

EXPLOITATIVE SHAM MARRIAGES - EXPLORING THE LINKS BETWEEN HUMAN TRAFFICKING AND SHAM MARRIAGES

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Minna Viuhko, Researcher, HEUNI

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European Institute for Crime Prevention and Control, affiliated with the United Nations

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

- Partners: the **Ministry of Interior of the Republic of Latvia** (coordinator of the project), **European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)** in Finland, the **Immigrant Council of Ireland**, the NGO **Caritas Lithuania**, the NGO **Living for Tomorrow** in Estonia, the **Shelter Safe House** in Latvia and the **Ministry of Interior of the Slovak Republic**
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Preventing human trafficking and sham marriages (HESTIA) -project

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

Edited by Minna Viuhko, Anni Lietonen, Anniina Jokinen and Matti Joutsen

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Preventing human trafficking and sham marriages (HESTIA) -project

Aims of the research:

- To explore the links between sham marriages and trafficking criminality
- To provide new information on the vulnerabilities, factors, methods and channels that facilitate sham marriages resulting in trafficking in persons
- → **We are interested in sham marriages in the context of human trafficking (not in sham marriages as such) – exploitation element is essential**

Research questions

- What are the links between (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 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?

Concepts and definitions

- ▶ Different terms, same/different meanings:
 - **sham marriage**
 - **marriage of convenience**
 - fictitious marriage
 - fake marriage
 - false marriage
 - bogus marriage etc.

-Related terms: forced marriage

Concepts and definitions

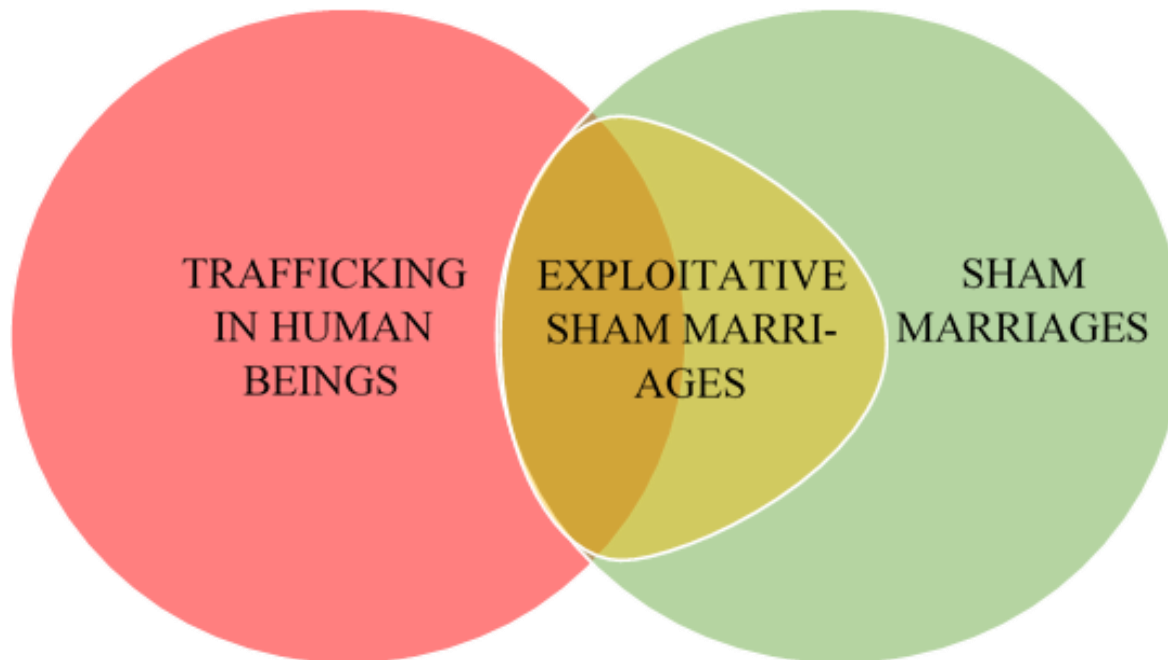
- We studied **marriages that are *formally valid***
- The difference between *real* marriage and *genuine* marriage
- Real = Formally valid marriage (the marriage is officially concluded)
- Genuine = The purpose of the marriage is love, the intent to establish a family and live an authentic marital 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 / to legalise the stay of a third country nationals in the EU**

- However, 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

Different topics covered in the study

- Recruitment
 - Travel and arrival in the destination country
 - Exploitation in the destination country
 - Organisation of sham marriages
 - Identification of and assistance to the (possible) victims
 - Prevention
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- The research findings of all the 5 countries will be available on Friday 21 Oct at www.heuni.fi

