

HAPPILY EVER AFTER? – FROM SHAM MARRIAGES TO HUMAN TRAFFICKING

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Preventing human trafficking and sham marriages: a multidisciplinary solution (HESTIA) -project

The research report:

“Exploitative sham marriages: Exploring the links between human trafficking and sham marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia”

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Exploitative sham marriages - report

HAPPILY EVER AFTER? FROM SHAM MARRIAGES TO HUMAN TRAFFICKING
Minna Viuhko, Anni Lietonen and Anniina Jokinen

LINKS BETWEEN THE INVOLVEMENT OF ESTONIAN WOMEN IN SHAM
MARRIAGES ABROAD AND TRAFFICKING IN HUMAN BEINGS
Olena Valdenmaier and Sirle Blumberg

EXPLOITATIVE SHAM MARRIAGES AND HUMAN TRAFFICKING IN IRELAND
Catherine Cosgrave, Monica O'Connor and Nusha Yonkova

HUMAN TRAFFICKING AND SHAM MARRIAGES IN LATVIA
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EXPLOITATIVE SHAM MARRIAGES AND TRAFFICKING IN HUMAN BEINGS IN
LITHUANIA
Karolis Zibas

FORCED MARRIAGES AND SHAM MARRIAGES IN THE SLOVAK REPUBLIC
Lucia Baloghová, Jana Mitošinková, Miroslava Fialová, Martina Pussová
and Vladimír Koman

Research questions

- What are the links between (the organisation of) sham marriages and trafficking criminality?
 - How do persons concluding sham marriages end up in situations of exploitation or trafficking in persons?
 - What forms of exploitation do the victims encounter?
 - What are the weaknesses of the system/ legislation/ administrative procedures that enable trafficking in the context of sham marriages?
 - What can be done to enhance the identification of cases and victims (of THB & serious exploitation)? What could be done to improve assistance provided to victims?
 - What can be done to prevent exploitation?
- → **We were interested in sham marriages in the context of human trafficking (not in sham marriages as such) – exploitation element was essential**

Concepts and definitions

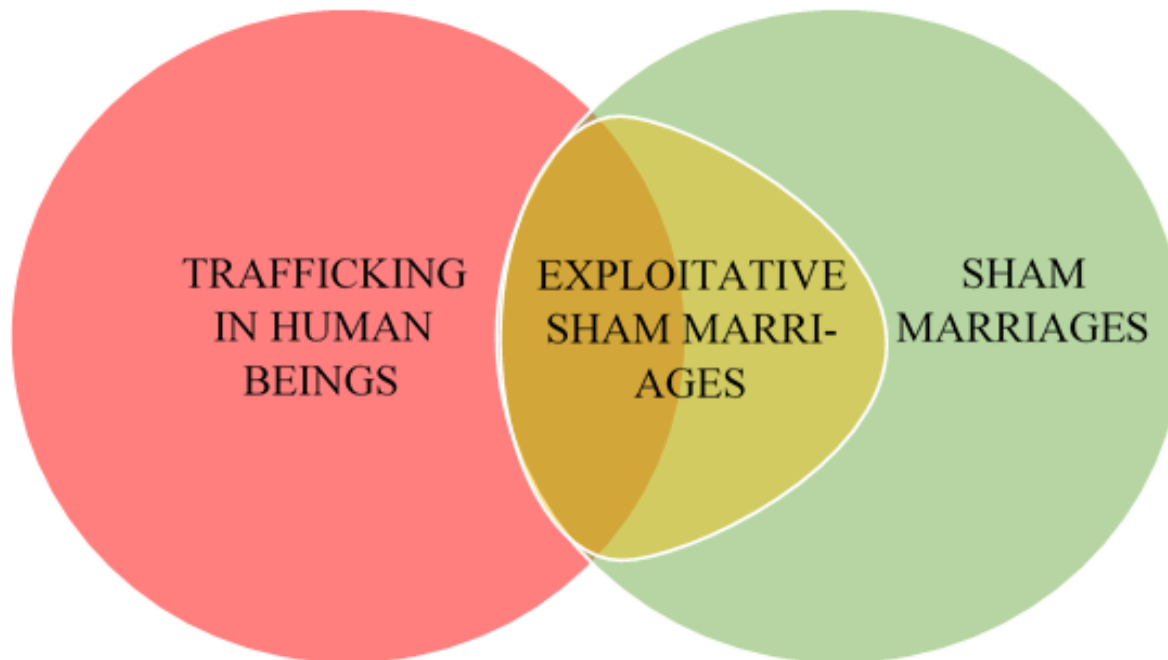
- We studied **marriages that are *formally valid***
- The difference between *real* marriage and *genuine* marriage
- Real = Formally valid / **legally binding marriage**
- Genuine = The purpose of the marriage is love, the intent to establish a family and live an authentic marital life
- **The marriages studied were real, but not genuine**
- The motive or intention to conclude the marriage was "false"
- **The purpose of the marriage was to obtain residence permit for / to legalise the stay of a third country national in the EU**

- Generally speaking, the majority of marriages between third-country nationals and EU-citizens are genuine marriages, although sometimes they are incorrectly considered as, or suspected of being, sham marriages. Furthermore, while not all sham marriages feature exploitative elements or links to human trafficking, some of them do.

