



# Animal Protection Index (API) 2020

## Socialist Republic of Vietnam: ranking F

### Executive summary

Animal welfare in Vietnam is governed by the Law on Animal Health (2015) and the Law on Animal Husbandry (2018). Both laws prohibit the ill-treatment of animals and the Law on Animal Health (2015) mandates a duty of care of animals to owners. Vietnam has legislation providing additional protections for some species or for certain animal welfare issues, such as bear bile farming. Vietnam's delegated authority to state and local equivalents has allowed cities, such as Hanoi, to ban cruel practices such as the dog meat trade.

Animal welfare legislation in Vietnam is characterised by a prioritisation on human health and consumption. This has resulted in limited protections for animals in the country. Language used in legislation is vague, and animal welfare protections for wild animals are completely absent. Despite some species being totally protected and cruel practices such as bear bile farming being banned, reports suggest these problems are ongoing.<sup>1</sup> While livestock are protected from 'ill-treatment' there are no details as to what ill-treatment constitutes and there are no supplementary guidelines or regulations to govern the care, rearing, transport and slaughter of different species.

In Vietnam, various departments within the Ministry of Agriculture and Rural Development have primary responsibility for matters dealing with animals. For instance, the Vietnam CITES authority deals with wildlife and bears, the Department of Animal Health deals with rabies and animals in farming and the Department of Livestock Production deals with the development of livestock policy. The Ministry of Natural Resources and Environment has some importance in protecting animals, especially rare and endangered species.

Since the API was first published in 2014, Vietnam has introduced two new pieces of legislation to govern animal welfare. The Law on Animal Health (2015) is focused, however, on animal health for the benefit of humans, rather than because animals feel pain and can suffer. Similarly, the Law on Animal Husbandry (2018) focusses on ensuring greater productivity through improved animal husbandry for the benefit of humans.

The Government of Vietnam is strongly urged to amend the Law on Animal Health (2015) and the Law on Animal Husbandry (2018) to ensure that clear and stringent animal welfare protections are included. The Government is also encouraged to align animal welfare under one Ministry with sufficient resources for animal welfare education, promotion of animal welfare and enforcement of the law. The Government is also encouraged to create a separate committee under the said Ministry with ultimate responsibility for animal welfare across Vietnam. The committee should include representatives from different government departments, the Vietnam Zoos Association and animal welfare non-governmental organisations (NGOs). Finally, the Government of Vietnam is encouraged to develop

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<sup>1</sup> <https://thediplomat.com/2019/07/the-stalemate-driving-vietnam-s-illegal-wildlife-trade/>



supporting regulations and guidance, by species, on the handling, care, transport, slaughter and euthanasia of farm animals in Vietnam. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



## Animal Protection Index Indicators

### Goal 1: Recognition of animal sentience and prohibition of animal suffering

#### 1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	F
<p>There is at present no explicit recognition of animal sentience in Vietnamese law. However, under the Law on Animal Health (2015)<sup>2</sup>, individuals and organisations responsible for animals, including pets and livestock, have a duty to care for, rear and nurture animals, treat them humanely and minimise pain and fear. Owners and organisations must also account for the different needs of species suggesting recognition of some elements of sentience.</p> <p>Similarly, the Law on Animal Husbandry (2018)<sup>3</sup> prohibits the ill-treatment of livestock in rearing, transport, slaughter and scientific research. However, this law does not take effect until January 1, 2020.</p> <p><b>Analysis</b></p> <p><i>The current lack of recognition of sentience and/or its elements are a barrier to the improvement of animal protection in Vietnam. The language used in both the Law on Animal Health (2015) and Law on Animal Husbandry (2018) is vague and suggests a lack of understanding and prioritisation on the prevention of animal suffering. This is concerning given that both laws were recently developed and at a time of extensive scientific evidence proving animal sentience.</i></p>	
Enforcement mechanisms	
There is no policy or legislation relevant to this indicator.	
Key recommendations	
<ul style="list-style-type: none"><li>• Given the extensive body of scientific evidence proving that animals are sentient, the Government of Vietnam is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.</li></ul>	

<sup>2</sup> <http://extwprlegs1.fao.org/docs/pdf/vie168546.pdf>

<sup>3</sup> [http://agriexchange.apeda.gov.in/MarketReport/Reports/Vietnam\\_National\\_Assembly\\_passes\\_the\\_Animal\\_Husbandry\\_Law%20Hanoi\\_Vietnam\\_2-21-2019.pdf](http://agriexchange.apeda.gov.in/MarketReport/Reports/Vietnam_National_Assembly_passes_the_Animal_Husbandry_Law%20Hanoi_Vietnam_2-21-2019.pdf)



