



充分发挥生态检察职能 强化鸟类资源司法保护
Stronger Role of Environmental Prosecution
for Enhanced Judicial
Protection of Birds

——以福建省南平市检察机关为视角
A view from Procuratorate of
Nanping, Fujian

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福建省南平市鸟类资源概况

Status quo of bird resources in Nanping Fujian

福建生态环境优越，森林覆盖率连续39年位居全国首位，是全国为数不多水、大气和生态环境保持全优的省份之一。Blessed with good ecology and environment, Fujian has ranked 1st nationwide in forest area for 39 consecutive years. It is one of the few Chinese provinces that excel in quality of water, air and ecology and environment at the same time.



南平市地处福建北部，森林覆盖率达70%以上，境内有兽类100多种、鸟类近400种、植物4000多种，是动植物资源的宝库。

Nanping is situated in Northern Fujian and 70% of its area is covered by forest. It is home to over 100 species of beasts , near 400 species of birds and over 4,000 types of plants, a truly treasure house of fauna and flora.





“世界文化与自然遗产地”武夷山是南平生态文明的品牌与窗口，被誉为“昆虫世界”“鸟类天堂”“蛇的王国”“世界动物之窗”，是全球生物多样性保护的关键地区之一。Wuyi Mountain is listed as the World Cultural and Natural Heritage Site. As the epitome of Ecological Civilization in Nanping, it has earned many titles such as “the World of Insects”, “the Paradise of Birds”, “the Kingdom of Snakes” and “the Window of Wildlife. Therefore, Wuyi Mountain is one of the key areas for biodiversity conservation in the world.

•每年10月起有大量鸟类栖息、迁徙途径武夷山。武夷山境内的东溪水库是我国濒危鸟类中华秋沙鸭在福建最大的冬季栖息地Every October, a large number of birds either migrate to or stop over Wuyi Mountain. The Dongxi Reservoir there is the largest winter habitat for Chinese mergansers, a protected endangered species in China.



每年11月前后，南平市顺昌县郑坊镇榜山村有成千上万的候鸟在此停留，是候鸟迁徙途中理想的能量补充场所，成为候鸟迁徙途中极具代表性的“鸟道”，被国家确定为福建省唯一的候鸟栖息地。

Every year around November, there are thousands of migratory birds stopping over at Bangshan Village, Nanping.

Migratory birds stay here for refueling en route, earning the place the reputation of the “path of bird” . Therefore, it is designated as the one and only migratory bird habitat in Fujian Province.



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[2] Part

近年来鸟类资源受到威胁
Recent Threats to Bird
Resources



鸟类是自然界生态平衡的重要物种，捕食害虫和害兽，传播植物种子，给人类社会提供精神和艺术方面的享受，是人类文明重要的组成部分。

Birds are vital to the ecological balance of nature. They prey on pests, disseminate plant seeds, and serve as a source of spiritual and artistic enjoyment to human beings as an important component of civilization.

然而近年来涉及鸟类的违法犯罪活动逐渐增多，鸟类的生存和保护形势严峻。

However, in recent years, bird crimes have grown in numbers, posing a great threat to the survival and conservation of birds.

满足口腹之欲
Hunger-driven
exploitation

猎奇心态催生

捕鸟、贩鸟、食鸟
违法“产业链”

Humans hunt, trade and feed
on birds in pursuit of
novelty, hence giving rise to
an illegal “supply chain”

市场监管不严
Lax market
regulation

相关部门未明令禁止
生产、销售捕鸟工具

The competent authorities
fail to explicitly prohibit the
production and sale of bird
capture tools

人鸟矛盾难调
Deep-rooted animosity
between men and birds

农民为保护农作物
架起捕鸟工具
Farmers set up
bird capture
tools to protect
crops from birds

满足口腹之欲
Hunger-driven
Exploitation

案 例
Case

浦城县犯罪嫌疑人蒋某等3人多次在闽北山区中使用气枪和铅弹猎捕鸟类，短短4小时内猎杀鹭鸟214只，并以每只35至40元销售给餐馆。3 offenders from Pucheng County used air guns and lead shots to kill 214 herons in just 4 hours at the mountains of northern Fujian and sold them to restaurants for 35 to 40 yuan each.



