

WellBeing International

WBI Studies Repository

2005

International Animal Law, with a Concentration on Latin America, Asia, and Africa

Neil Trent

Humane Society International

Stephanie Edwards

Humane Society International

Jennifer Felt

The Humane Society of the United States

Kelly O'Meara

Humane Society International

Follow this and additional works at: https://www.wellbeingintlstudiesrepository.org/sota_2005



Part of the [Animal Law Commons](#), [Animal Studies Commons](#), and the [Other Anthropology Commons](#)

Recommended Citation

Trent, N., Edwards, S., Felt, J., & O'Meara, K. (2005). International animal law, with a concentration on Latin America, Asia, and Africa. In D.J. Salem & A.N. Rowan (Eds.), *The state of the animals III: 2005* (pp. 65-77). Washington, DC: Humane Society Press.

This material is brought to you for free and open access by WellBeing International. It has been accepted for inclusion by an authorized administrator of the WBI Studies Repository. For more information, please contact wbisr-info@wellbeingintl.org.



International Animal Law, with a Concentration on Latin America, Asia, and Africa

6

CHAPTER

Neil Trent, Stephanie Edwards, Jennifer Felt, and Kelly O'Meara

It is, of course, a challenge to undertake an overview of international animal protection law within the confines of a single chapter. The countries reviewed here are exemplars chosen to represent various animal welfare issues in each region.

The status of domestic animal protection laws in Asia, Africa, and Latin America varies, as one might imagine, from country to country. Countries with high per capita incomes are more likely to have a large number of animal protection organizations, whose existence normally leads to the passage of protective legislation.¹ The sociopolitical, cultural, and religious backgrounds of each country, as well as previous colonization, also influence whether it has animal protection legislation and whether these laws are enforced. Previous colonization is the case in many former British colonies, which often have very good laws but neither the means nor the interest to enforce them. With some exception, countries within each region of the world follow similar patterns of law and enforcement. (Logically, it would follow that countries with the highest number of animal protection groups per land area or per population would be the most

likely to have an animal protection law, yet these concepts do not necessarily correlate, though it may reflect increased interest in animal protection as a concept [Table 1]). International animal protection can be best understood by placing countries in one of four descending levels of animal protection. Countries of Asia, Africa, and Latin America can be found in the bottom three categories (Irwin 2003).

Model Animal Protection

The greatest degree of animal protection is found in North America, Northern Europe, and Australia/New Zealand. These regions exhibit the highest levels of such protection and have comprehensive animal welfare legislation.

Animal legislation in these countries includes laws protecting companion animals, livestock, and wildlife. Their statutes describe what behavior is considered humane treatment of animals and what is considered animal abuse, and they are regularly enforced. There is also a high level of enforcement, yet conditions for animals are still not ideal and laws are not uniform from one country to another. For example,

while the United Kingdom is steeped in animal protection legislation, as of 2005 it had not yet banned dog and cat fur products, which due to their inhumane production, have caused a worldwide furor—and legislative prohibition in the United States and elsewhere. Australia, which *has* officially banned the sale of dog and cat fur, had as of 2005 no blanket federal legislation concerning domestic animal welfare, though it did have strong animal welfare laws within each of its territories.

A number of European countries have made great advancements in animal welfare protection in the last few years. As of 2005 the European Union (EU) was considering a ban on the import, export, sale, and production of cat and dog furs and skins. Though some countries strongly supported this ban, others, like the United Kingdom, felt that it is not the EU's place to intervene in individual countries' affairs. Austria, on the other hand, had taken huge steps in advancing animal protection by passing in May 2004 one of Europe's toughest animal rights laws, the Animal Protection Act of 2004. It prohibits caging of chickens, cropping of dog's tails and ears, chaining of dogs, and use of wildlife

Table 1
Animal Protection Activity in Selected Countries

Country	Law	No Law	No Law but Draft of Law in Progress or Under Review	Total Population in Millions*	Land Area-Hundreds of Square km*	Number of Animal Protection Organizations (2004)**	Number of APOs per million people	Number of APOs per Hundred Square km
Australia		•		19.91	7,617.93	355	17.83	0.05
Austria	•			8.17	82.44	122	14.93	1.48
Spain		•		40.28	499.54	108	2.68	0.22
UK	•			60.27	241.59	752	12.48	3.12
Antigua	•			0.07	0.44	4	57.14	9.09
Anguilla	•			0.01	0.10	1	100.00	10.00
Bahamas	•			0.30		8	26.60	
Costa Rica	•			3.96	50.66	15	3.79	0.29
Honduras		•	•	6.82	111.89	2	0.29	0.02
Mexico		•	•	104.96	1,923.04	83	0.79	0.04
Panama	•			3.00	75.99	7	2.33	0.09
Bolivia		•		8.72	1,084.39	21	2.41	0.02
Brazil	•			184.10	8,456.51	93	0.50	0.01
Chile		•	•	15.82	748.80	67	4.24	0.09
Colombia		•		42.31	1,038.70	26	0.62	0.03
Peru	•			27.54	1,280.00	12	0.44	0.01
China		•		1,298.85	9,326.19	38	0.03	0.004
India	•			1,065.07	2,973.19	326	0.31	0.11
Japan	•			127.33	374.74	54	0.42	0.15
Korea	•			48.60	98.19	20	0.41	0.2
Philippines		•		86.24	298.17	16	0.19	0.05
Russia		•	•	143.78	1,699.80	38	0.26	0.02
Botswana	•			1.56	585.37	4	2.56	0.01
Kenya	•			32.02	569.25	21	0.65	0.04
South Africa	•			42.72	1,219.91	90	2.11	0.16
Uganda	•			26.40	199.71	9	0.34	0.05
Zimbabwe		•		12.67	386.67	24	1.89	0.06

*Source: CIA World Factbook. www.cia.gov/cia/publications.factbook.

**Source: World Animal Net Directory.

in circus acts (Associated Press 2004). Spain, with a mid-to-high level of animal protection, has been experimenting in the last two years with strengthening animal-cruelty laws. Several cities, including Barcelona, had condemned bullfighting. While there is no official ban at the provincial level, people's protests against bullfighting show that they are ready for tougher animal protection laws (Trent 2004b). The first European regulation at the municipal level to ban euthanasia as a means of animal control passed in Catalonia in January 2003; the Law for Animal Protection takes effect in all of Catalonia in 2007. Yet some cities, like Barcelona, have passed similar legislation independently (Abend and Fingree 2004).

