

Convention on the Conservation

of European Wildlife and Natural Habitats

Standing Committee

**Recommendation No. 196 (2017) of the Standing Committee, adopted on 8 December 2017, on the establishment of a Scoreboard for measuring progress in combatting illegal killing, taking and trade of wild birds**

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that Article 1, paragraph 2 of the Convention provides that the Convention aims to give particular emphasis to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 requires Parties to take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling that Article 11, paragraph 1 of the Convention provides that, in implementing the Convention, Parties undertake to co-operate whenever appropriate and in particular where this would enhance the effectiveness of measures taken under other articles of the Convention;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or dead protected birds;

Recalling its Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds, identifying – among others, a series of urgent measures to enhance enforcement of existing legislation at each stage of the bird-crime chain through appropriate political, judicial, operational, scientific and technical support and cooperation;

Recalling its Recommendation No. 164 (2013) on the implementation of the Tunis Action Plan (TAP) 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds, urging Parties to implement – without further delays – the measures foreseen in the TAP, including those addressing or involving the judiciary;

Recalling its Recommendation No. 171 (2014) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds, recommending Parties to improve efforts aimed at enhancing inter-sector cooperation at national level and involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education;

Further recalling its Recommendation No. 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds;

Recalling the EU Biodiversity Strategy to 2020 (COM (2011) 244) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”, and the Roadmap elaborated for addressing illegal killing of birds in EU member states, in line with the Tunis Action Plan 2013-2020;

Noting the European Commission Communication COM(2017) 198 final “An Action Plan for nature, people and the economy” and the associated Commission Staff Working Document (2017) 139 final, “Factsheets providing details of actions in the Action Plan for nature, people and the economy and the Council Conclusions of 19 June, 2017;

Acknowledging the specific steps undertaken by the CMS for setting-up an Intergovernmental Task Force to address illegal killing, taking and trade of migratory birds in the Mediterranean (MIKT), pursuant to Resolution 11.16 adopted at COP11 entitled “The Prevention of Illegal Killing, Taking and Trade of Migratory Birds” and aimed to facilitate the implementation of the Bern Convention Tunis Action Plan 2013-2020;

Noting the Cairo Declaration supporting a zero-tolerance approach on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean Region developed at the 1st meeting of the MIKT in July 2016;

Acknowledging the important contribution of the MIKT and the Programme of Work for the period (2016-2020) developed at its 1st meeting and based on the Tunis Action Plan 2013-2020 and the proposals of MIKT members and observers at its 1st meeting;

Fully aware of the benefits of the coordinated approach successfully followed at the international level by the Bern Convention together with other concerned and partner MEAs, organisations and stakeholders, and in particular the excellent cooperation with the CMS, the AEWA and the EU and its Member States, on matters related to the eradication of illegal killing, trapping and trade of wild birds;

Welcoming the fruitful cooperation between the Bern Convention and CMS Secretariats leading to the organisation of the Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) in Sliema, Malta, on 22-23 June 2017 and the development of a Scoreboard which will help Parties to self-assess their national progress on the implementation of their commitments in this area;

Noting with concern the results of the BirdLife International 2014 Review of the scale and extend of illegal killing and taking of birds in the Mediterranean and their 2017 Review of illegal killing and taking of birds in Europe, the Arabian Peninsula, Iraq and Iran;

Recognising the urgent need for bolder and concerted action at national level if the objectives of the Tunis Action Plan 2013-2020 are to be achieved and illegal killing of wild birds eradicated by 2020;

Convinced that the periodic self-assessment of progress in addressing the issue will constitute a major incentive for stronger action and effective response against the illegal killing, taking and trade of wild birds at national level and thus contribute to the implementation of the Convention;

Aware that the 12th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species, which took place in Manila (23-28 October 2017), in point 2 bis of its resolution "*Acknowledges the work of MIKT in developing the scoreboard and promotes its use as a voluntary tool for Parties to assess their own progress in combating illegal killing, taking and trade of wild birds included in Annex 1 to this Resolution*",

Recommends Contracting Parties to the Convention which are MIKT members, and invites other Parties and observer States to:

1. Periodically use the Scoreboard in the Appendix to this Recommendation as a national tool to self-assess progress in addressing the illegal killing of wild birds,

2. Provide, on a voluntary basis, and to the extent of availability and relevance of information for the indicators, the Secretariat with the information identified in the Scoreboard, for the purposes of discussion within the Bern Convention Network of Special Focal Points and CMS MIKT, to facilitate information sharing and best practice,

Contracting Parties to the Convention and observer States are encouraged to implement the Programme of Work of MIKT 2016-2020;

The Secretariat is requested to cooperate with the CMS Secretariat to:

1. Compile, in the period between the 37th and 40th Meetings of the Standing Committee, the information duly provided by the Parties and observer States under paragraph 2 above;

2. Share that information with CMS MIKT and Bern Convention Special Focal Points Network members for the purposes outlined in paragraph 2 above, in the period between the 37th and 40th Meetings of the Standing Committee.

**Appendix to Recommendation No. 196 (2017) of the Standing Committee on the establishment of a Scoreboard for measuring progress in combatting illegal killing, taking and trade of wild birds**

**Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds (IKB)**

A Self-Assessment Framework for National Use

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**List of Acronyms**

AEWA Agreement on the Conservation of African-Eurasian Migratory Waterbirds

CMS Convention on the Conservation of Migratory Species of Wild Animals

COP Conference of the Parties

EU European Union

ICCWC The International Consortium on Combating Wildlife Crime

IKB Illegal Killing, Trapping and Trade in Wild Birds

MIKT Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean

MOP Meeting of Parties

NGO Non-Governmental Organization

PoW Program of Work

SC Standing Committee

SFP Special Focal Point

TAP Tunis Action Plan 2013 - 2020

**Aim of the IKB Scoreboard**

Over the past few years, the issue of illegal killing and taking of birds (IKB)[[1]](#footnote-1) has steadily gained prominence on the international agenda. This prominence became embedded within a number of high profile international instruments and commitments, including those adopted under the framework of the Bern Convention, CMS and CITES, as well as within a plethora of initiatives spurred by the EU. The Bern Convention Tunis Action Plan (TAP), the EU Roadmap on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds, the European Commission Communication and Council Conclusions on an EU Action Plan Against Wildlife Trafficking and the CMS Mediterranean Task Force on Illegal Killing, Taking and Trade of Migratory Birds (MIKT) are amongst the main examples of such commitments. A common feature of such instruments is that they often envisage regular assessment of progress.

At the first MIKT meeting which took place in Cairo in 2016, a Programme of Work 2016-2020 was adopted, which foresaw the development of a scoreboard as a high priority action to assess progress on the eradication of IKB at national level. Another high priority action was to harmonize reporting format and periodicity under the CMS COP and the Bern Convention TAP, in order to avoid duplication and extra burdens on member countries.

The CMS reporting system, which is more a general report on different issues will continue operate between COPs. On the other hand, the Scorecard reporting system is focused on a specific problem that needs to be addressed as soon as possible. The need to develop such a tool to be used jointly by the Bern Convention and CMS was also raised by the Chair of the Special Focal Points Network of the Bern Convention at the 36th meeting of the Standing Committee to the Convention in November 2016. The Standing Committee welcomed the increased coordination efforts shown in the past years by different organizations, Conventions and stakeholders, aimed to increase synergies in the work of their respective platforms and initiatives, as these efforts support the implementation of the TAP. As well as existing formal reporting by national administrations, self-assessment of progress is also supported by studies carried out by various non-governmental stakeholders. The recent study to estimate the extent of IKB in the Mediterranean led by BirdLife International is an example of such an initiative.

The present IKB Scoreboard proposal is intended to provide the national governments with a tool to provide an objective, fact-based national self-assessment of the current status of illegal killing of birds at national level, and enable States to measure their progress in implementing their commitments related to this area.

The indicators framework has been developed with the view of offering to the national administrations a simple tool, which, given the complexity of the issue at stake, is easy to compile and interpret and which may be applied either at national, or appropriate sub-national scales.

The present scoreboard is largely based on the format previously developed by the International Consortium in Combating Wildlife Crime[[2]](#footnote-2) (ICCWC) which provides an Indicator Framework for Combating Wildlife and Forest Crime. However, this format required a number of changes and adaptations, in order to focus on the specific requirements for the assessment and measurement of IKB, as opposed to a general assessment of the state of affairs with regard to international wildlife trade, of which IKB is only a limited component. In particular large part of the methodology, the format of the scoreboard and several indicators are taken from the ICCWC indicator framework.

The IKB Scoreboard makes it possible for States to assess their progress not only at the national level but also on a regional scale as appropriate, significantly contributing to prioritization and commitment of resources by national administrations, NGOs and international actors.

It offers the national authorities an opportunity to show leadership and the capacity and willingness of being proactive and transparent regarding their efforts to tackle an issue which is far more common than previously recognized. The process leading to its compilation, as described in the next pages, promotes cooperation and sharing of experience and know-how between governmental bodies and national stakeholders. The cooperation developed among stakeholders and the information gathered for compiling the scoreboard can be the basis for the development of a national action plan. Additionally, if a national action plan has already been developed the scoreboard can be used to monitor its implementation at national level.