政和县犯罪嫌疑人杨某等3人利用网购和花鸟市场上购买的捕鸟网、鸟笼、录音播放器等工具捕鸟，3天内捕获福建省重点保护野生动物画眉鸟73只、红嘴蓝鹊1只。

3 offenders from Zhenghe County used nets, cages, and players purchased online and from the local market to harvest birds. They captured 73 thrush birds and 1 red-billed blue magpie in three days, both endangered species in Fujian Province.

市场监管不严
Lax regulation
over the market

案例 Case





建瓯市犯罪嫌疑人张某为保护菜园不受鸟类啄食，在菜地内架设长10米、宽2.7米的捕鸟网，造成2只国家二级重点保护野生动物领角鸮死亡。Zhang, an offender from Jian'ou City, set up a bird net of 10 meters long and 2.7 meters wide at the field to protect the vegetables from birds, causing 2 deaths of collared scops owl, the national grade 2 protected species

人鸟矛盾难调
Deep-rooted animosity
between men and birds

案 例 Case

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保护鸟类资源检察作为
Prosecutor's action
to protect birds



生态检察工作是检察机关着眼服务生态文明建设，在长期司法实践中探索形成的专门领域检察工作，是福建检察工作的特色和亮点。

南平市检察机关针对鸟类资源遭到破坏的现象，认真履职，主动作为，切实保护域内鸟类资源。

The ecological prosecution is a focus of the procuratorial efforts to build ecological civilization. With years of judicial practices, the ecological prosecution has become the highlight of Fujian's procuratorial system. The procuratorate of Nanping, in response to the destruction of bird resources, has fulfilled its duties by taking pre-emptive moves.

开展专项
整治行动
Special
Actions

履行法律
监督职能
Supervisi
on

检察建议
完善监管
Advice for better
regulation

加强法制
宣传教育
Educational
Campaigns

联合相关部门加强对运输、交易、餐饮等环节的监管力度，对农贸市场、餐馆酒楼等场所进行不定期检查，从源头上斩断非法猎鸟利益链条。

working with competent departments towards stronger supervision over transportation, trading, catering and other aspects and conducting random inspections on markets and restaurants to root out the interest chain of illegal bird hunting

根据获取的案件线索，依法监督立案侦查，有力打击危害鸟类资源犯罪行为。

developing and investigating cases based on clues and combating offences harming bird resources

建议和督促有关部门加强捕鸟工具售卖的监管力度，防止捕鸟工具贩卖行为泛滥。

advising and urging competent departments to strengthen the supervision over the sale of bird-hunting tools

坚持“谁执法谁普法”原则，建立司法保护区，广泛开展法制宣传教育，形成全社会共管共护共赢的良好局面。

adhering to the principle of “the law enforcement agencies should be responsible for public legal education”, establishing judicial protected zones, organizing educational campaigns, and creating a situation that involves and benefits all the stakeholders

开展专项
整治行动
Special
Actions

2016年4月“爱鸟周”期间，顺昌县检察院联合林业、森林公安等相关部门开展专项执法行动，共清查、捣毁鸟笼架、窝棚等20余处，收缴捕鸟笼等捕猎工具500余件。
During the “Bird Week” in April 2016, the Procuratorate of Shunchang County, together with the forestry bureau, the forestry public security and other departments, carried out special law enforcement actions, seeking out and destroying 20 cages and shacks and confiscating more than 500 pieces of hunting tools such as bird cages.



开展专项
整治行动
Special
Actions

2017年11月，武夷山市检察院联合森林公安、林业局等部门对非法拉网捕鸟进行排查整治，全面拆除和集中销毁捕鸟网5张。

In November 2017, the Procuratorate of Wuyishan City, together with the forestry bureau, forestry public security and other departments, investigated illegal bird harvesting using nets and dismantled and destroyed five bird nets in total.



