



## Summary

# Situational Analysis on Wildlife Crime and Law Enforcement Response in Viet Nam

in the period of 2020-2021

The report was developed by the Wildlife Conservation Society (WCS) – Viet Nam Program in collaboration with the Department of Crime Statistics and Information Technology (Department 2), the Supreme People's Procuracy (SPP).

### OBJECTIVES

To assess the wildlife crime situation and the effectiveness of law enforcement on wildlife protection in Viet Nam in the period of 2020 – 2021; and to put forward recommendations for improvement.

### DATA

Collected from data sources on receipt and handling of denunciations, information on exhibits and offenders, proposals on initiation of legal proceedings, and general files of criminal cases related to wildlife nationwide from January 1, 2020 to December 31, 2021

### ANALYSIS

Based on a set of indicators proposed by the International Consortium on Combating Wildlife Crime (ICWC), and the United Nations Office on Drugs and Crime (UNODC), and led by the SPP.

Based on the data collected, from 2020 to 2021, Viet Nam's criminal justice system handled:

298

criminal cases on wildlife protection

2.046

seized wildlife individuals

12.744

kilograms of seized wildlife

389

suspects (389 individuals and 0 legal entities) who violated stipulations on wildlife protection

367

defendants who faced first-instance trials related to wildlife crime

### MOST COMMON WILDLIFE SPECIES SEIZED IN CRIMINAL CASES

**Sunda pangolins, king cobras, Asiatic black bears, and box turtles** were the most common wildlife species, parts, or derivatives **seized** and used to initiate criminal justice proceedings (Figure 1).

Out of a total of 12,744 kg of wildlife seized during the period, **Sunda pangolins** were the largest proportion by weight, followed by individuals, parts, or derivatives of **lions, tigers, serows, and elephants** (Figure 2).

Figure 1. Percentage of cases initiating criminal proceedings by wildlife species

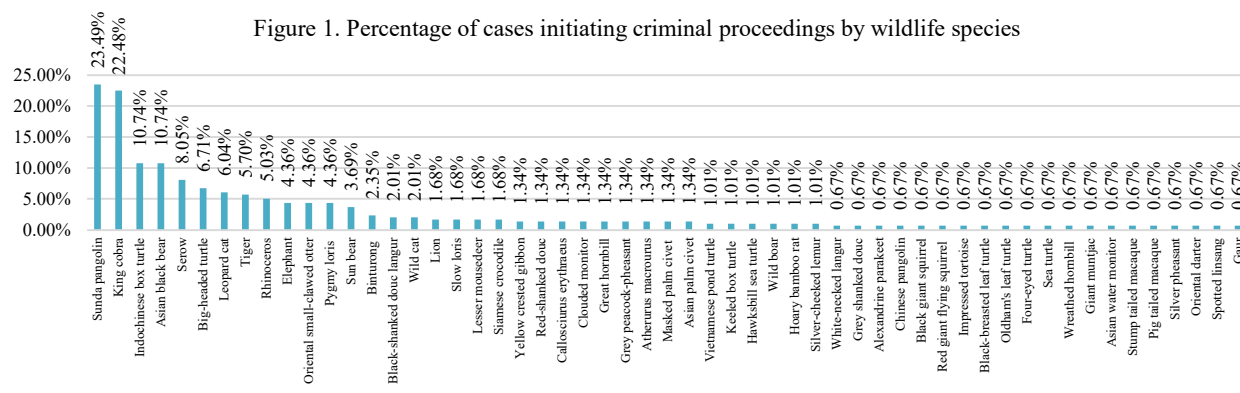
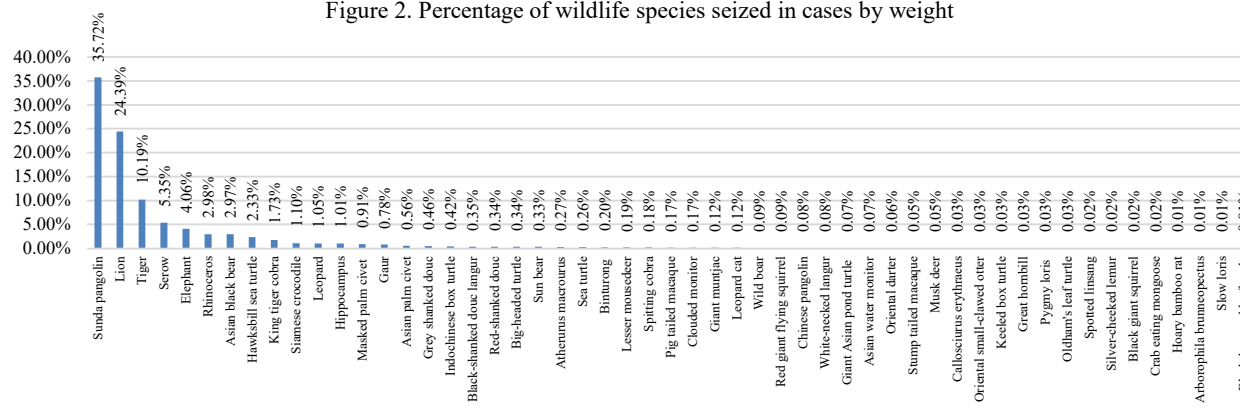


