

Requesting country: IPST

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MODUS OPERANDI

Type(s) of offence:	Human trafficking and modern slavery in the fisheries sector
Date of the offence:	On-going since at least 2009
Place of offence:	Southeast Asia and the Pacific Islands
Country of offence:	Southeast Asia and the Pacific Islands
Circumstances of offence:	The identification of a number of criminal cases in Southeast Asia in recent years has highlighted the risks of human trafficking and modern slavery in fisheries supply chains globally. Cases in Thailand and Indonesia in particular have generated investigations, convictions and legal and regulatory reform in these countries, and resulted in class action law suits elsewhere.

The offence of trafficking in persons is defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), also known as the Palermo Protocol. Other international instruments relevant to modern slavery, particularly forced and bonded labour, include the Universal Declaration of Human Rights, the International Labour Organisation's Forced Labour Convention (No.29), the subsequent Protocol (P029) to this convention and the Work in Fishing Convention (No.188).

The crimes of human trafficking and modern slavery in the fisheries sector are facilitated by a unique combination of economic, labour, trade, legislative, regulatory and enforcement conditions, occurring within the context of complex and lucrative global supply chains. This Purple Notice describes some of the structures and methods used by criminal networks to enable, protect and prolong their activities within this environment, and makes recommendations to assist law enforcement agencies to identify and disrupt these activities.

While this notice focuses on Southeast Asia and the Pacific Islands, it is likely (but unconfirmed) that the *modus operandi* described here also occurs in other parts of the world.

Description of modus operandi:	The process by which individuals are deceptively recruited to work in the fisheries sector involves a number of different entities including agents, recruitment and manning agencies, travel agencies, vessels, vessel owners, fish processing companies, company owners and other corporate entities.
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Together, these entities arrange or enable the deceptive recruitment and transportation of workers onto vessels or into fish processing factories or aquaculture sites for the purpose of labour exploitation (thereby meeting the UN definition of trafficking in persons) and often also to facilitate further criminality. Such vessels and factories are responsible for catching, processing and distributing fish products which become indistinguishable from legally and responsibly caught fish.

The exploitation of fishermen and other workers in the fisheries sector is an integral part of a criminal business model designed to maximise the profit earned from fisheries operations while minimising expenditure. Criminal enterprises employing this model are purposefully structured to protect and prolong their operations and existence.

A complex network of owners, beneficial owners, partner companies and corporate bodies lie behind vessels and companies known or suspected to be involved in trafficking in persons or labour exploitation. These entities form a criminal cooperative in which a group of members jointly beneficially own assets such as vessels and companies located at various stages of the supply chain (e.g. fishing, processing and distribution) for their mutual financial benefit.

Some of the features of this *modus operandi* are:

- Companies linked by common board members, owners and beneficial owners;
- Companies linked by shared facilities, resources, premises, postal addresses or contact details;
- Companies or corporate groups owning assets at different stages of the supply chain from fishing through processing and distribution to the wholesalers that supply consumers, allowing them to sub-contract to or supply each other;
- Multiple assets owned by different members of the same family;
- Assets registered in the name of family members performing little or no active role in their operation;
- Multiple suspect vessels belonging to the same fleet (according to the naming convention used) with common registered ownership or with different registered owners but common beneficial ownership;
- Likely use of 'shell' or 'front' companies serving little apparent purpose other than to distance the beneficial owner from the asset and obscure audit trails;
- Involvement of individuals with current or previous positions of influence or authority, in politics or industry associations.

It is likely that some, if not all, of the key individuals involved (as owners or operators of vessels and companies) are aware of or complicit in the criminality and abuses committed using their assets. The complex and often opaque networks of ownership are themselves a strategy to conceal the nature of the criminality taking place and the identity of those controlling and benefitting from it.

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ADDITIONAL INFORMATION

Indicators of Human Trafficking and Modern Slavery

The following characteristics are key risk indicators that can be used to identify and prioritise vessels and companies that may be involved in human trafficking or labour abuse. This list is not exhaustive:

- A predominantly foreign crew;
- Crew are all sub-contractors;
- Absent, altered or inaccurate crew logs;
- Crew not in possession of their identity documents or contracts;
- Presence of child workers (under the age of 18);
- Absence of travel and identification documents and work permits;
- Workers' freedom of movement appears restricted;
- Irregular, incorrect or withheld salary;
- Vessel has not returned to port for an excessive period of time;
- Crew injuries or an apparent culture of intimidation or violence;
- Poor or dangerous living and working conditions;
- The presence of other criminal offences, such as document fraud, immigration crime or IUU (illegal, unreported or unregulated) fishing.

Human trafficking and modern slavery offences can be hidden by other activities and may be difficult to detect. Victims may be unwilling or unable to speak openly about their situation, and may not even acknowledge their status as victims. The risk indicators provided here aim to help authorities adopt a risk-based and proportionate approach to the identification of potential victims and prioritisation of entities that merit further investigation.

Implications and Recommendations

The *modus operandi* described in this Purple Notice has wide-ranging implications for preventative and investigative responses in member countries.

Countries economically reliant upon the fisheries sector for revenue and operationally reliant on migrant labour (within or outside Southeast Asia) are vulnerable to this *modus operandi*, particularly if domestic legislation and regulations relating to fisheries and labour inspection and enforcement are underdeveloped.

Even in countries with developed legislative and regulatory frameworks, criminals may seek to establish corporate or financial instruments or assets, in the names of family members or associates, to facilitate fisheries crimes and the laundering of financial proceeds.

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Investigations into suspected human trafficking or forced labour in the fisheries sector should therefore:

- Identify the beneficial owners of vessels, landing sites, processing sites and companies involved, in order to identify common or shared ownership assets;
- Research familial, professional and other links between owners, directors and shareholders of companies and corporate groups, to identify evidence of complicity;
- Investigate links between suspects (individual, vessel or company) and entities located at other stages of the supply chain (recruitment, fishing, cultivation, processing, distribution or wholesale), for example, shared facilities, resources and postal addresses, or sub-contracting arrangements;
- Identify and investigate other vessels in the same fleet, particularly if they have the same ownership as the suspect vessel, for human trafficking or forced labour offences or other crimes;
- Give appropriate investigative attention (including financial investigation) to individuals, identified through one of the means above, who occupy positions of influence or authority in politics or relevant industry associations;
- Collect, verify and cross check the following documentation to identify absences, breaches or inconsistencies that might indicate illicit activity:
 - Crew lists;
 - Identification documents such as passports, seaman's books and vessel registrations;
 - Immigration papers and work permits;
 - Crew contracts;
 - Seaman's qualifications;
 - Bills of sale and other receipts;
 - Registry documents, fishing vessel licenses and catch certificates;
 - Port clearance certificates and last ten ports of call.

Information Sharing

In order to better understand the extent of organised criminality in fisheries supply chains globally, INTERPOL's Project Scale is seeking input from all member countries.

Accompanying this notice is a reporting template that all member countries are encouraged to complete in regard to cases of human trafficking and modern slavery taking place at any stage of the fisheries supply chain (recruitment, fishing, cultivation, processing, distribution or sale).

Project Scale encourages all member countries with intelligence on this subject to share it with the INTERPOL General Secretariat to facilitate further analysis and identification of investigative opportunities.

It is strongly recommended that you circulate this Purple Notice to the law enforcement and regulatory bodies in your country dealing with fisheries crime and financial crime, to alert them to this *modus operandi* and enable them to take the necessary preventative and investigatory steps.

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