommodation”. However, there are no free services, and accommodation costs are subtracted from the wages, just like transportation services.

Ads about work abroad can be found online from labour exchanges and employment agencies, as well as on various advertising web sites, and in national and local newspapers. The ads are placed both by employment agencies and private persons. Some ads are posted on the Internet for a very short period of time – a day or a few hours – and they offer the most disproportionate promises.

During the research, a review of various Internet websites offering job search abroad showed that all job ads are quite similar. Various Internet sites were observed<sup>58</sup> for more than three months and no significant differences were noticed in regard to job ads. Therefore it was decided to conduct a case study and to investigate one website on the basis of random selection. Thus one website was thoroughly analysed in June, namely, a website offering jobs abroad and locally, Skelbiu.lt.

The website Skelbiu.lt contained most of all ads for jobs in Germany (147 ads), the UK (127), Norway (93), and the Netherlands (65). The most frequently proposed jobs in Germany were work in agriculture, construction, prostitution (expressed as a legal intimate work for girls), as well as drivers, doctors, nurses and others. Since prostitution is illegal in Lithuania but in Germany it is

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<sup>58</sup> Recently the most popular websites in Lithuania for advertising jobs abroad have been: <http://www.cv.lt>; <http://www.cvbankas.lt>; <http://www.cvonline.lt>; <http://www.cvmarket.lt>; <http://www.alio.lt>; <http://www.dirbu.lt>; <http://www.123darbas.lt>; <http://www.rinka.lt>; <http://www.plius.lt>.

legalised, the question arises whether such solicitation ads in Lithuania are legal. Some experts think that it is not possible to combat these ads because the work is proposed where such activity is legal. Other experts believe that allowing the publication of such ads, and not controlling them, creates favourable conditions for human trafficking. These ads promise very good wages: “For girls 2,000 Euros per week guaranteed”;<sup>59</sup> “Wages start from 15,000 litas per month”,<sup>60</sup> “20,000 litas . . . no violence . . . friendly women collective . . . we help with travel.”<sup>61</sup> It is clear that ads of this kind pose the greatest threat to the girls that are tempted by them.

On the same site there are job offers in the UK in warehouses, agriculture and construction, and there are also several ads for work in escort firms. There are also ads for jobs delivering flyers:

Distributor(s) of ad flyers needed for company buying textiles in England. Monthly wages (approximately 200 pounds). The job is legal. Accommodation provided. We help with arrival.<sup>62</sup>

This ad was placed by a private person and its content and job description are very similar to the one by which respondent No.1 was tempted. Her experience is discussed in later sections.

In Norway, job offers are in agriculture and factories, and for nannies. Job offers in factories are all formulated in a rather similar way:

**Advertisement 1.** An example of an ad offering a job abroad.<sup>63</sup>

NORWAY- CHEESE FACTORY  
Wages 135nor/kron=17 Euro per hour. NO NEED TO KNOW LANGUAGE.  
You will work near OSLO and TRONDHEIM.  
WORK IN HOT OR COLD ENVIRONMENT!!!  
Cheese production line, work in 3 shifts (morning, afternoon, and night).  
Specific work:  
at conveyer,  
at a production line,  
packaging line,  
loading,  
cleaning of production premises.  
NO NEED TO KNOW LANGUAGE.  
You will work near OSLO and TRONDHEIM.  
Contract for 5 months.  
Transport and accommodation - 400 kron per week.  
Departure in JUNE-JULY.  
Already registering.

Source: <http://www.skelbiu.lt/skelbimai/norvegija-darbai-vasaros-sezonui-15772158.html>

<sup>59</sup> <http://www.skelbiu.lt/skelbimai/merginoms-2-tukst-euru-garantija-savaitei-15910711.html>

<sup>60</sup> <http://www.skelbiu.lt/skelbimai/eskorto-darbas-merginoms-nuo-15-000lt-10668155.html>

<sup>61</sup> <http://www.skelbiu.lt/15568250.html>

<sup>62</sup> <http://www.skelbiu.lt/skelbimai/reikalingi-os-reklaminiu-skrajuciu-platintojai-os-16391457.html>

<sup>63</sup> The ad was translated into English by the author of this study.

The key requirement for factory jobs is good health. It is also often indicated that work conditions are difficult – it is hot or cold, there is shift work.