**Picture 1 -** The geographical scope of the present document is the entire area covered by the Bern Convention and MIKT. In Orange, the Bern Convention Contracting Parties and members of MIKT; in Red, the Bern Convention Contracting Parties and observers[[3]](#footnote-3) of MIKT; in Green, members of the MIKT and not Contracting Parties to the Bern Convention; in Yellow, other observers of MIKT, and not Contracting Party to Bern Convention.

Furthermore, the IKB Scoreboard provides the opportunity for national administrations, as well as for various stakeholders at national and international level, to raise political profile, commitment and mobilization of resources towards the eradication of IKB.

At international level the IKB Scoreboard promotes collaboration and sharing of experience because several countries facing the same obstacles in improving their scores in a particular area may want to work together to define strategies, deliver training and share experiences.

**The scoreboard shall not be used in relation to any Treaty compliance process.****Overview of the Scoreboard**

The indicator framework which forms the backbone of the Scoreboard for States to self-assess progress on the eradication of IKB is organized in five areas each looking at a specific aspect of the fight against IKB:

1. National monitoring of IKB (management of data on scope and scale of IKB) – 4 indicators
2. Comprehensiveness of national legislation - 9 indicators
3. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions) - 6 indicators
4. Prosecution and sentencing (effectiveness of judicial procedures) – 4 indicators
5. Prevention (other instruments used to address IKB) – 5 indicators

The 28 indicators represent the critical areas to assess the effectiveness of a national response to IKB.

The first group of indicators provides an insight into the extent of and knowledge of the scale of IKB at national level looking at the number of birds illegally killed, taken or traded per year as well as the number of cases prosecuted.

The second group of indicators assesses the extent to which the national legislation addresses IKB, regulates the taking of wild birds and incorporates international law and commitments.

The third group of indicators explores the enforcement responses to IKB in terms of the existence of a plan of actions with appropriate priority shared among law enforcement agencies properly trained and staffed resulting in cases prosecuted.

The fourth group of indicators covers to investigate the effectiveness of the judicial system against IKB which should be aware of the seriousness of IKB and properly trained to deliver appropriate penalties.

The final group of indicators looks at other instruments useful in reducing IKB such as public awareness, addressing drivers of IKB, international coordination and stakeholder engagement.

**Table 1 –** The indicators in the IKB Scoreboard

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| **A. National monitoring of IKB (data management of scope and scale of IKB)** | **1. Status and scale of IKB** The extent to which data on illegal activities at national level are available |
| **2 Number, distribution and trend of illegally killed, trapped or traded birds** The extent, trend, seasonal and geographic distribution of illegally killed, trapped and traded birds in your country including overseas territories**.** |
| **3. Extent of IKB cases known to justice**The extent to which data on illegal activities at national level are available |
| **4. Number of IKB cases prosecuted in the reporting period**The extent of cases of IKB prosecuted in the reporting period |
| **B.Comprehensiveness of national legislation** | **5. National wildlife legislation**The comprehensiveness of national legislative provisions in force for wildlife conservation, management and use, including prohibition of IKB |
| **6. Regulated use**The comprehensiveness of national legislation concerning sustainable use of wildlife, including hunting |
| **7. Prohibitions under national legislation**The extent of activities forbidden under national legislation |
| **8. Exceptions under national legislation**The extent of regulatory scrutiny concerning any authorization of exemptions |
| **9. Sanctions and penalties**The extent to which penalties for IKB are comprehensive |
| **10. Proportionality of penalties**The extent to which severity of IKB cases is reflected in the relevant national legislation |
| **11. Use of criminal law**The extent to which a combination of relevant national legislation and criminal law are used to prosecute IKB in support of legislation enacted to combat wildlife crime |
| **12. Organized crime legislation**The extent to which specific legislation to address organized crime is used to combat IKB |
| **13. Transposition of international law and commitment to national legislation** The comprehensiveness of national legislative provisions to transpose the State’s international commitments related to IKB |

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| **C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions)** | **14. National Action Plan for combating IKB**The existence of a national strategy or action plan for IKB |
| **15. Enforcement priority**The recognition of combating wildlife crime as a high national level priority |
| **16**. **Stakeholders and Policy-making**The level of stakeholder participation in IKB-related policy-making |
| **17. Staffing and recruitment**The level of staff resources in national law enforcement agencies to combat wildlife crime |
| **18. Specialized training** The percentage of enforcement officers trained per year in IKB-related aspects |
| **19. Field enforcement effort**The intensity of efforts devoted by law enforcement agencies to combat IKB |
| **D.Prosecution and sentencing (effectiveness of judicial procedures)** | **20. Quality of judiciary processes**Effectiveness and efficiency of administration of sanctions for IKB offences |
| **21. Sentencing guidelines**The existence of national guidelines for the sentencing of offenders convicted for wildlife crime |
| **22. Judicial awareness** The extent of awareness of wildlife crime among the judiciary and the appropriateness of the verdicts handed down |
| **23. Judiciary training**The percentage of judiciary trained in IKB-related aspects |
| **E. Prevention (other instruments used to address IKB)** | **24. International cooperation**The extent to which national institutions take advantage of the international initiatives and working groups on IKB |
| **25. Drivers of wildlife crime**The extent to which the drivers of IKB in the country are known and understood |
| **26. Demand-side activities**The extent to which activities to address the demand of illicit wildlife products are implemented |
| **27. Regulated community**The extent of awareness-raising materials and/or programmes are in place to increase the awareness of the regulated community, of the laws that apply to the sustainable use of wild birds |
| **28. Public awareness actions**The extent of awareness-raising materials and/or programmes in place to increase public awareness of IKB |

**How to use the IKB Scoreboard**

***The process***

The IKB Scoreboard provides a voluntary self-assessment method for the systematic gathering of appropriate information at a national level, and which would enable States to compare results at regional an international level as appropriate, and identification and sharing of any methods that have been particularly effective or shared challenges or deficiencies that require further concerted action to be addressed.

The assessment aims to enable States to review their progress toward the implementation of the Tunis Action Plan and the MIKT Programme of Work; it should therefore be completed periodically. Therefore, States will want to complete it periodically.

The primary input to the Scoreboard consists of a self-assessment by the responsible national administrations. For maximum accuracy and objectivity, it is recommended that the assessment is completed in a collaborative process with the participation of staff from relevant law enforcement agencies, such as the wildlife regulatory agency and the relevant law enforcement bodies. Consultation with non-governmental stakeholders such as the regulated communities[[4]](#footnote-4) and conservation organizations is also recommended.

The process described below would fit well in the development process of a national action plan as the relevant stakeholders (both governmental and non-governmental) would be the same and the information captured would provide the knowledge on the current situation and enable States to assess future progress. A detailed step-by-step guide is set out in Table 2.

**Table 2 -** Conducting an assessment using the IKB Indicator Framework – a step-by-step guide

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| **Planning** | **1. Identify the lead agency and establish a project team**Each assessment will typically be undertaken by a lead agency. To ensure collaboration of other key agencies involved in combating IKB an inter-agency team should be established. |
| **2. Identify the relevant stakeholders and experts to be involved**It is recommended that the process of assessment at the national level should ideally involve all relevant stakeholders including NGOs.  |
| **3. Secure resourcing needs**It is recommended that the allocation of necessary resources to the assessment exercise is planned in advance. |
| **Data collection** | **4. Identify data needs**The vast majority of the indicators require expert assessments, the review of legislation and procedures and, in a few cases, the collation and analysis of data. The availability, accessibility and related costs need to be considered at an early stage in order to facilitate timely access to the required data.  |
| **5. Request data**In some instances data may be under custodianship of other agencies and a formal access request will need to be submitted. The first attempt at assessment may flag areas where important data are not currently being recorded. Steps should be taken as early as possible to ensure that data needs are addressed. |
| **6. Gather and review documentation**A number of questions require the review of documentation, operational processes or data. Such documentation should be gathered and reviewed as soon as possible before the collaborative assessment and workshop.  |
| **7. Conduct workshop to complete expert based assessment**It is recommended that a workshop be conducted to review and rate the assessment indicators. The participants should represent the relevant agencies and stakeholders identified in step 2. It is recommended that the assessment template be shared well before the workshop. |
| **Analysis and recording at the national level** | **8. Analyse results**The majority of the IKB indicators are scored allowing for an overall score for each of the 6 groups to be generated. Comparing the scores between the groups can help in the identification of the relative strengths and weaknesses of the current response to IKB. An overall score will also be calculated. In the first assessment, the initial benchmarking rating will be generated. After the second and third assessments and overall score, it will be possible to identify and explore trends.  |
| **9. Identify process improvements**The project team should consider the process followed and identify and briefly document any change or improvement that should be incorporated in the future assessment informing the Bern Convention and CMS Secretariats. |
| **Publication and aggregation of scoreboard at international level** | **10. Final publication and dissemination**The Convention Secretariats shall aggregate and publish final Scoreboard and individual country responses. The final aggregated Scoreboard shall also be reported to the Standing Committee to the Bern Convention and CMS COP and widely disseminated**.** |

**Time table for implementing the self-assessment**

In order to self-assess over time the national progress in combating IKB, the scoreboard needs to be used repeatedly.

Both the Tunis Action Plan (TAP) and the MIKT Programme of Work (PoW) envisage regular monitoring and reporting on progress. This tool offers the opportunity to report on both initiatives, as appropriate.

