

# SWiPE

**Successful  
Wildlife Crime  
Prosecution  
in Europe.**



## **Best practices, conclusions, and recommendations**

European Workshop on Wildlife Crime  
Madrid, 28-30 June 2022



**TRAFFIC**



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**WWF Spain is the author of this publication. The workshop recommendations presented in this report do not necessarily reflect the views of the LIFE SWiPE project members.**

Authors: Silvia Díaz Lora, Blanca Berzosa, Carlos Cano, Laura Moreno Ruiz, Zebensui Morales Reyes, Daniel Redondo Gómez, Carlos Javier Durá Alemañ

# I. Introduction

Wildlife crime (WLC) is one of the threats that European biodiversity is currently facing. The loss of wildlife due to shooting, poisoning, smuggling or illegal capturing of species, among others, is still too high. At a time when major conservation issues such as habitat loss or global change are killing hundreds of species every year, there is no place for a human impact of such importance, and which should be easy to solve.

In spite of a regulatory framework consisting of different international conventions and EU legal instruments, illegal activities that harm the flora and fauna continue to occur. The magnitude of the problem is enormous, with large economic interests behind it, even involving organised criminal groups and fostering corruption. The impact that these activities can have on humans is considerable, in such important areas as public health, social development and economy. Wildlife crime is not a petty crime, so there is an urgent need for enhanced enforcement of laws and effective prosecution to tackle this problem as soon as possible.

With this aim, the SWiPE project held the European workshop on WLC, organised by WWF ES, in Madrid (Spain) from 28<sup>th</sup> to 30 June 2022. It gathered representatives and experts from all links of the enforcement chain, from police officers to prosecutors and judges, taking into account the crucial role of crime scientists, conservationists and NGOs. More than 120 participants from 20 different countries attended, both in person and online, and this interagency meeting provided a fruitful space for networking and dialogue.

This report summarises the analysis and contributions provided by all the participants of the workshop to improve the different steps that lead to the effective prosecution of wildlife crimes. It includes a summary of contents of each day of the workshop, conclusions, best practice examples and recommendations. WWF Spain is the author of this publication, based on the opinion of the participants. Access to the whole Workshop agenda is available here:

<https://stopwildlifecrime.eu/wp-content/uploads/2022/06/SWIPE-AGENDA-EU-WLC-Workshop.pdf>

## II. Summary of contents

### II.1. European context and transboundary cooperation

The aim of the first day was for participants from different backgrounds to understand the political context of wildlife crime and how tackling wildlife crime is a priority in the EU. The Wildlife Action Plan (WAP), adopted in 2016, set out a roadmap for the EU strategy against wildlife trafficking. Its evaluation and revision is a key deliverable of the EU Biodiversity Strategy for 2030, with special focus on prevention, enforcement, and global partnership. The fact that the current 'EU Environmental Crime Directive' (Directive 2008/99/EC) did not have much effect in practice was also discussed. In addition, the main findings from the European SWiPE summary report (available soon) were shared.

The need for: (1) more resources and expertise in WLC, (2) more coordination and cooperation between all the actors involved in the detection and prosecution of WLC, and (3) good data and good information, was highlighted, along with the importance of raising awareness to prevent these crimes and the role of civil society (NGOs) to deal with them.

For more information:

Link to recordings: [https://www.youtube.com/watch?v=5lJK2tEFL\\_Y](https://www.youtube.com/watch?v=5lJK2tEFL_Y)

Link to presentations: <https://stopwildlifecrime.eu/workshop/>

### II.2. Innovative approaches to tackle wildlife crime

The aim of the second day was to present best practices for detecting and investigating WLC, involving the participants.

The importance and obligation of citizens to report WLC to improve its detection (there is no WLC where there is no search or notification of it) was highlighted. Also the importance of sharing data and using and disseminating information of international operation tools and new technologies as well as the need for specialised financial and technical investigations was emphasised.

Regarding recommendations and urgent needs for the detection of WLC, the following stands out: the lack of sufficient market surveys and controls along the whole trade chain, the importance of using both isotope and DNA testing methods, and the need for increased law enforcement. In the case of illegal trade in sturgeon, the need to improve the caviar labelling system and apply it in national markets was highlighted.