In the Netherlands, work is offered in agriculture, factories and warehouses and also in a range of cargo handling work. Most of the ads state that no rent payment is needed in advance, and that the rent is later deducted from the wages. Ads about work in factories can be formulated very vaguely, without specifying the size of the wages:

**Advertisement 2.** The example of an ad offering a job abroad.<sup>64</sup>

Looking for young workers in factory in Netherlands.  
The job is to package smoked fish products  
Departure this or next week. No need to know foreign language.  
Job starts immediately after arrival. Arrival on weekend, starting the job on Monday.  
Rent of living premises deducted from wages, no need to pay upon arrival.  
You need to have some money for food only.

Source: <http://www.skelbiu.lt/skelbimai/fabrikui-reikalingi-darbuotojai-15961072.html>

The requirement to know the language of the country to which the employee is going to work varies. There are employment agencies that require knowing the language or knowledge of English or German (e.g. such a requirement is applied by the Qbis agency in Lithuania).<sup>65</sup> There are also ads for ordinary farm work, where it is written that knowledge of language is not necessary. In these cases, the workers are supervised by a Lithuanian employee speaking the local language. Most commonly ads say that a foreign language would be an advantage. However, interview and other data suggest that not speaking Western European languages at all and being unable to communicate either with the employer or locals greatly increases the risk of labour exploitation and human trafficking.

Overall, it can be said that the threat of labour exploitation or becoming a victim of human trafficking through the use of a tempting job ad is significant. The most important thing that people should pay attention to is the reliability of the employer and agent; the guarantee of a job upon arrival; the precise calculation of the wages and all additional taxes and payments before departure, and the provision of social guarantees.

Thus, the key indicators showing that a job ad is unreliable are:

- Very high wages for a relatively simple job;

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<sup>64</sup> The ad was translated into English by the author of this study.

<sup>65</sup> <http://www.qbis.lt> (downloaded 15 June 2013)

- Free housing and transportation from Lithuania to the country where the job is offered;
- If housing is offered without detailed rent/bill and description;
- The job is not specified / detailed;
- The wages are not indicated;
- No requirements for candidates;
- The job is posted by an individual whom it is impossible to verify.

Proposed work in brothels and escort firms undoubtedly poses a significant risk of getting into the trap of human trafficking.

#### **5.4 The role of labour exchanges and employment agencies**

When looking for a job abroad one could go to the labour exchange, or use recruitment agencies.

Labour exchanges provide information about free work places and offers consultations to those who seek a job. The Lithuanian Labour Exchange organises information events.

According to the experts of the Lithuanian Labour Exchange, ads offering a job abroad are placed on their website and placed on bulletin boards only after verifying that such employers exist and operate:

We provide the proposals that come from other countries. . . . We have to verify from another country, is there such an employer who is registered, operates in another country. . . It happens that the employer himself [sends an ad], but we still have to ask for approval from the Labour Exchange or the Eures consultant. (Expert No. E3)

However, the research found that job ads by labour exchanges include potentially risky ads, and that the information in these ads is not fully checked. According to expert E8, the ad about assembling wooden houses in Norway, where gross exploitation took place, is still accessible on the Labour Exchange's ad board.

The Labour Exchange also organises information sessions, during which foreign employers carry out a selection of workers. As the Lithuanian Labour Exchange expert says:

They do not sign contracts with people, but simply provide the information about the job, working conditions, and some give a confirmation letter. For example: you will be employed there and then, for a certain period (if you are already selected). . . . This is often seasonal work – during the summer, up to 3 months of work. And then, a foreign employer or a representative comes here and he calls all those candidates who sent in their CVs. (Expert No. E3)

In this case, the labour exchange acts as a mediator between an individual seeking a job abroad and an employer looking for workers.

After the abolition of licences for employment agencies, the labour exchange no longer has the possibility to control them and respond to employee complaints. According to the Vilnius Labour Exchange expert:

Earlier the licences were issued, I don't know based on what criteria. Now they are not necessary. It is recorded in the register that I am acting as an intermediary firm, I submit a report, and no one controls this. . . . We put, in fact, our people into the unknown. And if something happens – nobody really can compensate [losses] to that person. (Expert No. E5)

Currently the only control mechanism of recruitment agencies is the requirement to submit a report four times a year. Reports are posted on the website of the Labour Exchange, and are publicly available. Basically, it is the only source in which job seekers through employment agencies can ascertain whether the agency operates and what are its results. However, according to one respondent:

For example, Headex. Before going to them I called the labour exchange and asked who could provide me the information. One firm offers me a job, and didn't it have problems there or didn't it cheat someone or what? It appeared that there is such a unit. I called there and they told me that they haven't heard any complaints. And I went there and found out that they do not pay as much as they should. (Respondent No.7)

On the basis of a cursory look at recent job offers by the Headex employment agency, one can see that specific wages are not given in the notices. However, there often appear promises of “very good wages and bonuses for a very good job, all social guarantees and free accommodation.” Bearing in mind that this is about unskilled workers, the probability of “very good wages” is low.