## 2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation	
Ranking	D
<p>The Law on Animal Health (2015) declares that individuals and organisations responsible for animals, including pets and livestock, have a duty to care for, rear and nurture animals, treat them humanely and minimise pain and fear. Owners and organisations must also account for the different needs of species suggesting recognition of some elements of sentience.</p> <p>Similarly, the Law on Animal Husbandry (2018) prohibits the ill-treatment of livestock in rearing, transport, slaughter and scientific research. Owners and organisations are required to provide enough food and water for hygiene, use suitable transports that ensures 'airy space' and allowing animals to witness the slaughter of their 'fellows' is banned.</p> <p>While there are no animal welfare protections under laws regulating the trade of wild animals in Vietnam, it is illegal to kill, trade or transport a number of species. In 2018, the Vietnamese Penal Code was amended to increase penalties for those breaking the law with regards to endangered species.<sup>4</sup></p> <p>In 2018, the Vietnamese Government established the Vietnam Animal Welfare Association<sup>5</sup>. The Association was created to prevent and assist investigations into animal cruelty. The Vietnam Animal Welfare Association is also expected to provide consultation to individuals and organisations regarding animal rights and provide policy suggestions.</p> <p>There are delegated authorities for some aspects of animal welfare law which have resulted in local prohibitions on cruel practices for example a ban on dog-meat in the capital, Hanoi to be fully implemented by 2021.<sup>6</sup> Similarly, other inherently cruel practices such as bear bile farming are also banned.<sup>7</sup></p> <p>The Government of Vietnam also has a history of working in partnership with NGOs to improve animal welfare for example their MOU with Animals Asia, work with WildAid and Save the Elephants and others.<sup>8 9</sup></p> <p><b>Analysis</b></p> <p><i>While animal welfare legislation has increased in Vietnam in recent years, it has limited application to</i></p>	

<sup>4</sup> <https://wildaid.org/vietnampenalcode/>

<sup>5</sup> <https://saigoneer.com/vietnam-news/12562-vietnam-establishes-first-ever-animal-protection-association>

<sup>6</sup> <https://www.livekindly.co/hanoi-becomes-vietnams-first-city-ban-dog-meat-trade/>

<sup>7</sup> <https://www.animalsasia.org/uk/media/news/news-archive/breaking-news-vietnam-agrees-plan-to-close-all-bear-bile-farms.html>

<sup>8</sup> <https://wildaid.org/vietnampenalcode/>

<sup>9</sup> <https://www.animalsasia.org/uk/media/news/news-archive/breaking-news-vietnam-agrees-plan-to-close-all-bear-bile-farms.html>



prevent animal cruelty and suffering. Language specifying how animals are to be treated is vague and there is a lack of enforcement mechanisms.

However, the recently formed Vietnam Animal Welfare Association and the increased penalties regarding illegal wildlife trafficking are positive steps towards good animal welfare. Similarly, the Government of Vietnam actively works with international animal welfare NGOs which has resulted in animal welfare improvements through specific legislation and bans. However, these improvements have been limited on overarching animal welfare legislation.

**Enforcement mechanisms**

Under the Vietnamese Penal Code, the illegal trafficking, killing and raising of endangered species can result in up to 15 years imprisonment and/or a large fine.

Other animal welfare laws have no enforcement mechanisms beyond the revoking of permits or licence for activities.

**Key recommendations**

- **The Government of Vietnam is strongly encouraged to amend the Law on Animal Health and the Law on Animal Husbandry to include a clear definition of animal welfare in line with the OIE animal welfare standards and with explicit recognition and promotion of the Five Freedoms.**
- **The Government of Vietnam is encouraged to amend the Vietnam Penal Code to include enforcement mechanisms for animal cruelty.**

**Goal 2: Presence of animal welfare legislation**

**3. There are laws that apply to animals used in farming including rearing, transport and slaughter**

Analysis of legislation	
Ranking	G
<p><u>Rearing</u></p> <p>The Law on Animal Health (2015) and the Law on Animal Husbandry (2018) are applicable to this category of animals. Both laws prohibit the ill-treatment of animals including in rearing, transport and slaughter.</p>	



The Law on Animal Husbandry states that the 'humanitarian treatment of livestock must respect and be in harmony with traditional beliefs, religions and traditional cultures and be accepted by the social community'. However, no further clarification is provided.

#### Rearing – pigs

There is no policy or legislation related specifically to the rearing of pigs.

#### Rearing – broiler chickens

There is no policy or legislation related specifically to the rearing of broiler chickens.

#### Rearing – egg-laying hens

There is no policy or legislation related specifically to the rearing of egg-laying hens.

#### Rearing – dairy cattle and calves

There is no policy or legislation related specifically to the rearing of dairy cattle and calves.

#### Transport

Under the Law on Animal Husbandry (2018), organisations and individuals transporting animals are required to use suitable means and equipment, ensure airy space and restrict trauma and fear. They are also required to provide enough food and water and it is prohibited to beat or ill-treat animals during transportation.

Vietnam allows for the long-distance transport of farm animals.

#### Slaughter

The Law on Animal Husbandry (2018) mandates that water is provided and that they should not beat or ill-treat livestock. Measures should be taken to cause livestock to become faint before slaughter and livestock should not be slaughtered in front of others.

#### Analysis

*There is limited legislation ensuring good animal welfare for farm animals. While both the Law on Animal Husbandry (2018) and the Law on Animal Health (2015) prohibit the ill-treatment of farm animals, there is a lack clarity regarding what 'ill-treatment' constitutes. While there are some requirements for the transport and slaughter of livestock, these are limited and do not align with OIE standards.*

### Enforcement mechanisms

There are no enforcement mechanisms for this indicator.

### Key recommendations

- The Government of Vietnam is strongly encouraged to amend the Law on Animal Husbandry (2018) to align with the Five Freedoms and produce supporting legislation with guidelines. The amended legislation should align with the OIE animal welfare standards for the rearing, transport and slaughter of different farm animal species, including pigs, chickens, beef cattle and dairy cattle.
- Due to the significant animal welfare concerns associated with long-distance transport, the Government of Vietnam is strongly urged to ban the export of live animals for long distances (i.e. over eight hours) and replace the practice with a meat only trade. Long-distance transport is inherently cruel as it involves chronic stress for all animals. For some species and modes of transport, it may involve over population, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.
- The Government of Vietnam is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.<sup>10</sup> Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.
- The Government of Vietnam is urged to ban the worst forms of confinement for livestock. In particular, the use of farrowing crates, sow stalls and cages should be banned.
- The Government is strongly encouraged to add enforcement mechanisms and punishments for animal cruelty to both the Law on Animal Health (2015) and the Law on Animal Husbandry (2018).

