

Targeting of vulnerability for the purpose of exploitation:

The intersection of sham marriage and trafficking

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Presentation

- Changing pattern - Sham Marriage/ Marriage of Convenience - Exploitative Sham marriage (ESM)
- Recognition of intersection of ESM and human trafficking
- Common risk factors in THB, prostitution and ESM
- Targeting and recruitment
- Choice and consent
- Exploitation – rape and sexual assault
- Challenges for the future

Changing pattern of sham marriage (2009/2010)

Initially 'marriage of convenience' for financial gain but from 2009 on:

'We were responding to distress calls on a 24/7 basis. Women arriving at the embassy were much younger, more vulnerable with very little education or English. They were frightened and distressed, did not have any knowledge of Ireland and had experienced severe forms of control and exploitation, including rape and sexual assault. In increasing numbers, we were seeing young women with mental disabilities and mental health problems'.

(Latvian Embassy representative)

Research by the Latvian Embassy into 500 cases (Oct 2010 -Aug 2013)

- 450 arrived shortly before registration; 104 under 20; 27 aged 18-19
- Significant numbers had children before their marriage; in many cases children left in Latvia; informal arrangements
- 29 cases involved sisters
- Average bride did not receive anything other than food, shelter, clothes, mobile phone or computer
- Only money changing hands €1000-4000 being paid to the sham marriage organisers by potential husbands

Estonian Embassy: Same pattern emerges

'Many of these girls are very young, very vulnerable and have already been involved with social services due to being in care or early/teen pregnancies. We are increasingly seeing clusters of girls from the same area, the same town and even from the same educational establishment being recruited. In one case it was the mother of one of the girls who was recruiting her daughters' friends'.

Latvian Embassy recognises indicators of trafficking as defined under the UN Trafficking Protocol

- Evidence of a highly organised system of targeting, recruitment, intentional deception and abuse of vulnerability in the origin country
- Organised travel to a destination country, i.e. Ireland;
- Evidence of severe levels of exploitation
- Latvian and Estonian embassies experience huge frustration that Irish authorities refused to recognise the indicators of trafficking; told sham marriage not in THB legislation

Case studies (13) Interview with Victims (1) Supplied by embassies and NGOs

Early life experience of girls/young women targeted:

- Multiple risk factors for ESM similar pattern of those for prostitution and trafficking for sexual exploitation
- Poverty, child sexual abuse, domestic violence, physical and emotional abuse and early home leaving, background in care
- Young lone parents or history of teenage pregnancy with children in care
- Specific to ESM? – mental health and learning difficulties

Targeting by recruiters, pimps, exploiters, traffickers

- Deliberate, organised, systematic targeting and recruitment
- Exploiting external socio-economic factors and personal risk factors but also...
- Exploiting hope of escaping poverty and a better future
- Intentionally approached; deception involved
- In majority of cases pre-existing connection between recruiters/traffickers and women

Beth: trafficked for sexual exploitation from West Africa to Ireland

Beth was from an impoverished region. She sought help from a friend because of sexual abuse by her father who offered to bring her to Ireland:

I was terrified, I don't know what to do, but I was kind of excited, I was going to a new country, to start a new life, a better life. So all those fears, all the time I had thoughts in my head about why are these people doing this but I kind of trusted them in the very beginning so I put them (fears) away

Nadia: Irish girl recruited into prostitution at 16

Nadia came from a very poor family with severe domestic violence and wanted to get out:

I was told it (street prostitution) is so easy, the money comes so easy to you, you've just to stand there...even now from speaking to other girls...I had...they have...this picture in their head like that it's a 'Pretty Woman' story and I think they're waiting for Richard Gere to pull up in a Lotus and take you off to this great life. But d'you know what? There's no Julia Roberts standing on the corner and Richard Gere is not going to pull up

Bella: Victim of exploitative sham marriage

Bella had no parents, no family and was raised in an orphanage until she was 18 years of age. When it was time for her to leave she had no accommodation, no job and poor education level. She was befriended by a couple who used to visit – she thought they were nice and they offered her a better life and work in Ireland.

