



Animal Protection Index (API) 2020

Republic of Argentina: ranking E

Executive summary

Argentina's Animal Protection Law 14346, dating back from 1954, prohibits abuse and cruelty to animals. While the law does not explicitly recognise animal sentience, a landmark court ruling in 2016 has granted a writ of habeas corpus to a chimpanzee kept in a zoo, recognising that animals are bearers of rights and therefore should be considered persons under the law. This ruling could be used as a precedent in further court cases. In addition, initiatives at the municipal level are positive for animal welfare. Notably, the autonomous city of Buenos Aires and the province of Mendoza have prohibited euthanasia as a mean of stray animal population control. Over 20 cities, including Buenos Aires, have also banned the use of wild animals in circuses. Regarding wild animals, the Wildlife Conservation Law establishes that the protection of wild fauna is of public interest, and therefore all citizens have a duty to protect it. Since the API was first published, a Bill was proposed by Senator Ordarda prohibiting the sale of new cosmetic products and their ingredients tested on animals. At the time of writing, it is unclear whether this Bill has been adopted.

However, there is room for improvement in many domains related to animal welfare. Notably, Law 14346 does not cover a failure to act in case of animal cruelty and does not define a positive duty of care onto animal owners. Furthermore, Argentina does not ban the worst forms of confinement in animal farming, and still allows for the religious slaughter of animals without prior stunning. There are only basic welfare standards for animals kept in captivity, and Argentina does not ban fur farming. Legislation surrounding the use of animals in research is also far from aligned with international standards, since the Three Rs principles - Replacement, Reduction, Refinement - are not enshrined in legislation.

Animal welfare falls under the responsibility of the National Service of Health and Quality of Agricultural Food (SENASA), an organ of the Ministry of Agriculture and Livestock. In 2004, a National Commission for Animal Welfare was created, which comprises representatives from animal welfare organisations. There are no apparent limits to the issues that this Commission may address, but since its creation in 2004, it appears to have focused only on producing norms relating to the use of animals in farming.

The Government of Argentina is urged to recognise animals as sentient beings in legislation and to improve its anti-cruelty legislation through mandating a duty of care onto animal owners. Regarding farm animals, the Government of Argentina is urged to mandate the humane slaughter of all farm animals, without any exemptions for religious slaughter. The worst forms of confinement in factory farming should also be banned. The Government of Argentina is also strongly encouraged to ban fur farming, which is inherently cruel and causes pain, distress and suffering to animals. The Government of Argentina is encouraged to mandate the humane treatment of stray animals at the national level, as well as to ban the use of animals for cruel forms of entertainment, such as circuses. The use of animals for scientific research should be more tightly regulated, with ethics committees able to weigh the interest



of the experiments with animal welfare concerns. Overall, the Government of Argentina is strongly encouraged to align its current legislation with OIE standards. The scope of responsibilities of the National Commission for Animal Welfare should be extended to all animal species. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

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

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>The Animal Protection Law (Law 14346¹) published in 1954, prohibits ill treatments against animals. The Law does not define 'animals', hence it can be assumed that this legislation is applicable to all animals. Among these provisions, there are prohibited conducts including overloading animals and the practice of invasive surgery. Although animal sentience is not specifically acknowledged in the law, the content of the law does acknowledge some aspects of sentience because it acknowledges that animals can suffer physically. There is no mention of mental suffering inflicted on animals. Law 14346 prohibits deliberate acts of cruelty inflicted to animals: for example, Article 3(7) prohibits intentionally causing unnecessary suffering. However, there is no prohibition on a failure to act in case of animal cruelty.</p> <p>Since the API was first published, interesting developments occurred with regards to granting legal personhood to animals in Argentina. In 2014, Pablo Buompadre, President of the Association of Officials and Attorneys for the Rights of Animals (AFADA) brought a writ of <i>habeas corpus</i> against the Government of the Autonomous City of Buenos Aires and the city Zoological Garden of Buenos Aires, on behalf of an orangutan named Sandra. AFADA argued through the court case that Sandra had been deprived of her freedom by the authorities of the zoo, causing a grave deterioration of her mental and physical health, with imminent risk of death. Argentina's Federal Chamber of Criminal Cassation ruled that animals are holders of basic rights.² The Court stated that 'it is necessary to recognise [Sandra] an orangutan as a subject of rights, as non-human subjects (animals) are holders of rights, to it imposes her protection'.³</p> <p>In 2016, similar proceedings occurred when AFADA brought another writ of <i>habeas corpus</i> on behalf of Cecilia, a 30-year-old chimpanzee who lived in the Mendoza zoo, alleging that the chimpanzee had been illegitimately and arbitrarily deprived of her freedom and right to have a dignified life.⁴ The court granted the <i>habeas corpus</i> to Cecilia, ruling that she was a living being with rights and mandating her immediate release from the zoo, to be relocated to a sanctuary in Brazil.^{5,6}</p>	