Australia

Although Australia does not have a federal law protecting domestic animals, each individual state and territory has its own animal welfare legislation. Queensland in particular introduced a thorough and comprehensive animal protection act in 2000 (Queensland Animal Care and Protection Act 2001). Animal protection organizations in Australia have been lobbying for some time and hope to pass a federal animal protection law.

South Africa and the Caribbean Islands

South Africa and the Caribbean Islands, along with Southern and Eastern Europe, comprise the second level of animal protection. Animal welfare laws are the norm, but enforcing them is the biggest challenge. The laws in South Africa and the Caribbean, passed during former British rule, do not necessarily represent the concerns of current governments. Animal protection presence is high in most of the areas' regions, yet there is room for

improvement in their programs.

South Africa has two animal protection laws, the Animal Protection Act 24 of 1962, which covers all animals, and the Performing Animals Act, which includes working and performing animals. Enforcement of these laws is largely left up to the National Society for the Prevention of Cruelty to Animals (NSPCA). If animal abuse is suspected, the law allows NSPCA member organizations to enter the suspect premises and seize the animal involved. It also has the right to arrest a person who tries to prevent its personnel from entering a premises and/or removing an animal. The problems arise in actually punishing offenders under these laws. Because there is no separate court to hear animal-related cases, these cases are regularly pushed aside to address other criminal cases. Since crime is high in South Africa, animal abuse cases can take up to three years to get through the court system. Such enforcement problems are evidence of the need for improvement (M. Meredith, executive director, National Council of SPCAs, personal communication with S.E., June 24, 2004).

The Caribbean enjoys a moderate presence of animal protection groups, and most islands have animal protection laws in place (Table 1). Yet, as stated earlier, where these laws do exist, largely due to current or prior British influence, they do not necessarily reflect the priorities of the current governments. For example, the Bahamas, a former British colony, has an animal welfare act of British origin. Antigua and Barbuda, independent states within the British Commonwealth, have animal-cruelty laws, but the penalty for noncompliance is no more than a fine. Anguilla, which is still a British colony, has laws that prohibit animal cruelty and name the local police as enforcers, yet there are no local government funds to support animal control or animal welfare. Several Caribbean countries have

laws against cruelty, dogfighting, and cockfighting, but most of the penalties for animal abuse in these countries generally involve a fine and are not usually implemented (Trent 2004a).

Central and South America and Asia-Japan

Central and South America and part of Asia (Japan), along with the Middle East, have relatively weak animal protection programs, and enforcement of such laws in many of these countries is minimal. The high economic status and high standards of living in many of the countries in these regions normally would indicate advanced protection laws and programs, but that is not the case. Instead, cultural challenges and traditions are obstacles for animal protection. However, most of these areas have exhibited a growing interest in increasing animal protection programs and law enforcement. If this trend continues, countries within this region, with the cooperation of their governments, should be able to improve and/or enforce their existing animal protection legislation.

Central and South America

In recent years concern for animal protection in Latin America has been growing. Peru, Costa Rica, Colombia, and Brazil have federal animal welfare laws that specifically protect companion animals and define animal cruelty. Costa Rica and Peru have made humane education mandatory in the curriculum for schoolchildren. Costa Rica and La Paz, Bolivia, have outlawed circuses that use animals; Tegucigalpa, Honduras, and La Paz have passed ordinances to ban dogfighting; and Mexico City has identified an enforcement squad that will

work strictly on animal issues and enforcing the federal district's animal welfare law, and government organizations are looking at standards for the transport and sacrifice of livestock. Yet, several countries in the region have no animal welfare legislation and no current plans to develop any.

Creating and passing animal protection legislation in Latin America is dependent upon a series of variables, including economics, culture, and religion. In each country the state of the government can determine the success of any type of law or regulation. Even countries that put forth the best effort will not succeed if corruption rules in the place of communication. The culture of animal ownership and what individuals see as being animals' role in society are additional variables that affect legislation.

Human health issues have affected animal welfare incidentally in a positive manner around the world. Species from dogs to cows have benefited from increased attention and advances in veterinary care as a consequence of efforts made to fight diseases that can be transmitted from animals to humans. With education campaigns that document the effects of such zoonotic diseases, health departments in the majority of Latin American countries, and international organizations working in those countries, are persuaded to support the animal welfare movement. A classic example of this dynamic can be seen in the approach to rabies control around the world. In many countries you can travel to the most remote areas and witness a rabies vaccination campaign that benefits human and animal populations alike.

Similarly, the emergence of bovine spongiform encephalopathy (so-called mad cow disease) has acted as an economic driver for improved animal welfare standards in Latin America. The possibility that mad cow disease could deci-

mate a livestock industry has forced the ministries of agriculture in several countries (e.g., Argentina, Brazil, and Chile) to evaluate their livestock transport and handling practices, though they are not the first to do so (Appleby 2003).

Tourism, the predominant economic driver of many Central and South America countries, and a potential economic engine for the others, has caused some countries to work on specific animal welfare problems. Tourists from countries without large numbers of visible stray and street dogs, for example, can be strongly affected by the sights of malnourished, sick, or uncared-for animals congregating around their hotels and restaurants when they travel. They complain to hotel and restaurant personnel and carry the word back to others once they return home. Such bad publicity can generate a response from countries looking for tourist business.

Central America

Mexico

Mexico has no national animal welfare law, but "official norms" exist that address issues of animals in research and animal transport and sacrifice. (Another, as of 2004, was soon to be released on maintenance and care.) In February of 2002, Mexico City passed an animal protection law that put in place regulations and criteria to protect the lives of animals, ensure their respectful and dignified treatment, and foster the participation of the social and private sector in complying with these regulations within the city's federal district.

In 2001 the International Fund for Animal Welfare (IFAW) opened a regional office in Mexico City, where it has begun working fervently on issues particular to Mexico. IFAW staff has been working with the National Animal Health Council, a consulting firm for the Ministry of Agriculture, since 2002, helping to

draft a federal animal welfare law. The veterinary school at the National University of Mexico has begun a program to train inspectors on implementing the animal welfare law in the federal district. Although it seems much has been done, animals in Mexico do not live in health and comfort. In Mexico City, in particular, which has a population of around twenty million, the federal district has a lot of work to do, and one can only hope that the rest of the country will follow (F. Galindo, D.V.M., campaign officer, IFAW, personal communication with J.F., July 29, 2004).

Costa Rica

Costa Rica has adopted an animal welfare law that looks at issues ranging from companion animals to work animals and from animals involved in sports and experimentation to wildlife. The law appears to be fairly general, but its introduction explains that cruel acts against animals damage human dignity, and it specifically states that its aim is to foster respect for all living things. It suggests animals should have adequate food and water, should have the ability to exhibit behaviors normal to the species, and should be free from pain and distress.