The general tendency is that the market of recruitment agencies is not stable and changes continuously. As an expert at the Vilnius Labour Exchange points out:

30 per cent stop their activities. They report to us in a free form and we take them off [the database]. I track these messages. Some of them cease these activities and some new ones appear. In a year, 4–5 new [agencies] appear. Here in Vilnius county, mostly in Vilnius city. In Plunge a few, you see, and here [in Vilnius] there are a lot: legal persons and individuals. But mostly legal. (Expert No. E7)

Summarising the collected data about activities of recruitment agencies in Lithuania, it is not possible to assess it from one perspective only. An interesting fact is that the majority of experts and respondents of this research, when talking about employment agencies, mentioned negative things only. The most often mentioned negative assessment was that agencies charge a fee for their services, even though they should not (“They take a fee, according to law it is clearly not allowed, but it is formalised in another way: document

management, resume writing, and other things, travel expenses and the like.” (Expert No. E3)); they do not guarantee employment, i.e. they undertake to look for a job but do not necessarily find it (“The [normal] contract includes: working time, payment, but here – only cooperation. And maybe there will be a job, maybe not. There are no such guarantees here, and this is the main problem.” (Expert No. E5)); they take a part of the employee’s wages for themselves (“I counted that they take up to 30 per cent of your money. Although, according to everything, they should not do that. . . . I looked that there are such [companies] that promise 5 euros per hour. Accepted to work as ship insulators, [but] they have to be paid 8.5 euros, yet they paid only 5 euros a person.” (Respondent No.7)); reduce their costs, customers pay themselves for many costs (“They are collecting the people in groups of three or four. And as I received in an electronic message it was written that these three – four people are travelling in one group, and preferably with their own car. They travel for their money and there was one more request, in that electronic message, it means that we should bring our food too, the basic food products. . . . Here the firm is located somewhere in Vilnius.” (Respondent No.6)); or cheat in other ways, e.g. provide no job (“Other [companies] profiting from the exploitation of people, [they] collect the money, transport people but there is no work there.” (Expert No. E3)); . . . In the worst case, the agencies change their name in order to mask the bad things of the past, and continue to perform the same activities.

Lithuanian nationals seeking jobs abroad use foreign employment agencies as well. While working via an employment agency abroad, part of the employee’s wages goes to the agency, and the agency does not provide any social security. One respondent who found a job through a recruitment agency in London in 2002, before the country’s accession to the European Union, states:

I did not need to pay the agency anything, but they were paying the salary – minimum. . . . The agency was paying. It gave me checks, and when I went to the employer, I was like a legal employee. . . . [Those who worked not via the agency received] a little bit more, but it was not very much. . . . I worked in the Agency until 2004 maybe till September, when Lithuania joined the European Union on May 1, 2004. From the first day of accession to the European Union I immediately legalised myself, I got the National Insurance number. [Up to then you did not have either a National Insurance number or a contract?] Up to that time did not have, no. . . . With the agency there was just a contract, but it was thus: as long as you want, so you work there. . . . There was no guarantees, absolutely. (Respondent No.2)

The other respondent, No.3, has mentioned as well that if one works through an agency, an employee receives just a part of the wages, since the wages are paid not by the employer directly, but by the agency itself.

## 6. Labour exploitation and human trafficking for forced labour

### 6.1 The characteristics of labour exploitation of Lithuanian nationals abroad

As was already noted above, this study analyses human trafficking for forced labour within the broader context of labour exploitation. Therefore, this chapter starts with a short description of the characteristics<sup>66</sup> of labour exploitation that were identified during the research.

As the research data shows, some Lithuanian nationals working abroad are subject to labour exploitation. Very often such cases are not perceived as exploitation by victims.