#### 4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E

<sup>10</sup> [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))



There are no laws relating specifically to the welfare of animals in captivity however, the Law on Animal Health (2015) and the Law on Animal Husbandry (2018) can be applied to this category of animals.

Circular No. 47/2012/TT-BNNPTNT of 2012<sup>11</sup> allows some wild species to be farmed or used for 'keeping, exchange, service or other trade promotion', or 'keeping, exchange and service of common wildlife specimens for diplomatic purpose, scientific research, exchange amongst zoos, non-profit exhibition, non-profit circus performance; exchange specimens among CITES authorities of country members'. Further regulation includes Chapter II, Article 3(2) which mentions using means to capture animals 'that ensure safety during the exploitation and do not have any negative impacts upon the habitat and environment' and Chapter III which stipulates that the breeding of the animals must 'ensure the safety for humans and captive animals, satisfy environmental and hygiene requirements and disease prevention'. There is no indication that welfare measures are taken into account in these activities.

Decree 32/2006/ND-CP<sup>12</sup> bans the exploitation and use for commercial purposes of some endangered species and regulates the use of others in line with CITES regulations. This includes species such as tigers that are farmed in Vietnam.<sup>13</sup>

Under the Vietnam Penal Code, those found keeping, trading, killing or transporting endangered species outside of the law are subject to punishment.

### Zoos

There is no policy or legislation related specifically to zoos, however Circular No. 47/2012/TT-BNNPTNT of 2012<sup>14</sup> is applicable to zoos.

Circular No. 47/2012/TT-BNNPTNT of 2012 regulates the management and breeding of common wildlife species, both native and non-native to Vietnam. The Circular includes a list of 160 species for which exploitation and farming for commercial and non-commercial purposes is permitted. This Circular does not apply to hunting facilities nor facilities that rescue and conserve common species. However, Circular No. 47 does stipulate that international treaties of which Vietnam is a member, supersedes the regulations. The Circular permits the 'exploitation' of common species for hunting, trapping, shooting and other activities including taking of live individuals. Those undertaking any of the above activities are required to hold a permit. Under Circular No. 47 of 2012, breeders are required to possess breeding facilities that accounts for the growth and development of species, ensures the safety of both humans and animals, as well as satisfying environmental and hygiene requirements. There are no animal welfare provisions for these permitted activities.

Vietnam has a national zoo association which is a member of South East Asian Zoos and Aquariums Association. Vietnam Zoos Association is an active partner of Wild Welfare and this partnership has developed a National Zoo Working Group which is aiming to create a national captive wild animal

<sup>11</sup> [http://envietnam.org/library/Law%20articles/Circular\\_No\\_47.pdf](http://envietnam.org/library/Law%20articles/Circular_No_47.pdf)

<sup>12</sup> [http://envietnam.org/library/Law%20articles/Decree\\_32\\_30\\_March\\_06\\_EN.pdf](http://envietnam.org/library/Law%20articles/Decree_32_30_March_06_EN.pdf)

<sup>13</sup> <https://www.loc.gov/law/help/bigcats/comparative.php>

<sup>14</sup> [http://envietnam.org/library/Law%20articles/Circular\\_No\\_47.pdf](http://envietnam.org/library/Law%20articles/Circular_No_47.pdf)





welfare standard.<sup>15</sup> However, at time of writing these standards are still in the development stage and thus unable to be assessed for the API.

### Private keeping of wild animals

The farming of bears for bear bile has been banned in Vietnam since 1992, however more recently there has been an increase in legislation to tackle the continued farming.<sup>16</sup> Decision 02/2005/QĐ-BNN<sup>17</sup> bans bringing bears into captivity from 2005, except in zoos or circuses, and it is against the law to take any bears from the wild and keep them captive. Bears that are already in captivity before 2005 must be microchipped and registered. Decision 47/2006/QĐ-BNN<sup>18</sup> stipulates how bears in captivity are managed, controlled and monitored.

Decision 95/2008/QĐ-BNN<sup>19</sup> contains provisions on housing conditions, hygiene, veterinary and other conditions for registered bear farms. It states it is illegal to keep bears in captivity without registration records and a microchip and keep them without facilities or with facilities that do not satisfy the requirements defined in the law. Decision 95/2008/QĐ-BNN replaced earlier Decision 47/2006/QĐ-BNN, in 2008 and focussed more on improving the conditions of the bears (including size of the cages and provision of water). The previous legislation from 2006 clearly stated what was prohibited regarding captive bears and bile farming. According to the Vietnamese legal system, those parts of Decision 47 that are not altered by Decision 95 are still in effect. Decision 95/2008/QĐ-BNN does describe conditions for captive bears, however, these appear to be more concerned with human safety, waste management, and preventing bears escaping, rather than the welfare of the animals involved. There is no mention of an adequate diet for the animals, except that they should have enough food. There is a requirement that each farm has employees with veterinary knowledge or a contract with a vet, but no requirement for a vet to be present or within the vicinity of the farm at all times. This is the only part of the decision which relates to bear health or welfare. Bears that are voluntarily turned over to the state will be given to a rescue centre, zoo, domestic research and training centre (with the purpose of research, display and environmental education), another farm that meets the conditions stated in Decision 95/2008/QĐ-BNN and that agrees to voluntarily raise the bear with the purpose of rescue and conservation or another organisation as decided by relevant State agencies.