¹ <http://www.cmc.unl.edu.ar/docs/LEY%2014346.pdf>

² <https://www.telegraph.co.uk/news/worldnews/southamerica/argentina/11307205/Sandra-the-orangutan-granted-limited-human-rights.html>

³ <https://www.animallaw.info/sites/default/files/Orangutana%2C%20Sandra%20s%3A%20Habeas%20Corpus.pdf>

⁴ <https://www.animallaw.info/case/%E2%80%9Cpresentaci%C3%B3n-efectuado-por-afada-respecto-del-chimpanz%C3%A9-%E2%80%9Ccecilia%E2%80%9D-sujeto-no-humano%E2%80%9D>

⁵ <https://www.animallaw.info/sites/default/files/16190011.pdf>

⁶ <https://urgente.bo/noticia/h%C3%A1-beas-corpus-cecilia-es-el-primer-animal-al-que-aplican-un-ddhh>

Analysis

The main national Argentinian law on the protection of animals was enacted in 1954; the Government is encouraged to update it in order to introduce further elements of sentience. As the law stands today, it is useful to introduce animal welfare into some policy discussions, and further acknowledgment and comprehension of the concept of sentience should help to develop the existing animal protection legislation.

Law 14346 adds a series of offences to the Argentinian Criminal Code. There is an allocated responsibility for implementation of the law, but there is no identified organ or body for policy or secondary legislation development in the system. On the issue of sentience recognition, this means that the existing framework does not allow for a mechanism or procedure for progress. However, this may not necessarily prove to be a barrier to progress if the government wishes to take action to improve its animal protection legislation.

The recent court cases about granting legal personhood to animals are extremely promising in terms of fully recognising animal sentience and acknowledging that animals should be holders of rights.

Enforcement mechanisms

The enforcement mechanisms set out in Article 1 of Law 14346 are relevant to the partial recognition of sentience in that law. Infringement is a criminal offence punishable with imprisonment of between 15 days and one year.

Key recommendations

- Given the extensive body of scientific evidence proving that animals are sentient, the Government of Argentina is urged to recognise that all animals for whom there is scientific evidence – at least, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.

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

Analysis of the legislation

Ranking

D

Law 14346 provides basic animal protection by prohibiting certain types of conduct towards animals. However, there are no definitions to assist with understanding whether the legislation covers all animals, and some conducts are specifically expressed to apply to domestic animals. In addition, there are no offences of causing harm by failure to act.

The law refers to two types of offences: bad treatment or abuse of animals, and cruelty to animals. The latter refers to eight conducts of which five are connected with animals in experimentation or surgical procedures. On the description of the first offence there is a reference to 'domestic and captive animals' upon which the six conducts that constitute an offence of abuse are built.

Article 1 mandates that anyone inflicting ill-treatment to animals will be imprisoned from 15 days to one year. Article 2 defines which conducts are considered abusive to animals: using instruments which cause them unnecessary pain; over-working animals; using animals who are not in good physical health; stimulating animals with drugs without therapeutic uses; employing animals in the shooting of vehicles that exceed their strength.

Article 3 defines which acts are considered cruel to animals. Namely, these include: practicing vivisection for purposes which are not scientifically demonstrable; mutilating an animal body part; surgically intervening on animals without anaesthesia and without having the title of doctor or veterinarian, for purposes that are not therapeutic or of operative technical improvement, except in the case of duly proven urgency; experimenting with higher grade animals in the zoological scale to the indispensable according to the nature of the experience; abandoning animals used in experiments on their own; intentionally hurting and crushing animals, causing them unnecessary torture or suffering or killing them by just the spirit of perversity; cause the death of pregnant animals when it can be seen they are pregnant and except when industries are established to exploit the unborn or animals born by C-section; perform public or private acts of animal quarrels, bullfights, bullfights and parodies, in which the animals are killed, injured or harassed.