For more information:

Link to recordings: <https://youtu.be/C0cnJXuKn2w>

Link to presentations: <https://stopwildlifecrime.eu/workshop/>

## II.3. Successful prosecution

On the last day, the keys to a successful prosecution in Europe were discussed in three interactive groups made up of prosecutors and judges, law enforcement officers, and NGOs. Lessons learnt and challenges to reduce impunity in WLC cases were discussed, and notable wildlife crime cases were presented.

It was highlighted that the system is highly dependent on the motivation of the actors involved in the detection and prosecution of these crimes, and the knowledge and expertise of law enforcement officers involved. Thus, the training of law enforcement officials in WLC topics is absolutely essential so that well-justified statements are submitted to the court.

Among the weaknesses, it was highlighted that offenders of WLC generally don't receive some form of punishment; there is a lot of impunity. Another aspect of insufficient awareness is that the reparation of the damage is not considered. We urgently need to raise awareness within the judicial system to show that WLC matters.

Regarding the interactive discussion in groups, the prosecutors and judges highlighted the importance of specialised training in their sector to tackle WLC and the need to establish compensation measures for the environmental damage caused. The transboundary nature of many WLCs requires better cross border cooperation. For example, in a case of trafficking of glass eels, seven countries were involved. They also mentioned that administrative fines are not enough because they don't have a deterrent effect (offenders are afraid of going to court and having a criminal record). One of the biggest problems they encountered is how to prove that the act of WLC was intentional and not accepting an excuse: "I did not know the protected nature of the species" is accepted by the judges, dismissing the cases.

Law enforcement officers involved in the detection of these crimes recommended investigating beyond the crime scene. For example, investigating the purchase of the pieces of meat for the baits, comparing the tire tracks, identifying the trademarks (why a product is used, why in this place or why the baits appear a certain way on the field...), etc.

Finally, the NGOs highlighted the importance of collaboration and the difficulties in requesting information from the authorities. Also the need for civil society to denounce these crimes and the role that NGOs can have by communicating exemplary cases or working with communities, being the eyes and ears of WLC.

For more information:

Link to recordings: [https://youtu.be/\\_r1jOrhVKuI](https://youtu.be/_r1jOrhVKuI)

Link to presentations: <https://stopwildlifecrime.eu/workshop/>

## III. Conclusions

### Making visible an invisible crime: awareness needs to be raised

The lack of awareness and education has even been considered as the main driver of WLC. It is important to make society aware that wildlife crimes don't only impact wildlife itself, but also the environment as a whole, with a huge impact on human wellbeing. Therefore, there is a need to raise the awareness and motivation of all the people involved in the detection and prosecution of these crimes (the police investigators, prosecutors, judges...), as well as that of the general public. It is important to encourage the public to safely report any suspicious activities.

### Less prosecution, more prevention

Prosecution of crime is important, but the prevention of emerging problems is a more effective way to prevent future wildlife crimes.

### The essential role of NGOs

NGOs are able to provide invaluable additional support towards more successful wildlife crime prosecution. The support of NGOs in relation to detection, investigation, and education is necessary to complement the institutional efforts. In addition, the possibility of NGOs to bring forward private prosecution cases in court would further contribute to the protection of collective interests of national and international communities.

### Unification and harmonisation of laws

The variations between different national regulations and lack of clarity in the interpretation of the laws, create additional barriers to effective prosecution of wildlife crimes.

## More strategic resources, more detection, more efficiency

When more resources are invested strategically to address wildlife crime, more cases are detected, and the effort is more efficient.

## Training and professional specialisation in wildlife crime

The specialisation of the agencies involved (particularly prosecutors and judges) and the build-up of skills and capacities (law enforcement agencies) increases the successful prosecution of wildlife crimes. This also highlights the importance of having specialised units within the police and prosecution on regional, national and European level.

## Good data as a key to success

Accurate data related to criminal cases and previous successes and failures in the court greatly facilitate tackling wildlife crime.

## Coordination and cooperation between actors on a regional, national, and international levels

Improve coordination and communication between those called upon to enforce environmental regulations (law enforcement agencies, courts, and administration). The exchange of information should be standardised in law enforcement. It is necessary to use existing and formalised information exchange channels and to ensure all relevant authorities have access to them. Informal connections are just as important as formal ones (e.g. arranging events together on a specific topic or an annual event). Working together depends on knowing each other's roles and responsibilities. When working collaboratively, it is key to have a focal point and clear responsibilities.