Figure 2. Percentage of wildlife species seized in cases by weight



## PARTICIPATION OF VIET NAM'S AUTHORITIES IN ARRESTING WILDLIFE-RELATED CRIMINALS IN VIET NAM

**Police, Forest Protection Department, and Customs** played a key role in detecting and arresting the offenders of wildlife crimes in Viet Nam (Figure 3). Inter-level and inter-agency coordination in arresting criminals was apparent.

- 71 cases (23.8% of all cases collected) demonstrated coordination among different levels. **Coordination between provincial and district levels accounted for the highest proportion**, followed by coordination between district and commune levels (Figure 4).
- 24 cases (8.1% of all cases) showed inter-agency coordination. **Collaboration between the Police and Forest Protection Departments accounted for the majority of instances**, followed by the coordination between Police and Customs agencies (Figure 5).

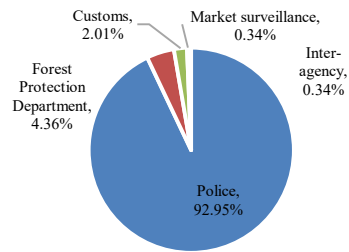


Figure 3. The proportion of wildlife-related cases arrested by law enforcement agencies

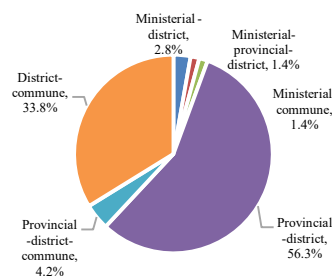


Figure 4. The proportion of inter-level coordination in arresting wildlife-related crimes

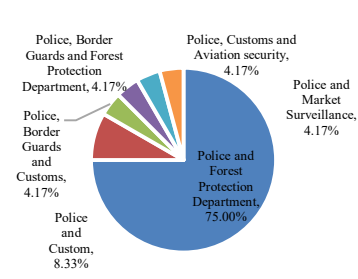


Figure 5. The proportion of inter-agency coordination in arresting wildlife-related crimes

## DETECTION AND SEIZURE BY TIME

On a month-by-month basis, the **number of cases decreased markedly during Lunar New Year**, accounting for only 3.16% of all cases. Meanwhile, the months of January and September were the time when the number of arrests was higher than that of other months of the year (Figure 7).

