



# Socialist Republic of Vietnam

Animal Protection Index 2014 ranking: F

## Animal Protection Index Indicators

### Goal 1: Recognition of animal sentience and the importance of animal protection as a societal value

#### 1. Animal sentience is formally recognised in legislation and/or policy

Ranking: E

<b>Part 1: Verification</b>
Legislation is being discussed or developed
There is at present no express or implied recognition of animal sentience in Vietnamese law. However, a draft Veterinary Law is currently under discussion and pending approval. <sup>1</sup> Although it is still very limited in animal welfare content, Article 8(2) of the draft acknowledges an element of sentience in providing that those who keep and use animals shall minimise pain and fear of animals during specified activities. This covers all animals, both terrestrial and aquatic (Article 3(1)).
<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
The current lack of recognition and understanding of sentience, one of the main scientific arguments for protection and promotion of animal welfare, is a barrier to the improvement of animal protection in Vietnam. As such, decision-making processes in other areas do not take this issue into consideration.
Are there economic and societal barriers to improving this aspect of animal welfare?
The lack of recognition of animal sentience in Vietnamese law and low understanding of this concept amongst policy-makers act as barriers to improving animal welfare. Failure to recognise this

<sup>1</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/Denghi-gop-y-Duthao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/Denghi-gop-y-Duthao-Luat-Thu-y.htm)

fundamental scientific argument for animal protection weakens the drive to develop legislation to protect the welfare of animals. However the content of the proposed draft Veterinary Law suggests that some improvement may be possible.
<b>Are enforcement mechanisms in place in policy and legislation?</b>
There is no policy or legislation relevant to this indicator.

## 2. The government has pledged in principle support for the Universal Declaration on Animal Welfare

**Ranking: G**

<b>Part 1: Verification</b>
<b>There is no government support</b>
The government has not pledged in principle support for the Universal Declaration of Animal Welfare, although some key officials have expressed an interest to learn more about it. <u>Note:</u> The Universal Declaration on Animal Welfare is a proposed formal international acknowledgment 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.

<b>Part 2: Assessment</b>
<b>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</b>
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.
<b>Are there economic and societal barriers to improving this aspect of animal welfare?</b>
Socio-cultural attitudes to animals provide barriers to the development of animal welfare as an issue in the country. However, the government has expressed interest in developing its understanding of animal welfare concepts and animal protection organisations have emerged in society. It may be that in future years some progress will be possible, particularly on issues relating to sustainable development and human health, or which are linked to livelihoods.
<b>Are enforcement mechanisms in place in policy and legislation?</b>
There is no policy or legislation relevant to this indicator.

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

**Ranking: G**

<b>Part 1: Verification</b>
There is no policy or legislation
There is at present no policy or legislation prohibiting causing animal suffering in Vietnam.
<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
As there is limited legislation in place to protect animals (for example, Article 190 of the Penal Code prohibits hunting specified endangered species of animals) and there is no legislation prohibiting acts of cruelty that cause animal suffering, animal welfare is not yet a mainstream concern of society in the country.
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The country faces a number of challenges to animal welfare improvements. There is limited knowledge of animal welfare in the country, combined with a system that has typically focused on protecting people and the environment. The lack of understanding of the concept of animal welfare has resulted in the existing legislation only covering certain types of animals and certain activities, generally focused on impact on human health and the natural environment.</p> <p>However the Central Committee for Communication and Education, as well as various departments of the Ministry of Agriculture and Rural Development, have requested direction and support from NGO the World Society for the Protection of Animals (now World Animal Protection) in gaining a better understanding of animal welfare and improving the animal welfare situation in Vietnam. It is hoped that this interest may provide a catalyst for animal welfare improvements in the country within the next few years. In addition, a draft Veterinary Law is currently under discussion and pending approval,<sup>2</sup> and Article 8 of the draft provides that individuals and organisations who keep and use animals shall provide species-appropriate care, feed and transport, and shall minimise pain and fear of animals during transport, slaughter, euthanasia, medical treatment and scientific research. This covers all animals, both terrestrial and aquatic (Article 3(1)). The government is encouraged to progress this draft and to include a clear prohibition on causing animal suffering both deliberately and negligently, through acts of cruelty and through failure to act.</p>
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.