Analysis

Law 14346 came as an evolution of Law 2786 (of 1891), which established that animal abuse was a criminal offence. Argentina was therefore a front runner in animal protection legislation, and the criminalisation of abuse against animals has contributed to the raising the profile of animal welfare issues in the country. However, further development of legislation would be beneficial with respect to ensuring that issues of neglect or failure to act are sufficiently addressed and with respect to the importance of positive actions to promote animal welfare.

Enforcement mechanisms

There are enforcement mechanisms for the relevant provisions of Law 14346, set out in Article 1: infringement of the law is a criminal offence, punishable by imprisonment of between 15 days and one year.

Key recommendations

- **The Government of Argentina is encouraged to amend Law 14346 to include a definition of animal welfare, in line with the one from the OIE and explicitly promoting the Five Freedoms.**
- **The Government of Argentina is urged to include a failure to act in the definition of animal cruelty. Furthermore, the Government of Argentina is encouraged to include a positive duty of care onto animal owners towards their animals, in order to protect their Five Freedoms.**



Goal 2: Presence of animal welfare legislation

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

Analysis of legislation	
Ranking	F
<p><u>Rearing</u></p> <p>Law 14346 of 1954, prohibiting animal cruelty and certain forms of animal abuse, is relevant to animals used in farming.</p> <p>There is a legislative framework on farm animal health with Law 27233.⁷ Law 3959⁸ of 1900 creates the Animal Health Police, in charge of protecting livestock against contagious exotic diseases.</p> <p>In addition to this, the National Service of Health and Quality of Agricultural Food (SENASA) has produced manuals and policy literature describing good practice in the sector, with a series of recommendations and guidance on rearing, general animal welfare and transport of animals used in agriculture.⁹ SENASA has also established various working groups to define more specific aspects of animal welfare.</p> <p>The Government has also produced decrees in 2001 defining those (voluntary) animal welfare conditions that must be observed in order for meat products to be labelled 'organic'.</p> <p>Finally, the livestock industry has a dedicated institution for promotional activity. The Institute for the Promotion of Argentinian Beef was established by law, and on its directing council there are representatives from the Government alongside representatives from industry.¹⁰ This body has produced literature on animal welfare and on the relationship of welfare with production.</p> <p><u>Rearing - pigs</u></p> <p>No legislation has been found specifically relating to the rearing of pigs.</p> <p><u>Rearing - broiler chickens</u></p> <p>No legislation has been found specifically relating to the rearing of broiler chickens.</p> <p><u>Rearing - egg-laying hens</u></p>	

⁷ <http://extwprlegs1.fao.org/docs/pdf/arg170930.pdf>

⁸ https://www.animallaw.info/sites/default/files/LEY%203.959_statute_of_the_animal_health_police_argentina.pdf

⁹ <https://www.argentina.gob.ar/senasa/programas-sanitarios/bienestar-animal/manuales>

¹⁰ <http://www.ipcva.com.ar/>

No legislation has been found specifically relating to the rearing of egg-laying hens.

Rearing - dairy cattle and calves

No legislation has been found specifically relating to the rearing of dairy cattle and calves.

Transport

Decree 1248¹¹ of 1975 regulates the treatment of animals during the transportation of livestock. Article 1 prohibits the use of instruments that might injure animals. Article 3 contains the requirements of the cages used in transportation, demanding that they are adequate according to the species, breed and weight of the animals. Sufficient space must be left between animals in cages, in order to avoid suffocation. The flooring of cages must also be adequate to facilitate washing and disinfection. Cages with animals in them cannot be thrown during loading and unloading operations, and sudden movements that could hit or injure the animals should be avoided.

Slaughter

Law 18819¹² of 1970 governs the slaughter of animals. Article 1 provides that the slaughter of bovine, equine, sheep, swine and goats must comply with desensitisation procedures, as established by the Executive Power. The use of mace is prohibited. Article 2 specifies that this regime may be extended to birds, rabbits and other minor species, as requested by the executive power. Article 3 specifies that the Ministry of Agriculture and Livestock, taking into account the religious rites existing in the country, may authorise 'special procedures' for slaughter.

Analysis

Taking into consideration the importance of livestock production in the country, the Government has emphasised the importance of animal welfare and its relationship with the quality of products and with general animal health. The Government has passed regulation on organic products, giving special consideration to animal welfare provisions. It is important to note that standard livestock products in Argentina are reported by the National Service of Health and Quality of Agricultural Food (SENASA) to be produced in non-intensive systems in which animals are raised in conditions in which they can roam freely for most of their lives.