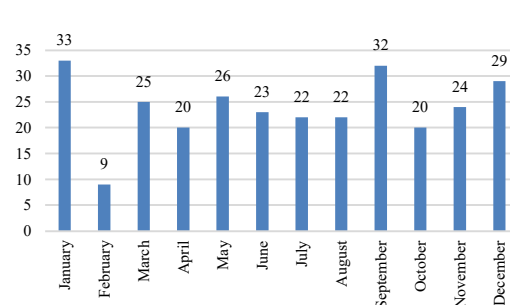


Figure 7. Wildlife cases detected and seized by month

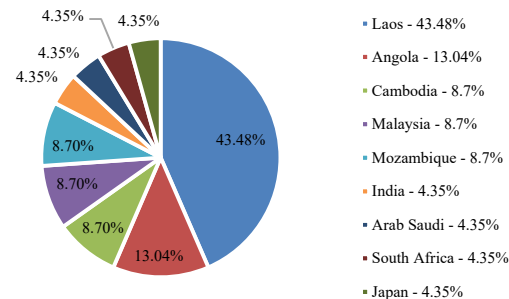


Figure 8. Cases having wildlife exhibits originating from abroad by source/origin country

## EFFICIENCY OF LAW ENFORCEMENT IN LOCALITIES

**Big cities and localities with international border gates** saw a high number of cases and suspects such as Ha Noi, Nghe An, Quang Ninh, Thanh Hoa, and Ho Chi Minh City (Figure 6).

Ha Noi, Nghe An, Thanh Hoa, Quang Ninh, Ho Chi Minh City, Tuyen Quang, Ha Tinh, Lai Chau, and Son La were localities with a high frequency of wildlife-related law enforcement activities.

**Ha Noi recorded law enforcement activities during 21 months of the 2 years (2020-2021).** Nghe An and Thanh Hoa demonstrated enforcement activities during 14 months, Quang Ninh was 9 months, Tuyen Quang was 8 months and Lam Dong, Lai Chau, Dak Nong, and Ha Tinh were 7 months. The higher frequencies may demonstrate greater responsiveness or more criminal activity.



Figure 6. Number of wildlife-related cases and suspects subject to initiation of criminal proceedings by locality

## ORIGIN AND DESTINATION OF WILDLIFE

Wildlife-related cases with source, origin, and destination within Viet Nam accounted for the vast majority of cases reviewed (92.28%), and less than eight percent (7.72%) involved transnational elements. However, this finding is likely skewed by misreporting of the origin of seized items. **The analysis still highlighted Laos as the source country with the highest proportion of wildlife brought into Viet Nam**, followed by Angola, while Cambodia, Malaysia, and Mozambique represented an equal share each, the rest involved India, Saudi Arabia, South Africa, and Japan (Figure 8).

## OFFENSES INITIATED LEGAL PROCEEDINGS

**Illegal wildlife trade was the most frequent offense subject to initiate legal proceedings**, followed by illegal transport, illegal storage, poaching, and illegal captive breeding; the rest were combined offenses (Figure 9). 16 cases failed to identify subjects.

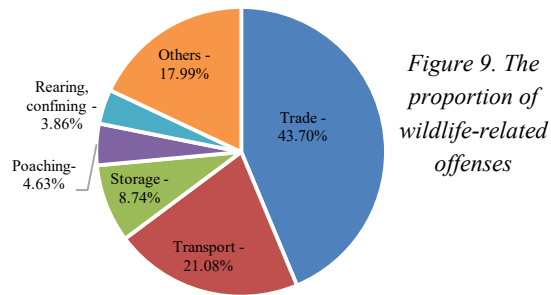


Figure 9. The proportion of wildlife-related offenses

## APPLIED PENALTIES

**Term imprisonment accounted for the highest proportion of penalties applied**, suspended sentences ranked second, fines and non-custodial rehabilitation accounted for a small proportion and one suspect was exempted from penal liability (Figure 10).

The number of suspects sentenced to imprisonment of 1 to 3 years accounted for the highest proportion of suspects, the number of suspects sentenced to imprisonment of over 3 to 7 years ranked second, imprisonment of over 7 to 10 years ranked third, and imprisonment of more than 10 years ranked fourth. The number of suspects subject to imprisonment of less than 1 year made up the smallest proportion (Figure 11).

