

Exploitative Sham Marriages - A New Form of Human Trafficking

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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.



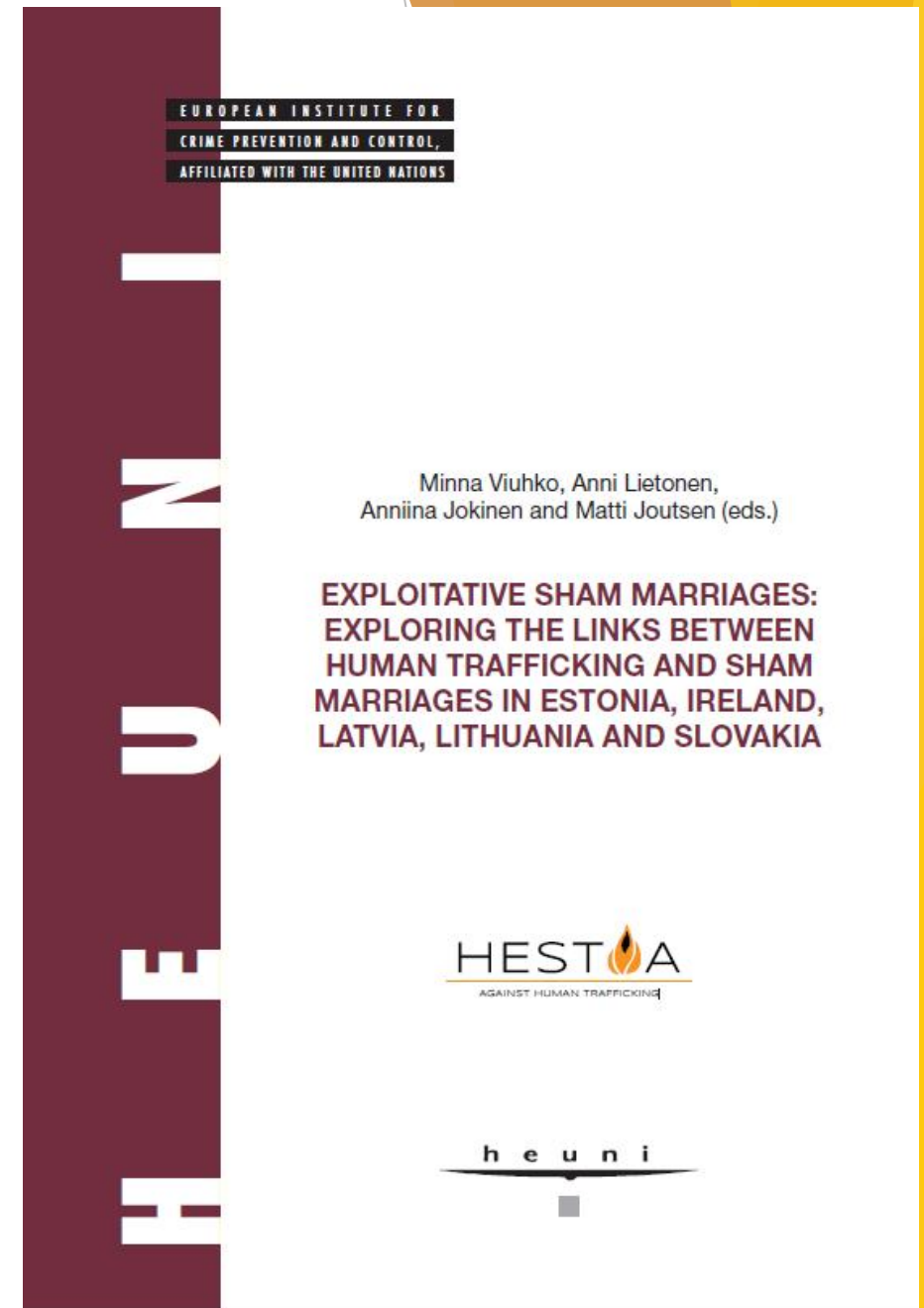
Co-funded by the Prevention of and Fight against Crime Programme of the European Union

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.**



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



Findings from the HESTIA Project

TARGET GROUP:

- ▶ The phenomenon of exploitative sham marriages is to a large extent gender-based, where most of the potential victims are women originating from EU countries.
- ▶ The recruiters especially target women who are in financial difficulties, have a history of social exclusion, a low level of education, lack language skills, have diagnosed mental disabilities, or come from a dysfunctional family background.