Local and international animal welfare organizations have done much to add more detail to the law and expand its scope. The World Society for the Protection of Animals (WSPA), through its regional office in Costa Rica, has been behind a series of efforts to improve animal welfare in the country. A handful of very successful local organizations promotes this effort, dedicating its time and lending its expertise. These organizations enjoy good working relationships with the government and are interacting successfully with the ministries of environment, health, and education toward improved animal welfare standards (G. Huertas, regional director, WSPA Latin America, per-

sonal communication with J.F., June 15, 2004). The ministry of education, for example, has included humane education in the national curriculum, and the ministry of agriculture is currently working on a transportation decree for livestock that is heavily focused on animal welfare. (On a separate note, circuses using wild animals have recently been outlawed in the country.)

Costa Rica is greatly affected by tourism and the tourist dollar. In one area in particular, the street/stray dogs are called “tourist dogs” because they survive on food dispensed by whatever tourist decides to “adopt” them that week. Despite Costa Rica’s high profile as a tourist destination, it is a struggle to bring the welfare of companion animals, as well as livestock, to the attention of the majority of the population. Even though the country’s animal welfare law, *Ley De Bienestar De Los Animales*, provides a necessary foundation, its enforcement is practically nonexistent.

There are signs of hope, however. Travelers have expressed great concern for Costa Rica’s tourist dogs, and, as a result, there is additional pressure on the government to strengthen the language of the animal welfare law and its enforcement strategy. Local organizations show a constant willingness to be involved and to push for stronger legislation and improved enforcement (L. Schnog, president, *Asociacion Humanitaria Para la Proteccion Animal de Costa Rica*, personal communication with J.F., June 17, 2004), and humane education provides an essential component for future improvements. Such positive steps demonstrate a commitment to animal welfare and the desire to make the necessary changes to prevent the unnecessary suffering of animals in the region.

Panama City, Panama

The city of Panama has drafted a municipal ordinance that looks at

the welfare of companion animals (Municipal Resolution No. 20, 1990). Panama has its own national animal protection law, the *Código Administrativo-Tratamiento de Animales Domesticos*, 1941, but this law is not thorough, nor is it often enforced.

Drafters of the ordinance used an administrative code and a sanitary code to create this legislation. Working animals dominate the ordinance, and strict guidelines are presented. The ordinance prohibits excessive beating of work animals and prohibits such animals from carrying excessive weight. Mistreatment of animals for not working as quickly as their owners would like and abandonment of an animal no longer able to work are prohibited as well. Animals should not be made to work if they have a broken or dislocated bone. Each of these infractions is punishable by a modest fine. The ordinance also addresses bullfighting, only allowing it on festival days. Any police officer who fails to enforce this is subject to a fine. When discussing domestic animals, the ordinance pairs maintenance of dogs with health issues and concerns. It does make clear, however, that anyone who mistreats a domestic animal, fails to provide sufficient food, or allows an animal to suffer is subject to a fine or ten to twenty days in jail and that those who witness cruelty toward domestic animals are obligated to report it to the Panama City Humanitarian Office.

Although it may seem that animal welfare issues are largely covered, enforcement of the ordinance is not widespread, and the majority of the activities specifically prohibited in the document are still allowed to occur daily.

Panama City’s mayor in 2004 was very sympathetic to animal welfare issues, and the local animal welfare organization was working on a draft proposal for a national law that would outline animal welfare concerns in more detail. It was

to be presented in September 2004 after governments had changed (A. de Llorach, *Fundacion Humanites*, personal communication with S.E., October 22, 2004).

Honduras

A demonstrated knowledge of the importance of protecting species is crucial to any forward movement on animal protection issues. Honduras has legislation protecting animals of national significance, such as the white-tailed deer and the scarlet macaw. Local Honduran animal welfare organizations are in the process of drafting a proposal for a law that would cover domestic animals. A struggle to get the proposal passed into law was anticipated as of 2004 as domestic animals are not considered by many to be a priority species (K.J. Duarte, *Asociacion Hondurena Protectora de los Animales y su Ambiente*, personal communication with J.F., June 12, 2004). As a result of several dog attacks on children, the capital city of Tegucigalpa outlawed dogfighting in 2004. Although this action can be seen as advancement, when it is difficult to determine the capacity of the government to work on such issues, any improvement is compromised by the lack of communication and transparency surrounding it.

South America

Peru

Peru benefits from the existence of a well-known animal welfare organization that has worked well with the government for several years. After a series of successful animal programs in the capital, Lima, this organization was able to demonstrate to the government the benefits of animal welfare and the importance of having a law that outlined animal welfare standards (R. Quintanilla, *Amigos De Los Animales*, personal communication with J.F., June 12, 2004; with S.E., November

22, 2004). The Law for Protection of Domestic and Captive Wild Animals (Law No. 27265, 2000) is comprehensive, includes companion animals and wildlife, and covers topics from pet ownership to the role of the authorities in animal protection. Its goal is to prevent all mistreatment of and acts of cruelty toward animals caused directly or indirectly by humans. It also aims to foster respect for the lives of animals through education, to disseminate these ideals throughout the Peruvian population, and to lay down rules for pet owners, starting with the basics of providing adequate food and water and proper living conditions. The role of the authorities is defined in the law, which stipulates that police should provide adequate support and that government organizations, such as the ministry of health, should take responsibility for a program that would address the issue of overpopulation. The document also addresses issues such as animal experimentation and transportation of circus animals.

The law puts a great deal of emphasis on education and health and the fact that those government organizations charged with addressing public health and education should take responsibility for animal welfare concerns within the scope of their focus. Since passage of this law, these government agencies have done just that. In partnership with the police force, the local animal protection organization has been able to investigate a number of cruelty cases and seek prosecution (R. Quintanilla, personal communication with J.F., June 12, 2004). Perhaps the law's most notable success is the fact that the ministry of education has included humane education in the curriculum of schoolchildren. It must be noted, however, that political instability over the years has slowed the progress of improved animal welfare standards.

Although there have been suc-

cesses, many animal welfare issues in the country are still waiting to be addressed. The law may be enforced at times in Lima, but enforcement is virtually nonexistent outside the city borders. Communication among officials is weak, and the push for enforcement of law lies primarily with the animal welfare organization and not within the police department. There is little familiarity with the law throughout the rest of the country, and few individuals are willing or able to dedicate their time to these issues. The streets continue to be filled with stray dogs in poor condition; however, with the inclusion of humane education in the curriculum for all of Peru that will reach children from each corner of the country, there is hope that the general welfare of animals in Peru will continue to improve.