#### 4. a. There are laws that apply to animals used in farming including rearing, transport and slaughter

Ranking: D

<b>Part 1: Verification</b>
-----------------------------

<sup>2</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/Denghi-gop-y-Duthao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/Denghi-gop-y-Duthao-Luat-Thu-y.htm)

### Legislation is being discussed or developed

There is at present no legislation specifically developed for the welfare of farmed domestic animals. However, under the amendments to the Constitution by Resolution No. 51/2001/QH10 in 2001 and Resolution No. 21/2003/QH11 in 2003, the Veterinary Ordinance 2004 refers in Article 13 to animal health care which states that animal health should be taken care of properly, including being provided with a species-appropriate living environment and with veterinary care. A draft Veterinary Law is currently under discussion and pending approval.<sup>3</sup> Although it is still very limited in animal welfare content, Article 8 of the draft provides that individuals and organisations who keep and use animals shall provide species-appropriate care, feed and transport, and shall minimise pain and fear of animals during transport, slaughter, euthanasia, medical treatment and scientific research. This covers all animals, both terrestrial and aquatic (Article 3(1)).

### Part 2: Assessment

#### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The draft of the new Veterinary Law shows that the government is taking some initial steps to recognise the importance of animal welfare. The draft includes references to species-appropriate care as well as to minimising pain and fear, thus showing interest of policy makers in developing legislation to protect animals. The government is encouraged to include more animal welfare norms in the legislation.

#### Are there economic and societal barriers to improving this aspect of animal welfare?

There are a number of barriers to improve animal welfare for animals used in farming. There is limited knowledge and understanding of animal welfare which means that there is limited awareness of the way animal welfare conditions have an impact on the quality of farm products and the productivity of livestock. Most legislation has a strong focus on animal health and protecting the environment and the safety of people.

Nevertheless, existing legislation appears to have some indication of allocation of certain responsibilities on government bodies. For instance, the Administration of Forestry is stated as being responsible for examining and guiding the implementation of Circular 47/2012/TT-BNNPTNT nationwide, collating and reporting to the Ministry of Agriculture and Rural Development on the policies and situation of common wildlife species management across the country. It must also work in cooperation with related agencies to consider the amendment and supplement of the list of common wildlife species issued together with the circular. Provincial People's Committees guide, inspect and monitor to make sure the regulations of the circular are fully implemented in localities. The Provincial Department of Agriculture and Rural Development advises the People's Committees of provinces of the implementation of regulations of the circular in the locality including communicating with and guiding people to correctly implement the regulation and related regulations of the State. They must also complete a regular collective report on the exploitation and breeding of common wildlife species to be submitted to the Administration of Forestry, and suggest to related state

<sup>3</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/De-nghi-gop-y-Du-thao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/De-nghi-gop-y-Du-thao-Luat-Thu-y.htm)

agencies to timely settle obstacles and difficulties with farm owners in the localities. It is noted that the government is seeking input from international NGO World Animal Protection (formerly the World Society for the Protection of Animals) in relation to development of legislation and standards relating to humane slaughter.<sup>4</sup> The development of a draft Veterinary Law also shows that there may be scope for progress in the future.

#### Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms for the legal provisions that are aimed at the protection of animal health, mostly as forms of prevention of disease spreading to humans. In Circular 47/2012/TT-BNNPTNT the Administration of Forestry has the task to implement its mandates and reports to the Ministry of Agriculture and Rural Development. Article 8, 5 a. states that "the agency who has issued the registration certificate shall revoke it if the farm owners commit any violations of the regulations of this circular or existing law." There is no further punishment mentioned. The Provincial People's Committee is stated as an inspector and monitor of the implementation of regulations in localities, but there is no mention of whether animal care or welfare is inspected, or whether the inspector would just be checking that the reported number of animals and the species is correct.

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

**Ranking: E**

##### Part 1: Verification

#### There is legislation with partial application

The issue of bears in captivity is a key wild animal issue in the country and therefore there is extensive legislation produced on this. Decision 02/2005/QD-BNN 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/QD-BNN stipulates how bears in captivity are managed, controlled and monitored.