However, there appears to be no regulations regarding these other facilities and the standard of care they should provide the animals, and therefore there is no way to ensure that the animals will receive a satisfactory standard of care and welfare. It is also unclear whether resources exist to care for bears that the government have been given or confiscated from farmers.

<sup>15</sup> <https://wildwelfare.org/portfolio/captive-animal-welfare-in-vietnam/>

<sup>16</sup> <https://www.animalsasia.org/uk/media/news/newsarchive/breaking-news-vietnam-agrees-plan-to-close-all-bear-bile-farms.html>

<sup>17</sup> [http://envietnam.org/library/Law%20articles/Decision\\_02\\_%20by\\_MARD\\_on\\_Issuing\\_Regulations\\_on\\_Captive\\_Bear\\_Management.pdf](http://envietnam.org/library/Law%20articles/Decision_02_%20by_MARD_on_Issuing_Regulations_on_Captive_Bear_Management.pdf)

<sup>18</sup> [http://envietnam.org/library/Law%20articles/Decision%20\\_No.%2095%20\\_of%20\\_September%20\\_29\\_2008%20\\_on%20\\_captive\\_%20bear\\_%20management%20\\_Oct.%20\\_7\\_2008%20\\_EN\\_.pdf](http://envietnam.org/library/Law%20articles/Decision%20_No.%2095%20_of%20_September%20_29_2008%20_on%20_captive_%20bear_%20management%20_Oct.%20_7_2008%20_EN_.pdf)

<sup>19</sup> [http://envietnam.org/library/Law%20articles/Decision%20\\_No.%2095%20\\_of%20\\_September%20\\_29\\_2008%20\\_on%20\\_captive\\_%20bear\\_%20management%20\\_Oct.%20\\_7\\_2008%20\\_EN\\_.pdf](http://envietnam.org/library/Law%20articles/Decision%20_No.%2095%20_of%20_September%20_29_2008%20_on%20_captive_%20bear_%20management%20_Oct.%20_7_2008%20_EN_.pdf)



In 2015 the Government of Vietnam signed an MOU with Animals Asia agreeing to a complete ban to the private keeping of bears in Vietnam and to the rescue of remaining bears being kept by private individuals.<sup>20</sup>

There is no policy or legislation banning the keeping of wild animals as pets.

### Fur farming

There is no policy or legislation related specifically to fur farming.

### Analysis

*Existing legislation such as Circular 47/2012/TT-BNNPTNT is not effective in ensuring the welfare of animals as there are no animal welfare focussed norms in legislation to protect animals kept in captivity.*

*The regulations concerning captive bears do not promote animal welfare and are out of alignment with international approaches towards the keeping of wild animals in captivity. There is no responsibility for ensuring good welfare for captive bears or other wild animals, for example, those kept in zoos or circuses. The legislation which does exist covers only bears in captivity. With Decision no. 02/2005/QD-BNN a framework was determined by which farming bears for bile is not allowed, but captivity of these animals and other wild animals still remains allowed in the country and there are media reports that bile extraction continues in some parts of the country.<sup>21</sup>*

*Wild animals are permitted to be used in circuses and there does not appear to be any legislation regulating their living conditions and welfare requirements.*

*While current legislation is lacking, there have been some positive steps such as the partnership between Vietnam Zoo Association and Wild Welfare and the commitment of the Vietnamese Government to move all captive bears into sanctuaries. This suggests there is a political will to improve welfare for captive wild animals.*

## Enforcement mechanisms

There are enforcement mechanisms in relation to the legislation on bears. Farmers must send reports on their bears' health status to district or provincial Forest Protection Departments every six months. If an animal is in poor health or dies, this must be immediately reported. Farmers who have not registered their bears and/or take bears from the wild will be punished with fines or under the Penal Law. Provincial or city Forest Protection Departments carry out six monthly inspections as well as random inspections and send general reports on the management of captive bears to the National Forest Protection Department, which are then combined to produce a nationwide report and sent to the Ministry of Agriculture and Rural Development.

<sup>20</sup> <https://www.animalsasia.org/uk/media/news/newsarchive/breaking-news-vietnam-agrees-plan-to-close-all-bear-bile-farms.html>

<sup>21</sup> <http://www.express.co.uk/comment/columnists/john-ingham/458557/War-on-bear-bile-farms-in-Vietnam-continues>



Under the Vietnamese Penal Code, the illegal trafficking, killing and raising of endangered species can result in up to 15 years imprisonment and/or a large fine.

### Key recommendations

- The Government of Vietnam is encouraged to develop new legislation governing the animal welfare needs, inspection and regulation of animals in captivity, including in zoos. Such regulations should include requirements, based on species, with regards to the housing, feeding, handling and husbandry, and should promote the Five Freedoms of all individual animals.
- The Government is encouraged to align penalties for inhumane treatment of wild species in captivity with the Vietnamese Penal Code penalties for illegal activities against endangered species.
- The Government is urged to introduce a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government is strongly urged to issue a total ban on fur farming. Fur farming is inherently cruel and causes pain, distress and suffering.

## 5. There are laws that apply to companion animals

### Analysis of the legislation

Ranking

F

The Law on Animal Health (2015) and the Law on Animal Husbandry (2018) can be applied to this category of animals.