It is envisaged that the first self-assessment will be implemented in 2018. This will be the baseline which will enable States to benchmark national and regional IKB status and efforts. The next self-assessment will be carried out in 2020 as this is the horizon of both TAP and MIKT PoW. The third self-assessment will be carried out in 2023. The following assessments will be in synchrony with the CMS COPs (i.e. every 3 years.

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|  | I | II | III | IV | I | II | III | IV | I | II | III | IV | I | II | III | IV | I | II | III | IV | I | II | III | IV | I | II | III | IV |
| IKB Scoreboard |   |   |   |   |   |   | B |  |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  |  |  |  | 2 |   |
| TAP |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Bern Conv. SC |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| SFP meeting |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| MIKT meeting |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| CMS COP |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| AEWA MOP |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| EU Reporting art 12 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
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**Table 3** – IKB relevant meetings and reporting. The Baseline Assessment ‘B’ will benchmark national status, while Report n. 1 will be used to self-assess the progress in relations to TAP and MIKT POW. Assessment No. 2 and subsequent will be every 3 years synchronised with the CMS COP meetings.

***The use of self-assessment indicators at the national level***

Most indicators are measured using the opinions of experts from relevant national law enforcement agencies and other stakeholders as appropriate. Each of these expert-based assessment indicators provides a question followed by a four-part answer scale, with each answer typically containing multiple components. While related, these components are listed separately so that experts can evaluate each component individually to identify those that best match the national situation. After considering the different components of an answer it is then possible to identify which of the four answer ratings – listed from 0 to 3 – best represents the national situation. In some instances it may be less obvious which of the four ratings to choose. A brief written justification of the choices should be included in the comments under each indicator. Some guidance that can be followed in these situations is provided in the following scenarios.

**Scenario 1: Single rating**

In the simplest scenario, participating experts will choose components that all fit under one rating. In these instances, this rating should be chosen for the indicator.



**Scenario 2: Split rating**

For some indicators, participating experts may choose components that fall under more than one answer rating. In these instances, the rating that has the most selected answers should be chosen for the indicator.



If the components are selected equally across two (or more) ratings, a conservative approach should be taken and the lower of the two ratings should be selected for the indicator.

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2 ✓**􀜆 | **3** 􀜆 |
| IKB Cases:☐ Are **not** prosecuted before criminal courts☐ Are **not** subject to sanctions under administrative or other penalty regime☐ IKB cases are not recorded and not accessible to other prosecutors/judges | IKB Cases:☐Usually take over **two years** to conclude in the case of criminal proceedings☐ Usually take over six months to conclude in the case of administrative or other penalty regime☐ Generally result in over 50% acquittals ☐ Are handled by general prosecutors and judges **not** specialized in wildlife crime☐ IKB cases are recorded but not easily accessible to other prosecutors/judges | IKB Cases:☐ Usually take over **one year** but under two years to conclude in the case of criminal proceedings☐**✓**Usually take over **three months** but under six months to conclude in the case of administrative or other penalty regime☐ Generally result in **less than 25%** acquittals☐ **✓**Are mostly handled by general prosecutors and judges that **tend** to specialize in wildlife crime cases☐ IKB cases are recorded and are accessible to other prosecutors/judges nationally. | IKB Cases:􁃱**✓** Usually take under **one year** to conclude in the case of criminal proceedings☐ Usually take under **three months** to conclude in the case of administrative or other penalty regime☐**✓** Generally result in **less than 10%** acquittals☐ Are **mostly** handled by specialized prosecutors and judges☐ IKB cases are recorded and accessible to other prosecutors/judges regionally at the geographic score of the IKB Scoreboard |

**Scenario 3: Lack of consensus**

The expert assessment is best completed with the participation of experts from all relevant enforcement agencies and it is recommended that a multi-stakeholder group should be involved. At times there may not be a consensus, among experts, on the national situation. In these situations there are a number of approaches that can be followed to generate a single national rating, and the key to all will be documenting the variety of responses for each indicator to provide useful contextual information for the analysis of results.

1. If one enforcement agency has a clear predominant role for the indicator in question it is suggested that the components chosen by that agency is adopted, and the views of other agencies and stakeholders are clearly described in the comments section.
2. If there is not a clear lead agency for the indicator (e.g. for the indicator which relates to the training needs of all agencies), it is suggested to take a conservative approach by adopting the lower overall rating, again taking care to clearly document the different views provided in the comments section. For these indicators it may also be beneficial to complete the assessment at an individual agency level to produce a separate rating for each enforcement agency.
3. In cases where there is a diverse range of expert opinions and no clear way forward, it is suggested that a rating for the indicator is not produced and the differing views are clearly documented recording the minimum and maximum rating and their justification.

**Scoring and assessing results**

Most indicators can score between 0 and 3. Two indicators (No. 12 and No. 16) include the option ‘not applicable’ which, if used, will do not generate a score for that particular indicator. States will want to clearly indicate why they consider the indicator as not applicable to their country. The maximum score from the national-level assessment (i.e. the sum of the scores of all indicators) will be 75. It will also be useful to look at the score for each group of indicators by calculating the average score per group as the number of score-producing indicators varies across the five groups.

|  |  |  |
| --- | --- | --- |
| ***Indicator*** | ***Indicator Group*** | ***Maximum Group score***  |
| **1. Status and scale of IKB**  | A. National monitoring of IKB (data management of scope and scale of IKB) | 6+ data |
| **2. Number and distribution of illegally killed, trapped or traded birds (data)** |
| **3. Extent of IKB cases known to justice**  |
| **4. Number of IKB cases prosecuted in the last year (data)** |
| **5. National wildlife legislation** | B. Comprehensiveness of national legislation | 27 (24 if the score of indicator 12 is “N/A”) |
| **6. Regulated use** |
| **7. Prohibitions under national legislation** |
| **8. Exceptions under national legislation**  |
| **9. Sanctions and penalties**  |
| **10. Proportionality of penalties**  |
| **11. Use of criminal law**  |
| **12. Organized crime**  |
| **13. Transposition of international law and commitment to national legislation** |
| **14. National Action Plan for combating IKB**  | C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions) | 15 (12 if the score of indicator 16 is “N/A”)+ data |
| **15. Enforcement priority** |
| **16. Stakeholders and policy-making**  |
| **17. Staffing and recruitment** |
| **18. Specialized training**  |
| **19. Field enforcement effort (data)** |
| **20. Quality of judiciary processes** | D. Prosecution and sentencing (effectiveness of judicial procedures) | 12 |
| **21. Sentencing guidelines** |
| **22. Judicial awareness**  |
| **23. Judiciary training** |
| **24. International cooperation** | E. Prevention (other instruments used to address IKB) | 15 |
| **25. Drivers of wildlife crime** |
| **26. Demand-side activities** |
| **27. Regulated community** |
| **28. Public awareness actions** |
| ***TOTAL MAXIMUM SCORE*** |  | 75, (72 or 69) |

Three indicators do not generate a score but cover the provision of data. The data in particular refer to: the number of birds illegally killed, trapped or traded (indicator No. 2), the number of people prosecuted for IKB (indicator No. 4) and the field enforcement effort (indicator No. 19). The three data sets provide important insight into the extent and trend of IKB in each country.

The estimation of the amount of birds illegally killed, trapped or traded is likely to require some effort to generate. Defining the extent of an illegal activity is always a complex task, which will require good knowledge of the methods used by the criminals and the involvement of a number of relevant stakeholders. No guiding documents have been developed so far by the Bern Convention or CMS and currently the only available specific guidelines are those produced by BirdLife international and presented at the first MIKT meeting[[5]](#footnote-5). National authorities are invited to provide information on how their estimates are generated.

Data for Indicator No. 4 should be available through the databases managed (or populated) by the judicial system to monitor its activities. Indicator No. 19 can be complemented with more detailed information on the number of staff (or staff days) deployed on the ground as this information may be held by the law enforcement agencies and used to report on their activities and results.

The majority of the indicators investigate the responses of the national authorities to IKB and are crucial to monitor progress and inform the national authorities where further efforts are needed. In other words, indicators No. 1 and No. 2 measure the state and trend of IKB, while the others enable the State to self-assess measures on the illegal killing, trapping and trade of wild birds.

**Presenting the results**

The total score produced by the indicators enables the State to measures the extent of its efforts to address IKB. Although a simple method of scoring may appear a simple way to self-assess measures on IKB, it fails to provide a full picture of the complex issue at stake.

Furthermore, a single figure score is unlikely to provide useful information on the areas on which each State should concentrate to develop a full range of appropriate responses to IKB. Therefore, aggregated results may be presented in a tabular form comparing them by groups of indicators based on the national score versus maximum possible score. Maximum possible scores for groups B and C vary depending on whether the ‘not applicable’ option has been used or not. As national results are expressed as a percentage of the total possible score at national level, any aggregated results would reflect countries responding ‘not applicable’ to one or both indicators.

Each result will be given a colour code:

Red - National score <25% of maximum possible score

Yellow - National score between 25% and 50% of maximum possible score

Light green - National score between 50% and 75% of maximum possible score

Green - National score >75% of maximum possible score

This will allow an assessment, at national level, of the areas where more work might be required and enable States to share information at international level and to identify areas where guidance and support may be necessary.