Decision 95/2008/QD-BNN 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/QD-BNN replaced earlier Decision 47/2006/QD-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/QD-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

<sup>4</sup> [http://www.rr-asia.oie.int/uploads/tx\\_oiefiles/RAWS\\_CG\\_Mtg\\_7\\_March\\_2014.PDF](http://www.rr-asia.oie.int/uploads/tx_oiefiles/RAWS_CG_Mtg_7_March_2014.PDF)

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 appear 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.

In addition, the government has produced a Circular presenting a framework for policy to be developed for better animal protection. 47/2012/TT-BNNPTNT lists 160 species of common forest animals for which exploitation and farming are permitted for commercial and non-commercial purposes, according to the provisions set out in the Circular.<sup>5</sup> Bears are not part of this list, which includes porcupines and crocodiles. This Circular 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. The only requirements for farmers breeding common wildlife species is to notify the local government of the species and number of animals they are keeping and to keep their own records.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Existing legislation such as Circular 47/2012/TT-BNNPTNT is not effective in making the welfare of animals in this category a mainstream concern of society, and actually regulates farming of some wild animals for a wide range of purposes.

There are no animal welfare focussed norms in legislation to protect animals kept in captivity. Forest Protection Department staff at national and provincial level should be informed of animal welfare concepts and the importance of animal welfare in protecting the environment and ecology for the sake of sustainable development.

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

<sup>5</sup> [http://envietnam.org/library/Law%20articles/Circular\\_No\\_47.pdf](http://envietnam.org/library/Law%20articles/Circular_No_47.pdf)

kept in zoos or circuses. The legislation which does exist covers only bears in captivity. With Decision no. 02/2005/QĐ-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>6</sup> The government is encouraged to continue working on the enforcement of existing legislation.

It also appears that there is no legislation against breeding bears that were in farms before the regulation took effect in 2005, and then either keeping and farming offspring or selling them to circuses or zoos for example, or hunting bears for purposes other than farming. Slaughter, exploitation, transportation, and business involving bear bile and bear parts needs to be clearly listed as prohibited activities if this is the case. The government is encouraged to make this more explicit in the legislation to protect bear welfare.

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. Elephants are also used in the tourist industry in Vietnam, raising welfare concerns.

#### Are there economic and societal barriers to improving this aspect of animal welfare?

The lack of animal welfare knowledge within policy making bodies and lack of understanding of the concept of animal welfare seems to be the main barrier to improvement. In relation specifically to bears, domestic and foreign demand for bear bile presents a barrier to improvement.<sup>7</sup> There appear to be significant socio-cultural barriers towards improving the welfare of captive animals.

However, a draft Veterinary Law is currently under discussion and pending approval<sup>8</sup>, and Article 8 of the draft provides that individuals and organisations who keep and use animals shall provide species-appropriate care, feed and transport, and shall minimise pain and fear of animals during transport, slaughter, euthanasia, medical treatment and scientific research. This covers all animals, both terrestrial and aquatic (Article 3(1)). It therefore appears that this is intended to cover captive wild animals as well as livestock; the government is invited to confirm this.

#### Are enforcement mechanisms in place in policy and legislation?

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.

## 4. c. There are laws that apply to companion animals

### Ranking: G

<sup>6</sup> For example <http://www.express.co.uk/comment/columnists/john-ingham/458557/War-on-bear-bile-farms-in-Vietnam-continues>

<sup>7</sup> <http://www.express.co.uk/comment/columnists/john-ingham/458557/War-on-bear-bile-farms-in-Vietnam-continues>

<sup>8</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm)

