

Sham Marriages - A good Offer Ending with Human Trafficking

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Background of the phenomenon

- ▶ In 2006 - the Embassy of Latvia in Ireland identified increasing trend of concluding sham marriages between Latvian female citizens and third country nationals
- ▶ By 2011 - involvement of organized criminal groups and signs of trafficking in human beings for the purpose of sham marriages were identified more often
- ▶ 2013 - amendments to the Criminal Law criminalizing sham marriages concluded in Latvia, in other EU MS, the EEA MS and Swiss Confederation entered into force (so far in total 37 criminal proceedings initiated by LV law enforcement agencies)
- ▶ Criminal proceedings can be initiated qualifying such kind of committed crimes as trafficking in human beings for the purpose of forced services or forced criminality or as a form of slavery
- ▶ The problems related to provision of statistical data for international monitoring mechanisms, Eurostat, UNODC

Background of the phenomenon

- ▶ Different terms can be used as synonyms for sham marriage: marriage of convenience, fictitious marriage, fake marriage, false marriage and bogus marriage
- ▶ The European Commission handbook (2014) suggests that the terms **fake, false, bogus and fictitious marriages** should refer to marriages **contracted by using fraudulent documentation**, for instance forged marriage certificates
- ▶ **Arranged marriages** are marriages where a **third party** (e.g. parents or guardians) **takes a leading role in the choice of the partner, with the consent of both spouses.**
- ▶ There is no official internationally agreed definition of **forced marriage** but this can be described as a situation where **a marriage is entered into without the free and full consent of one or both parties, because of threats, deception and coercion (FRA 2014).**
- ▶ Under the concept of forced marriage, there can be more specific forms including **servile marriage**, which involves **a person being sold, transferred or inherited into marriage**, and **child marriage** which is a form of a forced marriage **since children are by definition incapable of consent or of exercising the right of refusal.**



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HESTIA

AGAINST HUMAN TRAFFICKING

Project HESTIA “Preventing human trafficking and sham marriages: A multidisciplinary solution”

Agreement No: HOME/2013/ISEC/AG/THB/4000005845

The main objective of the HESTIA project was to look into the phenomenon of human trafficking and sham marriages, to provide a more concrete definition of sham marriages as a form of human trafficking, and initiate comprehensive action for its prevention.



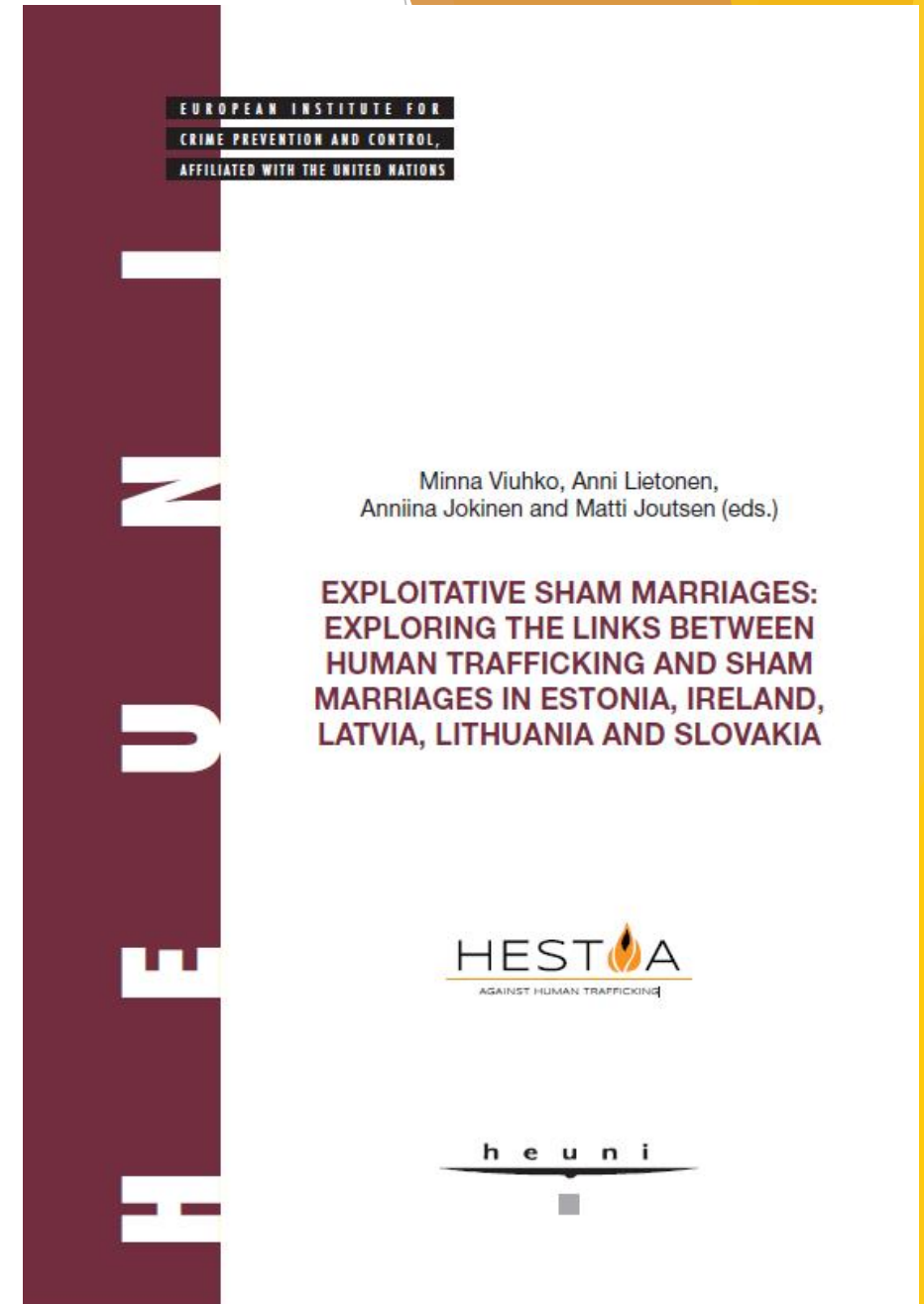
Co-funded by the Prevention of and Fight against Crime Programme of the European Union