Finally, the actions that each country has implemented or considers that it should develop further are also directly linked to the severity of the IKB issue. Therefore, the information provided by each country through Indicator No. 4 (estimation of number of birds illegally killed or taken) will be displayed (as class of severity) in a further column.

The severity classes will be:

Class I (Red) - Annual IKB estimate >2.5 million;

Class II (Orange) - Annual IKB estimate 750,000 – 2.5 million;

Class III (Light orange) - Annual IKB estimate 100,000 – 750,000;

Class IV (Yellow) - Annual IKB estimate <100,000.

This will put the results shown in the first columns in context with the magnitude of the problem of illegal killing of wild birds at national level.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Country | A. National monitoring of IKB | B. Comprehensiveness of national legislation | C. Enforcement response | D. Prosecution and sentencing | E. Prevention | Size of IKB problem |
| XXX |  |  |  |  |  |  |
| YYY |  |  |  |  |  |  |
| ZZZ |  |  |  |  |  |  |
| .... |  |  |  |  |  |  |

The six scores together will allow a better self-assessment of efforts and successes of each country in addressing the Illegal killing of wild birds and as an indicator of self-assessed results, the following icons may be used:

|  |  |
| --- | --- |
| deadbird1.png | IKB still requires significant effort |
| Bird perched reversed.jpg | IKB requires more effort  |
| bird flying.JPG | IKB largely addressed |

  

**IKB Scoreboard**

**Assessment Template**[[6]](#footnote-6)

|  |  |
| --- | --- |
|  |  |
| Country |  |
| Date of assessment |  |
| Reporting period |  |
| Contact person |  |
| Contact details |  |

**A. National Monitoring of IKB – Data Management of Scope and Scale of IKB.**

**1. Status and Scale of IKB**

The extent to which data and information on illegal activities at national level are available.

***Question: What is the quality of national data about IKB?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| 􁃱 Data and information on number of totals of birds illegally killed or taken due to IKB **are not available.** | 􁃱 National estimate of birds illegally killed or taken due to IKB is based **on expert opinion**[[7]](#footnote-7) and anecdotal information.  | 􁃱 National estimate of birds illegally killed or taken due to IKB is based **partially on quantitative data** and records and partially on estimates and extrapolation. | 􁃱 National estimates of birds illegally killed or taken due to IKB is based largely on **quantitative data** and records. |

Comments:

**2. Number, distribution and trend of illegally killed, trapped or traded birds**

The extent, trend, seasonal and geographic distribution of illegally killed, trapped or traded birds in your country including relevant overseas territories[[8]](#footnote-8).

***Question: How many birds and in which season are estimated to be illegally killed, trapped or traded every year in your country including relevant overseas territories? What is the trend?***

*Measurement: Number of birds estimated to be illegally killed, trapped or traded every year*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **March / May** | **June / August** | **September / November** | **December / February** | **Total** |
| **National level** |  |  |  |  |  |
| **(region/area/territory)** |  |  |  |  |  |
| **[add lines for each region from which data or estimate is available]** |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **IKB trend over past 3 years** | **Increasing****􀜆** | **Stable****􀜆** | **Decreasing****􀜆** | **No clear trend****􀜆** |

Comments[[9]](#footnote-9):

**3. Extent of IKB cases known to national authorities**

The extent to which data on illegal activities at national level are available.

***Question: Are data on the status and scale of IKB cases available?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| 􁃱 Data on IKB cases number and distribution are **not** **available**.􁃱 Data on IKB cases number and distribution are available but have **not been used** to assess IKB scale and distribution. | 􁃱 National estimate on numbers and distribution of cases of IKB **is based entirely on expert opinion** / modelling / other indirect methods  | 􁃱 National estimates on the scale and distribution of cases of IKB **are extrapolated** on the basis of **partial** IKB disclosed crime statistics | 􁃱 National data on IKB cases are available and is **based on official and comprehensive** IKB crime disclosure statistics. |

Comments:

**4. Number of IKB cases prosecuted in the reporting period.**

The extent of cases of IKB prosecuted in the reporting period.

***Question: How many IKB cases have been prosecuted in the reporting period in your country?***

*Details concerning the number of IKB cases prosecuted in the assessment period.*

|  |  |  |
| --- | --- | --- |
| **Category of IKB offence** | **Number of persons prosecuted in the assessment period**  | **Number of bird specimens involved in the offence (specimens seized)** |
| **Illegal killing of protected birds (shooting, poisoning, other methods of killing)** |  |  |
| **Illegal taking of protected birds (trapping using any means)** |  |  |
| **Illegal possession of live / dead protected birds** |  |  |
| **Illegal importation or transport of live / dead protected birds** |  |  |
| **Illegal taxidermy of protected birds** |  |  |
| **Illegal trade in protected birds (including trafficking for sale, marketing for sale of any live or dead protected birds or their parts)** |  |  |
| **Serving / offering of protected species in restaurants** |  |  |
| **Use of prohibited methods of hunting (bird callers, snares, nets, lights, gas, etc)** |  |  |
| **Hunting outside open season or during unpermitted hours** |  |  |
| **Hunting without a license, breach of license conditions (e.g. exceedance in hunting quotas, failure to report birds caught, etc)** |  |  |
| **Hunting in prohibited areas (game reserves)** |  |  |
| **Removal of eggs** |  |  |
| **Totals** |  |  |

Having regard to the Bern Convention draft reporting format for recording of wild bird crime cases[[10]](#footnote-10), as well as to the following working definition of IKB: “Those unlawful[[11]](#footnote-11) activities committed intentionally resulting in the death, injury or removal of specimens[[12]](#footnote-12) of migratory birds from the wild either dead or alive, including their parts or derivatives”, respondents should indicate the number of cases of IKB-related offences for each offence category disclosed[[13]](#footnote-13) over the assessment period as well as, wherever applicable, the number of bird specimens involved in the offence.

In case an offence was committed by a group of persons, the number of offences to be reported in the second column of the above table should be multiplied by the number of persons involved / prosecuted for that offence.

In case a single person faced multiple charges for different offence categories (for instance illegal killing of a protected bird and using prohibited methods of hunting), such case should be reported under each offence category for which that person has been charged / prosecuted.

**B. Comprehensiveness of national legislation**

**5. National wildlife legislation[[14]](#footnote-14)**

The comprehensiveness of national legislative provisions in force for wildlife conservation, management and use, including prohibition of IKB

***Question: Does comprehensive national legislation***[[15]](#footnote-15) ***for wildlife conservation exist, including provisions to regulate international trade in wildlife or its products?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National wildlife legislation:􀜆 Has not been enacted | National wildlife legislation:􀜆 Does **not have** adequate provisions to deter and combat IKB􀜆 Is **not** supported by suitable legislation framework and/or regulations | National wildlife legislation:􀜆 **Has** adequate provisions to deter and combat IKB.􀜆 Is **not** supported by suitable legislation framework and/or regulations | National wildlife legislation:􀜆 Has adequate provisions to deter and combat IKB􀜆 **Is supported** by suitable legislation framework and/or regulations |

Comments:

**6. Regulated use**

The comprehensiveness of national legislation concerning sustainable use of wildlife including hunting.

***Question: Through which measures and controls do national legislation regulate the killing and taking of wild birds?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National legislation:􀜆 Does **not specifically** regulate hunting of birds from conservation / sustainable use points of view. Some legislation concerning hunting of birds may exist, however it mainly addresses the activity from arms control / public safety points of view and does not delve into wildlife conservation issues | National legislation:􀜆 Concerning hunting exists and sets **basic parameters** that apply to various huntable species including birds:􀜆 Establishes and defines hunting seasons􀜆 Lists species that can be hunted􀜆 Regulates methods of hunting | National legislation: 􀜆 Concerning hunting exists separately from national legislation concerning conservation of wildlife and lays down **comprehensive provisions** concerning:􀜆 Establishing and defining hunting seasons􀜆 Listing species that can be hunted􀜆 Defining hunting areas.􀜆 Regulating and defining which methods are allowed for hunting􀜆 Providing for effective authorization mechanism and criteria for obtaining a hunting licence􀜆 Establishing bag limits and quotas for huntable species􀜆 Providing for basic hunting bag reporting requirements􀜆 Controls related to implementation | National legislation:􀜆 Concerning hunting is **fully integrated** within national conservation of wildlife legislation therefore ensuring the taking into account of biological and conservation aspects in hunting-related decisions and lays down **comprehensive provisions** concerning:􀜆 Establishment and definition of hunting seasons􀜆 Listing species that can be hunted􀜆 Definition of hunting areas􀜆 Regulation and definition of which methods are allowed for hunting􀜆 Provision for appropriate authorization mechanism and criteria for obtaining a hunting license, including requirements for compulsory examination of hunting license applicants􀜆 Establishment of bag limits and quotas for huntable species on the basis of biological and conservation considerations􀜆 Provision for the timely collection of hunting bag data and reporting mechanisms􀜆 Controls related to implementation, including enforcement (for instance providing enforcement powers to game wardens, park rangers, hunting marshals etc) |

Comments:

**7. Prohibitions under national legislation**

The extent of activities forbidden under national legislation

***Question: To what extent does national legislation make the killing, taking and trade of wild birds illegal?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National legislation does **not generally[[16]](#footnote-16)** forbid:􀜆 Deliberate killing of wild birds􀜆 Taking of wild birds􀜆 The use of means such as nets, traps, lime sticks, sound-devices, etc for capturing birds 􀜆 Possession[[17]](#footnote-17) of live or dead wild birds or their parts􀜆 Importation or transport of wild birds or their derivatives􀜆 Sale of wild birds | National legislation **generally prohibits**:􀜆 Deliberate killing of wild birds􀜆 Taking of wild birds | National legislation **generally prohibits**: 􀜆 Deliberate killing of wild birds􀜆 Taking of wild birds􀜆 The use of means such as nets, traps, lime sticks, sound-devices, etc. for capturing birds | National legislation **generally prohibits**:􀜆 Deliberate killing of wild birds􀜆 Taking of wild birds􀜆 The use of means such as nets, traps, lime sticks, sound-devices, etc. for capturing birds􀜆 Possession of live or dead wild birds or their parts􀜆 Importation or transport of wild birds or their derivatives􀜆 Sale of wild birds |

Comments:

**8. Exceptions under national legislation**

The extent of regulatory scrutiny concerning any authorisation of exemptions

***Question: To what extent does national legislation make it possible to authorize exemptions from the general prohibitions outlined in the answer to previous question?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National law:􀜆 Makes it possible for authorization of exemptions involving **any or some** activities that are generally prohibited under national legislation􀜆 Does not include specific criteria or processes for granting / monitoring such exemptions | National law:􀜆 Makes it possible for authorization of exemptions involving **some** of the activities generally prohibited under national legislation􀜆 Defines the basic criteria upon which such exemptions can be granted by the responsible authority; however, such criteria for granting exemptions **do not correspond** to the criteria for exemptions stipulated in Bern Convention[[18]](#footnote-18) / CMS[[19]](#footnote-19) / EU Birds Directive[[20]](#footnote-20) (for EU MS only)􀜆 Does not include specific regulatory mechanism for monitoring / reporting upon exemptions granted | National law:􀜆 Makes it possible for authorization of exemptions involving **some** of the activities generally prohibited under national legislation􀜆 Defines **comprehensive criteria** upon which such exemptions can be granted by the responsible authority; such criteria **correspond** to the criteria for exemptions stipulated in Bern Convention / CMS / EU Birds Directive (for EU MS only)􀜆 Does not include specific regulatory mechanism for monitoring / reporting upon exemptions granted | National law:􀜆 Makes it possible for authorization of exemptions involving **some** of the activities generally prohibited under national legislation􀜆 Defines **comprehensive criteria** upon which such exemptions can be granted by the responsible authority; such criteria **correspond** to criteria for exemptions stipulated in Bern Convention / CMS / EU Birds Directive (for EU MS only)􀜆 Establishes, for **each** exemption granted on an annual basis, aspecific regulatory mechanism that ensures strict supervision of compliance, monitoring and reporting􀜆 Requires that data on all exemptions granted, is compiled on an annual basis and is publically available including information on affected species, number of specimens, justification, the responsible authorities, permitting and licensing procedures, compliance monitoring and supervision  |

Comments:

**9. Sanctions and penalties**

The extent to which penalties for IKB are comprehensive

***Question: What penalties and sanctions are imposed by law regarding the illegal killing, taking and trade of wild birds?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National legislation: 􀜆 Does **not specifically** describe IKB-related offences and does not foresee specific penalties for such offences 􀜆 Does **not specifically** penalize IKB-related offences unless these are coupled with breaches of other legislation such as arms control laws | National legislation: 􀜆Provides **basic description(s)** of IKB-related offences that encompass illegal killing, trapping and trade of wild birds 􀜆 Stipulates **maximum** penalties for most IKB-related offences **but does not stipulate a minimum penalty** 􀜆 Provides for a **limited spectrum** of criminal and administrative sanctions including:􀜆 Fines􀜆 Imprisonment (usually suspended jail terms in the most severe cases IKB)􀜆 Suspension of license.􀜆 Confiscation of *corpus delicti* | National legislation: 􀜆 Provides a **comprehensive description(s)**  of specific IKB-related offences that encompass illegal killing, trapping, trade, possession, transport, importation and taxidermy of wild birds􀜆 Stipulates **both the minimum and a maximum penalty** for some categories of offences􀜆 Provides for a **wide spectrum** of criminal and administrative sanctions including:􀜆 Fines􀜆 Imprisonment (usually suspended jail terms in the most severe cases IKB)􀜆 Suspension of license.􀜆 Confiscation of *corpus delicti*􀜆 Permanent revocation of licence􀜆 Community service􀜆 Other sanctions | National legislation: 􀜆 Provides a **comprehensive description(s)** of specific IKB-related offences that encompass illegal killing, trapping, trade, possession, transport, importation and taxidermy of wild birds􀜆 Stipulates **both the minimum and a maximum penalty** **for all offence** **categories** except those where a level of penalty is fixed permanently in the law􀜆 Provides for a **full spectrum** of criminal and administrative sanctions including:􀜆 Fines􀜆 Imprisonment (both effective and suspended jail terms are usually automatic for the most severe cases of IKB)􀜆 Suspension of license􀜆 Confiscation of *corpus delicti*􀜆 Permanent revocation of license in the case of IKB involving highly protected birds􀜆 Community service􀜆 Other sanctions |

Comments:

**10. Proportionality of penalties[[21]](#footnote-21)**

The extent to which severity of IKB cases is reflected in the relevant national legislation.

***Question: Does national legislation adequately penalize IKB offences?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Penalties for IKB:􀜆 Only make provision for **administrative** penalties (e.g. fines, bans, suspensions)􀜆 Are **not proportional** to the nature and severity of IKB􀜆 Are **inadequate** as they do not provide an effective deterrent[[22]](#footnote-22) | Penalties for IKB:􀜆 Are prescribed in legislation and provide for criminal prosecution􀜆 **Do not differentiate** offences on the basis of gravity factors, leaving a wide margin of judiciary discretion in the determination of the magnitude of penalties meted out􀜆 Are **inadequate** as they do not provide an effective deterrent | Penalties for IKB: 􀜆 Are prescribed in legislation and provide for criminal prosecution􀜆 Provide a penalty structure that **somewhat** reflects severity of offences on the basis of basic gravity factors; however, leaving a wide margin for judiciary discretion 􀜆 Are generally seen as providing an **adequate** and proportionate deterrent for most cases of IKB | Penalties for IKB: 􀜆 Are prescribed in legislation and provide for criminal prosecution􀜆 **Fully** reflect severity of offences on the basis of gravity factors recommended as part of Bern Convention Tunis Action Plan[[23]](#footnote-23) 􀜆 Are generally seen as providing an **adequate** and **proportionate** deterrent for all IKB cases, as evidenced through sustained IKB crime decline (sustained decline in IKB cases observed over at least 3 years)􀜆 Treat wildlife crime offences involving organized criminal groups as serious crime[[24]](#footnote-24) carrying a minimum term of four years imprisonment |

Comments:

**11. Use of criminal law[[25]](#footnote-25)**

The extent to which a combination of relevant national legislation and criminal law are used to prosecute IKB in support of legislation enacted to combat wildlife crime.

***Question: Does national prosecution of IKB cases ensure the highest penalties by taking into account the cross-over elements with other crimes via criminal law*[[26]](#footnote-26)*?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Relevant criminal law:􀜆 **Cannot** be applied to IKB offences􀜆 IKB cases are either **not penalized** at all or are penalized **only administratively** | Relevant criminal law:􀜆 Is **rarely** applied to IKB crime cases􀜆 Most IKB cases **except the most severe** are penalized administratively􀜆 Wherever criminal law is evoked in the **most severe** IKB cases, this usually stems from laws unrelated to wildlife conservation, such as arms control or public safety laws | Relevant criminal law:􀜆 Is **sometimes** applied to IKB crime cases􀜆 **Generally** describes which IKB-related offence categories are subject to criminal liability and which categories are subject to administrative sanctions | Relevant criminal law:􀜆 Is **usually** applied in most IKB crime cases, as required􀜆 **Clearly** describes offence categories that are subject to criminal as opposed to administrative liability􀜆 Is supported by **mechanisms that harmonize** wildlife and other key domestic legislation such as criminal law |

Comments:

**12. Organized crime legislation**

The extent to which specific legislation to address organized crime[[27]](#footnote-27) is used to combat IKB

***Question: How is national legislation to address organized crime being used in the investigation and prosecution of IKB?***

*Measurement:*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 | **N/A** 􀜆 |
| National legislation on organized crime:􀜆 Has not been enacted􀜆 Cannot be used for prosecuting IKB | National legislation on organized crime:􀜆 Is in place but is **rarely** used in IKB cases prosecution􀜆 Does **not** have provision for special investigation methods | National legislation on organized crime􀜆 Is in place and is **sometimes** used in IKB cases􀜆 Special investigation methods used for organized crime are **not available** for IKB cases | National legislation on organized crime:􀜆 Is in place and **used as appropriate** in IKB cases􀜆 Special investigation methods used for organized crime are **applied also** to IKB cases | Not Applicable as the country has no known cases of organized crime |

Comments:

**13. Transposition of international law and commitment to national legislation**

The comprehensiveness of national legislative provisions to transpose CMS and Bern Convention obligations regarding IKB, where these are applicable.