<b>Part 1: Verification</b>
<b>Policy is being discussed or developed</b>
<p>There is no legislation relating to animal welfare for companion animals.</p> <p>However 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-BNNPTNT<sup>9</sup> and the Decree on Canine Rabies Prevention and Control No.05/2007/NĐ-CP.</p> <p>In November 2013, the World Society for the Protection of Animals (now World Animal Protection) signed a Memorandum of Understanding with the government to support its work as ASEAN Lead Country on eradicating rabies from all ASEAN nations by 2020 through Mass Dog Vaccination programmes and other humane strategies.</p>
<b>Part 2: Assessment</b>
<b>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</b>
<p>The lack of relevant legislation means that companion animal welfare, when not related to human health, is unprotected.</p> <p>Although there is no evidence of legal acknowledgement of welfare issues that affect this category of animals, there are indications that the government is currently seeking solutions to the spread of rabies by stray dog and cat populations. The government is encouraged to introduce welfare provisions in upcoming regulations to start bringing the concept of animal welfare into mainstream society in relation to animals in this category. Reports from animal welfare organisations indicate that there are attempts to introduce restrictions to the dog meat trade and to further introduce measures against rabies.<sup>10 11</sup> The government has a pledge to eliminate rabies by 2020 in the framework of ASEAN and Regional Strategies with OIE.<sup>12</sup></p>
<b>Are there economic and societal barriers to improving this aspect of animal welfare?</b>
<p>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. There are significant barriers to improvement for this category of animals. However, the collaboration with World Animal Protection and ASEAN provides an opportunity for progress. In addition, a draft Veterinary Law is currently under discussion and pending approval<sup>13</sup>, and Article 8 of the draft provides that individuals and organisations who keep and use animals shall provide species-appropriate care, feed and transport, and it appears that this is intended to cover companion animals.</p>
<b>Are enforcement mechanisms in place in policy and legislation?</b>
<p>There are no enforcement mechanisms relevant to this indicator.</p>

<sup>9</sup> [http://www.moj.gov.vn/vbqp/Lists/Vn%20bn%20php%20lut/View\\_Detail.aspx?ItemID=11680](http://www.moj.gov.vn/vbqp/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=11680)

<sup>10</sup> <http://www.onegreenplanet.org/animalsandnature/there-is-hope-for-the-victims-of-the-vietnam-dog-meat-trade/>

<sup>11</sup> <http://www.animalpeoplenews.org/anp/2013/10/24/vietnam-agrees-to-five-year-suspension-of-dog-imports-to-control-rabies/>

<sup>12</sup> [http://www.rrasia.oie.int/fileadmin/SRR\\_Activities/SEA\\_Rabies\\_Strategy\\_-\\_OIE\\_Final\\_Draft.pdf](http://www.rrasia.oie.int/fileadmin/SRR_Activities/SEA_Rabies_Strategy_-_OIE_Final_Draft.pdf)

<sup>13</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm)



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

**Ranking: G**

<b>Part 1: Verification</b>
<i>There is no policy or legislation</i>
There is no legislation or policy relating to draught animals, despite the widespread use of animals for such purposes in rural areas. 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.

<b>Part 2: Assessment</b>
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
With no policy or legislation regulating the use of animals in this category, and no education regarding their humane treatment and welfare requirements, there is no way to make the welfare of this category of animals a mainstream concern of society.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
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.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
There is no policy or legislation relevant to this indicator.

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

**Ranking: G**

<b>Part 1: Verification</b>
<i>There is no policy or legislation</i>
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. In the existing legislation related to animal health, such as Veterinary Ordinance 2004 and 2007 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 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.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The legislation relevant to this indicator is aimed at species conservation, rather than animal welfare. There are no restrictions on the evolutionary scale of 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.

The government is encouraged to develop policy and legislation on the use of animals for scientific research in line with good international standards and encompassing the principles of the Three Rs. Encouragingly there are recent reports of the government supporting moves at ASEAN to bring its legislation into line with European Union legislation regarding the use of animals in experiments for cosmetic purposes, which suggests that change may happen in the near future.<sup>14</sup>

Are there economic and societal barriers to improving this aspect of animal welfare?

The lack of animal welfare knowledge within policy making bodies and lack of understanding of the concept of animal welfare seems to be the main barrier to improvement.

However, there are reports of government support for alternatives to testing cosmetics on animals, which are encouraging.<sup>15</sup> In addition, a draft Veterinary Law is currently under discussion and pending approval,<sup>16</sup> Article 8 of which provides that those who keep and use animals shall provide species-appropriate care and shall minimise pain and fear of animals during scientific research and killing. This covers all animals, both terrestrial and aquatic (Article 3(1)).

Are enforcement mechanisms in place in policy and legislation?

There is no policy or legislation related to this indicator.