It is very important to report and share data (e.g. best practice examples) because all wildlife crime cases are very complex and often related to financial crime, corruption, and other crimes. To build up trust with various stakeholders (e.g. police, other investigators, NGOs, hunting organisations etc...) we need cooperation and joint work (e.g. joint patrols) in order to know each other's expertise better. In this regard, cooperation between scientists, NGOs, which often have a lot of data, and administrations, which have the power to act accordingly, is essential.

## Use of new technologies to address wildlife crime

The availability of new technologies can have a significant impact on wildlife crime detection, so a new review of the activities subject to prosecution is deemed necessary. In the same vein, the possibility of employing novel technologies such as DNA analysis, phone tapping, etc., in a legal and ethical manner, can be of great importance. In some cases, interception and recording of telephone calls made by the defendant were indispensable for documenting the criminal activity and the administration of the necessary evidence to hold the defendant criminally responsible. Likewise, the tracking of animals (GPS tracking) can be used as an early warning system for wildlife poisoning, poaching, etc. An efficient action protocol is required to facilitate the information exchange between those involved in wildlife monitoring (scientists) and the National law enforcement agencies, in the event of the tracked animal being affected in a possible case of environmental crime. In addition to being useful in detecting environmental crimes, the widespread use of this technology can act as a deterrent that prevents future cases.

### **Use of anti-corruption measures**

On numerous occasions, the pressure exerted by economic lobbies (especially the livestock, hunting and agricultural sector) on law enforcement officers or civil servants has resulted in the closure of proceedings against these offences. It is necessary to prevent corruption and possible influences from these lobbies and to guarantee the continued employment of the civil servants who prosecute these crimes.

### **Reduction of the time taken to obtain a sentence**

There is a considerable time gap from the commission of the offence to the judicial sentence, sometimes stretching several years. There is a need for a reduction in the time taken to obtain a sentence.

### **Importance of circumstantial evidence**

Many of these crimes take place in remote locations with hardly any witnesses. In this sense, the importance of circumstantial-evidence-based judgement (such as video recordings or photographs) has been proven, which, together with possible scientific, expert or technical reports, can determine guilt.

## Necessary traceability of the complaints made

On many occasions, crimes against fauna have a criminal and an administrative responsibility, but it happens that, once the criminal responsibilities have been cleared, the criminal proceeding is closed, and the possibility of another type of civil liability in administrative proceedings is opened up. In this sense, it is necessary to trace the judicial files to ensure the traceability of complaints.

## Insufficient penalties to deter criminal behaviour

Although a decrease in some wildlife crimes has been detected, it continues to occur repeatedly. For this reason, a review of sanctions is needed, both from a criminal and administrative point of view.

## Clear procedures and protocols

It is important to have clear procedures and protocols for people involved in the detection and prosecution of wildlife crimes and also to have a comprehensive methodology to quantify the damage and establish compensation measures.

The civil society has to be aware that anyone is able (and obliged) to report wildlife crimes. In this respect, it is important that people do not damage the evidence/crime scene and reach out to responsible institutions - a legal imperative conveyed in the catchphrase "don't touch and call" .

## House search: a key tool for tackling wildlife crime

If you have the warrant, then many other illegally owned objects (e.g. taxidermy, poison, bullets, rifles) can often be found in the premises of the potential offender. Even if the wildlife crime cannot be proven, these other illegally owned objects can build up a case.

## The importance of dog units

Carcass and poison searching dogs are very useful and needed not only to detect WLC clues (e.g. carcass of a bird) but also to deter (prevent) such crimes from occurring.

## IV. Best practice examples

Several best practice examples have been shared these days that might be applied to different types of wildlife crime and to different regions.