***Question: To what extent national legislation transposes international obligations regarding IKB made by ratifying the Convention of Migratory Species and/or the Bern Convention?***

*Measurement:*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 | **N/A 􀜆** |
| The country:􀜆 Is **not a member** of CMS􀜆 Is **not a member** of Bern | National legislation for CMS:􀜆 Has **not** been enacted.National legislation for Bern Convention:􀜆 Has **not** been enacted | 􀜆 CMS commitments regarding the fight against IKB have been **partially** transposed into the existing national legislation􀜆 Bern Convention commitments regarding the fight against IKB have been **partially** transposed into the existing national legislation􀜆 The country **has** pending / unresolved case files / complaints under Bern Convention related to incorrect or incomplete transposition of the provisions of the Convention into national law | 􀜆 CMS commitments regarding the fight against IKB have been **fully** transposed into the existing national legislation􀜆 Bern Convention commitments regarding the fight against IKB have been **fully** transposed into the existing national legislation􀜆 The country **has no** pending / unresolved case files / complaints under Bern Convention related to incorrect transposition of the provisions of the Convention into national law  | 􀜆 The country is not a Party of one or both Treaties  |

Comments:

**C. Enforcement response: preparedness of law enforcement bodies and coordination of national institutions**

**14. National Action Plan to combat IKB[[28]](#footnote-28)**

The existence of a national strategy or action plan for IKB.

***Question: Is there a national action plan or equivalent document to tackle IKB?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| A national IKB action plan:􀜆 Has **not** been developed􀜆 IKB is **not covered** by any other relevant enforcement strategies or action plans | A national IKB action plan:􀜆 is in the process of being developed􀜆 IKB is covered by other relevant enforcement strategies or action plans | A national IKB action plan:􀜆 Has been developed􀜆 Has been adopted by some relevant national enforcement agencies 􀜆 Is **not actively** implemented by all relevant enforcement agencies􀜆 Has **not** been regularly updated | A national IKB action plan:􀜆 Has been developed􀜆 Has been adopted by all relevant national enforcement agencies 􀜆 Is actively implemented by all relevant enforcement agencies􀜆 Is being monitored and reviewed to ensure it remains up to date |

Comments:

**15. Enforcement priority[[29]](#footnote-29)**

The recognition of combating wildlife crime as a high national level priority.

***Question: Is combating IKB identified as a high priority at the national level?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| IKB crime:􀜆 Is **rarely** identified as a high priority among national law enforcement agencies | IKB crime:􀜆 Is **sometimes** identified as a high priority among national law enforcement agencies | IKB crime:􀜆 Is **usually** identified as a high priority among national law enforcement agencies 􀜆 Has **not** been formally[[30]](#footnote-30) adopted and/or acknowledged as a high priority | IKB crime:􀜆 Is **usually** identified as a high priority among national law enforcement agencies􀜆 Has been formally adopted and/or acknowledged as a high priority |

Comments:

**16. Stakeholders and policy-making**

The level of stakeholder participation to IKB-related policy-making

***Question: To what extent and through which means are stakeholders[[31]](#footnote-31) involved in policy-making to address IKB***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Stakeholders’ participation **in policy decisions concerning IKB**:􁃱 **Is not envisaged or provided for in the national law**􁃱 **I**s limited and informal, **whenever it may occur on an *ad hoc* basis**􁃱 **Is** largely limited to **provision of basic** information on the policies that **are being** developed | Stakeholders’ participation **in policy decisions concerning IKB**:􁃱 **Is envisaged or provided for in the national law, but:**􀜆 Is limited to consultation 􀜆 Is achieved through ad hoc meetings as no formal committee is established 􀜆 Is achieved via consultation with academics through the national wildlife agency (or similar technical body)  | Stakeholders’ participation **in policy decisions concerning IKB**:􁃱 **Is envisaged or provided for in the national law, and:**􀜆 Ensures that their inputs are treated as advi**c**e and are taken into consideration in the policy-making process􀜆 Is achieved through formal structures and committees􀜆 **But is however** incomplete as one or more stakeholders’ group is not involved or willing to participate | Stakeholders’ participation **in policy decisions concerning IKB**:􁃱 **Is envisaged or provided for in the national law, and:**􀜆 Ensures that they are **fully consulted on key policy changes**􁃱 is ensured by formal structures and committees that meet with the appropriate frequency􁃱 Is complete as all **major** stakeholders are involved |

Comments:

**17. Staffing and recruitment[[32]](#footnote-32)**

The level of staff resources[[33]](#footnote-33) in national law enforcement agencies to combat wildlife crime.

***Question: What staff resources do national law enforcement agencies have to combat IKB?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Law enforcement agencies:􀜆 Are **significantly** under-staffed􀜆 Are **rarely** able to recruit and/or attract additional staff | Law enforcement agencies:􀜆 **Sometimes** have a full complement of staff􀜆 **Usually** experience staffing[[34]](#footnote-34) and/or skills shortages􀜆 Usually experience recruitment delays and/or difficulties | Law enforcement agencies:􀜆 **Usually** have a full complement of staff, although it has not always kept up with changing wildlife crime trends􀜆 **Sometimes** experience staffing and/or skills shortages􀜆 **Sometimes** experience delays in recruitment and/or difficulties attracting suitably qualified candidates | Law enforcement agencies:􀜆 **Usually** have a full complement of staff, which has generally kept up with changing wildlife crime trends􀜆 **Usually** have an appropriate mix of staff and skills􀜆 **Usually** process recruitment vacancies as they arise with suitably-qualified candidates |

Comments:

**18. Specialized training**

The percentage of enforcement officers receiving regular training in IKB-related aspects.

***Question: How many of the enforcement officers***[[35]](#footnote-35)***have received regular training in IKB-related aspects?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| 􀜆 None | 􀜆 Less than 10% | 􀜆 Between 10% and 50% | 􀜆 More than 50% |

Comments[[36]](#footnote-36):

**19. Field enforcement effort**

The intensity of efforts devoted by law enforcement agencies to combat IKB.

***Question: Is the surveillance effort put in place to combat IKB considered sufficient?***

*Measurement: .in a scale 1-5, with 5 being the most positive, score the field enforcement effort of the law enforcement agencies in your country*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Insufficient******to address IKB*** |  |  |  | ***Sufficient to properly address IKB*** |
| **1 􀜆** | **2** 􀜆 | **3** 􀜆 | **4** 􀜆 | **5** 􀜆 |

Comments[[37]](#footnote-37):

**D. Prosecution and sentencing - effectiveness of judicial procedures**

**20. Quality of judicial processes**

Effectiveness and efficiency of administration of sanctions for IKB offences

***Question: Are sanctions for IKB-related offences administered effectively and efficiently?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| IKB cases:􀜆 Are **not** prosecuted before criminal courts􀜆 Are **not** subject to sanctions under administrative or other penalty regime􀜆 Are not recorded and not accessible to other prosecutors/judges􀜆 Reports by civil society of illegal bird killing or taking are seldom investigated. | IKB cases:􀜆 Usually take[[38]](#footnote-38) over **two years** to conclude in the case of criminal proceedings􀜆 Usually take[[39]](#footnote-39) over six months to conclude in the case of administrative or other penalty regime􀜆 Generally result in over 50% acquittals[[40]](#footnote-40)􀜆 Are handled by general prosecutors and judges **not** specialized in wildlife crime􀜆 Are recorded but not easily accessible to other prosecutors/judges􀜆 Reports by civil society of illegal bird killing or taking are usually investigated. | IKB cases:􀜆 Usually take over **one year** but under two years to conclude in the case of criminal proceedings􀜆 Usually take over **three months** but under six months to conclude in the case of administrative or other penalty regime􀜆 Generally result in **less than 25%** acquittals􀜆 Are mostly handled by general prosecutors and judges that **tend to** specialize in wildlife crime cases􀜆 Are recorded and are accessible to other prosecutors/judges nationally􀜆 Reports by civil society of illegal bird killing or taking are not only usually investigated but evidence and advice from relevant NGOs is regularly accessed and used. | IKB cases:􀜆 Usually take under **one year** to conclude in the case of criminal proceedings􀜆 Usually take under **three months** to conclude in the case of administrative or other penalty regime􀜆 Generally result **in less than 10%** acquittals􀜆 Are **mostly** handled by specialized prosecutors and judges 􀜆 Are recorded and accessible to other prosecutors/judges regionally at the geographic scope of the IKB Scoreboard􀜆 Reports by civil society of illegal bird killing or taking are not only usually investigated but evidence and advice from relevant NGOs is frequently accessed and used. |

Comments:

**21. Sentencing guidelines[[41]](#footnote-41)**

The existence of national guidelines or other principles for the sentencing of offenders convicted for wildlife crime.

***Question: Are there clearly-defined national guidelines or provisions in the national legislation for the sentencing of offenders convicted for IKB?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| There are no sentencing guidelines for IKB cases  | Sentencing guidelines for IKB cases are under development  | Sentencing guidelines for IKB cases have been finalized but not adopted | Sentencing guidelines for IKB cases have been finalized and adopted  |

Comments:

**22. Judicial awareness[[42]](#footnote-42)**

The extent of awareness of wildlife crime among the prosecutors and judges and the appropriateness of the verdicts handed down.