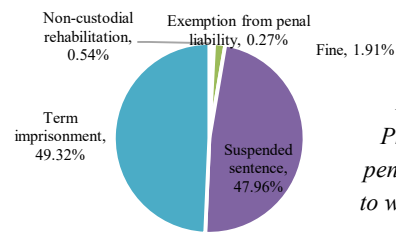


Figure 10. Proportion of penalties applied to wildlife-related crimes

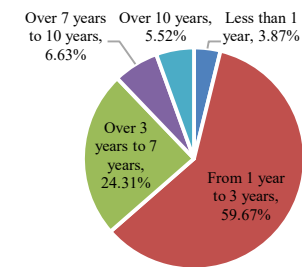


Figure 11. Proportion of imprisonment terms applied to wildlife-related crimes

## COMPARISON OF EFFECTIVENESS IN DETECTING, INVESTIGATING, PROSECUTING, AND ADJUDICATING WILDLIFE-RELATED CRIMES IN THE PERIODS OF 2020-2021 AND 2018-2019

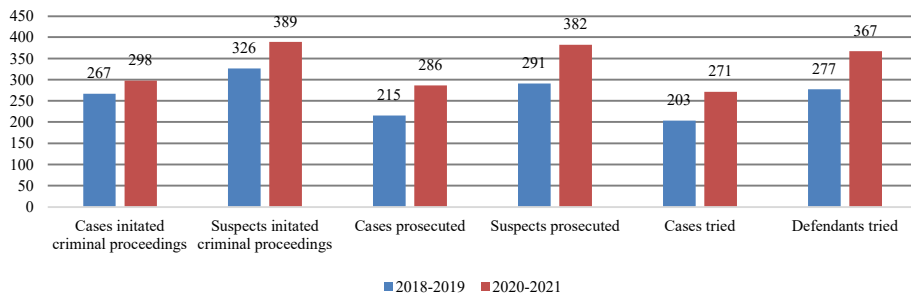


Figure 12. Number of cases, suspects, and defendants initiating criminal proceedings, prosecuted, and tried by first instance procedures in the periods of 2018-2019 and 2020-2021

- Compared to 2018-2019, the **number of cases initiated in criminal proceedings increased** by 11.61%.
- The **number of prosecuted cases increased** by 33.02%.
- The **number of cases under the first-instance trial increased** by 33.50% (Figure 12).

## COMPARISON OF TYPES OF PENALTIES APPLIED TO WILDLIFE-RELATED CRIMES IN THE PERIODS OF 2020-2021 AND 2018-2019

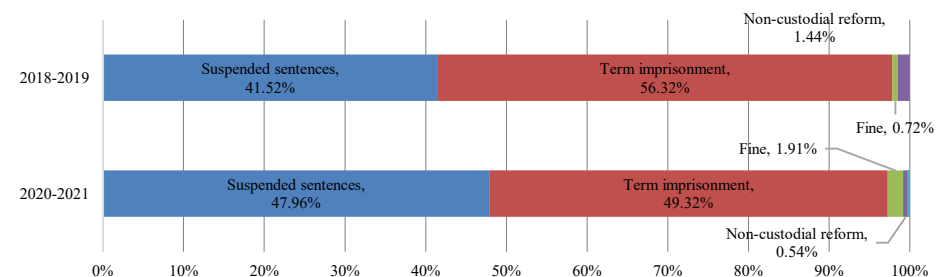


Figure 13. Comparison of types of penalties applied to wildlife-related crimes tried according to first-instance procedures in periods of 2018 - 2019 and 2020-2021

The overarching trend of penalties applied in 2020-2021 was consistent with 2018-2019, although **the share of suspended sentences increased in 2020-2021**. Suspended sentences accounted for 176/367 defendants in 2020-2021 versus 115/277 previously. The penalty of term imprisonment still accounted for the highest proportion in both periods with 181/367 defendants in 2020-2021 and 181/367 previously (Figure 13).

## SUSPECTS RELATED TO WILDLIFE CRIMES



Almost all suspects were Vietnamese citizens, and **only one foreign Cambodian suspect was handled**.