The accompanying policy refers to international guiding principles on animal welfare and has recommendations for producers, transporters and other agents involved in animal management to follow good practice on animal welfare. In addition, there is evidence that the Government has produced literature explaining the advantages of good animal welfare and the positive influence that such standards can have in the production and management of farm animals.

The legislation and policy on farm animal welfare includes the allocation of responsibility of the development of policy on animal welfare to a specific body within the Ministry of Agriculture and Livestock in Argentina. In turn, this body has created a specific Commission in which relevant

¹¹https://www.animallaw.info/sites/default/files/Argentina_DECRETO%201248_transportation%20of%20livestock.pdf

¹²https://www.animallaw.info/sites/default/files/Argentina_LEY%20N%C2%B0%2018.819_slaughtering_%20procedures.pdf



stakeholders can participate in the formulation of provisions for improving animal welfare. This commission was created under resolutions 253 of 2002 and 259 of 2004 from the National Service of Health and Quality of Agricultural Food (SENASA), which also establish the financial resource available for the enactment of the Commission's objectives.

However, Argentinian legislation still fails to provide legally binding standards which would prohibit the confinement of animals used in farming. Transport regulation focuses on preventing cruelty, rather than protecting the Five Freedoms of the animals. With regards to the slaughter of animals, it is concerning that the humane slaughter requirements are not applicable to poultry, unless decided by the executive power. Furthermore, Argentinian legislation still allows for the religious slaughter of farm animals.

Enforcement mechanisms

The legislation contains multiple mechanisms of enforcement, from imprisonment for basic criminal offences to special police powers, enforcement powers specifically created for veterinary surgeons (in law 18819 of 1970), licence cancellation and controls by registry books. In addition, there is evidence of the government's effort to produce accompanying policy documents that promote understanding of animal welfare issues relevant to this indicator as well as manuals containing specific recommendations aligning with international standards of welfare for this category of animals.

Violations of Law 18819 results in a fine from 10 pesos to 1,000 pesos, and activities may be suspended (Article 3).

Key recommendations

- **The Government of Argentina is urged to enact legislation detailing specific welfare requirements for farm animals during the phase of rearing. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.**
- **In addition, the Government of Argentina is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to maximum 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, shall not be performed except under anaesthesia and with analgesics.**
- **The Government of Argentina is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.¹³ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter,**

¹³ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

- Legislation regarding the transport of animals shall protect their Five Freedoms. In addition, due to the significant animal welfare concerns associated with long distance transport, the Government of Argentina is strongly urged to ban the export of live animals for long distances (i.e. over than eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	F
<p><u>Zoos</u></p> <p>Law 14346 contains two main sections outlining the type of punishable offences under the Criminal Code. The first, on conducts that constitute abuse or mistreatment, is specifically applicable to domestic and captive animals. The second, on conducts that constitute cruelty, does not have this narrower scope and can be applied to all animals (except where otherwise specified).</p> <p>The conducts described in both sections, however, while referring specifically to basic integrity and protection of life (for example, establishing that preventing access to food and water is an offence), do not contain specific measures to protect captive animals, nor do they specify species of animals for which captivity is not permitted.</p> <p>It is also important to mention that Wildlife Conservation Law 22421¹⁴ of 1981 provides that wild captive animals are covered by this law in Article 3, Number 2. One of the few articles referring to wild captive animals is Article 19, which encourages provincial legislation to produce measures on the 'captive breeding and rearing of wild species, for economic exploitation,' for conservation purposes. The provisions of Law 22421 are not formulated from a perspective of protection of the welfare of individual animals, but rather for conservation and biodiversity purposes.</p>	

¹⁴https://www.animallaw.info/sites/default/files/Argentina_CONSERVACION%20DE%20LA%20FAUNA%20_LEY%20N%C2%BA%2022.421%20.pdf

One of the few articles referring to wild captive animals is Article 19, which encourages provincial legislation to produce measures on “Captive breeding and rearing of wild species, for economic exploitation.”

Private keeping of wild animals

No legislation has been found specifically relating to the private keeping of wild animals.

Fur farming

No legislation has been found specifically relating to fur farming.

