

Requesting country: IPSG

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MODUS OPERANDI

Type(s) of offence:	Human Trafficking and Forced Labour: The deceptive and coercive practices undertaken within the recruitment process to work on fishing vessels
Date of the offence	Ongoing since at least 2000
Place of offence:	Global
Country of offence:	All countries whose nationals are recruited to work on fishing vessels.
Circumstances of offence:	In February 2017, INTERPOL published Purple Notice 548 on human trafficking and modern slavery in the fisheries sector. It drew attention to the significant problems of labor abuse in the fishing industry that have been present for many years.

This problem has been exacerbated as coastal overfishing accelerates a decline in profitability and incentivizes a nomadic regional IUU fishing pattern. At the same time profit pressure on globally nomadic distant water fleets means that fishing entities will try to reduce costs to remain profitable. One of the biggest industry costs is labor but it also one of the most flexible and easy to manipulate. It is this business situation and the vast nature of the high seas that creates the conditions for human trafficking and forced labor on fishing vessels.

The previously published notice describes some of the structures and methods used by criminal networks to enable, protect and prolong their activities within this environment. One of the methods used is the deceptive and coercive recruitment practices of crew members to work on fishing vessels.

The objective of this notice is to describe in further details the modus operandi used to deceptively and coercively recruit workers by a number of different entities, including agents, recruitment and manning agencies, travel agencies, vessel owners, company owners and other corporate entities. This notice shall allow enhanced and effective identification and prevention of such offences by law enforcement agencies.

For definition purposes, a recruitment or “manning” agency is an organization or individual who acts as an employment intermediary between the fishing entity and the worker. They are contracted by one of the fishing entities and they will be responsible for obtaining and organizing labor for the entity, generally the below deck crew. They will generally also be responsible for

	contracting arrangements with the employee, including salaries, transport and benefits. This Purple Notice focuses on the deceptive and coercive practices undertaken within the recruitment process to work on fishing vessels, and not in the seafood processing industry.
Description of modus operandi: Object/device/concealment method/procedure.	In analysing various cases, entities, such as recruitment agencies, involved in the recruitment process of workers on board of fishing vessels use some or all of the following methods: Brokers: recruitment agencies or fishing entities may use formal and informal brokers (the ones with no legal credentials) to attract potential workers to work on board fishing vessels. These brokers are often of the same nationality or speak the language of the potential workers. They can reside in the same village and are often part of the same community or a network of brokers sharing the same ethnicity. Brokers may be unaware that trafficking is occurring downstream from their activities. Brokers will sometimes be former workers or even formerly trafficked workers who have ongoing contacts within the fishing industry. It may generally be very difficult for a worker to tell the difference between a legitimate and illegitimate broker. The broker will usually be paid a recruitment fee for each worker. Deceptive contracts: once recruited, a potential worker will often end up signing multiple contracts to various different parties prior to beginning work. The initial contract that the worker will sign will generally be in terms that were promised by the broker. The worker may then be passed through another party and required to sign another contract often with diminished terms of employment. This may continue until ultimately, when the worker is in a captive bargaining position, they sign the final contract on much reduced conditions. It is possible that workers may sign contracts in languages that they may not understand. The terms of the contract in the language that they do not understand will often have worse conditions and will ultimately be the contract that is held up as correct by the recruitment agencies. Aggregation of labour: recruitment agencies, or brokers, may be part of a supply network where workers and their contracts are aggregated then sold to another party. This creates a cascade system where economic value is extracted out of each worker or group of worker by multiple parties at different points of the recruitment process. This may be done via applying more fees onto the worker and creating a situation where victims owe money to multiple parties. This further entraps the worker to the fishing vessel. Documentation: recruiters will usually facilitate the attainment of requisite documents for each worker. The passports and visa documentation will generally be legitimately obtained as these are often inexpensive. The cost of the documents will be passed onto the worker in the form of debt. The fraudulent creation of seafarer's/seaman's books is known as a technique amongst recruitment agencies. The documentation will remain out of the control of the victim and in the possession of a different perpetrators at various stages. Deployment: the recruiter will transport the victims to their workplaces where they may sell the workers contracts to a ship captain for a fee or deploy them to a pre-arranged vessel. There will often be several transit countries and checkpoints which require facilitation prior to arrival at the workplace. There

will often be in country agents with links to the recruitment agency that will perform this task. They will also control access to passports and other relevant documents to restrict the workers movements. It is preferable to the recruiter to have the workers in locations where they are reliant on access to this documentation to enable entrapment.