The research report:

- ▶ analyses the links between human trafficking and sham marriages
- ▶ determines a term “exploitative sham marriage” to capture the “essence” of the phenomenon studied

Exploitative sham marriages - marriages concluded **between EU national women and third country national men** in order for the men to **obtain a residence permit in the EU** and including **exploitative elements**

The Slovak study revealed that making the distinction between exploitative sham marriages and forced marriages is very challenging and the study identified **interconnections between sham marriages and forced marriages.**



Findings from the HESTIA Project

- ▶ The five country studies give convincing evidence that **the methods of recruitment** for exploitative sham marriages and for human trafficking are often the same: **the victims are lured with false promises and fake job offers and opportunities.**
- ▶ **Travel:**
- ▶ The travel tickets were commonly bought by the organisers, and sent to the women e.g. via e-mail
- ▶ The victims travelled to the destination country using cars, boats, planes or busses.
- ▶ The women either travelled alone, with a friend, or when several women were recruited at the same time, they also often travelled as a group
- ▶ The women were met (usually at the airport) either by the organisers, middlemen, the grooms, or by the groom's relatives

Findings from the HESTIA Project

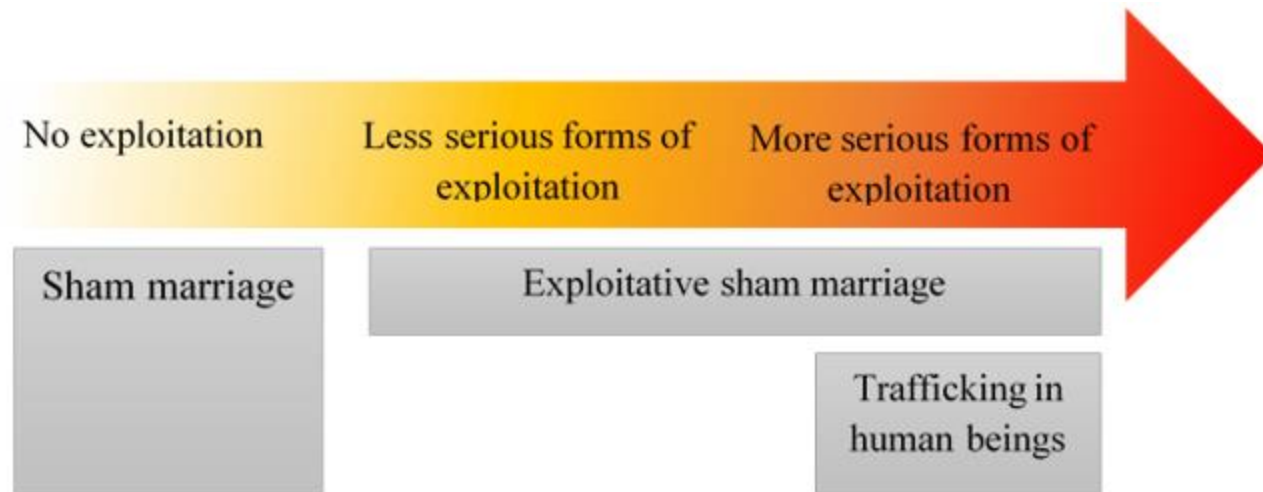
The exploitation and control identified in the cases studied are to a large extent similar to those in other forms of human trafficking, such as trafficking for sexual and labour exploitation. A parallel can also be drawn to patterns of intimate partnership violence and/or domestic violence.