Analysis

The existing legislation contains several provisions that appear to be specifically directed to prohibiting conducts that could relate to animals kept in captivity. However, although the conducts described in Law 14346 aim to bring some protection on a basic level, close examination shows that there are no provisions addressing welfare problems created by captivity. The Government is encouraged to update the existing legislation to acknowledge that certain aspects of captivity can have a detrimental effect on animal welfare and as such, these situations need to be regulated or prevented.

Under Law 22421 of 1981, there are no specific references to protection for wild captive animals on an individual basis. There is no further guidance on the limits and scope of the mandate of Article 19, encouraging the breeding of wild animals for commercial purposes. However, international experience suggests that captive wild animal breeding may be the source of potentially detrimental situations for the welfare of animals in this category.

Enforcement mechanisms

There are enforcement mechanisms for the relevant provisions of Law 14346, set out in Article 1: infringement of the law is a criminal offence, punishable by imprisonment of between 15 days and one year.

However, since no legislation has been found on the private keeping of wild animals or on animals used in fur farming, there are no enforcement mechanisms associated to these categories of animals.

Key recommendations

- **Law 14326 covers the basic animal welfare needs of animals kept in captivity. However, the legislation could be improved by addressing the species-specific welfare needs of animals kept in captive settings, such as zoos. As a result, the Government of Argentina is urged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. In particular, the Freedom to express normal patterns of behaviours should be respected.**



- Furthermore, the Government of Argentina is strongly encouraged to allocate human and financial resources to create an inspection unit in charge of verifying that welfare standards are respected where animals live in captive settings. Facilities where animals are kept captive should be regularly inspected, and the results of such inspections should be made public.
- The Government of Argentina is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.
- Additionally, the Government of Argentina is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	D
<p><u>Care of companion animals</u></p> <p>Law 14346 refers to 'domestic' animals to describe the first category of criminal offences in relation to the abuse of animals, and some general provisions could be said to apply from the category of cruelty to animals. However, there is no specific acknowledgement of the welfare problems that can be prevented or of the recommended guidelines for the care of companion animals specifically, which probably results from the criminal law focus of the existing legislation. There are no specifications or regulations on the trade in companion animals.</p> <p>At a provincial level, the province of Buenos Aires has produced specific legislation (Law 13879 of 2005) on stray animal population control. This legislation abandons the idea of culling as an acceptable method and establishes sterilisation as the only applicable method in the province. It also introduces obligations to deworm cats and dogs, as well as reiterating that animal abuse, as described in Law 14346, is prohibited.</p> <p><u>Stray animals</u></p> <p>No legislation has been found specifically relating to stray animal populations.</p> <p>At the municipal level, Buenos Aires has launched a programme in 2011 to control stray animal population, which relied on mass sterilisations.¹⁵ The city and the province of Mendoza have passed laws prohibiting euthanasia as a means for animal control.¹⁶</p>	

¹⁵ <https://wander-argentina.org/2011/01/buenos-aires-launches-new-animal-protection-agency/>

¹⁶ <https://wander-argentina.org/2011/01/animal-control-in-argentina/>

Analysis

Although some of the provisions in the existing legislation are applicable to companion animals, the legislation does not acknowledge the specific challenges that companion animals may face and the welfare problems that can derive from poor standards of care. There is no proactive duty of care attributed to animal owners in legislation, only reactive legislative clauses prohibiting animal cruelty. In addition, other than in the province of Buenos Aires, there is a need for regulation of stray population control. The Buenos Aires law (and similar legislation in some other provinces of Argentina) is useful effectively to make the welfare of this category of animals of mainstream concern to society, as it raises the expected standards of state control over this issue (in connection with public health) and also raises the expected standards of owners who then have a clearer duty of care.

The Buenos Aires legislation has provided inspiration to several groups that work with animals in the country. President Mauricio Macri, while mayor of the City of Buenos Aires from 2007 to 2015, founded the Agency for the Protection of the Environment (APrA) in order to increase sterilizations from 6,000 to 100,000 annually. The APrA is also in charge of treating diseases and punishing animal abusers.¹⁷ There is no evidence found of plans to update legislation from 1954.

Enforcement mechanisms

The general enforcement mechanism in Law 14346 is applicable to this category of animals. The production of provincial legislation on the matter has also created direct links with Law 14346 in addition to specific duties of care towards companion animals. The nature of criminal legislation makes it more difficult to establish preventive measures, and secondary legislation or policy development could be helpful to address this.