- **The use of satellite telemetry/tagging** (GPS satellite tags). Advances in studies of radio-monitoring of fauna for scientific purposes are reaching a more than remarkable development. Many of these radio-tagged specimens become sentinels to be able to identify episodes of behaviour that could be the object of wildlife crime. It would be important to establish collaboration protocols between scientific institutions and administrations to facilitate communication between the two. This would allow greater efficiency in the prosecution of this type of crime.
- **The use of dog units** (e.g. the anti-poisoning dog unit of WWF Greece in Dadia, Greece, the one used by Birdlife Hungary, and the Specialised Canine Unit of the Junta de Andalucia in Spain). The use of canine patrols is a very effective tool in the detection of evidence and clues that facilitate the resolution of many cases of wildlife crimes. In addition, it plays a decisive preventive role, which allows dissuading this type of behaviour.
- **The use of novel field tests and rapid tests for pesticides and illegal poisonous substances** (e.g. carbofuran rapid test kits). Animal poisoning and dissemination of baits in the environment have public health and ethological implications, which can be followed by criminal sanctions for those responsible. The reference methods for the analysis of suspect baits and autopsy specimens are founded on chromatographic-based techniques. They are extremely robust and sensitive, but also very expensive and laborious. For this reason, an ambient mass spectrometry (AMS) method able to screen for 40 toxicants including carbamates, organophosphate and chlorinated pesticides, coumarins, metaldehyde, and strychnine, has been developed. Initial screening of suspect poison baits could guide the choice of reference confirmatory methods, reduce the load in official laboratories, and help in the early stages of investigations in cases of animal poisoning.
- **EU TWIX**. It is a tool to facilitate information exchange on illegal wildlife trade in Europe. National law enforcement agencies (such as Customs, police and environmental inspection services) in the European Union (EU) play a crucial role in the enforcement of EU Wildlife Trade Regulations. The EU-TWIX mailing list facilitates the rapid exchange of information, expertise and experience on wildlife trade enforcement within participating countries. The EU-TWIX database has been developed to assist national law enforcement and CITES management authorities in their task of detecting, analysing and monitoring illegal activities related to trade in fauna and flora covered by the EU Wildlife Trade Regulations. The database is a unique source of centralised data on seizures and offences reported by all EU Member States. Additionally, the EU-TWIX website has a section with information on technical, scientific, economic and other fields to help with

the identification, valuation, disposal, etc. of seized or confiscated specimens. The purposes of EU-TWIX are to assist with strategic analyses and with the development of field investigations. The success of EU-TWIX largely depends on the regular input of information on new seizures and offences by national law enforcement agencies. The contribution of all designated enforcement officers in each EU Member State is therefore essential to significantly increase the efficiency of this tool in the short-term. EU-TWIX was developed by the Belgian Federal Police, CITES Management Authority and Customs as well as TRAFFIC. This project has received funding from the European Commission (DG Environment and DG Home Affairs) and the Governments of Austria, Belgium, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, the Netherlands, Norway, Poland, Slovakia, Spain, Switzerland and the United Kingdom. [www.eu-twix.org](http://www.eu-twix.org)

- **PLAN TIFIES.** In 2018, the Spanish Action Plan against Illegal Trafficking and International Poaching of Wild Species (TIFIES Plan) was launched. After its entry into force in April 2018, Spain became the first European country to transpose the European Union Action Plan against wildlife trafficking (2016-2020) to the national context. The central objective of the plan is to prevent trafficking and poaching by attacking their root causes, while involving public administrations and civil society, and acting both nationally and internationally. For the year 2020, the promoters of the plan set as objectives to make further progress in training all parts of the law enforcement chain and to continue working with the countries of origin of the trafficking of wild species. Among these, it is worth highlighting the Taxideralia operation, concluded in February 2019 with the seizure of more than 200 specimens of protected species from illegal taxidermy workshops. The Taxideralia operation began after the detection, in 2018, of a spread of online ads selling stuffed animals of species protected by the CITES (International Convention on Trade in Endangered Species of Wild Fauna and Flora). Operation Celacanto, which ended in July 2019, seized 2,296 specimens of 70 species of fauna protected by international agreements and valued at more than one million euros. The operation was coordinated by Europol at the continental level and by Interpol at the international level. In Spain, more than 2,000 inspections were carried out in animal sales establishments, wholesalers, private collectors and antique shops. At the same time, coordinated inspections were carried out at ports and airports. <https://sites.google.com/gl.miteco.gob.es/tifies>
- **The possibility of NGOs to act as private prosecution** (as in Spain and Italy) allows more cases to be brought to court. Despite having regulations that are sufficiently suitable (although they can always be improved) to prosecute wildlife crime, many administrations do not initiate sanctioning proceedings against those responsible for such conduct. This is mainly due to the fact that they continue to consider these types of actions as "misdemeanours". In this sense, the role of NGOs has been decisive in obtaining a large number of convictions.

