



Successful Wildlife Crime Prosecution in Europe: Effectiveness and Problems at Different Stages when Addressing Wildlife Offences in 11 SWiPE Project Countries

European Summary Report

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1. Introducing the SWiPE European Summary Report



1.1. Overview

Summary of 11 national reports:

1. Analysis of national legislation relevant to wildlife offences
2. Analysis of authorities relevant to prosecuting wildlife offences
3. Analysis of data on wildlife offences

Data:

- Detection, prosecution, convictions, and other case details (regarding species affected, type of offence, individuals involved, sanctions etc.), compiled from:
 - Individual wildlife offence case data (authorities such as police, customs, prosecutors' offices, courts, media reports etc.)
 - Aggregate wildlife offence data (Authorities such as police, customs, prosecutors' offices, courts, private databases, official statistics etc.)
- Interviews with representatives of relevant authorities and other stakeholders



1.2. Challenges and Caveats

The aim was to identify **overarching main issues** that represent hurdles for successful wildlife crime prosecution across the project countries.

The report is a **summary**; i.e., details were sacrificed.

Challenges

- No uniform definition of wildlife crime
- Differences in legal terminology and definitions between countries

Contents of national reports are subject to

- individual expertise of the authors
- available interview partners and their expertise
- available data (quantity and quality):
 - Different data formats
 - Incomplete information
 - Responsiveness of authorities
 - Many data only available in aggregate form (e.g., statistics)



1.3. SWiPE project definition of wildlife crime

(not exhaustive)

- Poaching and illegal killing for sport, predators or pest control and retaliation,
- Illegal catching\capturing,
- Illegal collection of eggs,
- Non-selective catching and killing,
- Trapping, harming,
- Possession, supply and sale, export\import, illegal fishing.



2. Preliminary Results

WLC- related legislation in the 11 project countries



2.1. WLC- related legislation in the 11 project countries

All Project Countries are CITES signatories.

EU project countries' legal frameworks are generally in line with the countries' obligations as EU Member States:

- Wildlife Trade Regulations
- Birds and Habitats Directives
- Environmental Crime Directive (ECD)
 - ECD transposed into the national Criminal Code in most EU project countries.

Legal framework for wildlife crimes and offences

- contained in the relevant provisions of **administrative** and **criminal** law
- includes penalty provisions for offences and crimes against wildlife
 - Penalties, among other things, depend on the qualification of the specific act as an administrative or a criminal offence.

Activities defined as crimes, either by the criminal code, or by the relevant environment protection, hunting, fishing or other legislation, are generally in line with the SWiPE definition.



2.2. Overarching issues identified in all or most project countries

WLC-related legislation was found to be relatively well set up in the SWiPE project countries. The main issue is its application in practice (enforcement, prosecution), which is interlinked with the legislative issues.

Most of the findings confirm the evaluation of the ECD in 2020.

Sanctions

- Prescribed penalties are too low to be dissuasive
- Lack of possibility of imposing ancillary penalties
- Inflexible and severe sanctions

Conflicting or inconsistent legislation

- Fragmented legislation
- Environmental laws conflict with other sectoral laws

Difficulty in distinguishing between administrative offence and crime

- Damage threshold: qualitative terms such as “negligible quantity”, “insignificant number of specimens” or “significant damage”.
- Little internal and external expertise to quantify damage

Legal loopholes

- Use of certain hunting devices and equipment are prohibited by law, but their sale and possession is legal



3. Preliminary Results

**WLC- related authorities and competences
in the 11 project countries**



3.1. Overarching issues identified in all or most project countries (1)

1. Lack of or insufficient specialisation in law enforcement and the judiciary

- Identified as the most prevalent issue hampering effective wildlife crime detection and prosecution
- Awareness is rising, with specialized units within the police in some countries
- Specialisation and formal training diminishes down the enforcement chain
- Low prioritisation of WLC cases by the judiciary systematically results in lenient sanctioning.

Overview of environmental/ wildlife crime specialization within law enforcement and the judiciary in the project countries, subject to available information.