## 4. f. There are laws that apply to wild animals

Ranking: D

### Part 1: Verification

There is legislation with partial application

<sup>14</sup> <http://www.prnewswire.co.uk/news-releases/asean-to-consider-cruelty-free-international-proposal-to-ban-animal-testing-for-cosmetics-232932041.html>

<sup>15</sup> [http://www.huffingtonpost.co.uk/troy-seidle/as-vietnam-bans-cruel-rab\\_b\\_5386173.html](http://www.huffingtonpost.co.uk/troy-seidle/as-vietnam-bans-cruel-rab_b_5386173.html)

<sup>16</sup> [http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054\\_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm](http://www.vasep.com.vn/Thu-Vien-Van-Ban/1054_35490/Denghi-gop-y-Du-thao-Luat-Thu-y.htm)

Vietnam became a party of the CITES Convention in 1994. Since then, the Vietnamese government has created a significant legal framework for the protection of wildlife.<sup>17</sup> There is legislation protecting some species of wild animals. This is focused on conservation measures rather than on the welfare of individual animals.

Article 190 of the Criminal Code provides that illegally hunting, killing, transporting, or trading in precious wild animals that have been forbidden by government stipulations shall be punished with fines, forced labour for up to two years or imprisonment from six months to three years.

Decree 160 (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.

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 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 Chairman 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 which 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 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, 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 stipulates the specific procedures relating to the export, import, re-export

---

<sup>17</sup> [http://www.cites.org/common/prog/policy/Vietnam\\_wildlife\\_trade\\_policy\\_review.pdf](http://www.cites.org/common/prog/policy/Vietnam_wildlife_trade_policy_review.pdf)

and introduction from the sea, transit, breeding, rearing and artificial propagation of animals and plants (including hybrids) of endangered, precious and rare species.

## Part 2: Assessment

### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

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 has been reported that Vietnam's wildlife laws are poorly enforced and monitored and the country is a hub for illegal wildlife trade, particularly rhino horn, and wildlife trade is recorded to be dramatically high in many provinces and regions of Vietnam<sup>18</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>19</sup>

### Are there economic and societal barriers to improving this aspect of animal welfare?

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. However it has been reported that the budget expenditure allocated for implementing Vietnam's wildlife policies is much lower than what is actually required.<sup>20</sup> It may be very difficult to effectively implement policies under such constraints. If appropriate technical and financial support were provided, the implementation of CITES and related policies on wildlife would certainly be much improved and more effective. There appear to be significant resource-related and traditional practice barriers to improvement for animals in this category.

### Are enforcement mechanisms in place in policy and legislation?

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

<sup>18</sup> [http://www.cites.org/common/prog/policy/Vietnam\\_wildlife\\_trade\\_policy\\_review.pdf](http://www.cites.org/common/prog/policy/Vietnam_wildlife_trade_policy_review.pdf)

<sup>19</sup> <http://mb.cision.com/Public/18/9285879/9cd4a5a18d632c49.pdf>

<sup>20</sup> [http://www.cites.org/common/prog/policy/Vietnam\\_wildlife\\_trade\\_policy\\_review.pdf](http://www.cites.org/common/prog/policy/Vietnam_wildlife_trade_policy_review.pdf)

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 fine of between five million dong and fifty million dong, non-custodial reform for up to two years or a prison term of between six months and three years. 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.

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.

## Goal 2: Presence of effective governance structures and systems

### 5. The government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

**Ranking: E**

<b>Part 1: Verification</b>
<b>There is legislation with partial application</b>
<p>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.</p> <p>Various departments within the Ministry of Agriculture and Rural Development currently have primary responsibility for matters dealing with animals. For instance, CITES 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.</p> <p>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</p>

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.

**Part 2: Assessment**

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

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>21</sup>

Are there economic and societal barriers to improving this aspect of animal welfare?

The Central Committee for Communication and Education, as well as various departments of the Ministry of Agriculture and Rural Development, have requested direction and support from NGO World Animal Protection in gaining a better understanding of animal welfare and improving the animal welfare situation in Vietnam. It is hoped that this collaboration may be a catalyst to improve animal welfare in the next few years.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

### Goal 3: Implementation of animal protection standards

#### 6. The government is actively engaged with the OIE to improve animal welfare internationally, regionally and nationally

Ranking: D

**Part 1: Verification**

There is policy

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. The government regularly reports to the OIE on disease control and participates in OIE conferences

<sup>21</sup>

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

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.

However, despite being a member of RAWWS, Vietnam has not yet begun developing its own national animal welfare strategy.

### Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The government has not created legislation which covers the areas of the OIE's animal welfare standards. It is noted that in the follow up evaluation PVS report, the OIE recommends that the veterinary services should give stronger considerations to this field of activity in line with the continuously developing international consensus.<sup>22</sup>

The government is encouraged to promote a better understanding of animal welfare and the role of the OIE in this area. The government is encouraged to promote the link between animal welfare and animal health with respect to animals kept for farming purposes, and to explore the way in which the guiding principles and standards of OIE can be applied to animals in the wild and other categories of animals.

Are there economic and societal barriers to improving this aspect of animal welfare?

The existing scope of the government's engagement with the OIE on animal health and disease control suggests that there may be some scope for improvement.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

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

Ranking: G

### Part 1: Verification

There is no policy or legislation

There is no evidence of the government transposing the OIE's animal welfare standards or guiding principles into legislation. As such, the OIE standards have been reported as not generally implemented in the country<sup>23</sup>.

### Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream

<sup>22</sup> [http://www.oie.int/fileadmin/Home/eng/Support\\_to\\_OIE\\_Members/pdf/PVSFollowUpReport-Vietnam.pdf](http://www.oie.int/fileadmin/Home/eng/Support_to_OIE_Members/pdf/PVSFollowUpReport-Vietnam.pdf)

<sup>23</sup> [http://www.oie.int/fileadmin/Home/eng/Support\\_to\\_OIE\\_Members/pdf/PVSFollowUpReport-Vietnam.pdf](http://www.oie.int/fileadmin/Home/eng/Support_to_OIE_Members/pdf/PVSFollowUpReport-Vietnam.pdf)

concern?
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. The government is encouraged to develop animal protection legislation based on the OIE's standards and guiding principles.
Are there economic and societal barriers to improving this aspect of animal welfare?
Full transposition of OIE standards and guiding principles into legislation has not taken place and is not currently happening in Vietnam mainly due to limited capacity. There may be significant resource barriers to improvement. 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.
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.

## 8. The government publishes reports on progress towards goals set to monitor and improve standards of animal welfare

Ranking: **G**

<b>Part 1: Verification</b>
There is no policy or legislation
There is no evidence of the government setting goals to monitor and improve standards of animal welfare or any reporting on progress in this area.
<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
Regular reporting would increase transparency and demonstrate that this is an issue of importance to the government and society. The government is encouraged to develop a clear strategy on animal protection and to commence regular reporting against identified goals.
Are there economic and societal barriers to improving this aspect of animal welfare?
There are some related areas on which the government reports, for example, management of captive bears on farms and the status of managing endangered, precious, and rare wild plants and animals. The government consented to the OIE's PVS report being made public. This suggests that, were targeted goals on animal welfare improvement to be developed, it should be possible for the government to report on progress against these goals.
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.



## Goal 4: Provision of humane education

### 9. Animal care and protection are included in the national education system

Ranking: E

<b>Part 1: Verification</b>
<p><i>Policy is being discussed or developed</i></p> <p>There are currently no elements of animal care and protection in the national education system in Vietnam. However there is some interaction between government and NGO provision of education on animal welfare.</p> <p>The World Animal Protection programme on Advanced Concepts on Animal Welfare for veterinary medicine students has been running in Vietnam since 2008 and various universities have participated in this programme to date. The Hanoi University of Agriculture has translated 35 modules of animal welfare training materials and provide a website on animal welfare issues.</p> <p>World Animal Protection is currently implementing the First Concepts in Animal Welfare programme in partnership with Hanoi Department of Education and Training. This programme has also been endorsed by the Representative and Head of Office of UNESCO Hanoi in early 2012, recognizing the overlap between environmental education and Animal Welfare Education. These accreditations were sought as environmental education is a recognised priority for the Vietnamese government.</p> <p>In Hanoi, in May 2012 a Memorandum of Understanding for a duration of four years was signed by the World Society for the Protection of Animals (now World Animal Protection) with the Hanoi Department of Education and Training, relating to building the capacity of junior secondary school teachers in Hanoi and Department of Education and Training in-house trainers in teaching animal welfare education; providing education materials; assessing the impact of training courses on teachers and students; assessing the curriculum for junior secondary schools with the view to introduce animal welfare issues into appropriate subjects; and the issuing of an official instruction by Hanoi Department of Education and Training to introduce animal welfare education into appropriate subjects so that all students in junior secondary schools are exposed to animal welfare issues.</p>
<b>Part 2: Assessment</b>
<p><i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i></p> <p>The government has shown some desire to work with NGOs to introduce animal welfare elements to the school curriculum, and the work that World Animal Protection is doing with the Hanoi Department of Education and Training appears to be having an impact.<sup>24</sup> According to a</p>