- **The closure of hunting grounds or the suppression of the collection of Common agricultural policy (CAP) rights.** In some regions of Spain, such as Castile and León or Castilla-La Mancha, this initiative has had a decisive weight in dissuading this type of behaviour.
- **Actions or programs to address environmental crimes** (e.g. SEO/BirdLife, through LIFE Guardians project, have created a portal to easily report wildlife crime: <https://guardianes.seo.org/denuncia/>). Other important programs have made it possible to establish synergies between the heads of NGOs and the administration, with the aim of pursuing this type of conduct strategically from different spheres. A clear example is the "Antidote Programme", set up in 1997 to tackle the illegal use of poisoned baits and supported by the most representative Spanish conservation NGOs. Among the measures that were generated thanks to this Programme, the following stand out: (i) a system for monitoring the use of poison in each autonomous community, reporting cases detected, (ii) seminars for law enforcement officers, (iii) support for new control and detection tools (particularly, Canine Units), (iv) specialised toxicology laboratories, (v) forensic wildlife data analysis centres, (vi) protocols for law enforcement officers (i. e. rangers and environmental guards and SEPRONA), (vii) telephone numbers provided to citizens to contact the authorities (e.g. "SOS VENENO"), and (viii) the involvement of specialised lawyers and the possibility of NGOs to act as private prosecution in proceedings for criminal and administrative cases of wildlife poisoning was promoted. <https://www.venenono.org>
- **Collaboration of the private sector.** A company of courier services found a snake in a box and flagged it to the competent authorities (German customs and French customs). Thanks to this action, an investigation started by environmental inspectors, and they manage to find another 15 snakes and reach the people involved in this case.
- **Memorandum of understanding with other entities.** WWF Italy shared their memorandum of understanding with carabinieri, because they have 400 volunteer's environmental guards, who work closely with Italian police forces.
- **Raising awareness.** WWF Italy shared their work on raising awareness through a TV series, "Green storytellers" <https://greenstorytellers.com/>; and WWF Spain shared their work on raising awareness with the campaign "Poison Sentinels" <https://centinelasdelveneno.wwf.es/>. Big wildlife crime cases are an opportunity for communication and awareness raising, and for fostering cooperation among different authorities and stakeholders.
- **The importance of training and networking.** Identification of species – although it is hard to know them all, it is important to know who to call (e.g. EU-TWIX provides these resources). Networking can help to improve species identification and provide additional resources and knowledge (e.g. in Croatia, the state authority has a national institution that is there to give

instant information on species and their value – they are a focal point who transfers calls to other specialists, although this still relies on people being on duty, which may be more limited during evenings and weekends).

- **Communication of exemplary cases.** WWF Ukraine shared a case of massive poisoning of cranes, swans and other wild species due to the poisoning of rodents, in particular, moles by farmers. Many non-targeted species were affected, and the case was very sound. In this case, there was a great collaboration between members of NGOs, Authorities, Parliament, etc.; The importance of collaboration with the authorities to communicate right on the most suitable moment, and with the proper words was highlighted by WWF Italy (e.g. the importance of using the terms illegal hunting instead of poaching).