Brazil

Brazil has two laws that pertain directly to animal welfare issues. The first is a presidential decree that prohibits animal cruelty, requires adequate care of animals, and discusses punishment for non-compliance (Presidential Decree 24.645, July 10, 1934, President Getulio Vargas). The law provides an extensive list of what is to be considered as cruelty to animals and even includes a section on transport of animals and transport vehicle conditions. The second law (Federal Law 9.605/98—Art. 32. Environmental Crimes Law, 1998) states that anyone who abuses or mistreats, wounds or mutilates a wild, domesticated, or domestic animal, whether native or exotic, will incur a punishment of three months to one year in jail and a fine.

It is fair to say that the early passage of an animal welfare decree was due in large part to influence from citizens around the world who had settled in Brazil. Despite the fact that animal welfare has been on the books in that country for a number of years, many obsta-

cles still must be dealt with. Although Brazil is similar in size to the United States, its road structure is quite different, and dissemination of information and communication is difficult. The diversity of the population also presents obstacles, and belief systems with regard to animals vary from village to village. Although the laws may have been present for a long time, their enforcement has not.

Brazil, like Costa Rica and Colombia, benefits from a regional WSPA office that has worked successfully in collaboration with local organizations on a variety of issues. The presence of well-organized local animal welfare organizations has enabled many of the issues to be brought to the forefront of the news, and many of these groups are working on municipal ordinances that will complement and strengthen the country's laws (E. Mac Gregor, WSPA Brazil, personal communication with J.F., June 2, July 2, August 3, 2004).

Chile

Chile has more than two dozen animal protection organizations working on issues ranging from marine mammals to stray dogs. Some groups are working toward banning animal experimentation; others are concerned with the plight of workhorses. Despite the overwhelming presence of animal welfare groups, the country has no national animal welfare law. A coalition has been working unsuccessfully for over ten years to get a particular piece of legislation passed (C. Sprohnlé, Agrupación Cultural Amor a los Animales, personal communication with J.F., May 10, May 11, July 20, 2004). The proposed law has gone through several changes to accommodate various concerns but, as of 2004, without success. It looks much like the animal protection laws in local regions of the country: it covers domestic animals and wildlife, includes animal experimentation, and aims to establish

norms to understand, protect, and respect animals as living beings and as part of nature with the goal of providing them with adequate care and avoiding suffering.

The law also aims to include humane education in the national curriculum and provides general guidelines for the care of companion animals. It outlines punishment in terms of fines to be paid or public service. The great challenge has been to identify someone within the government to sponsor the legislation and work for its passage.

Concerns have been raised that once there is an animal welfare law, there will be problems with its enforcement. In most countries, police salaries are low, and the incentives to receive new information and incorporate new practices into the daily job are not there.

Bolivia

Once considered to have the lowest level of awareness of animal welfare issues, Bolivia in 2003–2004 alone prohibited dogfighting and circuses that use wild animals in the city of La Paz. Both efforts were led by the local animal welfare organization that has worked with the government on several programs over the past years (S. Carpio, *Animales SOS*, personal communication with J.F., July 2, 2004). As of 2004 Bolivia had no national animal welfare legislation, but with the passage of the two municipal ordinances mentioned above, it was clear that animal welfare was starting to capture the attention of government officials. The instability of Bolivia's government has made it difficult in the past to work on such issues, but, it is interesting to note, in 2004, when political instability was at a high, this was clearly not the case. The key to these huge gains in animal welfare was the work of the local animal welfare organization and of several government officials concerned with the issue. Although these are positive outcomes for animal welfare, there

is still the challenge of getting a law actually on the books and a commitment to enforcing that law.

Colombia

Despite the sometimes volatile political situation in Colombia, there is no evidence that politics has impaired efforts to increase the country's animal welfare standards. An animal welfare law was passed a little over a decade ago. The effort was led by a veterinarian and backed by several local animal protection organizations. As in Costa Rica, Colombia enjoys the presence of a regional WSPA office that is able to lend support and act as resource for information for local groups working to effect change. This does not discredit the efforts of and impact that many well-organized and well-run local animal welfare organizations have had on their own. Instead it complements their efforts.

When the Colombian law was passed, the government required that bullfighting and cockfighting be omitted from the text. Local organizations have been working to negotiate prohibitions against these activities. The effort is to include dogfighting, increase fines, and make cruelty toward animals a felony. There have been problems with enforcement of the law, and police officers are reluctant to charge people with animal cruelty (C. Ochoa, *Vidanimal*, personal communication with J.F., July 29, 2004.)

As it stands, the law states that animals in the national territory have protection against suffering and pain caused directly or indirectly by humans. The law, which covers companion animals, wildlife, and work animals, seeks to prevent pain and suffering, promote health and well-being, ensure good hygiene and appropriate conditions, eradicate animal cruelty, and develop an educational program, among others. The law also sets fines for cruelty and provides a

comprehensive list of acts against animals deemed to be cruel.

Colombia and the organizations working on animal welfare issues have made great strides and achieved some successes. There is still a long road ahead, but these groups have the benefit of having worked on these issues for several years and have seen what has worked and what has not, which will help them determine the next steps.

Asia: Japan

Unlike other countries in its region, Japan enjoys a mid- to high level of animal protection presence, with legislation to support the efforts. However, the legislation is not always enforced consistently.

There is extensive animal welfare legislation, amended in 1999, addressing the proper treatment and care of companion animals. The law requires owners to care for their animals "in a proper manner" and recommends spay/neuter as an answer to overpopulation.

The Law for the Humane Treatment of Animals mandates the establishment of an Animal Welfare Council and requires the government and local public bodies to make an effort to educate the people on the concept of animal welfare. To popularize animal welfare, the legislature designates a "Be Kind to Animals Week." The law also specifically states the punishment for several levels of abuse, all of which involve a fine but no imprisonment. It also provides suggestions for promoters of animal welfare; advising them of effective ways to spread their message (Law for the Humane Treatment and Management of Animals—Law No. 105, October 1973, revised December 2000). The law itself is quite thorough; the problem is that law without enforcement is ineffective.