履行法律
监督职能
Supervision

浦城县检察院在司法办案中发现，该县7家餐馆涉嫌收购非法猎捕的野生鸟类，便督促公安机关对上述餐馆以涉嫌掩饰、隐瞒犯罪所得罪立案侦查，遏制下游犯罪。

The Procuratorate of Pucheng County found seven local restaurants suspected of purchasing wild birds harvested through illegal means and urged the police to investigate the restaurants in question for concealing ill-gotten proceeds so as to crack down on downstream crimes.



履行法律
监督职能
Supervision

延平区检察院接群众举报，得知陈某通过微信朋友圈发布售卖珍贵野生动物及其制品的线索。该院立即将线索移送林业公安并督促立案侦查，查获国家二级重点保护野生动物白鹇、娃娃鱼等野生动物活体、死体共168只。

The Procuratorate of Yanping District acted upon the complaint that Chen had been selling endangered wildlife and related products on social media. The procuratorate immediately informed the forestry public security and urged for investigation. In the end, the authorities ferreted out national Grade 2 species such as white carps and giant salamanders, dead and alive totaling 168.



检察建议
完善监管
Improved
Enforcement

政和县检察院在司法办案中发现，该县多地存在非法结网捕鸟现象，向林业局提出检察建议，促成森林公安、林业部门在全县范围内开展联合执法10次，拆除猎捕网具30处，发现案件线索2件。

The Procuratorate of Zhenghe County found that the locals used net to catch birds illegally and issued procuratorial advice to the Forestry Bureau. The forestry police and forestry departments then carried out joint enforcement 10 times, dismantled the hunting nets at 30 locations and found out 2 pieces of case clues.



加强法制
宣传教育
Enhanced Legal
education

2016年9月，武夷山市检察院联合市法院、公安局、东溪水库管理局在东溪水库设立司法保护示范区，建立联席会议、联合巡查执法、普法进村入户等工作机制，共同保护库区的鸟类特别是中华秋沙鸭资源。

In September 2016, the Procuratorate of Wuyishan City collaborated with the city's court, the Public Security Bureau, and the Dongxi Reservoir Management Bureau to set up a judicial protected demonstration zone in Dongxi Reservoir and establish a working mechanism for joint meeting, inspection and law enforcement and legal education household by household, a concerted effort to protect birds, especially the Chinese mergansers in this area.



2018年7月，顺昌县检察院联合县林业局、旅游发展委员会等部门在榜山村建立全省首个候鸟司法保护区，聘请专职巡护员开展日常巡护和管理工作，引导民众增强爱鸟护鸟意识，探索开发、利用和保护候鸟资源。

In July 2018, the Procuratorate of Shunchang County, together with the county's Forestry Bureau, the Tourism Development Committee and other departments, established a migratory bird judicial protected area in Bangshan Village, the first of its kind in the province. Rangers have been employed full time to prevent harm by patrolling forest areas. As a result, the public awareness of bird conservation and sustainable use of migratory bird resources has been raised

加强法制
宣传教育
Enhanced Legal
education



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[4] Part

鸟类资源司法保护成效 Achievements in judicial protection of birds

司法成效 Achievements

2015年以来，南平市检察机关共批捕涉及鸟类犯罪案件7件 11人、起诉23件28人，监督立案3件；开展保护鸟类法制宣传10场、受教育群众达上千人；设立生态保护教育基地2个、生态保护区4个、生态修复基地7个。

Since 2015, the procuratorate of Nanping City has approved **7** arrests involving **11** people charged with bird-related offences, brought **23** prosecutions against **28** people, and supervised development of **3** cases. **10** campaigns on protecting birds in accordance with the law have been organized, reaching out to thousands of people. **2** ecological protected educational bases, **4** ecological protected zones and **7** ecological restoration bases have been established.

福建首创的“专业化法律监督+恢复性司法实践+社会化综合治理”生态检察模式已被最高人民检察院确定为全国模式予以推广，福建的生态检察工作也成为福建乃至全国检察工作的一个亮点、一块品牌。

The original Fujian's ecological prosecution model of “Specialized Legal Supervision + Practices of Restorative Justice + Integrated Governance Engaging the Public” has been recognized by the Supreme People's Procuratorate as a best practice to replicate to the rest of the country. Fujian's ecological prosecution has also become a highlight of the provincial and even the national procuratorial system.



感谢! THANKS!