Debt bondage: an advance or recruitment fee is demanded from the victim and where they cannot pay this the recruiter will provide a debt facility. The objective of the recruiter is to have the worker rapidly obtain unsustainable levels of debt that place them in a position of bondage. The agency may also provide travel, accommodation and food to the worker but these costs will be added to the debt burden. This allows the recruiter to subtract from wages on the premise that the worker is paying off a debt. The threat of the debt being passed onto family, potentially intergenerational, will also be used to coerce a worker into remaining with the vessel rather than escaping. This is the key mechanism for entrapping the worker within the vessel and situation for extended periods of time.

Bank accounts: the recruitment agency will often open a bank account for the victim if they do not already have one. If there may be payments made into multiple accounts which are followed by quick withdrawal transfers into a single account, this could be indicative of human trafficking. Alternatively the recruiter may have the wages for all their recruits paid into a single account that they control.

Trickery / deception: victims may be promised by recruiters to work in a different job category or a different destination country. The recruitment agency may directly advertise another maritime position like on a cruise vessel or in a completely different industry like construction. It is only towards the end of the recruitment process, once the worker is entrapped, that the real role will become apparent. Often the destination country or fishing grounds will be deliberately far from where the recruiting took place so that the worker has little scope for restitution or ability to escape.

Violence: most agencies will utilize persuasive recruitment techniques when initially negotiating with a potential worker. However once they have successfully completed recruitment, the worker is likely to be subjected to violence or the threat of violence if they complain or try to end their contract. Some victims may be subject to violent coercion at the very start of the recruitment process and subsequently while working.

Abandonment: the end of a contract for a victim will often see them abandoned without documents or finance in a foreign country where they are effectively illegal. The recruitment agency will not pay for the repatriation of the victim leaving them stranded and reliant on local agencies. There will also be no support or medical insurance for the victim if they were to get sick or injured.

These modus operandi are thought to be used by a great number of organized criminal groups which are conducting illegal fishing activities in order to minimize costs.

Detection and Opportunities

Financial Metadata: the recruitment agency may purchase a number of items for the victim in order to get them ready for work and to create debt bondage.

This includes items like, but not restricted to, passports, plane tickets, hotel accommodation, bank accounts and basic provisions. The recruitment agency may purchase these items in multiple quantities and utilize familiar business relationships with accommodation providers for example. This may create a "paper trail" of transactional and background data (i.e. bank account numbers, transaction times, signatories, locations) that can be utilized by a human trafficking investigative process to uncover the responsible parties. There is also transactional information from the recruitment agency to the broker, the fishing entity to the recruitment agency and the recruitment agency to the victim that can show the flow of money between all parties.

Inspections: when conducting at sea or port inspections of vessels, officers should be aware of certain documents that can be useful for uncovering illegal recruitment practices.

- The vessel must have a **crew list** detailing each person on the vessel and their identifying documents.
- The vessel must also have a copy of the **employment agreement for each individual** working on the vessel. There are common discrepancies that may indicate illegal practices such as multiple copies of an employment agreement for one person, employment agreements not in the employee's understood language and agreements being inaccessible or not on board.
- Officers should ascertain whether crew has **access to telecommunication facilities as well as personal ID documents**.

Social Media: recruitment agencies and brokers will utilize social media to lure victims. This can take the form of groups or pages that act as deceptive advertisements for lucrative work on fishing vessels or in another industry. Analysis of these profiles and pages may reveal networks and identities of individuals involved in the recruitment process.

C188 - Work in Fishing Convention, 2007 (No. 188): Together with the ILO fundamental conventions, this ILO Convention (which entered into force on 16 November 2017) sets out binding minimum requirements for living and working conditions of fishers on board fishing vessels and addresses main concerns including occupational safety and health and medical care at sea and ashore, rest periods, written work agreements, and social security protection at the same level as other workers. It is designed to prevent forced labour, human trafficking or the exploitation of migrant fishers and other abuses which take place in the fishing sector worldwide. It stipulates the regulation of the recruitment and placement of fishers including by private recruitment agencies in line with C181 – Private Employment Agencies Convention, 1997 (No. 181), and the exercise of port State or flag State jurisdiction to investigate complaints of violations by fishers.

Point of contact: INTERPOL Environmental Security Programme
environmentalcrime@interpol.int

Recommended precautionary action:

It is strongly recommended that you circulate this purple notice to your country's law enforcement bodies to alert them about this modus operandi and to allow them to take whatever preventive and precautionary measures they deem necessary. All recipients are strongly encouraged to share data, and provide any investigative information relating to this modus operandi.

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