	Police/ Law enforcement	CITES authorities/ customs	Prosecutors	Judges
Bosnia and Herzegovina	Red	Red	Red	Red
Bulgaria	Red	Red	Red	Red
Croatia	Red	Red	Red	Red
Hungary	Green	Red	Yellow	Yellow
Italy	Yellow	Red	Yellow	Red
Poland	Red	Green	Yellow	Red
Romania	Yellow	Red	Yellow	Red
Serbia	Green	Yellow	Red	Red
Slovakia	Green	Green	Yellow	Red
Spain	Green	Red	Yellow	Red
Ukraine	Red	Red	Yellow	Yellow



3.1. Overarching issues identified in all or most project countries (2)

2. Limited collaboration between authorities

- Existing collaboration platforms or formalized bilateral collaboration with enforcement, management and scientific authorities in some countries
- Generally, a lack of formal collaboration and protocols was documented on the national level

Outstanding investigation is crucial for successful prosecution, but organisational problems were reported in the detection and investigation phase:

- Lack of established protocols for collaboration between authorities
- Lack of expert databases for expert opinions and information exchange
- Existing formalised cooperation protocols between law enforcement, surveillance and scientific authorities are outdated.

Little legal support to supervisory and surveillance services when drafting and issuing administrative offence warrants and filing criminal charges.



3.1. Overarching issues identified in all or most project countries (3)

3. Lack of structured, uniform and centralised databases at various levels:

- The state of protected species populations
- Illegal killing of wildlife
- Records of the proceedings and results of WLC cases, accessible to all institutions and authorities working to combat wildlife crimes
- A CITES information system
- External expert database, e.g. for species identification (particularly for CITES violations) or damage assessment

4. Lack of staff and resources

- Personnel on the ground
- Equipment for the detection of WLC and processing of evidence
- External experts (and databases of such)
- Wildlife rescue centres, facilities to store evidence, e.g. carcasses, for further examination, or forensic investigation facilities

5. Insufficient competency of surveillance and enforcement authorities

6. General public lack of awareness



4. Preliminary Results

Analysis of Infringements Related to Wildlife Conservation



4.1. Scale and types of recorded WLC offences

The majority of wildlife crime data relate to **illegal killing/ poaching** and **wildlife trafficking**.

The majority of illegal killing cases of birds and mammals were classified as criminal acts.

Most targeted species: birds

Songbirds

- Hunted for *Carduelis carduelis* (goldfinch) is the most commonly targeted
- For consumption in Italy and in other countries for export to Italy
- Kept in cages in Spain

Raptors

- Hunted
- Poisoned

Large Carnivores

- *Ursus arctos*
- *Canis lupus*

Illegal wildlife trade:

- Parrots, tortoises, some reptiles and skins/ parts and products from big cats, brown bears, elephants and sturgeon
- *Carduelis carduelis* (goldfinch) – Ukraine to Middle East



4.2. Outcomes of Reported Criminal Offences

- On average, 60% of wildlife crime complaints received by the prosecution did not result in indictments that lead to court proceedings.
- Between 6% (wildlife trafficking in Hungary) and 47% (Croatia) of reported crimes against wildlife resulted in conviction of the perpetrators
- Bulgaria and Romania: reported poaching cases that concerned species of commercial interest (i.e., big game) were more consistently prosecuted than complaints of poaching of protected species of no commercial value.



4.3. Results of prosecution, penalties

Results of court proceedings and sanctions

Criminal offences

- Sanction most frequently applied is suspended imprisonment (between 34.5% and 70% of cases)
- Italy, Serbia, Spain and Ukraine have the highest percentages of court cases that end with acquittal (between 19% and 42%).
- In Poland and Romania, applied sanctions move in the lowest possible ranges.

Administrative offences

- Based on available data, between 40% and 96% of reported administrative offences were sanctioned, mostly with fines.
- Croatia: imposed fines are below the legal minimum for such illegal acts



5. Conclusions and Recommendations



5. Conclusions and Recommendations (1)

1. Public awareness of wildlife crime

Public education and awareness raising campaigns about environmental, and, specifically, wildlife crime, should accompany any action initiated by the SWiPE project.