Key recommendations

- **At present, Argentinian legislation does not define a duty of care onto animal owners towards their animals. As such, the Government of Argentina is encouraged to amend Law 14346 to include a positive duty of care onto animal owners, who should ensure that their animal's Five Freedoms are respected at all times.**
- **Following the examples of local legislation in Buenos Aires and in the province of Mendoza, the Government of Argentina is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective. The Government of Argentina should also implement education programmes on dog bite prevention. Provincial governments are encouraged to continue to regulate population control and other issues related to companion animals.**
- **The Government of Argentina is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the**

¹⁷ <https://www.thebubble.com/euthanasia-stray-dog-overpopulation>

root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.

- The Government of Argentina should promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.

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

Analysis of the legislation	
Ranking	D
<p><u>Animals used for entertainment</u></p> <p>Law 14346 includes a provision in Article 3(7) for the protection of performing animals, in the form of a prohibition on public or private shows in which animals are killed, hurt or harassed, including cockfighting, bullfighting and shows that are similar to rodeos. Such activities are considered cruelty acts to animals.</p> <p>Some provinces and cities have produced legislation limiting or banning altogether the use of animals in circuses. There is a ban on the use of animals in circuses in over 20 cities.¹⁸ An example of this can be found in the Autonomous City of Buenos Aires, where Law 1446 produced in 2004 contains a general ban on the use of any animals in circuses.</p> <p><u>Draught animals</u></p> <p>Law 14346 of 1954 creates two categories of punishable conducts. The first, in Article 2, includes conducts that constitute abuse to domestic and captive animals and the second describes conducts that constitute cruelty to animals. Out of the six conducts described as abuse, three of them refer to working animals and one more refers specifically to animals used for draught purposes. Therefore, the article establishes that overloading animals, making them work when they are ill or unsuitable for the work, and even harassing them, are conducts punishable by criminal law.</p> <p><u>Analysis</u></p> <p><i>It is positive that national legislation recognises practices such as rodeos, bullfights and cockfights as cruel towards animals. Some municipalities, such as Buenos Aires, appear more progressive with regards to animal welfare, since they have banned the use of wild animals in circuses. This suggests that issues currently outside the scope of national legislation could still be regulated nationally.</i></p> <p><i>The legislation on working animals seems to have been one of the main concerns of the 1954</i></p>	

¹⁸ http://www.pawsweb.org/documents/PAWS_bans_exotic_animals_1_17_2018.pdf

legislation, which established a group of criminal offences when abusing draught animals. Apart from these general anti-cruelty provisions, however, there does not seem to be species-specific welfare standards for animals used for draught.

Enforcement mechanisms

There are enforcement mechanisms for the relevant provisions of Law 14346, set out in Article 1: infringement of the law is a criminal offence, punishable by imprisonment of between 15 days and one year.

Key recommendations

- Following the examples of several cities, including Buenos Aires, which have banned the use of wild animals in circuses, the Government of Argentina is encouraged to outlaw the use of all animals in circuses at the national level.
- Moreover, the Government of Argentina is urged to forbid the organisation of and attendance to entertainment events causing animal suffering, such as animal races or direct interaction with wild animals.
- The Government of Argentina is urged to adopt national legislation specifically addressing the treatment of animals used in draught and for recreational purposes. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition which may impair their welfare must be treated promptly and, if necessary, they must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

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

Analysis of the legislation

Ranking	E
<p>Law 14346 of 1954 regulates activities in relation to animals in this category. Conducts described in Article 3, which describe criminal offences of cruelty to animals, include five different offences in relation to animals used for scientific research. The use of animals in research is permitted, but some specific conducts are prohibited and the scope for experimentation is narrowed. The law prohibits carrying out animal experimentation except when there is a scientifically demonstrable purpose to the experiment, or when people are qualified enough to practice it (Article 3(1)). Animal experimentation is also authorised in case of 'duly proven urgency' (Article 3(3)). Furthermore, it is prohibited to abandon an animal used in experiments once the experiment has concluded (Article 3(5)). There is an important restriction not to undertake experiments on animals that are on an evolutionary scale</p>	



superior to that needed for the particular desired outcome (Article 3(4)).

The use of animal testing for cosmetic products does not appear to be restricted in legislation. In June 2015, Senator Magdalena Odarda introduced a Bill proposing to end the animal testing of cosmetics ingredients and prohibit the sale of new cosmetics tested on animals in Argentina, after a two-year phase-out period.¹⁹ Violation of the law would result in hefty fines which would be used for animal welfare programmes in the country. At the time of writing, it is unclear whether this Bill has been adopted.