Means of control and exploitation:

- ▶ Threats, psychological control, isolation
- ▶ Physical violence
- ▶ Sexual violence
- ▶ Economic violence/control, debt bondage
- ▶ Restrictions of the movement, deprivation of personal freedom
- ▶ Dependency on the organiser(s) and/or on the spouse
- ▶ Forced criminality (e.g. recruiting more women into sham marriage)
- ▶ Measures that prevent victim from leaving

Where to draw the line between negative consequences, domestic violence, exploitation and trafficking?

Trafficking is the most severe form of exploitation while subtler forms of coercion represent less serious forms of exploitation



Investigation and prosecution in Latvia

- ▶ A criminal case: 5 persons (4 Latvian citizens and 1 Pakistani national) accused of recruitment of women for the purpose to conclude sham marriages
- ▶ Victims: 7 young Latvian females with mental disabilities - victims with special protection
- ▶ Criminal offences committed in the organized group
- ▶ Recruited women transported to the UK and Cyprus
- ▶ They were recruited with false promises that they would receive 2000 £ and forced to conclude sham marriages with Pakistani nationals who wanted to obtain a residence permit in the EU
- ▶ The result of the committed crimes: moral injury and physical suffering of women
- ▶ A case is sent for adjudication

Thank you for Your attention!

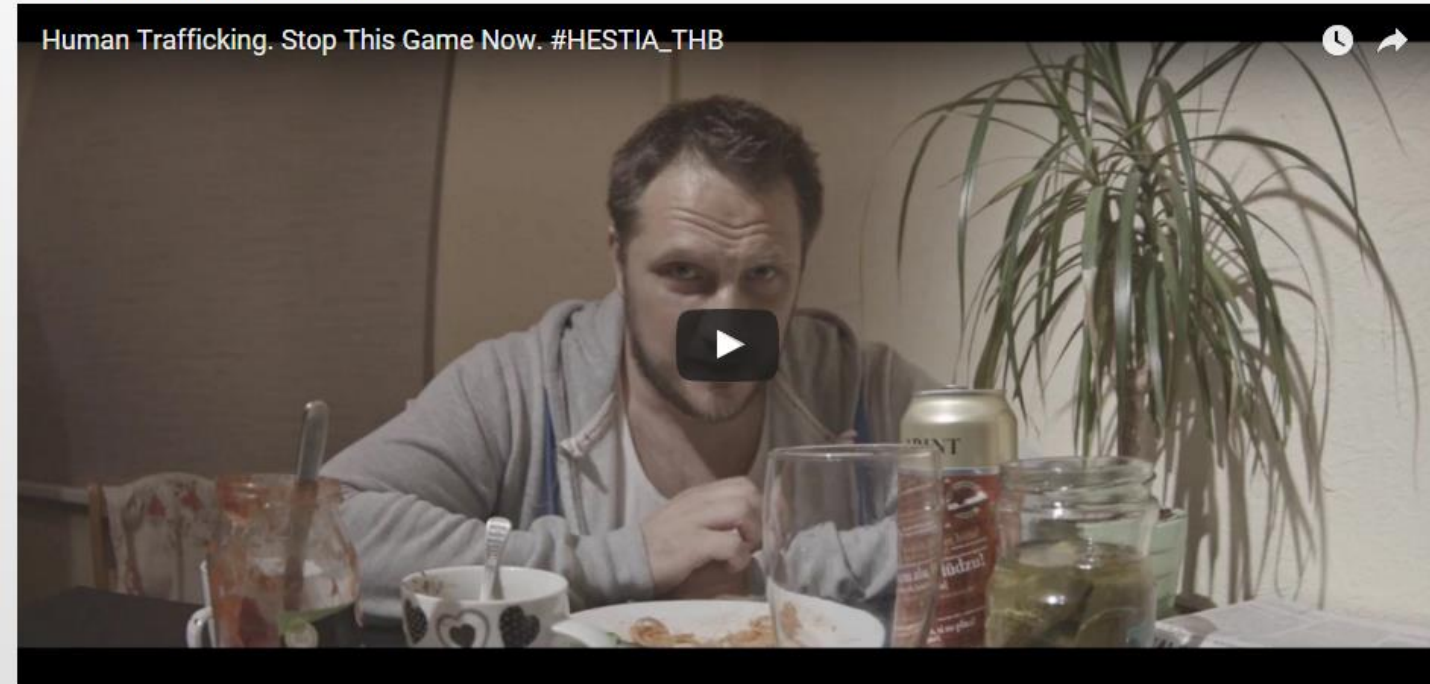
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Human Trafficking. Stop This Game Now



The Study Defines a New Concept of "Exploitative Sham Marriages" and Proposes Recommendations for their Reduction

Today, the results of the project "Preventing human trafficking and sham marriages: A multidisciplinary solution" (HESTIA)* were presented at the dissemination briefing organised by the Ministry of the Interior (MoI). The main goal of the project initiated in January 2015 and co-funded by the European Union (EU) "Prevention of and Fight Against Crime" programme was to seek correlations and explore the phenomenon of sham marriages in the context of human trafficking and to propose comprehensive action for their prevention.

21.10.2016

[Read more](#)

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