Speech of Latvia’s delegation in Vienna, Austria 11-12 April, 2016,

16th Alliance Against Trafficking in Persons

In recent years, there have been growing concerns that family reunification entitlements may be misused as a route into settlement in the European Union. The issue of sham marriage has been the subject of much political and expert level debate and legal controversy in attempts to prevent and address perceived abuses of the domestic immigration systems by individuals entering in marriages for the sole purpose of gaining residence entitlements in the European Union.

Whilst some concerns had been expressed regarding exploitation of vulnerable EU citizens, until recently issues related to sham marriage have generally not been linked with human trafficking. However, in the past few years, authorities and non-governmental organisations across Europe have identified cases presenting to consular and other services where there are indicators of trafficking in human beings.

Latvia has developed and is currently leading an international project "Preventing human trafficking and sham marriages: A multidisciplinary solution" (HESTIA) co-funded by the European Commission "Prevention of and Fight against Crime Programme". The objective of the project is to create a shared understanding of a new, evolving new form of trafficking in human beings - through sham marriages, provide a precise definition of sham marriages as a form of human trafficking, and initiate a comprehensive action for its prevention. The HESTIA project currently involves approximately 20 researchers and specialists from six countries – Latvia, Estonia, Lithuania, Ireland, Slovakia, and Finland. It is an innovative approach and a creative process for trying to solve the problem across the whole EU.

The aims of the research are to explore the links between sham marriages and trafficking in persons and provide new information on the vulnerabilities, factors, methods and channels that facilitate sham marriages resulting in trafficking in persons.

The term sham marriage is problematic. It is generally understood to connote an equal consensual marriage which is contracted in order to circumvent immigration regulations. In a typical scenario, a third country national pays a significant amount of money to an EU citizen in order to make an application for residency under European Treaty Rights, on the grounds of marriage. One party benefits financially and the other in relation to residency, thus the only deceived party is the State. The term exploitative sham marriage was suggested by the researcher and was considered to be a more helpful and relevant term studying this phenomenon.

On accession of Latvia in the European Union in 2004, within one year Latvian embassies began to notice a high proportion of Latvian women marrying third country nationals abroad. From 2009/2010 onwards, there were clear evidence of a highly organised system of targeting, recruitment and intentional deception in the origin country – Latvia, organised travel to destination countries and the increasing evidence being disclosed of severe levels of exploitation of Latvian women abroad. All the indicators of trafficking in human beings as defined under the UN Palermo protocol were identified.

The high number of women were subjected to rape and sexual assault by an individual man and in many cases by multiple perpetrators. All women expressed feelings of fear and distress and manifested the traumatic impacts of severe psychological abuse. They were isolated and controlled and the majority of women were subjected to physical violence, especially if they tried to resist or escape. However, all the women were clearly in an extremely dependent and controlled situation with little or no access to outside support or help. There were clear indicators of trafficking which confirmed a crime against an individual.

There are huge profits for the organisers with up to 20`000 euro being paid for organising one sham marriage.

In April 2013, the Latvian Government introduced a new legal regulation criminalising those who entered into a sham marriage in the Republic of Latvia, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation. The trafficking case for criminal activity namely sham marriage and sexual exploitation is sent for adjudication. Seven Latvian women with mental disabilities were identified as victims. A group of criminal consisting of citizens of Latvia and Pakistan. The applicable punishment for perpetrators might be the deprivation of liberty up to 15 years

The HESTIA project’s research and national reports done in Latvia, Estonia, Lithuania, Ireland and Slovak Republic will be published on the upcoming EU Anti-Trafficking Day. The executive summary of the research will provide policy recommendations at the EU and national level. It is clear that sham marriage as such does not mean human trafficking, but exploitative sham marriage contains exploitation of an individual, violation of person’s rights and dignity.