Findings from the HESTIA Project

ACTIONS:

- ▶ **RECRUITMENT:** mainly via social networks as well via the Internet, direct recruitment is small-scale and often carried out face-to-face by unorganised recruiters, such as family members, friends, employers and acquaintances
- ▶ **TRANSPORTATION:** the travel tickets were commonly bought by the organisers, and sent to the women e.g. via e-mail, 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
- ▶ **CONCEALEMENT, ACCOMMODATION** or **RECEPTION** : 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

MEANS:

- ▶ by using means of deceit: the victims are lured with false promises and fake job offers and opportunities
- ▶ by using violence or threats
- ▶ or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness
- ▶ by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent

Findings from the HESTIA Project

EXPLOITATION within the exploitative sham marriages:

- ▶ sexual slavery (violence)
- ▶ domestic servitude
- ▶ forced criminality (e.g. recruiting more women into sham marriage)
- ▶ benefit fraud (ID used for obtaining loans and credits)

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:

- ▶ Physical violence
- ▶ Sexual violence
- ▶ Economic violence/control, debt bondage
- ▶ Restrictions of the movement, deprivation of personal freedom
- ▶ ID documents are kept by the organiser(s) and/or on the spouse
- ▶ 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
- ▶ Abuse of position of vulnerability (a person does not speak local language, does not know rights, whom to approach, is afraid)

Recommendations

- ▶ To **implement EU-level recommendations provided by the HESTIA Project Research Report** encouraging the European Union Member States to strengthen their policy framework, international cooperation, victim assistance, awareness-raising, training of different professional groups as well as provision of further research and data collection
- ▶ To **apply provisions and requirements provided by Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience** (*Official Journal C 382 , 16/12/1997 P. 0001 - 0002*)
- ▶ To **consider opportunities to supplement the Recital 11 of the Preamble of the Directive 2011/36/EU** of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA **with a new form of trafficking in human beings «exploitative sham marriages»**

Thank you for Your attention!

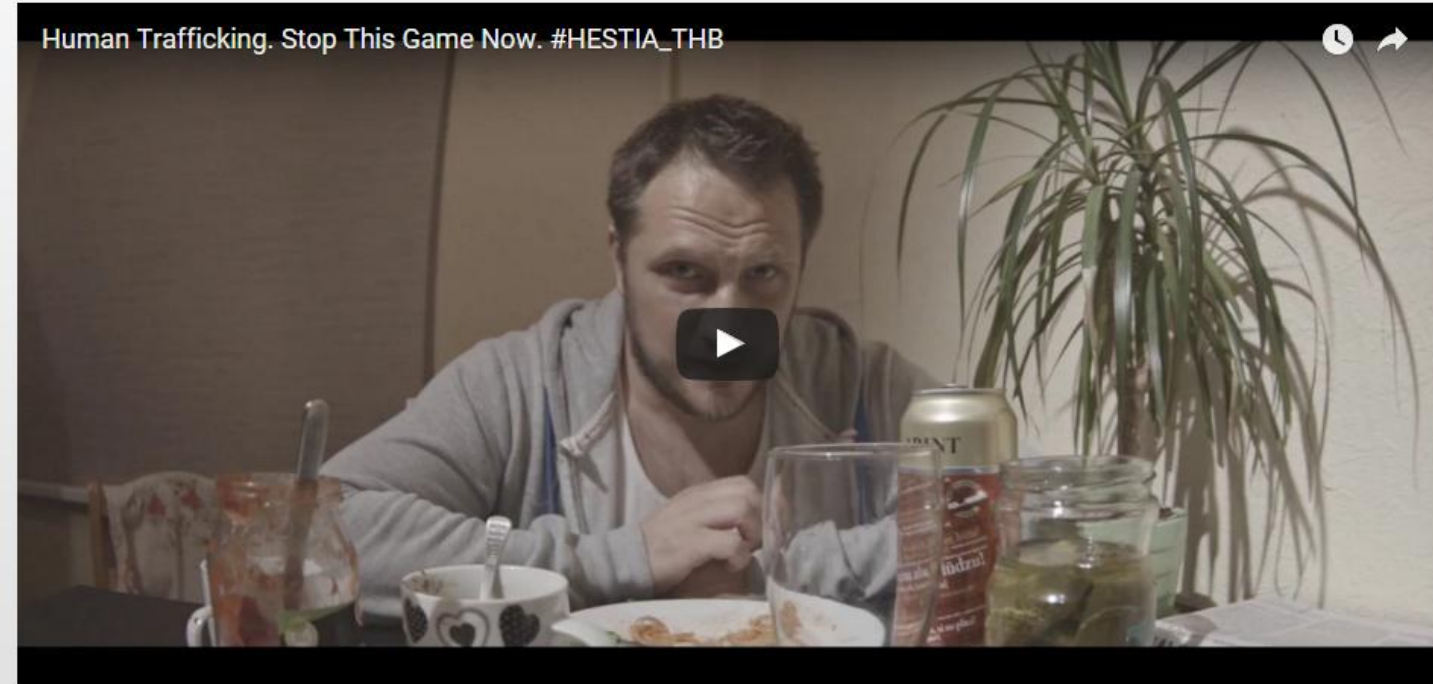
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Human Trafficking. Stop This Game Now



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.

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