Rabies is of concern in Vietnam, both due to the prevalence of the disease in the country and the dog meat trade. The Government has produced some legislation with regard to rabies control in the Guidance on Canine Rabies prevention and control Measures No. 48/2009/TT-BNNPTNT22 and the Decree on Canine Rabies Prevention and Control No.05/2007/NĐ-CP. In December 2016, the Vietnam Government published their National Program for Rabies Control and Elimination 2017-2021. The programme involves multiple government ministries and included an evaluation of their previous strategy to allow for improvements. The programme includes directions for new legislation regarding dog population management, responsible pet ownership and mass dog vaccination. New legislative recommendations also include strengthening administrative and implementation violations.

<sup>22</sup> [http://www.moj.gov.vn/vbpg/Lists/Vn%20bn%20php%20lut/View\\_Detail.aspx?ItemID=11680](http://www.moj.gov.vn/vbpg/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=11680)



However, there are no details in the national plan for what constitutes dog population management, nor any recommendations to ban the culling of dogs.

### Care of companion animals

The Law on Animal Husbandry (2018) stipulates that owners of cats and dogs must vaccinate their animals against rabies, however there are no further animal welfare provisions for companion animals.

Decree No. 167/2013/ND-CP<sup>23</sup> makes it an offence for individuals to allow their dogs to roam freely in public spaces.

The dog meat trade is currently legal in Vietnam; however, some localities are moving towards total bans.<sup>24</sup>

### Stray animals

There is no policy or legislation specifically related to stray animals

### Analysis

*The lack of relevant legislation means that companion animal welfare, when not related to human health, is unprotected. There is a lack of detail in legislation and national plans to provide animal welfare provisions for companion animals. There are no supporting decrees to ensure humane management of stray populations and there is a lack of guidance beyond rabies control on care for this category of animals.*

*The dog meat trade presents a series of challenges for dog welfare, and it has an impact on the government's implementation of mechanisms against rabies, however this is an acknowledged problem in rabies elimination plans.*

## Enforcement mechanisms

There are enforcement mechanisms relevant to this indicator in Decree No. 167/2013/ND-CP however, a translation could not be found at time of writing.

## Key recommendations

- **The Government of Vietnam is encouraged to define and promote responsible pet ownership based on animal welfare concerns, and that owned animals are neutered.**
- **The Government of Vietnam is strongly encouraged to set out clear animal welfare criteria, which animal breeders must fulfil prior to being granted the authorisation to commercially breed and trade companion animals.**

<sup>23</sup> <https://thukyluat.vn/vb/decreed-no-167-2013-nd-cp-sanction-of-administrative-violation-in-social-security-order-safety-domestic-violence-3580f.html>

<sup>24</sup> <https://www.livekindly.co/hanoi-becomes-vietnams-first-city-ban-dog-meattrade/>

- The Government of Vietnam is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective. The Government of Vietnam should also implement education programmes on dog bite prevention.
- The Government of Vietnam is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.

## 6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	G
<p>The Law on Animal Health (2015) and the Law on Animal Husbandry (2018) can be applied to this category of animals.</p> <p><u>Animals used for entertainment</u></p> <p>There is no policy or legislation relating to animals kept for recreational purposes; animals are permitted to be kept in circuses and for use in tourism (for example, elephants) without restrictions relating to their welfare. Cruel entertainments such as greyhound racing are still permitted. While the use of endangered species is restricted under Decree 32/2006/ND-CP, many such animals can be found in circuses and other entertainment facilities.<sup>25</sup></p> <p>Where such practices have been banned, this has occurred on an individual basis, by a particular facility.<sup>26</sup></p> <p><u>Draught animals</u></p> <p>There is no legislation or policy specifically relating to draught animals, despite the widespread use of animals for such purposes in rural areas.</p> <p><u>Analysis</u></p> <p><i>With no policy or legislation regulating the use of animals in this category, and no education regarding</i></p>	

<sup>25</sup><https://www.animalsasia.org/uk/media/news/news-archive/why-animals-should-not-be-in-circuses.html>

<sup>26</sup><https://www.theguardian.com/travel/2018/oct/23/vietnams-first-ethical-elephant-tours-launch-in-yok-don>

their humane treatment and welfare requirements, there is concern for animals in entertainment. However, in 2018 Yok Don national park stopped offering elephant rides.<sup>27</sup> As this is a state-run park, it suggests there is some understanding of the cruelty of such practices. However, this has not yet resulting in bans or other improvements for the welfare of animals in entertainment.

Animals that are relied on by people for draught or for recreation use may face many threats to their welfare which in some instances can be avoidable and unintended or result from ignorance of how to care properly for them. With no enforceable legislation to regulate against purposeful harm to or overloading of these animals, there is no deterrent in place to stop this.

### Enforcement mechanisms

There is no policy or legislation relevant to this indicator.

### Key recommendations

- **The Government of Vietnam is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**
- **The Government of Vietnam is encouraged to develop guidelines and regulations for draught animals, including animal welfare considerations, load limits and in alignment with OIE animal welfare standards and the Five Freedoms.**

## 7. There are laws that apply to animals used for scientific research

### Analysis of the legislation

Ranking

E

The Law on Animal Husbandry (2018) prohibits the ill-treatment of livestock in rearing, transport, slaughter and scientific research, however, there are no restrictions to animal testing in the country and as such, commercial and scientific research takes place with a number of species up and including primates.

<sup>27</sup> <https://www.theguardian.com/travel/2018/oct/23/vietnams-first-ethical-elfephant-tours-launch-in-yok-don>



In the existing legislation related to animal health, such as Veterinary Ordinance 2004<sup>28</sup> and 2007<sup>29</sup> and Decree 32 (2006) the use of animals for experimentation is allowed and no regulations on how to protect animals from suffering can be found.