2. Detection: Specialisation and competencies of LEA and surveillance bodies

- Advocate specialised police forces and training on wildlife crime
- Address curbed competencies of enforcement authorities

3. Advocate the elaboration of Protocols

- Correct filing of administrative and criminal offences, establish legal support for surveillance and inspection staff;
- Joint work of the investigating authorities with the main administrative control bodies;
- Investigation of wildlife crimes, to bring clarity to the sequence of actions in the investigation;
- Defining the role of NGOs and external experts in the enforcement process and in court proceedings.

4. Advocate specialisation and training of the judiciary



5. Conclusions and Recommendations (2)

5. Advocate the establishment of databases

- The state of protected species
- Illegal killing of wildlife
- Records of the proceedings and results of WLC
- A CITES information system
- External expert database

6. Address lack of resources

- Personnel on the ground to detect WLC
- Equipment for the detection of WLC and processing of evidence.
- External experts
- Wildlife rescue centres, facilities to store evidence, e.g. carcasses, for further examination, or forensic investigation facilities
- Lack of allocation of financial resources

7. Address legal issues at national level

- Close loopholes
- Harmonise legislation

8. Advocate for an ambitious new Environmental Crime Directive

- EU level: engage with the relevant involved departments of the European Commission and Parliament
- National level: engage with relevant ministries, most importantly the Ministries of Justice (here is where the position of the MS in the Council is shaped.)



Thank you!

Questions?



The EU Policy Context

Overview over the European legislation and policy frameworks on wildlife crime and trade

- CITES and the EU Wildlife Trade Regulations
- EU Birds and Habitats Directive
- EU Environmental Crime Directive
stipulates the criminalisation of serious violations of 72 pieces of legislation in the environmental field, among them:
 - killing, destruction, possession or taking of specimens of protected wild fauna or flora species (...)
 - trade in specimens of protected wild fauna or flora species or parts or derivatives thereof (...)
 - any conduct which causes the significant deterioration of a habitat within a protected site
 - inciting, aiding and abetting an environmental crime is also punishable as a criminal offence.
- EMPACT policy cycle (European Multidisciplinary Platform Against Criminal Threats) :
 - All types of environmental crime, with a specific focus on waste and wildlife trafficking, figure among the 10 crime priorities identified by the member states for the EMPACT cycle 2022-2025
- EU Action Plan Against Wildlife Trafficking
- European Sturgeon Action Plan



Overview of Imposed Sanctions

Percentage of sanctions imposed, 2015-2020, by country, subject to available data.

Judgment/ sanction	Bosnia and Herzegovina	Bulgaria	Croatia	Hungary	Italy	Romania	Serbia	Slovakia	Spain	Ukraine
	FBiH	Republika Srpska								
conviction (no detailed information)					27%				76%	2%
imprisonment		1%	11%	1%		3%	31%			
suspended imprisonment/ release on probation	70%	51%	39%	69%	44%		52%	50%	34,5%	2%
suspended imprisonment+ financial penalty			13%			10%				
probationary supervision				5%						
Financial penalty	17%	22%		4%	24%		7%		10%	35%
exemption from criminal liability, financial penalty			57%					10,5%		
plea bargain					40%					
confiscation of property		5%		0,5%						
disqualification from profession				3%				3,5%		
expulsion				0,5%				3,5%		
community service				0,5%		7%		14%		1%
Suspension of hunting/ fishing licence						24%		10,5%		
Exclusion from participating in public affairs				1%						
confiscation			100%	8%				10,5%		39%
Reparation work				0,5%						
court reprimand		1%		5%		10%				
acquittal	12%	12%		6%	21%	3%	19%	3,5%	20%	42%
termination	1%	8%								
statute of limitations					43%					
Mixed sentence					4%					
information unavailable			1%	2%	4%				4%	16%