<sup>24</sup> [http://issuu.com/wspanederland/docs/wspa\\_global\\_review\\_2012/13](http://issuu.com/wspanederland/docs/wspa_global_review_2012/13)

<p>Memorandum of Understanding between World Animal Protection and the Hanoi College of Education, teachers of some departments of the College will be trained in First Concepts in Animal Welfare and they will teach their students who will be teachers for secondary schools in Hanoi. This should assist with introducing humane education into the city.</p> <p>The government is encouraged to build on these experiences to introduce animal care and protection to the school syllabus throughout the country.</p>
<p><i>Are there economic and societal barriers to improving this aspect of animal welfare?</i></p>
<p>Resource constraints present significant barriers to improvement. However the scope of existing interaction with NGO education provision brings hope that some improvement may be possible.</p>
<p><i>Are enforcement mechanisms in place in policy and legislation?</i></p>
<p>There are no enforcement mechanisms relevant to this indicator.</p>

## Goal 5: Communication and awareness

### 10. The government works with others to improve animal protection by consulting and engaging relevant stakeholders, including NGOs

#### Ranking: E

<p><b>Part 1: Verification</b></p>
<p><i>Policy is being discussed or developed</i></p>
<p>There is no legislation or clear policy that stipulates that the government should work with others to improve animal protection.</p> <p>However, there is evidence of engagement with NGOs in the country. For example, the government has shown engagement with World Animal Protection on education issues, and in relation to humane slaughter.<sup>25</sup></p>
<p><b>Part 2: Assessment</b></p>
<p><i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i></p>
<p>The inclusion of stakeholders outside of government is not mandated by legislation. However the development of policy may provide a framework in which engagement on animal protection issues can be included in future legislation. The government is encouraged to build on its existing relationships with NGO and industry stakeholders to improve animal welfare in the country.</p>
<p><i>Are there economic and societal barriers to improving this aspect of animal welfare?</i></p>
<p>It is believed that resource constraints may present significant barriers to improvement. However the</p>

<sup>25</sup> [http://www.rr-asia.oie.int/uploads/tx\\_oiefiles/RAWS\\_CG\\_Mtg\\_7\\_March\\_2014.PDF](http://www.rr-asia.oie.int/uploads/tx_oiefiles/RAWS_CG_Mtg_7_March_2014.PDF)

scope of existing interaction with NGOs brings hope that some improvement may be possible.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

**Publication: November 2014**

## Socialist Republic of Vietnam: Socioeconomic information

### Politics

Where not otherwise noted, information for this section has been sourced from the Economist Intelligence Unit's (EIU) country profiles.

### Government type

One-party rule, socialist republic

### Capital

Hanoi

### International law organisation

Non-party state to ICC and has not submitted an ICJ jurisdiction declaration

### Suffrage<sup>26</sup>

18

### Legal system

Jurisprudence is not recognized as a source of law; closest system it resembles is a civil law system. There is no formal process of codification currently. Where the National Assembly issues laws in some areas, it is turned into a 'code'<sup>27</sup>

### Executive branch

Head of state: President Truong Tan Sang

Executive branch: "The cabinet is constitutionally responsible to the Quoc Hoi (National Assembly)....."<sup>28</sup>

### Judicial branch

Supreme People's Court is the "highest adjudicatory body"<sup>29</sup>, composed of a Chief Justice, who is elected by the National Assembly<sup>30</sup>. Other justices of the People's Court are appointed by the President and serve a five year term<sup>31</sup>.

### Legislative branch

Vietnam has a unicameral National Assembly (Quoc Hoi) consisting of 500 members, serving five year terms.

### Political parties

Communist Part of Vietnam (CPV), Vietnam Fatherland Front (umbrella organisation controlled by the CPV)

### Economics

Where not otherwise noted, information for this section has been sourced from the World Bank.