During the research several characteristics of labour exploitation were identified. In most cases it is temporary work, hourly, or probation work, for which the wages are not paid or paid very little, poor housing conditions and gaining profit from the lease, incomplete payment of agreed wages, lack of social security, employment contract and overtime pay, heavy and harmful work conditions

One of the problems Lithuanian nationals face when working abroad is that they are provided only with a part time, hourly or temporary job. As one of the respondents remembers his experience in Germany:

After 10 days I ask – so far there is nothing [no job], they say, maybe you will have to wait two more weeks . . . I worked for three days and then I found a note on the door that your services are not needed any more . . . I come to the office and it turns out that this was a temporary job. They got urgent work, called the agency and gave them an urgent order. Say, call on Monday (it was Friday then). I call and they say that there is no job. (Respondent No.7)

Very often employers apply “the probationary period”, during which people are paid low wages or not paid at all:

They were paying me exactly 15 Euros a day . . . And I understood in 4 days that they have simply cheated me and I will not earn money here. (Respondent No.7)

The other characteristic of exploitation is profiting from the lease, when employers provide housing, yet it costs more than people earn:

They lived in those caravans, and in very poor conditions, they were very unsatisfied with both the work and the living conditions. (Expert No. E3)

Employers cheat the workers and do not pay the whole wages:

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<sup>66</sup> See also ILO 2005; ILO 2009.

One wages were mentioned, and then they paid smaller wages . . . He [my husband] had one hundred or two hundred pounds for half a year saved for himself. Only this. (Respondent No.3)

They do not pay the agreed wages. (Observation No.4)

It happens as well that the contracts are not signed and people work illegally:

No, I had no contract. They wrote something down there. My address, they took my name and second name, yet I had no contract, during those ten years I never had a contract. But it was an English agency, normal, it functioned for a long time. It still functions. (Respondent No.3)

Worked in a cafe [illegally, even if she did not admit that]. After a long weekend in Lithuania she came to work and she was told that she does not work there any longer. She lost her job and she was paid only later and only because she worked at the friends of the friends. (Observation No.4)

Very often people have hard work, under conditions harmful for health. It happens that they have no health insurance as well:

In a factory [in Britain] a shift lasts 12 hours, it is forbidden to sit, you have to stand all the time. (Observation No.3)

[In the bread warehouse] there is a fridge. I stand at the door of this fridge. There [outside] +12 degrees, well, but you sit in this drought. You will get ill and will sit in that barrack. Who will pull you out from there? (Respondent No.7)

People work extra hours and are not paid for that:

In the beginning they wrote less hours . . . yet they worked more. (Respondent No.3)

Worked a lot of hours, really . . . No payment for extra hours. (Respondent No.4)

Also, the interviews have provided information about the exploitation of girls in drug trafficking, and the financial exploitation of a Lithuanian woman who took a loan, but the cash was used by a man/a friend, a third-country national.

All of the above-mentioned characteristics of labour exploitation were identified during the research (interviews and observations). These are the common practices experienced by some Lithuanian nationals abroad. It is important to note that all researched respondents have experienced at least one of the described patterns of labour exploitation.

## **6.2 Human trafficking for forced labour abroad**

The data collected during the research confirms that the groups most frequently suffering from human trafficking for forced labour and labour exploitation are socially vulnerable persons, and, if not counting prostitution, the victims of human trafficking for forced labour are more often men than women, often



very young or older men. Yet, as the research data of this study shows, there are cases when victims are university students or people from the lower middle classes that in general do not belong to the group of socially vulnerable people.

As has already been noted, women were rarely identified as victims of human trafficking for forced labour. As experts pointed out,

The women we work with are more prostitutes or those trafficked to carry out crimes, but labour exploitation, still, I think, is more characteristic to men. Of course, there are women too, but only men are applying so far. (Expert No. E1)

The only woman was from Vilnius. The initial information we got from her and by accident. She was a quite educated women who understood that this is real trafficking. And she told this. Only she. (Expert No. E2)

A significant proportion of victims of human trafficking for forced labour come from asocial families and social risk groups (sentenced, without permanent residence, dependent on alcohol, etc.):

Many of them are persons who have never been defended, these are common people that have no permanent residence or have committed crimes themselves; there could be people with certain dependencies. (Expert No. E1)

The typical victim for forced labour is: anti-social, no education, limited language skills, prone to alcohol, perhaps a number of previous convictions. (Expert No. E2)

Experts pointed out that there is a shift in the social characteristics of victims, since now victims are not only from villages but from towns as well:

When I worked with young boys, they were from remote villages. Now we see that this is Šiauliai, still it is not a village, this is the city, which means that there are from the larger cities too. (Expert No. E1)

As has been mentioned, modern human trafficking for forced labor can occur in many different forms:

It is not like everyone imagines that if there is slavery, then he is kept closed in a cage. Clearly, there are somewhere countries where there is exactly like this. But in Western Europe that thing . . . is more civilised. . . There is no open violence already this time or it is very rare, but fraud, it exists in many cases. (Expert No. E2)

The data collected during the research shows that, in all cases, the victims were forced to work by the means of fraud and in some cases were threatened with physical violence.