Concepts and definitions

- The project team developed the concept of **"Exploitative sham marriage"**
= *sham marriages that include exploitative elements*
- Sham marriages in the context of human trafficking / Trafficking in human beings for the purpose of sham marriage

Trafficking in human beings, exploitative sham marriages and sham marriages



Methodology

- The research utilised qualitative methods in combination with statistical data
- The national researchers carried out qualitative semi-structured interviews with representatives of e.g. NGOs, law enforcement and other relevant state and municipal agencies, as well as representatives of embassies
- Also convictions, pre-trial investigation material, case descriptions, media material etc. were used

Methodology:

Collected data in the five partner countries

	Estonia	Lithuania	Latvia	Ireland	Slovakia	Total
Expert interviews	9	17	17	14	15	72
Convictions	1	0	0	0	3	4
Pre-trial investigations	0	3	0	0	7	10
Case descriptions by local NGOs	8	0	5	8	7	28
Case descriptions by embassies	0	0	0	6	0	6
Interviews with victims	0	0	3	1	0	4

Findings

- Topics covered in the study:
 - Recruitment
 - Travel to and arrival in the destination country
 - Exploitation in the destination country
 - Identification of and assistance to the (possible) victims
 - Prevention

Recruitment: Creating illusions of considerable gain made with little effort

- Deceptive information given to make the women agree to conclude a sham marriage
- False promises of jobs
- False promises of genuine relationships
- Also cases where only force was used

- **Direct recruitment:** unorganised recruiters, such as family, friends, employers, boyfriends and acquaintances
- **Indirect recruitment:** mass-scale, online via social media, chat rooms or migration forums

Who are the people involved?

- Mostly young women targeted
 - Financial difficulties, history of social exclusion, low level of education, lack of language skills, weak social networks, single mothers
 - Also ethnic minorities e.g. Russian speaking minority in Estonia and Roma in Slovakia
- Both male and female recruiters, however, online recruiters often females (allegedly) with fake profiles
- Limited amount of information on the organisers of sham marriages, nevertheless the recruitment is systematic and the sham marriages are often systematically arranged
- One group of organisers were TCNs who had concluded sham marriages themselves in the past
- Recruiters/organisers often disappear after the marriage is concluded