Different kind of (exploitative) sham marriages

- ▶ Variety of marriages and different kind of scenarios
 - ▶ Researchers identified a large variety of cases that included different amount and different types of exploitation
 - ▶ In some of the identified types/cases of sham marriages there were clear elements of exploitation and even human trafficking
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- ▶ Example from the Estonian report:
 - Marriage by deception
 - "Business" sham marriage
 - Deceitful sham marriage
 - Exploitative sham marriage

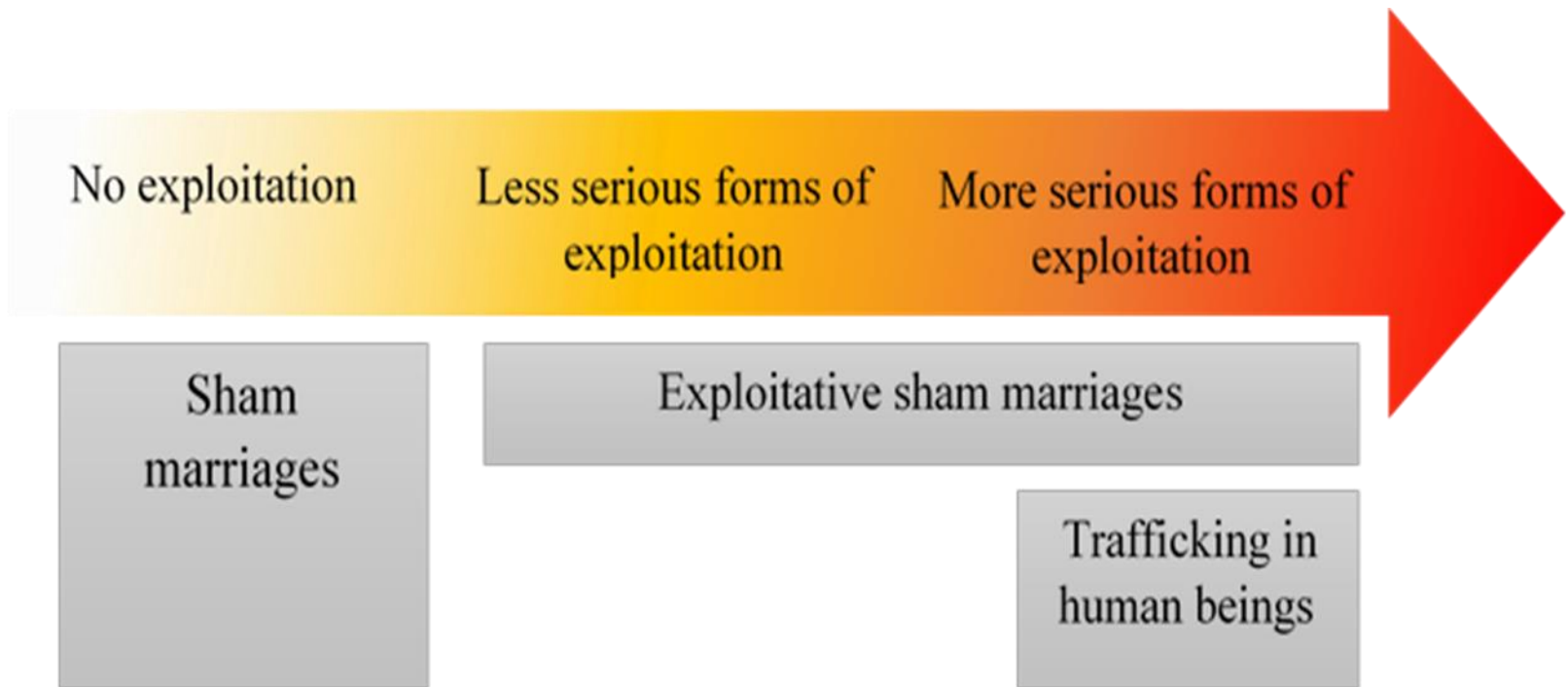
Exploring the links between THB and sham marriages

- ▶ 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
- ▶ Some of the identified cases include serious and continued exploitation, sexual and physical violence, limitations of personal freedom and movement and confiscation of identity documents
- ▶ Some of the cases include all necessary elements of trafficking (the act, the means and the purpose)

Exploring the links between THB and sham marriages

- ▶ Methods of recruitment: same for exploitative sham marriages and for THB (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/abusers TCNs; 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



- ▶ The joint research report will be published on **Friday 21 October 2016**
- ▶ The report covers the findings from the five countries studied + an introductory and summarising chapter (incl. concepts, legislation, earlier research, methodology, summary of the main findings, discussion on the links between trafficking and sham marriages, conclusions and recommendations)
- ▶ The report can be downloaded at the HEUNI website www.heuni.fi at 12 on Friday



Thanks!

For further information:
minna.viuhko@om.fi
anni.lietonen@om.fi

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