---

<sup>26</sup> <http://aceproject.org/epic-en/CDTable?question=VR001#g27>

[http://www.nyulawglobal.org/globalex/Vietnam1.htm#\\_Judicial\\_System](http://www.nyulawglobal.org/globalex/Vietnam1.htm#_Judicial_System)

---

<sup>28</sup> <http://country.eiu.com/article.aspx?articleid=1151445699&Country=Vietnam&topic=Summary&subtopic=Political+structure>

<sup>29</sup> [http://court.by/upload/10\(2\).doc](http://court.by/upload/10(2).doc)

<sup>30</sup> [http://www.nyulawglobal.org/globalex/Vietnam1.htm#\\_Judicial\\_System](http://www.nyulawglobal.org/globalex/Vietnam1.htm#_Judicial_System)

<sup>31</sup> [http://www.nyulawglobal.org/globalex/Vietnam1.htm#\\_Judicial\\_System](http://www.nyulawglobal.org/globalex/Vietnam1.htm#_Judicial_System)

Real GDP growth is forecast to be 6% in 2014 by BMI<sup>32</sup>. Strong FDI, increased ties with a strong US economy, and low inflation will all contribute to a robust economy<sup>33</sup>. Although the country is still “an assembly workshop for Asian industries and textiles”<sup>34</sup>, for example in exports in electronic products have increased; it also became the world’s largest exporter of rice in 2012<sup>35</sup>. In the long term, the EIU predicts that the growth of the private sector and demographics over the next 20 years will have a positive impact on growth<sup>36</sup>.

#### Main trading partners (2012)<sup>37</sup>

##### Import

China - 23.2%

Korea, Republic of - 12.3%

Japan - 9.7%

##### Export

United States - 17.5%

European Union (27) - 17.1%

China - 12.0%

#### Commodities (2012)<sup>38</sup>

##### Imports

Agricultural products - 12.0%

Fuels and mining products - 15.4%

Manufactures - 72.4%

##### Exports

Agricultural products - 21.9%

Fuels and mining products - 10.9%

Manufactures - 67.1%

#### GDP (current USD, 2012)

\$141,669,099,289

#### GDP per capita, PPP (2012)

\$3,635

#### Labour force, total (2012)

52,068,206

#### Currency

Dong

#### Equivalence to 1 USD

21,092.5900

#### Central government debt, total, (% of GDP, 2011)

NA

#### Manufacturing, value added (% of GDP, 2012)

19

#### Agriculture, value added (% of GDP, 2012)

21

#### Industry, value added (% of GDP, 2012)

40

#### Exports of goods and services (% of GDP, 2012)

90

<sup>32</sup> <http://www.businessmonitor.com/vietnam##>

<sup>33</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Viet-Nam>

<sup>34</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Viet-Nam>

<sup>35</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Viet-Nam>

<sup>36</sup> <http://country.eiu.com/article.aspx?articleid=1850996369&Country=Vietnam&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

<sup>37</sup> <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=BY%2cUY%2cVN%2cSD>

<sup>38</sup> <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=BY%2cUY%2cVN%2cSD>

Imports of goods and services (% of GDP, 2012)  
90

Services, etc., value added (% of GDP) (2012)  
39

Unemployment rate, (% , 2011)  
2

Education expenditure (% of GDP, 2012)  
6.6 (2010)

Adjusted savings: Education expenditure USD (2011)  
3,313,117,125

## Society

Where not otherwise noted, information for this section has been sourced from the World Bank.

Total population (2012)  
88,775,500

## Religion<sup>39</sup>

Folk religions (45.3%), Unaffiliated (29.6%), Buddhist (16.4%), Christian (8.2%), Other religions (0.4%), Muslim (0.2%)

## Languages

Vietnamese (spoken by about 90% of the population); English (increasingly favoured as a second language); minority languages such as Hmong, Thai, Khmer in more remote rural areas<sup>40</sup>

Population growth, annual % (2012)  
1.1

Population: ages 0-14 (% of total) (2012)  
23

Population: ages 15-64 (% of total) (2012)  
71

Population: ages 65 and over (% of total) (2012)  
7

Population living in rural areas (% of total) (2012)  
68

Population living in urban areas (% of total) (2012)  
32

---

<sup>39</sup> <http://features.pewforum.org/grl/population-percentage.php>

<sup>40</sup> <http://country.eiu.com/article.aspx?articleid=940980678&Country=Vietnam&topic=Summary&subtopic=Basic+data>