Victims encounter various forms of exploitation and control

- Immediately after arrival or after the wedding, sometimes already during the recruitment
 - Women's hesitation to conclude the sham marriage resulted in control and threats
 - Precarious living arrangements prior and after concluding the marriages
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- 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
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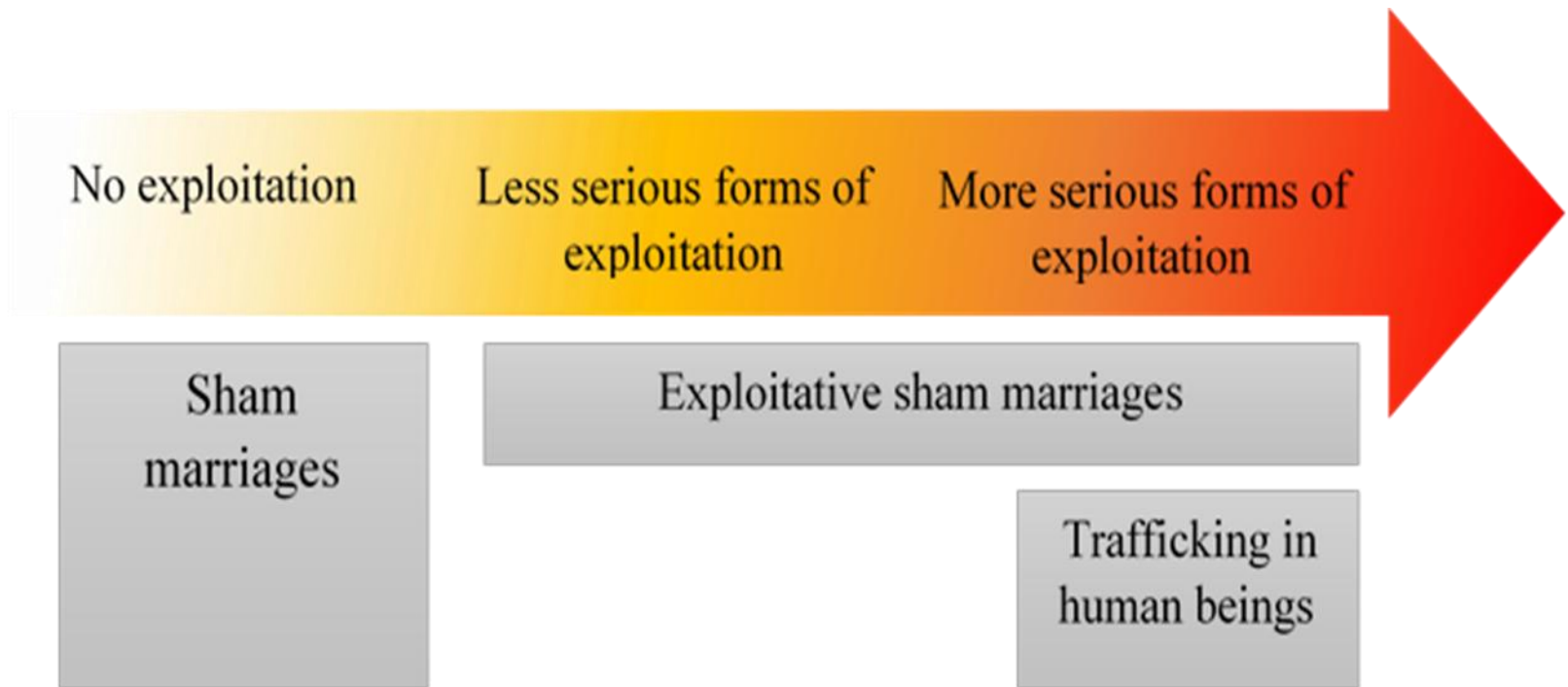
Exploring the links between THB and sham marriages

- In all of the five countries studied, the researchers were able to identify different forms of exploitation which have taken place in the context of sham marriages concluded between female EU citizens and male third-country nationals
 - Variety of marriages and different kind of scenarios
 - Some of the identified cases include serious and continued exploitation, sexual and physical violence, threats and restrictions of personal freedom and movement
 - Some of the cases include all necessary elements of trafficking (the act, the means and the purpose)
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Exploring the links between THB and sham marriages

- Methods of recruitment: same for exploitative sham marriages and for human trafficking (deception, false promises, fake job offers etc.)
- Same target groups
- Differences between exploitative sham marriages and other forms of THB: women are EU citizens and spouses are third-country nationals; often victims of THB are TCNs
- Where to draw the line between negative consequences, exploitation and trafficking (and other potential crimes)?
- Continuum of exploitation (Andrees 2008, HEUNI studies on labour exploitation)

The continuum of exploitation in the context of (exploitative) sham marriages



Conclusions

- Methods of recruitment and exploitation often the same for human trafficking and exploitative sham marriages
- Different kind of cases, the amount of exploitation and the level of deception vary
- In some of the identified types/cases of sham marriages there were clear elements of exploitation and even human trafficking
- The phenomenon is very gendered in nature
- When does a case of exploitative sham marriage turn into a case of human trafficking > fine lines between the different kind of marriage arrangements and different forms of exploitation > not always easy to draw the line between “mere” negative consequences, less serious and more serious forms of exploitation and human trafficking

Recommendations

- The report presents approx. 15 EU-level recommendations + several national-level recommendations
- The recommendations are related to policy framework, international cooperation, victim assistance, awareness raising, training and further research

Conclusions and recommendations

- The role of money and the lack of it
 - > lack of opportunities in the labour market (and life in general)
- Prevention of gender discrimination
- Need for both preventive measures and victim-sensitive assistance
- Need for cross-border cooperation
- Awareness raising and training
- Legal migration channels needed
- Human rights!

Need for further research

- The role of the TCN spouses: Not much information on them
- How they have come to the destination country in the first place? What is their status before marriage? What kind of residence permit they have (work permit, student visa, tourist visa, asylum seeker etc.)?
- Motivation of the men to exploit the women (on whom their residence permit is dependent)?
- Was sexual and/or physical abuse intended from the beginning?
- The role of different (potential) perpetrators: spouses, recruiters, organisers

Thank you!

The report can be downloaded at
[http://www.heuni.fi/en/index/
publications/heunireports.html](http://www.heuni.fi/en/index/publications/heunireports.html)

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