Physical violence and humiliation of human dignity:

And when you hear these stories and, in particular, the one about a guy who was exploited in Spain, how he was locked in chains. And as his master saw that he is not doing anything, he was made to drink alcohol.

Then he ran away, he vagabonded for one year and then he went back to his master. And the master said, maybe let's cut his leg or an arm? And when you hear it, yes, it is very scary. As beaten, burnt, like some [animal], and it's scary because you realise that this is linked to human dignity. (Expert No. E1)

There were cases when they were beaten. For refusing to work . . . Allegedly, while you will not give me the money – I will not go to work. And they were beaten by the Ukrainians, because there were some kind of athletes. (Expert No. E2)

Fraud, artificial debt and not paying wages:

A man is kept using fraud. This is the same form of violence. (Expert No. E2)

Accommodated in the barracks there, in those awful conditions. And they are told: you are brought here, I have paid for your trip, and you owe me, it has already been announced that he has a debt. Later these debts, they do not disappear, since they invent various reasons how to punish this man, whether he is drunk or what, and the debt only increases. And he is told: you must work for three months for the debt, and then I will pay you. He – in holy faith – works again there for three months. After one month the same song again. Thus some run away, while others – believed fully. (Expert No. E2)

If I had kept working I would be indebted to him. . . . No, nothing at all was [paid]. (Respondent No.5)

The information collected on human trafficking for forced labour abroad indicates that victims worked in Spain, the UK, Ireland, Norway, Germany, Sweden, the Netherlands, and the Czech Republic, and there were victims outside Europe as well. Of course, human trafficking for forced labour occurs more widely, and these cases are just a small part of a big problem.

Based on the research, the majority of victims of human trafficking for forced labour worked in agriculture, construction and factories. Also the research indicates some more rare cases of human trafficking for forced labour when victims collected charity items, worked in a car wash and repaired tourism inventory. Also, from a number of sources information was collected about the trade in women, forcing them to marry third-country nationals (see Table 6).

**Table 6.** Information collected during the research about economic sectors and states where victims of human trafficking for forced labour worked.

<b>Countries</b>	<b>Sector</b>	<b>Source of information</b>
Spain	Agriculture, in greenhouses and plantations Sexual exploitation	Experts No.E1, E2 and E9
UK	Agriculture, construction, factories Fictitious marriages with men from third countries	Experts No.:E1, E2 and E9 Respondents No. 3 and No. 1 Observation No.1.
Ireland	“There was no job at all. They were locked and kept for nobody knows what. They were promised a job in the factories. They ran away.”(Expert No. E1)	Expert No. E1
Norway	Criminal offences: juveniles are transported to commit thefts; Construction of wooden houses	Experts No. E2 and E8
Netherlands	Criminal offences: juveniles are transported to commit thefts; Car washing	Expert No. E2 Respondent No. 5
Japan, Australia, Malaysia	Sexual exploitation	Expert No. E2
Germany	Fixing tourist inventory Sexual exploitation	Expert No. E8 and E9
Czech Republic	Agriculture, construction, metal industry, factories	Expert No. E2
Sweden	Construction	Expert No. E9
Finland	Berry gathering	Expert No.7

During the research several stories of human trafficking for forced labour were collected. These stories were collected in two ways:

- Directly: victims that participated in the research talked about their experience themselves during the interviews;
- Indirectly: stories of the victims were retold by the representatives of NGOs and the police who work with the victims and who are aware of their experiences. The indirect method was used partly because many victims did not want to speak and remember their experiences.

The summarised data about the cases collected is presented in the table below.

**Table 7.** Cases of human trafficking for forced labour collected during the research.

<b>Case No.</b>	<b>Country</b>	<b>Case description</b>	<b>Source of information</b>
1	Ireland	Individuals were promised a job in a factory in Ireland, were locked in a room, beaten, ran away to a police station.	Indirect – interview with Expert No. E1 (Caritas)
2	Czech Republic	For three years individuals were transported to the Czech Republic to work in various sectors and were exploited by criminal groups of Ukrainians, were not paid at all.	Indirect – interview with Expert No. E2 (Criminal Police)
3	Czech Republic	Individuals went to the Czech Republic to work via a labour exchange ad, their freedom of movement was restricted, they had to work overtime, their living conditions were terrible.	Indirect – interview with Expert No. E3 (Vilnius Labour exchange).
4	Germany	Three young men found an ad about a summer job in Germany – to scrub boats and paint them. There they were not paid, had no money to buy food (they were provided just lunch), had neither contract nor insurance.	Indirect – interview with Expert No. E8 (Men’s Crisis centre).
5	Norway	Skilled carpenters go to Norway to assemble wooden houses, they are not paid, their freedom of movement is restricted, living conditions are poor.	Indirect – interview with Expert No. E8 (Men’s Crisis Centre).
6	Netherlands	Men were promised a job in a farm in the Netherlands. They were not paid at all, the owner told them that it was always like this: somebody comes and works for food and shelter.	Indirect – interview with Expert No. E8 (Men’s Crisis Centre).
7	UK	Young individuals worked in the UK, they received no salary, were beaten and forced to steal, they ran away and went to the Lithuanian embassy.	Indirect – interview with Expert No. E8 (Men’s Crisis Centre).
8	Germany	A man worked in Germany for two months, he was not paid at all. He ended up in a hostel for the poor.	Indirect – interview with Expert No. E9 (Missing Persons Families Support Centre)