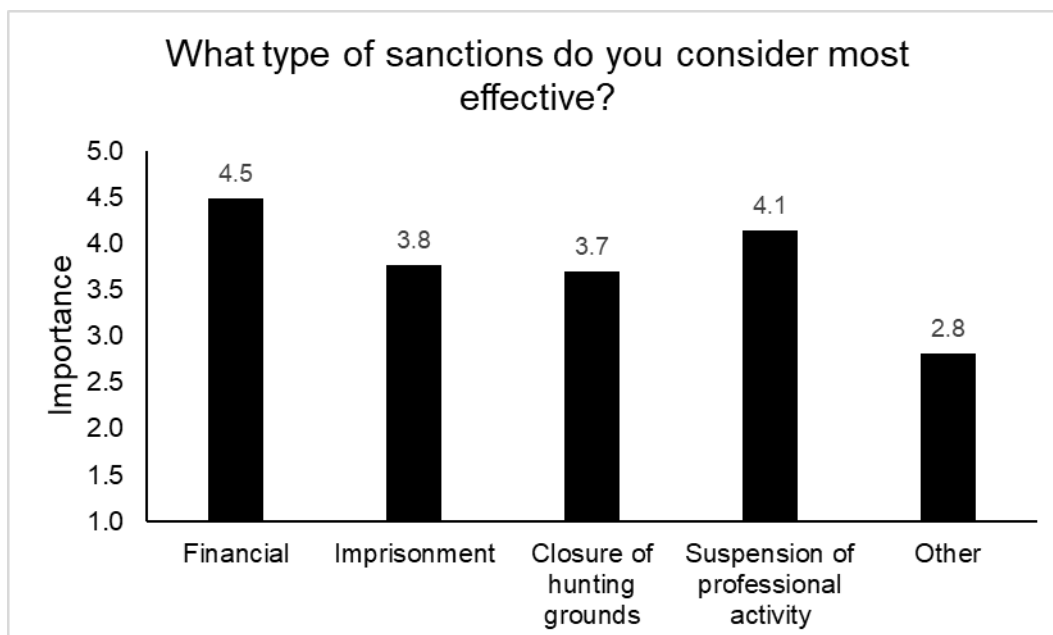
## V. Recommendations

The SWiPE project organised the EU Wildlife Crime Workshop for experts in June 2022 to review the latest wildlife crime findings and strengthen transnational working relationships. After this event, we collected the opinion of the attendees on different aspects related to the European Wildlife Crime Workshop through an online form. The respondents were 58.1% women, 30.2% men and 11.6% unspecified. The average age was 42.3 years (ranging 24 – 63), with responses from 17 countries (Austria, Belgium, Bulgaria, Croatia, France, Germany, Hungary, Italy, Netherlands, Poland, Romania, Serbia, Slovakia, Spain, UK, Ukraine, USA). Among the responders were lawyers, judges, prosecutors, NGO, project managers, environmental managers, police officers, environmentalists, etc. Based on these surveys, we made the following recommendations.

### Type of sanctions

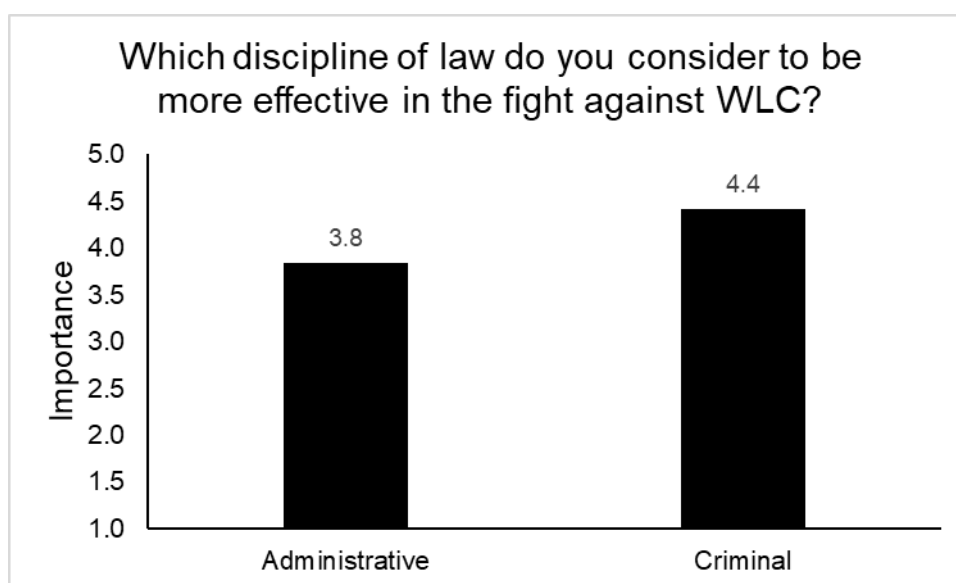
Overall, a higher percentage of respondents perceived that sanctions were not enough to effectively discourage offenders of wildlife crime (not enough: 81.4%; enough: 18.6%).

Among the different types of sanctions, the financial ones (rated 4.5 out of 5) were considered the most important by the attendees, followed by suspension of professional activity (4.1 out of 5), imprisonment (3.8 out of 5), closure of hunting grounds (3.7 out of 5), and other types such as restoration of the damage caused or confiscation of properties (2.8 out of 5) (Fig. 1)



**Figure 1.** Average rating of different types of sanctions using a five-point scale from 1 (unimportant) to 5 (very important).