**Males accounted for the majority of suspects** (326/389 suspects) versus females (63/389 suspects) (Figure 14).



The **highest proportion of suspects were aged between 30 to 35 years** (87/389 suspects), followed by those aged 24 – 29 (77/389) and those 36 – 41 (72/389). The lowest proportion of suspects were aged 66 and older, with only four suspects (Figure 15).

## DIFFICULTIES AND OBSTACLES IN LAW ENFORCEMENT ON WILDLIFE PROTECTION

- **Low awareness:** Understanding of wildlife and wildlife conservation in the country is still poor. In many cases, people “publicly” stored, transported, traded, reared, and confined wildlife illegally without knowing they were breaking the law.
- **Ineffective handling and arrests:** Hired transporters rather than masterminds and leaders were arrested in most cases. As a result, effective and thorough deterrence opportunities were missed.
- **Complications with the Penal Code and the Criminal Procedure Code:** Difficulties have arisen in applying Article 244 of the current Penal Code in which the protection of “body parts indispensable for life” is open to interpretation and the processing of wildlife is not listed. In Article 223 of the current Criminal Procedure Code special criminal justice system, procedural measures appear difficult to apply to ordinary wildlife crime cases, limiting investigation abilities.
- **Poor wildlife identification capacity:** Identification results are often delayed, requiring an extension of investigation time and increased cost and challenges to preserve evidence (particularly deceased animals).
- **Haphazard wildlife valuation:** For that wildlife or products that are prohibited goods and not tradable on the market, there is no official basis for valuation. Valuation requests by procedure-conducting agencies are unanswered, valuation agencies often refuse to appraise or those in different localities set different prices for the same objects of valuation.
- **Disorganized management of confiscated wildlife:** There are few procedures and technical protocols for rescue and no clear stipulation on which specialized management agencies are responsible for taking care of wildlife in the process of handling violations.
- **Large wildlife crime data gaps:** Information on administratively handled violations has not been fully archived for reference, thus potentially omitting a large proportion of wildlife-related crimes that occur in Viet Nam.

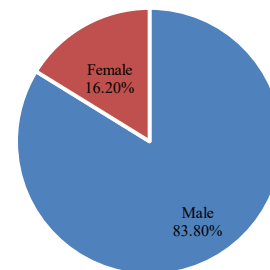


Figure 14. Gender of suspects of wildlife-related crimes

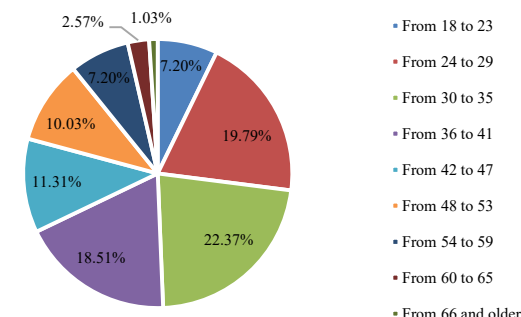


Figure 15. Age distribution of suspects of wildlife-related crimes

## RECOMMENDATIONS

1. **Educate:** Carry out dissemination and education of laws on wildlife protection for people with responsible communications and propaganda agencies at the central and local levels.
2. **Legislate:** Amend and supplement provisions of law applicable to handling violations of the law on wildlife protection with central-level inter-judicial agencies and ministries.
3. **Collaborate:** Establish coordination mechanisms between domestic law enforcement agencies and the criminal justice system to improve the effectiveness of inter-agency coordination.
4. **Coordinate:** Regionalize wildlife identification assessment with local taxonomic and judicial experts to speed up investigation, prosecution, and trial progression.
5. **Research:** Organize a periodic, complete, and consistent collection of statistical data and encourage continued reference of assessment results for quality and continuous improvement in handling wildlife-related crimes.

This document is a summary of key information of the Situational Analysis on Wildlife Crime and Law Enforcement Response in Viet Nam in the period of 2020-2021.

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