9	Sweden	A Lithuanian man used to invite his acquaintances to come to work in Sweden and exploited them, did not pay them anything.	Indirect – interview with Expert No. E9 (Missing Persons Families Support Centre)
10	UK	Individuals worked in the UK, were moved from place to place, they did not know where they were, their documents were taken. They were brought to the UK by direct recruitment in their villages – someone with a bus came to their villages and persuaded them to go to work in the UK.	Indirect – interview with Expert No. E9 (Missing Persons Families Support Centre)
11	Netherlands	A young boy aged 16 found an ad about a job in the Netherlands. He went there, worked in a car washing industry, and was not paid at all.	Direct – interview with Respondent No.5
12	UK	A young couple found an ad about work in a post office in the UK, they came by plane, were locked in a room and then moved to an unknown area. They worked 12 hours and more a day, were paid just a few pounds that was not enough to buy food, living conditions were terrible. One girl lost 25 kg in weight. After half a year she arranged a seat on a bus going to Lithuania and her parents paid the driver when he arrived in Lithuania.	Direct – interview with Respondent No.1
13	Finland	Workers were sent by an individual labour provider to Finland to gather berries. There was no job, people were not paid and had no money to return home.	Indirect – interview with Expert No. E7 (Vilnius Labour Exchange)

In total, 13 stories about human trafficking for forced labour in Ireland, the UK, Spain, the Netherlands, Sweden, Germany, Norway and the Czech Republic were collected during the research. These stories show that people fall into the trap of forced labour tempted by ads about well-paid jobs, through friends, or are recruited in villages. The data also shows that victims of trafficking might not necessarily be people from the lowest social classes, since there are other cases, though very rare, and the case of the respondent No. 1, who is a resident of Vilnius, a woman (which is less common in cases of human trafficking for forced labour), coming from an orderly lower middle class family.

## 7. Conclusions

Summarising the results it can be stated that:

1. The legal framework of recruitment abroad of Lithuanian nationals changed essentially on 5 January 2010. Until then the Ministry of Social Security and Labour issued licences to employment agencies. In accordance with the current procedure, natural and legal persons engaged in the activities of the recruitment/employment must give notice about their status and activities to the territorial labour exchange.
2. Human trafficking for forced labour and the exploitation of foreign workers remains a topical problem in the Lithuanian society. This research has collected 13 stories about human trafficking for forced labour to Ireland, the UK, Spain, Netherlands, Sweden, Germany, Norway and the Czech Republic.
  - It was found that in most cases victims of human trafficking for forced labour are very young or elderly men, asocial persons, and those socially at risk, mostly rural residents, although it also occurs in cities, and it rarely affect the women.
  - Information was collected on trafficking for forced labour abroad to the EU Member States (Ireland, the UK, Spain, the Netherlands, Sweden, Germany, the Czech Republic) and Norway, as well as cases outside of Europe.
  - It was established that the freedom of victims of human trafficking for forced labour is restrained using the means of fraud, by not paying wages and forming artificial debts, degrading human dignity, and using the threat of physical and psychological violence. The victims are defrauded about the status of their future job, work and living conditions, they work overtime (sometimes not having a single day of rest, while the workday lasts from early morning till late night), have no social security, are isolated and encounter difficulties when living in unfamiliar environment. These are all features of human trafficking for forced labour.
  - It was found that the majority of victims of human trafficking for forced labour worked in agriculture, construction, and in factories. In the less common cases of trafficking the victims collected charity, worked in car wash and tourism inventory maintenance businesses. A number of sources reported about the trade in women, forcing them to marry third-country nationals.