Choice and consent

- Absence of coercion and physical violence or force in majority of cases at time of recruitment
- No need for coercion, as women consented to travel as wanted to believe in the hope of a better life
- Exploitation of vulnerability and hope of a better life is sufficient to gain compliance
- Choice is a limited concept when used to explain girls and women's decisions to migrate and/or place themselves at risk of sexual exploitation

Entrapment and control

- Physical violence and threats preventing women leaving are present in many cases of TSE and ESM
- But in many cases it is the context that creates entrapment and the psychological factors need to be understood
- Failure to run away or seek help can be seen as presence of consent by authorities and therefore not coerced or trafficked

Beth: trafficked to Ireland for sexual exploitation

I don't understand anybody, I was scared, it was a new country, the building was scaring me, the people, I was afraid like I don't know what to do...I don't know anybody so I just went in and I just do what they ask me to do

Rada victim of ESM in Ireland

It was my first time out of my country. A girl from my own country and a man met me at the airport and brought me a long way to a small town and said I would be living in this house with these men ... I was shocked because they were brown skinned and there were three of them. I had learned a little English in school but I could not really say anything to them and could not understand them ... I feel like I want to change my mind ... I don't know anyone ... every night in bed I thought of how I could go home.

(Rada)

ESM: Intention to exploit for immigration advantage but women subjected to:

Case number	Rape/ sexual assault	Rape/sexual assault by multiple perpetrators	Physical abuse	Psychological abuse/fear	Domestic servitude*	Control of movement	Papers taken	Threats to family	Prevented contact with family
1	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX		
2	XXXXXX	XXXXXX		XXXXXX		XXXXXX			
3	XXXXXX	XXXXXX		XXXXXX		XXXXXX	XXXXXX		
4	XXXXXX	XXXXXX	XXXXXX	XXXXXX		XXXXXX	XXXXXX	XXXXXX	XXXXXX
5	XXXXXX	XXXXXX	XXXXXX	XXXXXX		XXXXXX	XXXXXX		
6	XXXXXX		XXXXXX	XXXXXX		XXXXXX			
7	XXXXXX		XXXXXX	XXXXXX					
8				XXXXXXX					
9	XXXXXX		XXXXXX	XXXXXX		XXXXXXX			
10	XXXXXX		XXXXXX	XXXXXX					
11				XXXXXX					
12			XXXXXX	XXXXXX	XXXXXX	XXXXXX		XXXXXX	XXXXXX
13			XXXXXX	XXXXXX					
14	XXXXXX	XXXXXXX		XXXXXX		XXXXXX	XXXXXX		

Rape and sexual assault

- High levels of sexual violence involving individual and multiple perpetrators
- Sexual exploitation may not be the *primary* motive or *intention* of the recruiters in ESM
- Women placed in high risk context where sexual abuse may be opportunistic and committed by others

Clara was a very, very vulnerable and very young woman living with numerous men and while she did not report rape she has described being 'passed around' a group of men and having sex with all of them.

Petra

Petra was...locked into the house, her I.D, PPS and bank cards taken, refused medical intervention, had no finances. Also subject to physical assault when she tried to escape. One of the men who lived in the house sexually propositioned her regularly and eventually another man raped her. The rapes continued over a number of weeks. Since she has escaped many threats have been made to her and her family.

Response to victims

- Latvian/Estonian Embassies acted as front line responders
- VoT identification/ provision of support primarily in home country
- Some women who reached NGOs in Ireland received crisis and long term care despite non-identification as VoTs
- Individual Gardaí and state agency practitioners commended by embassies and NGOs
- But failure of the state to recognise indicators of trafficking and identify VoTs main criticism

Implications of failure to recognise indicators of trafficking in cases of ESM

- Presence of sham marriage as a barrier to identification as VoT
- No right for victims to protection, accommodation and legal advocacy
- Investigations and prosecutions cannot happen if women have no recourse to protection in Ireland or any destination country
- Recruiters and traffickers will remain at large and free to repeat crimes
- Seriousness of the crime of ESM as distinct from 'marriage of convenience' would be clear if recognised as a form of trafficking

Challenges for the Future

- Preventative and protective work with girls/young women at risk of being targeted – e.g.: Barnardos (2007/8 Risk Assessment Model)
- Ensuring existing identification process and referral mechanisms re VoTs are adequate in destination country
- Investigation of all crimes against the person -Victim's Directive
- Gendered response needed to ensure high risk of rape and sexual assault is recognised, investigated and responded
- Close co-operation between the origin states and destination countries