***Question: Are prosecutors and judges aware of the serious nature of IKB and are appropriate sentences imposed?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| The prosecutors and judges 􀜆 Have **no awareness** of the nature and prevalence of IKB, and the impact and potential profits of wildlife crime 􀜆 Have **no awareness** of IKB-related charges􀜆 Usually treat IKB as a **minor offence** 􀜆 Do **not** adhere to sentencing guidelines where they exist | The prosecutors and judges:􀜆 Have **limited** awareness of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime 􀜆 Have **limited** awareness of wildlife crime-related charges􀜆 Collaborate to deliver verdicts that are **sometimes** appropriate to the nature and severity of the crime􀜆 **Rarely** adhere to sentencing guidelines where they exist | The prosecutors and judges:􀜆 Have **some** awareness of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime 􀜆 Have **some** awareness of wildlife crime-related charges􀜆 Collaborate to deliver verdicts that are **usually** appropriate to the nature and severity of the crime􀜆 **Sometimes** adhere to sentencing guidelines where they exist | The prosecutors and judges:􀜆 Are aware of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime 􀜆 Have a **high level** of awareness of wildlife crime-related charges􀜆 Collaborate to deliver verdicts that are appropriate to the nature and severity of the crime􀜆 **Routinely** adhere to sentencing guidelines where they exist |

Comments:

**23. Judiciary training**

The percentage of environmental prosecutors and judges trained in IKB-related aspects.

***Question: How many environmental prosecutors and judges who deal with wildlife crime have received training in IKB-related aspects?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| 􀜆 None | 􀜆 Less than **10%** | 􀜆 Between **10%** and **50%** | 􀜆 More than **50%** |

Comments[[43]](#footnote-43):

**E. Prevention - other instruments used to address IKB**

**24. International cooperation**

The extent to which national governmental institutions take advantage of the international initiatives and working groups on IKB

***Question: Do national governmental institutions participate actively in IKB-related international initiatives?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| National government **does not** participate in:􀜆 Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean􀜆 Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds􀜆 CITES IKB initiatives􀜆 EU IKB Initiatives􀜆 Any bilateral IKB initiatives | National government participates (less than 50% of meetings in the last 3 years) in:􀜆 Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean􀜆 Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds􀜆 CITES IKB initiatives􀜆 EU IKB Initiatives􀜆 Any bilateral IKB initiatives | National government participates (more than 50% of the meeting in the last three years) in:􀜆 Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean􀜆 Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds􀜆 CITES IKB initiatives􀜆 EU IKB Initiatives􀜆 Any bilateral IKB initiatives | National government takes an active role[[44]](#footnote-44) in:􀜆 Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean􀜆 Meetings of the Bern network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds􀜆 CITES IKB initiatives􀜆 EU IKB Initiatives􀜆 Any bilateral IKB initiatives |

Comments:

**25. Drivers of wildlife crime[[45]](#footnote-45)**

The extent to which the drivers of IKB in the country are known and understood.

***Question: What is the level of awareness of the drivers[[46]](#footnote-46) of IKB in your country, including those relating to the supply and consumer demand for illicit products?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| The drivers of IKB are unknown | Knowledge of the drivers of IKB:􀜆 Is **basic**􀜆 Is **anecdotal**􀜆 Is based on **limited** sources | Knowledge of the drivers of IKB:􀜆 Is **moderate**􀜆 Involves **gaps** in knowledge | Knowledge of the drivers of IKB:􀜆 Is **good**􀜆 Is reasonably **comprehensive**􀜆 Is based on information from a variety of sources **including scientific research** |

Comments:

**26. Demand-side activities[[47]](#footnote-47)**

The extent to which activities to address the demand of illegal wildlife products are implemented.

***Question: Are activities implemented to address the demand\*[[48]](#footnote-48) for illegally obtained wild birds?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Demand-side activities:􁃱 Have **neither** been developed nor Implemented􀜆 There is **no** information available on the demand for illegally obtained wild birds in the country. | Demand-side activities:􀜆 Have been **developed**􀜆 Are **rarely** implemented in full due to a lack of available resources (e.g. technical, human, financial)􀜆 Are based on information on demand for illegally obtained wild birds in the country | Demand-side activities:􀜆 Have been developed and implemented􀜆 Are **regularly** reviewed to identify the outcomes achieved􀜆 Are based on information on demand for illegally obtained wild birds in the country | Demand-side activities:􁃱 Have been developed and implemented􀜆 Are **regularly** reviewed to identify the outcomes achieved􀜆 Are **not needed** as data confirms that there is very little demand for illegally obtained wild birds in the country |

Comments:

**27. Regulated community[[49]](#footnote-49)**

The extent to which awareness-raising materials and/or programmes are in place to increase the awareness of the regulated community, of the laws that apply to the sustainable use of wild birds.

***Question: Are efforts taken to increase the awareness of the regulated community[[50]](#footnote-50), of the legislative requirements concerning sustainable use of wildlife and the penalties for non-compliance?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Efforts to increase awareness of the regulated community:􁃱 Are **not** undertaken | Efforts to increase awareness of the regulated community:􀜆 Are usually informal and reactive􀜆 Are **not** comprehensive or widespread | Efforts to increase awareness of the regulated community:􀜆 Are based on awareness raising materials that have been developed􀜆 Are **relatively** up-to-date􀜆 Are **sometimes** comprehensive or widespread | Efforts to increase awareness of the regulated community:􁃱 Are based on **well-developed** and up-to-date awareness raising materials􀜆 **Comprehensively** target the different types of user and permit holder(s) |

Comments:

**28. Public awareness actions[[51]](#footnote-51)**

The extent to which awareness-raising materials and/or programmes are in place to increase public awareness of IKB.

***Question: Are efforts taken to increase public awareness[[52]](#footnote-52) of the environmental, social and economic impacts of IKB?***

*Measurement:*

|  |  |  |  |
| --- | --- | --- | --- |
| **0** 􀜆 | **1** 􀜆 | **2** 􀜆 | **3** 􀜆 |
| Efforts to increase public awareness:􀜆 Are **not** undertaken.􀜆 Sentences of IKB cases are n**ever** publicized | Efforts to increase public awareness:􀜆 Are usually **informal** and **reactive**􀜆 Are **neither** comprehensive nor widespread􀜆 There is **no national** communication strategy on IKB.􀜆 Sentences of IKB cases are **seldom** publicized | Efforts to increase public awareness:􀜆 Are based on awareness raising materials that have been developed by conservation NGOs􀜆 Are **locally** implemented by governmental bodies 􀜆 Are **sometimes** comprehensive or widespread 􀜆 Implement **only partially** a national communication strategy on IKB.􀜆 Sentences of IKB cases are **often** publicized | Efforts to increase public awareness:􀜆 Are based on well-developed and up-to-date awareness raising materials developed by governmental bodies􀜆 **Comprehensively** target the different types of stakeholders􀜆 **Fully undertake** a national communication strategy on IKB.􀜆 Sentences of IKB cases are **always** publicized |

Comments:

**Summary of scores**

|  |  |  |  |
| --- | --- | --- | --- |
| ***Indicator*** | ***Indicator score*** | ***Indicator Group*** | ***Group score[[53]](#footnote-53)*** |
| **1. Status and scale of IKB**  |  | A. National monitoring of IKB (data management of scope and scale of IKB) |  |
| **2. Number and distribution of illegally killed or trapped birds**  | data |
| **3. Number of IKB cases**  |  |
| **4. Number of IKB cases in the last year**  | data |
| **5. National wildlife legislation** |  | B. Comprehensiveness of national legislation |  |
| **6. Regulated use** |  |
| **7. Prohibitions under national legislation**  |  |
| **8. Exceptions under national legislation**  |  |
| **9. Sanctions and penalties**  |  |
| **10. Proportionality of penalties** |  |
| **11. Use of criminal law**  |  |
| **12. Organized crime.** |  |
| **13. Transposition of international law and commitment and national legislation**  |  |
| **14. National Action Plan for combating IKB**  |  | C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions) |  |
| **15. Enforcement priority** |  |
| **16. Stakeholders and Policy-making** |  |
| **17. Staffing and recruitment** |  |
| **18. Specialized training**  |  |
| **19. Field enforcement effort** | data |
| **20. Quality of judiciary processes** |  | D. Prosecution and sentencing (effectiveness of judicial procedures) |  |
| **21. Sentencing guidelines** |  |
| **22. Judicial awareness**  |  |
| **23. Judiciary training** |  |
| **24. International cooperation** |  | E. Prevention (other instruments used to address IKB) |  |
| **25. Drivers of wildlife crime** |  |
| **26. Demand-side activities** |  |
| **27. Regulated community** |  |
| **28. Public awareness actions** |  |
| ***TOTAL SCORE*** |  |