Little consideration is given to the treatment of farm animals. A related livestock ordinance, *The Guidelines for Rearing Industrial Animals*, makes recommendations

for hygiene and prevention of animal abuse, yet does not specify any penalty for abusers. Livestock animals could be considered as covered under the Law for Humane Treatment of Animals Article 8, which addresses businesses dealing with animals; defines an animal as a mammal, bird, or reptile; but says specifically that it does not include animals on livestock farms (Kishida and Macer 2003). In Article 27, which describes penalties for abuse, several livestock animals are included (Law for the Humane Treatment and Management of Animals—Law No. 105, October 1973, revised December 2000). So the law does protect livestock animals from clear abuse but does not address humane living conditions or humane slaughter (Kishida and Macer 2003).

Despite its advanced law, Japan could use stricter livestock laws and increased enforcement of the companion animal law, although it does show interest in this improvement.

Asia and Africa (excluding Japan and South Africa)

Asia

Asia and Africa, along with most of the member countries of the former Soviet Union, experience the lowest levels of animal protection. Most countries in these regions do not have any animal protection laws, and those that do have extreme problems with enforcement. In Asia, problems tend to stem from lack of provision for stray animals, lack of protection for wild and captive animals, and minimal awareness of animal welfare as a concept. The biggest obstacles in African countries are financial and cultural. In many of these countries there is little concern for the animals, because so many of the people are struggling for survival.

In many Asian countries, particularly Korea, China, Vietnam, and the Philippines, the inhumane slaughter of dogs and cats for the purpose of human consumption is a common practice despite laws against it.

Korea

Although Korea adopted the Korean Animal Protection Law, which should protect dogs and cats from cruelty, in 1991, this law is not often enforced. While it is not an everyday practice, many Koreans feel that eating dog/cat meat is a part of their culture and has many health benefits. Some feel that giving up this tradition would be conforming to Westernization. Others feel that this is a practice that began after the Korean War during a period of widespread starvation. Eating of dog meat grew in prevalence during reconstruction largely due to the claims, made by some, that dog meat had extensive health benefits (Korean Animal Protection Society 2001). Yet the problems lie not in the actual consumption of dog meat but in the cruel manner in which the dogs are kept and slaughtered. The Korean Animal Protection Law states that its purpose is to prevent the mistreatment of animals and to encourage respect for animals (Korean Animal Protection Law, May 7, 1991). This law states that no one may kill an animal in a cruel manner nor may he or she inflict unnecessary pain upon an animal. Despite these provisions, dogs and cats are often killed purposefully in an inhumane manner because some believe that the fear and suffering experienced by the animal enhances the quality of the meat.

A related Korean livestock ordinance makes a distinction between livestock animals and pets. It specifically names animals that are considered as livestock, and except for a three-year period (1975–1978), dogs have not been included in the list of livestock animals

(Korean Animal Protection Law, May 7, 1991). Despite this exclusion, eating dog still occurs. Although keeping dogs as pets has become popular, many Koreans also see a distinction between dogs bred as pets and those who are traditionally bred for consumption.

An amendment to the 1991 law, which was to be submitted to the Korean Parliament in July 2004, would make a distinction between dogs bred as pets and all others. The government explained that, by amending the law, it hoped to further protect pets and change the negative perception of foreigners regarding animal abuse in Korea. The proposed amendment included rules regarding vaccination and identification of pets and the management of stray animals and sheltering facilities. The amendment also specified acts of animal abuse to improve the efficiency of the Animal Protection Law. While the amendment could provide further legal protection for pets, some are concerned that distinguishing between pets and other dogs would classify non-pet dogs, by default, as livestock and thereby legalize their consumption (Korean Animal Protection Society 2004).

Philippines

Animals in the Philippines have a similar problem: they are protected by legislation without enforcement. A general Philippine law relating to animals, Republic Act 8485, or Animal Welfare Act of 1998, lists the species considered as livestock. It does not include dogs, although it does mention dogs under “pet animals,” which means that dogs cannot be eaten legally. The Metro Manila area has specific legislation banning the killing, serving, or eating of dogs (Republic Act No. 8485: The Animal Welfare Act of 1998).

The Philippine Animal Welfare Act prohibits the torture of animals and/or their killing in an unnecessarily inhumane manner. It

also prohibits those who operate a pet store, zoo, or veterinary hospital from owning slaughterhouses. Facilities supporting a pet store, zoo, or veterinary hospital must display on the premises a sign stating that they have established clean and sanitary conditions for the animals and would not cause them pain and/or suffering.

It is an attempt to regulate enforcement, the law mandates the creation of a Committee on Animal Welfare, which should be in charge of implementing and enforcing the Act.

China

While law enforcement can be a problem in many Asian countries, in mainland China there is no domestic animal protection law to enforce. Although a draft Animal Welfare Act was being considered in May 2004, Beijing inexplicably withdrew the proposal. This law would have banned organized animal fighting and mandated humane slaughter of livestock (ABC Radio Australia News 2004). The legislation would have been a timely protection for animals in China because the export of animals is increasing, as is the domestic demand for milk and dairy products. China already has laws protecting wildlife and exotic animals, but this would have been the first law to protect domestic and farm animals. The nonexistence of domestic animal welfare legislation makes China a paradox, because the people of China seem to want more advanced animal protection. Despite steep government license fees, keeping dogs and cats as pets in China is becoming more and more popular, especially in metropolitan areas such as Beijing. Yet the 2003 Severe Acute Respiratory System (SARS) outbreak was a setback for pets in China (Lev 2003). Confusion over how the virus was spread led to rumors that dogs and cats could spread SARS. Out of fear many people abandoned or killed their pets. Some

local government officials responded by saying that any abandoned animals or animals exhibiting signs of illness would be put to death. Some people fearing that their animals would face a cruel death took their pets to be euthanized, instead. Fortunately, not all veterinarians would euthanize pets based on the public fear of SARS, and many disagreed with euthanasia as a way of ensuring pet safety (Epstein 2003).

Further evidence of interest in animal welfare comes from the Chinese public's rejection of bullfighting. When Beijing's Wildlife Park began building a bullfighting stadium in hopes of increasing tourism, the public outcry was so great that officials decided to drop the idea entirely. Protests came not just from animal rights groups but from the community as well. The outcry represents the Chinese people's increased interest in animal protection (Trent 2004b). As the Chinese are exposed to informational resources now more than ever before, often via the Internet, people are engaging in grass-roots actions on a number of issues, one of these being animal welfare. Unfortunately the increased interest in animal welfare has not been reflected through legislation in mainland China.