There are some restrictions on the use of endangered animals, in Decree 160/2013/ND-CP<sup>30</sup> which addresses the management of endangered, precious and rare species of animals and Decree 32/2006/ND-CP which groups endangered, precious and rare animals into two groups. Group IB includes endangered and critically endangered species, and the exploitation and use of these species for commercial purposes is strictly prohibited, with a permit required for scientific research and conservation purposes. Group IIB includes threatened and rare species and a permit is required for all purposes including scientific research, conservation and commercial exploitation.

In 2014, Vietnam banned the use of Draize rabbit eye and skin irritation tests, however it is yet to issue a complete ban on animal testing for cosmetics.<sup>31</sup>

Under the Vietnamese Penal Code, the illegal trafficking, killing and raising of endangered species can result in up to 15 years imprisonment and/or a large fine.

### **Analysis**

*The legislation relevant to this indicator is aimed at species conservation, rather than animal welfare.*

*There are no restrictions on the animals used or on the purpose of the experimentation. This is at odds with international standards and trends to restrict and narrow the level and scope of animal experimentation in the country.*

*There have been reports of government support for alternatives to testing cosmetics on animals, which are encouraging.<sup>32</sup> However, this has not developed into legislation or bans.*

### **Enforcement mechanisms**

Under the Vietnamese Penal Code, the illegal trafficking, killing and raising of endangered species can result in up to 15 years imprisonment and/or a large fine.

### **Key recommendations**

- **The Government of Vietnam is encouraged to develop policy and legislation on the use of animals for scientific research in line with OIE standards and encompassing the principles of the Three Rs principles (Replacement, Reduction, Refinement).**

<sup>28</sup> [http://www.vertic.org/media/National%20Legislation/Vietnam/VN\\_Ordinance\\_on\\_Veterinary.pdf](http://www.vertic.org/media/National%20Legislation/Vietnam/VN_Ordinance_on_Veterinary.pdf)

<sup>29</sup> <https://vanbanphapluat.co/decreed-of-government-no-05-2007-nd-cp-of-january-09-2007-on-animal-rabies-prevention-and-combat>

<sup>30</sup> [https://vietnam.wcs.org/Portals/119/Law%20Database/English/160\\_2013\\_ND-CP%20-%20Decree%20160-2013%20-%20EN.pdf?ver=2017-08-07-064016643](https://vietnam.wcs.org/Portals/119/Law%20Database/English/160_2013_ND-CP%20-%20Decree%20160-2013%20-%20EN.pdf?ver=2017-08-07-064016643)

<sup>31</sup> <https://www.ethicalconsumer.org/health-beauty/animal-testing-cosmetics-industry>

<sup>32</sup> <http://chemicalwatch.com/20108/vietnam-moves-to-non-animal-testing-for-cosmetics>





- The Government of Vietnam is encouraged to create ethic committees in charge of scrutinising applications for animal research. Such committees should be able to suspend the activities or revoke the registration of establishments that do not respect animal welfare criteria. Animals used for research should be provided shelter, care, food and water in a manner appropriate to the physiological, psychological and behavioural needs. Facilities should align with OIE standards and the Five Freedoms.
- The Government of Vietnam is strongly urged to ban the testing of cosmetic products and their ingredients on animals.

## 8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	E
<p>Vietnam became a party of the CITES Convention in 1994. Since then, the Government of Vietnam has created a significant legal framework for the protection of wildlife.<sup>33</sup> This includes secondary legislation providing greater protection for some species of wild animals. However, this legislation is focused on conservation measures rather than on the welfare of individual animals.</p> <p>Under the Vietnamese Penal Code, the illegal trafficking, killing and raising of endangered species can result in up to 15 years imprisonment and/or a large fine.</p> <p>Decree 160<sup>34</sup> (in place since the end of 2013) issued by the Ministry of Natural Resources and Environment manages species prioritised for protection that are not permitted to be farmed or exploited.</p> <p>Government Decree 32/2006/ND-CP is the primary wildlife protection decree. Article 5 provides that forests where endangered, precious, and rare species of wild plants and animals are concentrated are considered to be special use forests. Endangered, precious, and rare wild plants and animals which are living outside special use forests are also protected by the Decree. The Decree prohibits the hunting, shooting, trapping, capture, keeping and slaughtering of endangered, precious, and rare wild animals, as well as transporting, processing, advertising, trading, using, hiding, exporting, importing endangered, precious, and rare wild animals. Endangered, precious and rare wild animals are defined in two groups. Group IB includes endangered and critically endangered species, and the exploitation and use of these species for commercial purposes is strictly prohibited with a permit required for scientific research and conservation purposes. Group IIB includes threatened and rare</p>	

<sup>33</sup> [https://cites.org/sites/default/files/common/prog/policy/Vietnam\\_wildlife\\_trade\\_policy\\_review.pdf](https://cites.org/sites/default/files/common/prog/policy/Vietnam_wildlife_trade_policy_review.pdf)

<sup>34</sup> [http://www.asianturtleprogram.org/pages/rafetus/Decree\\_160\\_2Dec13/Decree160\\_protects\\_priority\\_species.htm](http://www.asianturtleprogram.org/pages/rafetus/Decree_160_2Dec13/Decree160_protects_priority_species.htm)





species, and a permit is required for all purposes including scientific research, conservation and commercial exploitation.