Analysis

Although there is no direct reference to the Three Rs principles - Replacement, Reduction, Refinement -, the legislation does appear to be based on these principles, albeit falling short in some aspects. This is evidence of a desire by the Government to restrict animal experimentation as far as it is detrimental to animal welfare. However, the legislation grants exceptions to each prohibited conduct. Some of these are natural to the legal mandate (such as urgent surgery to save the life of an animal), but others could be questioned, such as the exceptions to undertake vivisection, except when it is performed by an authorised person. Good international regulations tend to ban this practice altogether or implement a series of onerous restrictions on it.

This may result from the fact that the legislation was produced in 1954, so it does not take into account the technologies and models in existence which could provide better replacement alternatives and that have influenced countries around the world to tighten regulations on animal experimentation. The Government is encouraged to review the existing legislation in light of these international developments.

The Argentinian system for animal protection does not have a body or organ tasked with the development of further legislation and policy in this area, except for the category of animals used in farming. Legislation for the protection of animals used in scientific research requires a higher level of technical definition, without which animal welfare can be potentially compromised or implementation can become a matter of individual interpretation. The legislation would benefit greatly from further details and from the allocation of human resource and financial resource to drive progress in this area.

Enforcement mechanisms

There are enforcement mechanisms for the relevant provisions of Law 14346, set out in Article 1: infringement of the law is a criminal offence, punishable by imprisonment of between 15 days and one year. However, the implementation mechanism does not include elements for the appropriate interpretation of highly technical aspects and issues which can only be defined from a scientific perspective, such as the pertinence of the experiment, or the establishment of which kind of animal could be suitable from an evolutionary perspective to fulfil the desired outcome of an experiment.

Key recommendations

¹⁹ <https://www.globalcosmeticsnews.com/argentinian-senator-proposes-bill-to-end-animal-testing-for-cosmetics-brazil-bill-close-to-becoming-law/>

- The Government of Argentina is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.
- The Government of Argentina is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- Moreover, the Government of Argentina is strongly encouraged to create a national centre made of multiple stakeholders, including animal protection organisations, to promote the Three Rs principles and to develop alternatives to animal experimentation.
- Furthermore, the Government of Argentina is urged to ban the testing of cosmetic products and their ingredients on animals.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	E
<p>Certain aspects of the protection of wild animals falls within a different set of norms from those preventing cruelty and abuse. It could be said that nothing prevents the anti-cruelty rules (Article 3 on Law 14346 of 1954) from being applied to wild animals, but given the specificity of such conducts (for instance on issues pertaining to animal experimentation), wild animals do not appear to have been in the contemplation of this law, nor is there any specific acknowledgment in the law of potential welfare challenges for animals in the wild.</p> <p>The Wildlife Conservation Law 22421 of 1981 regulates conservation and the use of wild fauna in Argentina. Article 1 establishes that the protection of wild fauna is of public interest, and therefore all citizens have the duty to protect it. The protection, conservation, population management and sustainable exploitation of wildlife are of public interest and establishes that provincial regulation will take conservation as the primary concern over cultural, economic, recreational, aesthetical and other benefits that wildlife may offer. Article 3 defines the scope of application of the legislation, which applies to all wild animals, wild animals who live in captivity and domestic animals, who return to wildlife under specific circumstances. Article 19 sets a framework in which provincial legislation may be developed at provincial level. Each province within Argentina has a degree of autonomy regarding regulation of the conservation of wild animals and examples of legislation can be found for each province. Chapter VII of Law 22421 establishes that each province will allocate responsibility</p>	

in a dedicated authority. Article 22 establishes the functions and responsibilities of said authority, including administering the funds for the implementation of the law, and establishes that the national authority can provide subsidies to provinces for the enactment of the legal objectives.

Chapter V lays out hunting regulations. Article 16 determines that each province will establish specific limitations on hunting. Hunting is regulated through a licence permit scheme.

The legislation introduces concepts of animal health for wild animals and a framework for illegal trafficking of certain species. The legislation also promotes the creation of sanctuaries for the protection of wildlife as a 'preferred' option for the conservation of wildlife (Article 19) but does not prohibit the existence of private or public profit-making collections. There are also specific legal restrictions on hunting particular species of wild animals; for example, Law 25577²⁰ (cetaceans) and Law 25052²¹ (orca whales).