- The data shows that most victims do not seek help and tend to deny that they have become victims of human trafficking. Most of the victims do not realise their own experience as human trafficking for forced labour, and view it as cheating or fraud. For this reason there is the possibility of repeated victimisation. This is more common among lower social classes and alienated people. Others tend to deny their experiences, since the trauma and patriarchal socialisation does not allow them to admit that they had become victims of human trafficking.
  - It was found that even when victims realised that they were in a situation of labour exploitation, they do not seek help by themselves, they do not know where to turn to, do not believe that anyone can help them, or are afraid to apply for help because of previously committed criminal offences.
  - It was found that the cases of trafficking for forced labour are often made known indirectly when the families of victims seek assistance or victims come to NGOs with other problems.
  - According to the experts interviewed in this study, the small number of identified victims cannot be explained solely by the reluctance of victims to seek help, or by the lack of possibilities to seek assistance. Identification of cases and the following legal procedures depend on the qualifications of the personnel of the police and prosecutor's office and their ability to identify the victims, the understanding and adequate treatment of the problem by all those involved in the legal procedures related to human trafficking for forced labour, which experts currently miss.
3. In the opinion of experts, the prevention of trafficking for forced labour abroad is a difficult task that requires complex solutions. The experts tend to view the current situation with a degree of scepticism, albeit they noted some good examples, such as the prevention posters on the streets and free help lines.

## 8. Recommendations

- Enhance training on human trafficking for forced labour and labour exploitation abroad for the consular staff of Lithuanian embassies:
  - It is worth organising a short one day long training of all consular staff posted abroad. This training could be organised by the Ministry of Foreign Affairs jointly with the Criminal Police and other experts (scientists, researchers, representatives of the International Organisation for Migration, NGO experts);
  - It is necessary to train all local staff working at the Lithuanian consulates who can potentially come into contact with victims of human trafficking for forced labour and labour exploitation.
- Organise periodic training for the police and prosecutorial staff who can potentially come into contact with victims of human trafficking for forced labour. Training could be organised by experts in various areas, experts from NGOs included.
- All universities and colleges should also be offered to include a few lectures on human trafficking for forced labour and labour exploitation into law programs.
- Create a mechanism for monitoring and control of online advertisements of jobs abroad:
  - It is worth recommending the special unit of the Criminal Police to monitor ads offering jobs abroad on the Internet, with the authority to delete dangerous ads;
- Look for possibilities to create a monitoring mechanism of activities of employment agencies.
- Make public the issue of human trafficking for forced labour, indicating where the victim can apply for help.
  - Create and disseminate public service advertisements (e.g. hanging posters with telephone numbers and addresses where to apply for help);
  - Create a database of non-governmental and other organisations that provide assistance to victims. Disseminate publicly a short list with names, addresses and telephone numbers of the organisations.
- Encourage periodic meetings of the police, NGOs and social workers.
  - Since during the research it turned out that not all NGOs cooperate with the police, and actions of prevention and victim assistance are not coordinated, the Ministry of Interior could



host quarterly meetings of all those working with victims of human trafficking.

- Create a single, brief and clear description of the victim's identification. Encourage interested organisations to use ready-made tools, such as for example, the Training Manual when Working with Victims of Forced Labour (2011).<sup>67</sup>
- Strengthen the role of the Labour Exchange and in particular EURES in controlling job ads received from abroad, and recommend activating international cooperation in all of the EU Member States.
- Take advantage of the good practice of the Ministry of Social Security and Labour and disseminate the paper version of the Memo<sup>68</sup> available on the Ministry's website in labour exchanges, municipalities and neighbourhoods, and in all other places accessible to the public. It is advisable to translate the Memo into Polish and Russian and distribute it in the areas populated by ethnic minorities.

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<sup>67</sup> "Mokymo vadovas dirbant su priverstinio darbo aukomis". Homotraffickens, Moterų informacijos centras, 2011. [http://www.lygus.lt/wp-content/uploads/Traininghandbook\\_vertimas1.pdf](http://www.lygus.lt/wp-content/uploads/Traininghandbook_vertimas1.pdf) (downloaded 27 May 2013).

<sup>68</sup> Lithuania's Ministry of Social Security and Labour, <http://www.socmin.lt/index.php?1212497384> (downloaded 15 June 2013).

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Vilnius City Crisis Centre, <http://vmkc.lt>

Women`s Issues Information Centre, [www.lygus.lt](http://www.lygus.lt)

**Internet websites for job seekers:**

<http://www.skelbiu.lt>

<http://www.cv.lt>;

<http://www.cvbankas.lt>;

<http://www.cvonline.lt>;

<http://www.cvmarket.lt>;

<http://www.alio.lt>;

<http://www.dirbu.lt>;

<http://www.123darbas.lt>;

<http://www.rinka.lt>;

<http://www.plius.lt>.