Article 11 provides that, where wild animals threaten and destroy property or pose a threat to people, the affected organisations, households, or individuals must attempt to drive the animals away, and may not cause the animals harm. In cases where endangered, precious, and rare animals directly attack people and efforts to drive the animals away have been unsuccessful, it is still not legal to harm the animals. A report must be made to the Chairperson of the district, town or city People's Committee for consideration, and determination made by the Committee as to whether the animal should be trapped or shot to protect people's lives. Any organisation that is entrusted with shooting or trapping an animal engaged in a human/wildlife conflict must relocate, rescue or transfer the animal to a research centre, write a report on this and submit it within five working days.

The Law on Forest Protection and Development (2004)<sup>35</sup> states that it is prohibited to illegally hunt, shoot, catch, trap, cage or slaughter forest animals and to illegally transport, process, advertise, trade in, use, consume, store, export or import forest animals, without an appropriate permit issued by the Forest Protection Department to show that the animal was of legal origin.

The Law on Biodiversity of the XII National Assembly of Vietnam (2008)<sup>36</sup>, Article 7 states that hunting, fishing and exploiting wild species in strictly protected sections of conservation areas is prohibited, except for scientific research purposes. The law aims to protect endemic species, species threatened with extinction, species that are prohibited from exploitation, and wild species that need protection from exploitation in natural conditions.

Decree 82/2006/ND-CP<sup>37</sup> stipulates the specific procedures relating to the export, import, re-export and introduction from the sea, transit, breeding, rearing and artificial propagation of animals and plants (including hybrids) of endangered, precious and rare species.

There are no laws or regulations related specifically to hunting of wild animals, beyond bans on certain endangered species. Hunting facilities are explicitly excluded from the Law of Animal Husbandry (2018).

### ***Analysis***

*There are several laws which concern wild animals in Vietnam, however, none of these are concerned with the welfare of individual animals, and there is very little protection for non-endangered species.*

*Government Decrees 32/2006/ND-CP and 160/2013/ND-CP are concerned with species conservation, not with animal welfare. Government Decree 32/2006/ND-CP states that endangered, precious and rare species are permitted to be taken from the wild for scientific research and international cooperation if a permit is obtained from the government. It does not describe the situation when this permit would be granted or limits on this exception.*

<sup>35</sup>[https://web.archive.org/web/20190713010738/http://theredddesk.org/sites/default/files/law\\_on\\_forest\\_protection\\_and\\_development\\_-\\_vietnam\\_2.pdf](https://web.archive.org/web/20190713010738/http://theredddesk.org/sites/default/files/law_on_forest_protection_and_development_-_vietnam_2.pdf)

<sup>36</sup>[http://envietnam.org/library/law%20articles/Law\\_on\\_Biodiversity.pdf](http://envietnam.org/library/law%20articles/Law_on_Biodiversity.pdf)

<sup>37</sup>[http://envietnam.org/library/law%20articles/Decree\\_82\\_2006\\_ND\\_CP\\_January\\_1\\_2007\\_EN.pdf](http://envietnam.org/library/law%20articles/Decree_82_2006_ND_CP_January_1_2007_EN.pdf)



*It has been reported that Vietnam's wildlife laws are poorly enforced<sup>38</sup>, and the country is a hub for illegal wildlife trade, particularly rhino horn. Wildlife trade is recorded to be dramatically high in many provinces and regions of Vietnam<sup>39</sup>. Vietnam recently scored badly in a review of wildlife crime in the country concerning tiger parts, elephant ivory and rhino horn, which reported that the country is failing on key aspects of compliance and enforcement of the CITES agreement for both rhino and tiger, and failing on one of these areas for elephants.<sup>40</sup>*

*There appears to be no identification material for protected species or their products or any proper training for relevant law enforcement agencies on implementation of Decree 32/2006/ND-CP. The decree states that the government invests in the management and protection of endangered, precious, and rare species of wild animals in special use forests, and also invests in rescue activities of animals that are confiscated.*

*The lack of details regarding hunting practices is also concerning.*

### Enforcement mechanisms

There are enforcement mechanisms for the legal provisions which aim to protect certain species of wild animals from exploitation.

The Government supports those who live outside and inside special use forests to address damage caused by endangered, precious and rare species of wild animals. Decree 32/2006/ND-CP states that financial and legal rights and benefit incentives will be offered to those who invest in management, protection and development of endangered, precious, and rare wild animals. However, there appears to be no publicly available evidence of activity implementing this.

There are also fines and potential prosecution for people who contravene the law, dependent on conditions and the severity of the violations. However, with no formal training in species identification mentioned, the punishment of crimes may be met with difficulty, making it impossible to apply punishment level or investigate appropriate accountability.

Vietnam's Penal Code states that people who illegally hunt, catch, kill, transport and/or trade in precious and rare wild animals which are banned under Government regulations, or illegally transport and/or trade in the products made of such animals, shall be subject to a large fine and or up to 15 years imprisonment. There are varying prison sentences and fines depending on the circumstances of the crime.

Article 85 of the law on forest protection and development states that people who illegally hunt, catch, cage or slaughter forest animals; illegally purchase, sell, trade in or transport forest products shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability according to law provisions.

<sup>38</sup> <https://thediplomat.com/2019/07/the-stalemate-driving-vietnams-illegal-wildlife-trade/>

<sup>39</sup> [https://cites.org/sites/default/files/common/prog/policy/Vietnam\\_wildlife\\_trade\\_policy\\_review.pdf](https://cites.org/sites/default/files/common/prog/policy/Vietnam_wildlife_trade_policy_review.pdf)

<sup>40</sup> <http://mb.cision.com/Public/18/9285879/9cd4a5a18d632c49.pdf>



Article 25 of Decree 82/2006/ND-CP states that those violating regulations on exports, imports, re-exports, transit and introduction from the sea shall be subject to administrative violation punishments if organisations, or criminal punishment if individuals.