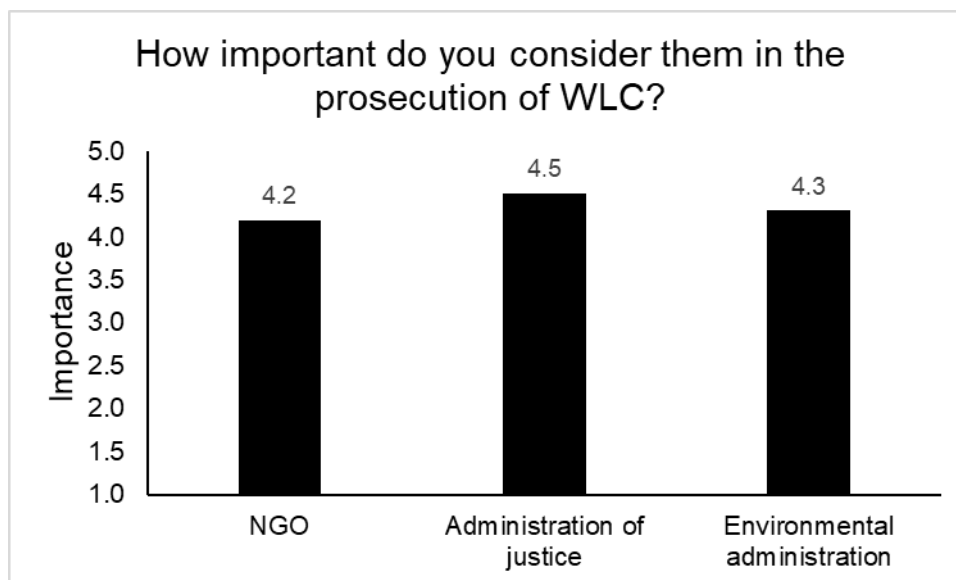
The respondents considered the criminal law (4.4 out of 5) to be more important than the administrative law (3.8 out of 5) in the fight against wildlife crime (Fig. 2). Among the reasons, the following were mentioned, but not exclusively: criminal law is more dissuasive, but involves a slower process, criminal law is much more specialised and criminal sanctions are more important for organised crime. However, many attendees highlighted the complementarity of the two types of sanctions.



**Figure 2.** Average rating of law disciplines (administrative and criminal) in the fight against wildlife crime (WLC) using a five-point scale from 1 (unimportant) to 5 (very important).

## The role of NGOs and the administration

Regarding the role of NGOs and the administration in the prosecution of wildlife crime, the administration of justice was considered the most important (4.5 out of 5), closely followed by the environmental administration (4.3 out of 5) and NGO (4.2 out of 5) (Fig. 3).



**Figure 3.** On the role of NGOs and the administration in the prosecution of wildlife crime (WLC), how important do you consider them? Please, rate from 1 (unimportant) to 5 (very important).

## How to tackle wildlife crime at a pan-European level?

The aspects pointed out by the attendees are summarised in the following five main issues:

**i) Coordination and cooperation.** Increasing cooperation and coordination between the different law enforcement officers involved in the fight against wildlife crime both nationally and internationally. Information exchange between involved authorities along the investigation and judicial chain. Creation of a common database on wildlife crime.

**ii) Specialisation.** Increasing the level of specialisation of law enforcement officers, with regular training. Homogenization of the specialised units in wildlife crime. Improving prevention and detection of wildlife crimes.

**iii) Awareness and recognition.** Raising awareness among the general public, law enforcement and within all relevant authorities (e.g., recognition of the severity and impact of wildlife crime as a form of serious crime). Educational programs and awareness campaigns (e.g., incentive for people to report wildlife crime to the authorities). Increasing good faith and involvement between authorities.

**iv) Additional support.** Increasing resources (human, financial and/or material) for specialised fight against wildlife crime. Resources should be guaranteed.

**v) Harmonisation and improvement of legislation.** Harmonisation of national and European legislation. Improving legislation (e.g., harsher penalties, more dissuasive sanctions, unique legal framework, increasing of liability for offenders).





# EUROPEAN WILDLIFE CRIME WORKSHOP

**STRENGTHENING  
TRANSNATIONAL  
WORKING RELATIONS**

**MADRID, 28-30 JUNE 2022**

INTERACTIVE SESSIONS FOR ON-SITE PARTICIPANTS ONLY  
PLENARY SESSIONS BROADCASTED ONLINE (UPON REGISTRATION)




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