1. IKB is defined for the purpose of this Scoreboard as: those unlawful activities committed intentionally resulting in the death, injury or removal of specimens of wild birds from the wild either dead or alive, including their parts or derivatives. [↑](#footnote-ref-1)
2. <https://cites.org/eng/prog/iccwc.php> [↑](#footnote-ref-2)
3. Observers of MIKT are referred to Interested Parties and/or Non-Parties to CMS (namely, Germany, Portugal, Bosnia-Herzegovina and Turkey). [↑](#footnote-ref-3)
4. The regulated community could include harvesters, traders and/or any individual or group that is issued a permit and/or licence to take, use and/or trade in wild birds and their products, and/or that conducts business activities related to the trade in wild birds. [↑](#footnote-ref-4)
5. MIKT1 document, available at <http://www.cms.int/en/document/best-practice-guide-monitoring-illegal-and-taking-birds> [↑](#footnote-ref-5)
6. Once completed and published, this scoreboard shall not be used in relation to any Treaty compliance process. [↑](#footnote-ref-6)
7. Expert Opinion is defined as: the knowledge of whom by virtue of special knowledge, skill, training, or experience is qualified to provide information in matters that exceed the common knowledge of ordinary people. [↑](#footnote-ref-7)
8. Only Overseas Territories within the area covered by the map in Picture 1 where the Bird Directive applies [↑](#footnote-ref-8)
9. Please provide information on how the estimates have been developed. [↑](#footnote-ref-9)
10. <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2919703&SecMode=1&DocId=2369656&Usage=2> [↑](#footnote-ref-10)
11. “Unlawful” means for this purpose infringing national, regional or international law. [↑](#footnote-ref-11)
12. “Specimen” means an animal whether dead or alive [↑](#footnote-ref-12)
13. “Disclosed” implies cases of IKB offences where sufficient material evidence was collected to enable identification of suspects and prosecution of the offence in accordance with the applicable criminal or administrative proceedings. [↑](#footnote-ref-13)
14. This indicator corresponds to indicator 28 in the ICCWC Indicator Framework [↑](#footnote-ref-14)
15. The comprehensiveness of provisions in all relevant national legislation should be considered when answering this question. In general, domestic laws pertaining to the wildlife sector should, at a minimum, set out rules for the following aspects:

• Ownership over wildlife, that is, State-ownership, private property rights, rights of indigenous people or native title;

• Designation of government agencies to oversee and regulate the wildlife sector, administrative processes and so forth;

• Game reserves and hunting areas, including the identification of the areas where subsistence, commercial or leisure hunting is prohibited or permitted;

• Licence systems for leisure and commercial hunting, including conditions for granting, renewing and cancelling hunting licences;

• Transport and import/export rules to control the movement of wildlife, dead or alive, animal parts and products made from wildlife across the country and across international borders; and

• Offences for violations of domestic wildlife laws and enforcement measures [↑](#footnote-ref-15)
16. General prohibition may be subject to regulated exemptions that are subject of the next question [↑](#footnote-ref-16)
17. The legal definition of ‘possession’ may vary with countries. Please refer to your national legislation. [↑](#footnote-ref-17)
18. Article 9 of the Bern Convention states that: “Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned”. An interpretation document of art.9 of the Conventions is available https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1952251&SecMode=1&DocId=1646536&Usage=2 [↑](#footnote-ref-18)
19. Article III.5 of CMS states that: Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition” under clearly defined conditions listed in the article. [↑](#footnote-ref-19)
20. A limited number of activities normally prohibited under the Birds Directive (2009/147/EC) (Articles 5-8) are permissible by way of derogations, where particular problems or situations exist or may arise. The possibilities for use of these derogations are limited. They must be justified in relation to the overall objectives of the Directive and comply with the specific conditions for derogations described in Article 9. [↑](#footnote-ref-20)
21. This indicator is based on indicator 40 of the ICCWC frame work. [↑](#footnote-ref-21)
22. Measuring and estimating the effects of criminal sanction on subsequent criminal behaviour is very complex and there is no agreement on the deterrence of sanctions on criminal behaviours. Please make sure you assess here the adequacy of the law, not the effectiveness of the judicial system (which has also an impact on the deterrence of a law). It is therefore a matter of expert opinion, but should be backed by facts to be reported in the ‘comments’ section. [↑](#footnote-ref-22)
23. Bern Convention Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds [↑](#footnote-ref-23)
24. The United Nations Convention against Transnational Organized Crime defines serious crime as conduct constituting an offence punishable by imprisonment for at least four years or a more serious penalty. [↑](#footnote-ref-24)
25. This indicator is based on indicator 33 of the ICCWC Indicator Framework [↑](#footnote-ref-25)
26. Because of the high value of some illegally-traded bird specimens and the involvement of organized crime groups in IKB, mandated maximum fines of legislation enacted to combat wildlife crime often bear little relation to the value of Illegally killed, trapped or traded bird specimens or the severity of the offence. It is therefore important that persons arrested for involvement in IKB whenever possible and appropriate, are charged and tried under a combination of relevant laws that carry the highest penalties. It includes legislative provisions for International cooperation, combating corruption and addressing organized crime. Also, includes use of general crime laws that relate to offences such as fraud, conspiracy, possession of weapons and other matters as set out in the national criminal code. [↑](#footnote-ref-26)
27. The United Nations Convention against Transnational Organized Crime defines an organized criminal group as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit. [↑](#footnote-ref-27)
28. This indicator corresponds to indicator 3 of the ICCWC framework [↑](#footnote-ref-28)
29. This indicator is based on indicator 1 of the ICCWC Indicator Framework [↑](#footnote-ref-29)
30. Formal recognition could include reference to wildlife crime as a priority issue within strategic plan(s), Memoranda of Understanding, public statements by heads of agencies and/or Declarations/Decrees by Heads of State. [↑](#footnote-ref-30)
31. Stakeholders include the regulated community (i.e. harvesters including hunters, sellers, traders etc. as described in indicator 26), bird conservation NGOs, Academia, and local communities when appropriate [↑](#footnote-ref-31)
32. This indicator corresponds to indicator 8 in the ICCWC Indicator Framework [↑](#footnote-ref-32)
33. Whether the staff level is sufficient of not is matter of expert opinion. Please provide any evidence and rational in the ‘Comments’ section. Please note that indicator 19 will be dealing with enforcement effort. [↑](#footnote-ref-33)
34. Staffing includes factors such as whether there is an appropriate mix of full-time, part-time and casual staff; experienced and less experienced staff; and professional, technical, investigative and administrative staff as needed to discharge the required activities [↑](#footnote-ref-34)
35. “Enforcement officers” refers in this case to police officers and any other professional involved in the protection and management of wildlife, national parks and natural areas (e.g. rangers, forest guards, game wardens, field enforcement officers). [↑](#footnote-ref-35)
36. Please provide information on how frequently the trainings are organized, the issue covered the number of people involved, who provided the training, etc. [↑](#footnote-ref-36)
37. Please provide further information if available on specific figures such as the number of staff members or person/days per year invested by law enforcement agencies in combating IKB. [↑](#footnote-ref-37)
38. Duration of criminal cases is measured as a period between the date of the filing of the charges in court and the date of sentencing, but excludes any potential subsequent appeals that may be filed [↑](#footnote-ref-38)
39. Duration of administrative cases is measured as a period between the date when the offender is served with a notice of an administrative offence and the date of full settlement of such administrative sanction [↑](#footnote-ref-39)
40. Excluding acquittals made upon consideration of any appeal where applicable [↑](#footnote-ref-40)
41. This indicator is based on indicator 41 of the ICCWC Indicator Framework [↑](#footnote-ref-41)
42. This indicator corresponds to indicator 42 of the ICCWC Indicator Framework [↑](#footnote-ref-42)
43. Please provide information on how frequently the trainings are organized, the issue covered the number of people involved, who provided the training, etc. [↑](#footnote-ref-43)
44. Active role includes actions such as participating to all meetings, replying to questionnaires and implementing initiatives at national level. [↑](#footnote-ref-44)
45. This indicator corresponds to indicator 45 in the ICCWC Indicator Framework [↑](#footnote-ref-45)
46. ‘’Drivers’ are the underlying factors that are behind IKB. It can be driven by multiple factors, including (but not limited to) rural poverty, food insecurity, economic interests, poor law enforcement, unclear legislation, penalties too low to deter crime, perceived legitimacy, tradition, etc.’ [↑](#footnote-ref-46)
47. This indicator corresponds to indicator 46 in the ICCWC Indicator Framework [↑](#footnote-ref-47)
48. Demand-side activities are activities developed and implemented to reduce the demand for a particular illegally-traded bird product, or for illegally-traded wildlife more general. In many instances, these activities may be closely associated with awareness-raising activities to build public awareness of the legal requirements that applies to trade in wildlife. When answering this question please consider activities that the government has conducted and/or participated in, including activities which may have been developed or implemented in partnership with other countries and/or non-government organizations. [↑](#footnote-ref-48)
49. This indicator corresponds to indicator 47 in the ICCWC Indicator Framework [↑](#footnote-ref-49)
50. The regulated community could include harvesters (including hunters), sellers, traders (including on-line traders) and/or any individual or group that is issued a permit and/or licence to take, use and/or trade in wild birds and their products, and/or that conducts business activities related to the trade in wild birds. [↑](#footnote-ref-50)
51. This indicator is based on indicator 50 in the ICCWC Indicator Framework [↑](#footnote-ref-51)
52. Awareness-raising activities may include public campaigns, awareness-raising materials, public meetings, and/or the promotion of crime notification hotlines. When answering this question please include activities that the government has conducted and/or participated in, including activities which may have been developed or implemented in partnership with other countries and/or non-government organizations. [↑](#footnote-ref-52)
53. Sum of the score of all indicators of the same group excluding those for which numerical data are requested (i.e. indicators No. 2, 4 and 19) and those considered ‘not applicable’ (i.e. 12 and/or 16) by the respondent. [↑](#footnote-ref-53)