**Key recommendations**

- **The Government of Vietnam is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one’s family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the cruellest hunting methods.**

**Goal 3: Establishment of supportive government bodies**

**9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources**

**Analysis of the legislation**

<b>Ranking</b>	<b>G</b>
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Although there is no single focal point for animal welfare within the government, there are a number of bodies that have some responsibility for animal care and protection in the country.

Various departments within the Ministry of Agriculture and Rural Development currently have primary responsibility for matters dealing with animals. For instance, the Vietnam CITES authority deals with wildlife and bears, the Department of Animal Health deals with rabies and animals in farming and the Department of Livestock Production deals with the development of livestock policy. The Ministry of Natural Resources and Environment has some importance in protecting animals, especially rare and endangered species. Decree 32 and the more recent Decree 160 show some government direction towards responsibility and accountability for animal protection.

Some Boards have been established for implementation of specific laws. For example, in the case of Decision 95/2008/QD-BNN on captive bear management, the “Board of Assessors” is comprised of the provincial or city Forest Protection Department as chair, and representatives from the provincial Veterinary Department, Department of Natural Resource and Environment, Environment Police, and communal or ward authorities in whose territory bear farms requesting for certification for file assessment are located. The Board examines the facilities of the farm which has requested the confirmation paper for bear farming, writes an assessment paper as evidence for related evaluating



agencies, and grants the confirmation paper for the farm if it satisfies the requirements defined in the legislation.

The National Program for Rabies Control and Elimination 2017-2021 acknowledges the One Health paradigm and assigns responsibilities for success to a multitude of government ministries, beyond those responsible for animal health.

The Government of Vietnam is actively engaged with a number of international animal welfare charities, including World Animal Protection, Animals Asia and WildWelfare.

### *Analysis*

*The Government has no central body for the promotion and discussion of animal welfare issues and there is no national consensus and awareness of the importance of animal care and protection. There are a number of animal protection organisations in the country, which are working to raise awareness on a range of issues.<sup>41</sup>*

*However, the Government of Vietnam has ongoing relationships with a multitude of partners in animal welfare including international NGOs and is an active member of ASEAN and CITES. This suggests some political will to improve animal welfare.*

### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

### Key recommendations

- **The responsibility for different types of animals currently falls under multiple Ministries and Departments. The Government of Vietnam is encouraged to align all animal welfare under one Ministry with appropriate resources for research, implementation and enforcement.**
- **The Government is encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animal wellbeing to find solutions for animal welfare concerns. The committee should guide the country's policies and strategies on animal welfare and develop new legislation in line with OIE and other international standards. This committee should include representatives from animal welfare non-governmental organisations (NGOs) and the National Vietnam Zoo Association.**
- **The Government of Vietnam is encouraged to continue its ongoing relationships with international animal welfare NGOs to improve animal welfare.**

<sup>41</sup><http://worldanimal.net/component/wandirs/results?geo=true&fanda=0&get=true&continent=2&country=232&cn=Vietnam%20&cnt=Asia>



## Goal 4: Support for international animal welfare standards

### 10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	G
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.<sup>42</sup></p> <p>There is no evidence of the Government transposing the OIE's animal welfare standards or guiding principles into legislation.</p> <p>There is evidence of the government's active interaction with the OIE on animal health issues. The government has requested assistance on a Performance Veterinary Service mission from OIE, which has been completed. The Government has consented for the report to be made public.</p> <p>The Government regularly reports to the OIE on disease control and participates in OIE conferences and in addition, has been appointed the Lead Country for ASEAN to eradicate rabies in all ASEAN Nations by 2020. Vietnam has taken an active role in World Animal Protection, Food and Agriculture Organisation (United Nations) and OIE plans for eradication and control of rabies by 2020.</p> <p>However, despite being a member of RAWWS, Vietnam has not yet begun developing its own national animal welfare strategy.</p> <p><b>Analysis</b></p> <p><i>Research has found no adherence to the guiding principles for animal welfare in Vietnamese law or to any of the OIE's animal welfare standards. Full transposition of OIE standards and guiding principles into legislation has not taken place and is not currently happening in Vietnam.</i></p> <p><i>However, the Ministry of Agriculture and Rural Development and the Ministry of Fisheries generally observe the standards on health set out in the OIE Terrestrial Animal Health Code and the OIE Aquatic Animal Health Code. These ministries revised their quarantine and inspection regulations to conform to OIE standards. Both Ministries have put in place a process for prompt identification and notification of listed (notifiable) diseases. This suggests that, given government will, some improvement may be possible.</i></p>	
Enforcement mechanisms	
<p>There are no enforcement mechanisms relevant to this indicator.</p>	

<sup>42</sup> <http://www.oie.int/infographic/StandardsAW/index.html>



### Key recommendations

- The Government of Vietnam is encouraged to amend its existing legislation, particularly the Law on Animal Health (2015) and the Law on Animal Husbandry (2018) to align with OIE standards and guiding principles on animal management and welfare.
- The Government of Vietnam is encouraged to ensure new regulations impacting animals align with OIE animal welfare standards.

## 11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

### Analysis of the legislation

The Government has not pledged in principle support for the Universal Declaration of Animal Welfare (UDAW), although some key officials have expressed an interest to learn more about UDAW.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

#### Analysis

*Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country. The Government is encouraged to pledge in principle support.*

### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

### Key recommendations

- The Government of Vietnam is encouraged to pledge in principle support for UDAW. Support for the UDAW will likely underpin further animal protection measures.

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