## ANNEX 1: INTERVIEW QUESTIONNAIRE

1. Tell me please how you decided to look for a job abroad. How did you look for it and how did you find it? Did you look for a specific job? Did you look for a job abroad only? How long have you been looking for a job abroad? How did you decide to take the job you have found?
2. Have you used services of employment agencies / recruitment agencies? Please tell me more about your experience. Did you have to pay (e.g. a mediation fee) to get the job? Who has paid the fee?
3. Has anyone met you abroad at the airport/railway station/harbour, etc.?
4. Did and how the employment agency / recruitment agency / people that promised you a job take care of you abroad?
5. Have you signed a contract with your employment agency / recruitment agency? Tell me please about your communication with the employment agency / recruitment agency / people who have offered a job.
6. Did you need a work permit? How did you get it?
7. How did you travel to Country X? Who paid for the travel? Have you travelled alone? Who accompanied you? Who have paid for the tickets?
8. Did you have money with you? How much?
9. Tell me please what kind of job did you get, and how did you like it. How long did you work? Did the work/employment correspond to what you were promised at recruitment?
10. Have you signed a contract with your employer? If not, why?
11. How did employers and colleagues treat you?
12. What were the working conditions like? What was your work schedule? How many hours did you work?
13. How was the salary paid (in cash, to bank account etc.)? How often? By whom? Did you ever have problems getting the salary? Can you tell how much salary did you receive? Was the salary the same as promised? Where you satisfied with the salary? Did you have to pay any part of your salary back to the employer? How much did you get a week / a month?
14. Did you speak the language of Country X? How did you communicate?
15. Were you forced to work overtime? Were you forced to keep working even when you would have wanted to terminate working?
16. Did you have your passport/identification papers with you at all times? If not, why not?
17. Where did you live? How many people did share one room / one apartment? How much does your room cost?
18. What and where did you eat? Did you have money to buy food?

19. Did you have your money with you?
20. Were you threatened? Have you experienced any violence? By whom and how?
21. If you have experienced violence, have you looked for any help? Did you tell anyone about your situation? Why and how did you decide to tell or not to tell anyone about your situation? When and how did you understand that you are exploited / your rights violated / etc.? Who and how did help you? Did you know where could you look for a help?
22. Do you know if your case has been investigated and/or prosecuted? If so, do you know how the case is proceeding?
23. What did you learn from your situation? Do you know now where could you get help? Do you have plans to work abroad again? Why? What would you advise for other people that are looking for a job abroad?
24. Could you please tell me how old are you, how old were you when you had started working abroad, what is your education, profession, what kind of job have you got prior to going abroad, are you married / have a partner, etc., where have you lived prior to going abroad?

## **ANNEX 2: EXPERT INTERVIEW QUESTIONNAIRE**

1. Tell me please how your professional practice and experience is related to the issue of human trafficking for forced labour and labour exploitation of Lithuanian nationals abroad?
2. What is the mission of your organisation and how it is connected to the issue of human trafficking for forced labour and labour exploitation? What does your organisation do in this field?
3. What kind of cases of human trafficking for forced labour and labour exploitation are you familiar with? How did you get to know about these cases? How did victims come to your organisation?
4. What is the scope of the problem of human trafficking for forced labour and labour exploitation?
5. What are social characteristics of victims? What kind of people are exploited and become victims of human trafficking for forced labour? How do they end up in such situations? Did victims, that you are familiar with, speak the language of the Country X?
6. Which economic sectors are especially affected by labour exploitation and human trafficking for forced labour? Why?
7. What are the reasons of labour exploitation abroad? What is the role of employment agencies / recruitment agencies?
8. How do victims of labour exploitation and human trafficking for forced labour enter a foreign labour market? How do they find a job? What is the role of employment agencies / recruitment agencies?
9. Do victims of exploitation understand that they are exploited? If not, why?
10. What kind of differences if any do exist within the EU countries concerning the situation of labour exploitation and human trafficking for forced labour?
11. What are the possibilities for victims to apply for help in Lithuania and the country they work? How the system of assistance should work? What would you suggest? What is your experience concerning victims you have met: did they apply for help, how and where did they apply?
12. What should be done in order to prevent and stop trafficking for forced labour and labour exploitation? What measures should states, international organisations, NGOs apply in order to prevent and stop trafficking for forced labour and labour exploitation?