Taiwan

In contrast to mainland China, Taiwan has comprehensive animal protection legislation. The Taiwan Animal Protection Law, which prohibits the mistreatment of animals in detail, outlaws animal fights, human-animal fighting, or animal fighting as entertainment and prohibits gambling on any animal-related sport, including racing. Abandonment of animals is prohibited, and the law specifies that animals must be provided with a healthy living environment and situation. Provisions for transport of animals is also discussed in detail, mandating such transport take

into consideration the shelter, lighting, temperature, and ventilation involved in the transport (Animal Protection Law; Stray Dog Control in the Republic of China on Taiwan, November 4, 1998).

Under this law, animals are categorized as pets, economic, scientific, or feeder animals. Animals in the pet category may not be killed at will. There are also regulations concerning the treatment of experimental and scientific animals. The number of animals involved and the pain and distress incurred in animal experimentation must be kept to a minimum.

The Taiwan Animal Protection Law also calls for counties and/or municipalities to set up animal shelters to house stray and unwanted animals. As a result, several animal shelters have been built throughout the country; however, the lack of an overall animal control program means these shelters are less than efficient. Despite the law, stray dogs remain a huge problem in Taiwan.

Russia

While the lack of law enforcement has been a problem for some parts of Asia, in Russia the law itself is the problem. In 1998 Russia banned veterinarians from using ketamine to sedate animals, making it nearly impossible for them to perform surgeries without inflicting pain. For years, Russian veterinarians used ketamine legally, and without any interference. Yet in 1998 the Ministry of Agriculture undertook a sweeping review of drugs permitted for use in veterinary medicine. Ketamine didn't make the cut, due only to an oversight (Trent 2004c).

After much protest Russia lifted the ban in 2004. Though this seems to be a step in the right direction, the government still makes it impossible for veterinarians to gain access to ketamine by requiring them to obtain a license for the drug and then refusing to

grant them one. Veterinarians who have attempted to access ketamine without a license have been arrested and fined (Trent 2004c).

India

India serves as a good example of a country with strong animal protection laws. As a former British

colony, India has in place extensive legislation at the federal and state levels. The main federal law (The Prevention of Cruelty to Animals Act of 1960) includes an array of provisions governing the treatment of nearly every category of animal—domestic, farm, wild, captive, or other. The law’s provisions cover

proper transport, breeding, and housing of these types of animals.

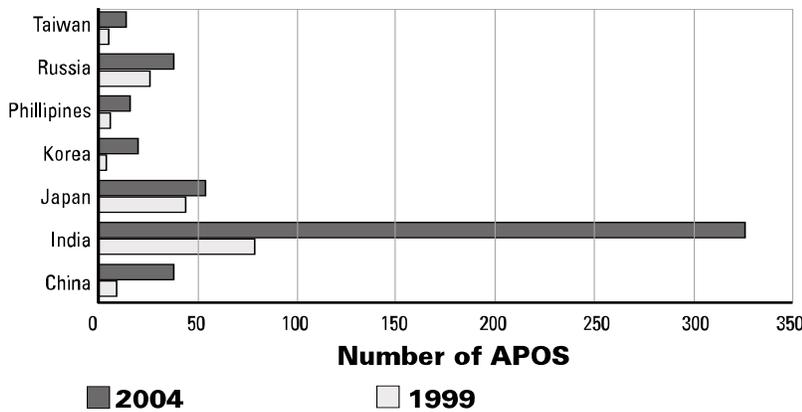
Each state has equally strict laws that range from governing particular species, such as the Assam Rhinoceros Preservation Act 1954, to covering large groupings of animals, such as the Rajasthan Animals and Birds Sacrifice (Prohibition) Act 1975.

Still in existence today is an Animal Welfare Board of India, a legally constituted body created under the 1960 act that oversees the federal law. In addition, the Indian constitution states,

It shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers, and wildlife, and to have compassion for living creatures. (Constitution of India, Article 51-A 1950, last amended 2002)

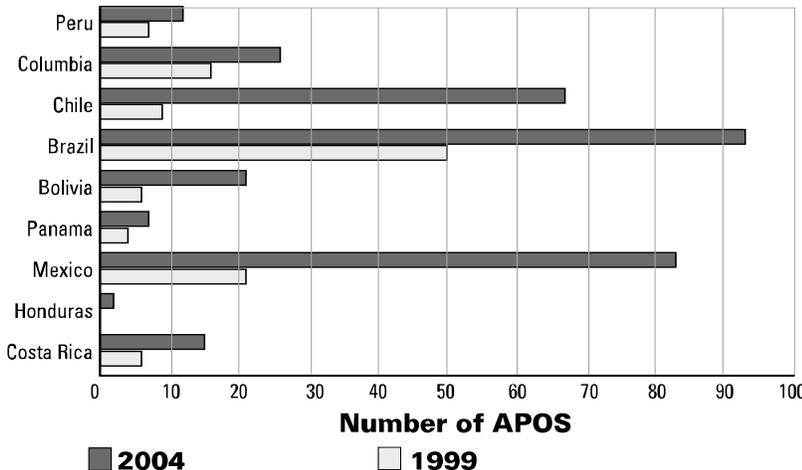
However impressive this body of legislation is, it is largely ignored. As India has an immense human population, many of whose members live in extreme poverty, animal protection goes unnoticed, and the laws are rarely enforced.

Figure 1
Increase in Animal Protection Organizations—Asia, 1999 vs. 2004*



*Data obtained from *World Animal Net Directory*

Figure 2
Increase in Animal Protection Organizations—Latin America, 1999 vs. 2004*



*Data obtained from *World Animal Net Directory*

Africa

The situation for animals in Africa is similar to that in Asia, except that African countries have passed even less animal protection legislation. There is little animal protection activity in any African country, except South Africa. Though most countries have wildlife protection acts, the majority of them have no federal protection laws for companion or domestic animals; if they do have legislation, enforcement is a problem. There are few animal protection groups, and even in areas where they work, their visibility and influence is limited.

Uganda and Botswana

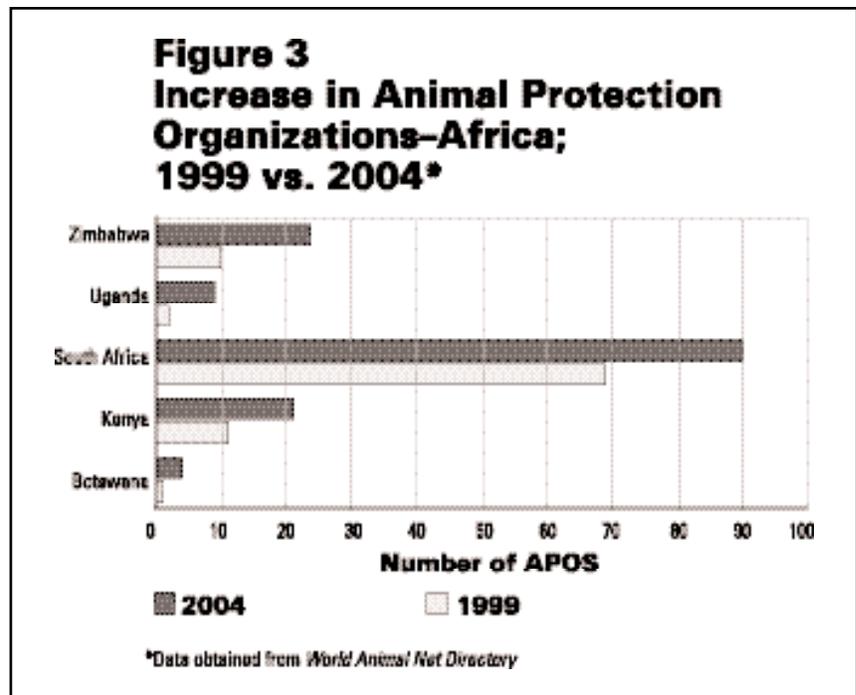
Uganda has been working over the last few years on revising its 1958 Animals Act. The government is gathering information regarding

the improvements needed and has asked the Uganda SPCA for its input several times. Botswana, too, is looking to revise its animal laws. The Parliament of Botswana is considering a revised version of the 1977 Cruelty to Animals Law. A proposal written by a British Consul in 1999 would update the 1977 law. The proposal is much longer and more thorough than the original, but no decision has been made yet about whether this revised version will be passed (K. Menczer, Uganda SPCA, personal communication with S.E., June 14, 2004).

Kenya

Kenya also has a law protecting domestic animals, known as CAP 360 (Prevention of Cruelty to Animals, CAP 360, 1983) and based on the U.K. Animal Protection Act. This law is often difficult to enforce, despite the efforts of the many animal protection organizations in Kenya. Lack of enforcement is often due to police and prosecutors' ignorance of the law. Getting animal abuse cases through the court is often a very slow process, and penalties are minimal. Kenya has an Animal Transportation Act that is policed by the Kenya SPCA (KSPCA), with branches in Nairobi and Mombassa. This law tends to be difficult to enforce due to the size of the country (K. Menczer, personal communication with S.E., July 14, 2004). A common infraction of this law is the shipment of camels from Arab states to Kenya. Often the camels are not provided with adequate food and water for their long journey. Thirst and hunger lead camels to stampede, causing many injuries. More recently, the KSPCA has been able to work with the shippers to ensure proper care for the camels, and the camel shippers have shown greater willingness to abide by the Animal Transportation Act.

Kenya has a relatively effective humane slaughter act, which requires that all food chain animals be stunned before slaughter. The



KSPCA, which polices this act, repairs and supplies ammunition for the captive bolt stunners used in the slaughterhouses. It also does periodic spot-checking to ensure the law is being enforced (A. Kahn, executive officer, Kenya SPCA, personal communication with S.E., June 17, 2004).

(Other countries, such as Uganda and Egypt are addressing the livestock issue. Several humane organizations have emerged recently in Uganda and are working toward the development of a relationship with Islamic elders to introduce a pre-stun concept in the slaughtering process that could fall within Islamic religious parameters. Currently, the halal method of slaughter does not provide for desensitizing or pre-stunning of animals. One of the authors [N.W.T.] reports that these humane organizations hope that, by working together, they will be able to harmonize religious and cultural practices with humane considerations. There had been little animal protection structure in Egypt, but there has been an enormous growth in the past several years. In 2004 several organiza-

tions joined forces to establish an Egyptian Federation for Animal Welfare and are working on developing a draft of animal welfare legislation for Egypt. This group is striving to address many different animal protection issues, but its main focus is on combating the existing barbaric methods of livestock slaughter and of companion animal population control. It is also actively developing a website that would promote sharing of information and resources for newly emerging animal protection groups in the Middle East and North Africa.)

Zimbabwe

In Zimbabwe, enforcement of animal protection laws is nearly impossible due to civil and political unrest. Although Zimbabwe has extensive protection legislation, the concept of animal welfare no longer carries the weight it once did. It is a classic example of a regional paradox; because of the country's history as a former British colony, logic would lead to the conclusion that it would exhibit the first or second level of animal protection. It does indeed have animal

legislation, underpinned by British law, that was heavily enforced until political strife shifted political priorities. Recent civil unrest clearly has had a negative impact on animal welfare in Zimbabwe. Many people have lost their land and their homes as part of a political decision to seize and redistribute lands. Because the lands are taken violently, people often have fled their homes and left behind their animals. The abandoned animals, which include pet and farm animals, face starvation, chaos, and, often, abuse. Because private reserves have been seized as well, wildlife has been left susceptible to poachers (Collier 2004).

The high rate of poverty and unemployment in Zimbabwe, added to the political instability, has caused deplorable living conditions for humans. When people are struggling for survival, they cannot feasibly care for the animals. Also, because of the depletion of natural resources, wildlife has become a viable source of food. The Zimbabwe

SPCA is doing what it can to protect the animals, but even with the support of the Zimbabwean police, it faces suspicion and obstinacy from the Zimbabwean militia. Animals have been abused and tortured to illustrate political philosophies. Though the fate of animals was once a high priority to Zimbabwe, and would most likely be again when the country regains stability, it will surely take many years to regain the high standard of animal protection the country once enjoyed.

There have been some improvements in conditions for animals in Africa, and several countries are looking into updating their laws. However, for the laws and protection for animals to increase, there needs to be a change in the public view of animals. At present, dogs usually are kept for guarding purposes rather than as pets and are seen as disposable. Many people have had no education on the proper care for an animal and think that dogs can find food and water on their own. It is also unusual for people to spay or

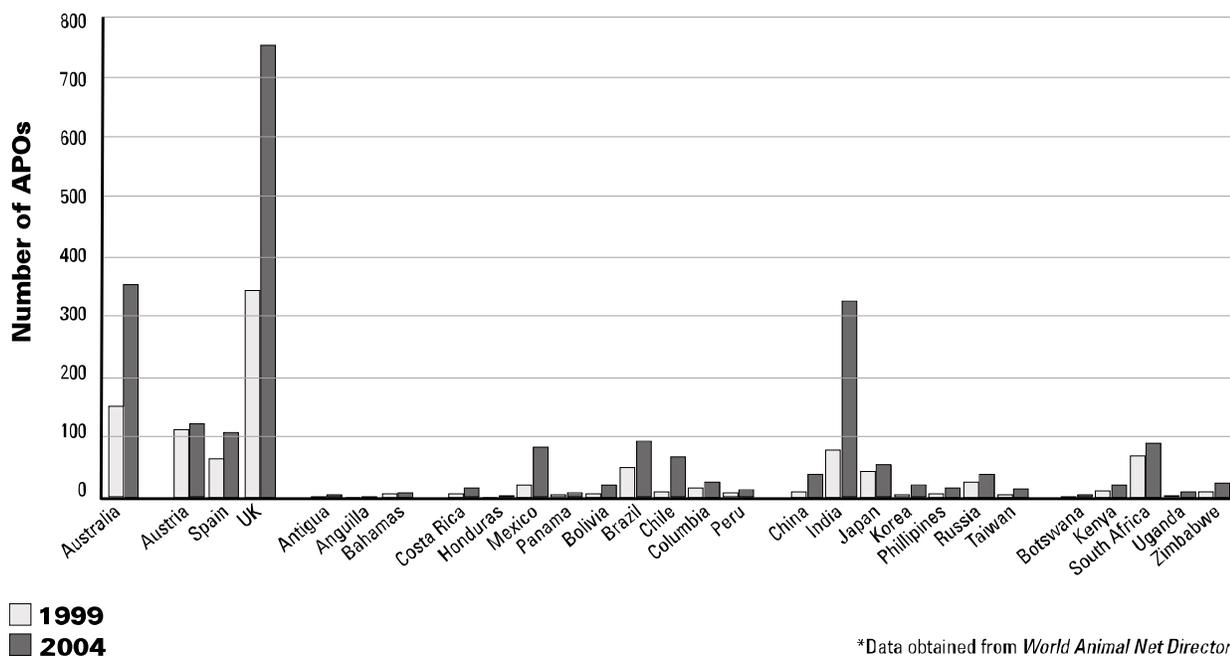
neuter their animals, which leads to an overpopulation problem.

Another obstacle to improvements for animals is the conflict between land conservation and the human need for land. Because of the high rate of poverty and depletion of natural resources, indigenous peoples feel they should be able to use the land and the wildlife for their own survival and sustenance. This is especially the case with tribes that have traditionally used animals as a food source. Most African countries have laws that prohibit hunting and sale of wildlife, but these often are disregarded to feed families and sometimes to gain income from illegal trade. The laws are difficult to enforce and are usually not a priority among other issues in Africa.

Conclusion

The state of animal protection in Latin America, Asia, and Africa depends on each country's economic status, combined with the

**Figure 4
Increase in Animal Protection Organizations***



*Data obtained from *World Animal Net Directory*

cultural and sociopolitical issues unique to each. In regions where animal protection traditionally has not been a concern, such as is typically the case in parts of Africa and Asia, there is a long way to go. For the most part, African legislation regarding domestic animals is rare, and when it does exist, it is rarely enforced. Asian animal protection legislation exists at about the same level as in Africa, though a few more countries do have laws in place. Challenges to enforcement tend to be cultural rather than economic. South Africa and the Caribbean, which have the highest presence of animal protection of regions under review, still have problems with enforcement. Central and South America and Japan fall at about the mid-level in regard to animal welfare presence, but they have demonstrated interest in improving and enforcing their laws.

The increased presence of animal welfare organizations in all of these regions is the first step in raising awareness (Figures 1–4). Human health issues and tourist reactions are key drivers in improvements in animal welfare, in passing animal welfare legislature, and in making animal welfare an important government issue. To achieve model animal protection, the countries of Latin America, Africa, and Asia must overcome the political and cultural obstacles unique to their regions that prevent animal protection from becoming a priority.

Note

¹It should be noted that the mere existence of law does not translate into enforcement of the law: Japan, a relatively wealthy country, has legislation but lacks enforcement, thus its level of animal protection falls well below those of other countries with similar level of economic development, such as the United States, the United Kingdom, and Australia.

Literature Cited

- ABC Radio Australia News. 2004. *Beijing rejects animal welfare laws* (19:14:15). May 17. http://www.abc.net.au/ra/news/stories/RANewsStories_1109931.htm.
- Abend, L., and G. Fingree. 2004. Abandoned pets find haven. *Christian Science Monitor*: June 23: <http://www.csmonitor.com/2004/0623/p15s02-woeu.html>.
- Appleby, M.C. 2003. Farm disease crises in the United Kingdom: Lessons to be learned. In *The State of the Animals II: 2003*, ed. D.J. Salem and A.N. Rowan, 149–157. Washington, D.C.: Humane Society Press.
- Associated Press. 2004. Austria puts bite on cruelty. *The Dallas Morning News*, May 28: 28A.
- Collier, P. 2004. Zimbabwe animals rescued after farmers flee. Animal News Center (ANC), January 31. <http://www.buzzle.com/editorials/text1-31-2004-50049.asp>.
- Epstein, G. 2003. Amid SARS epidemic, China panics over pets. *The Baltimore Sun*, May 6. http://www.animalschina.org/english/news/2_news_05.htm.
- Irwin, P.G. 2003. A strategic review of international animal protection. In *The state of the animals II: 2003*, ed. D.J. Salem and A.N. Rowan, 1–8. Washington, D.C.: Humane Society Press.
- Kishida, S., and D. Macer. 2003. Peoples' views on farm animal welfare in Japan. In *Asian bioethics in the twenty-first century*, ed. S. Song, Y. Koo, and D.R.J. Macer. Eubios Ethics Institute. <http://www.biol.tsukuba.ac.jp/~macer/ABC4.htm>.
- Korean Animal Protection Society. 2001. *Animal issues: The treatment of dogs in Korea*. <http://www.koreananimals.org/dogs.htm>.
- . 2004. Animal protection law: Korean animal protection law. <http://www.koreananimals.org/dogs.htm>.
- Lev, M.A. 2003. SARS rumors doom dogs in China. *Chicago Tribune*, May 7. <http://www.homegainid.com/news/article.cfm?storyid=9197>.
- Trent, N. 2004a. Caribbean animal laws: Overview, what works and what doesn't. PowerPoint presentation, May 23.
- . 2004b. No bull: Barcelona condemns bullfighting as the blood sport loses favor. <http://www.hsus.org/ace/21160>.
- . 2004c. Russia's crack-down on ketamine smacks of a more repressive era. <http://www.hsus.org/ace/21425>.