The Argentinian Constitution²² contains similar wording by which it is expressed that biodiversity and a safe environment are rights that should be enjoyed by citizens. As such, the legislation has several provisions within the spectrum of conservation, for which protection of ecosystems and collective populations are a priority. As such, the legislation does not necessarily derive from a perspective where animal welfare and the protection of individual animals are the priority.

Analysis

Law 22421 establishes the framework and the minimum conditions that provinces in Argentina should follow to ensure that the objectives of protection, management and conservation of biodiversity are met. The focus of this legislation is the conservation of species, rather than the welfare of individual wild animals. This implies the existence of regulations on issues that do not specifically relate to animal welfare (and some of which could actually be considered to be detrimental to the welfare of specific individuals), such as hunting regulations, or the promotion of measures for the rearing and breeding of wild animals in captivity. Law 22421 also includes measures to address wildlife trafficking. The Government is encouraged to produce national or provincial legislation which goes beyond the roadmap traced by this law, in order to improve the protection of the welfare of wild animals in the country.

Enforcement mechanisms

Even though provincial legislation can produce specific enforcement mechanisms to implement provincial law, Law 22421 specifies a range of mechanisms available depending on the transgression. Imprisonment is reserved for hunting and trafficking violations, with fines and administrative sanctions for corporations for other violations. In addition, the law provides that provincial legislation should introduce its own enforcement mechanisms and sets out a number of faculties and powers that enforcement agents will have. Furthermore, Articles 31 to 33 explain several

²⁰ https://www.animallaw.info/sites/default/files/Ley%2025.577_%20cetaceans_argentina.pdf

²¹ https://www.animallaw.info/sites/default/files/Ley%2025.052_Prohibicion_caza%20_de%20_orcas.pdf

²² <http://www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf>



educative and cooperative measures that should be in place for the legislation to be implemented, including raising awareness and education on conservation and wildlife protection.

Key recommendations

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

Goal 3: Establishment of supportive government bodies

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

Analysis of the legislation

Ranking	D
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Argentina is a federal country, divided into 23 provinces and the autonomous city of Buenos Aires, which is the country’s capital city. Buenos Aires and the 23 provinces have their own Constitutions.

The National Service of Health and Quality of Agricultural Food (SENASA), an organ of the Ministry of Agriculture, produced legislation in 2002 and 2004 under which a National Commission for Animal Welfare was created.²³ This Commission comprises representatives from various sectors, including veterinarians, the agricultural sector, as well as animal welfare and rights organisations. There is no formal evidence that this Commission acts beyond the sphere of welfare of animals used in farming, but representatives of this Commission do appear to represent the wider spectrum of animal welfare in conferences and regional summits on the subject matter. Likewise, there is evidence of legislation mandates according to which provincial authorities should be appointed for the implementation of laws on conservation and protection of wild animals.

Analysis

A major area of concern over the Argentinian system of animal protection is the lack of a specific authority in charge of developing policy and legislation on animal welfare. In the case of animals used for farming, there is clear development of policy literature and provisions on transport and other matters that directly help to improve animal welfare. It is positive that the National Commission for Animal Welfare includes representatives from animal welfare and animal rights organisations. There

²³ <http://nuevaweb.senasa.gob.ar/tags/programa-bienestar-animal>



are no apparent limits to the issues that this commission may address, but since its creation in 2004 it appears to have focused only on producing norms relating to the use of animals in farming. Taking into consideration that there are no apparent legal limitations to the scope of the Commission, the Government is encouraged to work through the commission and the Ministry of Agriculture to further develop policy and legislation addressing the protection of all animals in the country.

Enforcement mechanisms

The duties of the National Commission for Animal Welfare are mandated by legislation.

Key recommendations

- The Government of Argentina is strongly encouraged to extend the mandate of the National Commission for Animal Welfare, so that the Commission focuses on all categories of animals, rather than only on farm animals at present. The Commission should be responsible for enacting further animal welfare legislation, and for monitoring the implementation of such laws.

Goal 4: Promotion of international animal welfare standards

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

Analysis of the legislation	
Ranking	D
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.²⁴</p> <p>The Argentinian system of animal protection covers some of the issues that appear in the animal welfare standards of the OIE. However, there are several issues that do not appear in Argentinian legislation or policy, such as stray dog population control at the national level, and standards for broiler chicken production systems. Further development is desirable regarding existing regulations on slaughter, transport and the use of animals in research.</p> <p>Analysis <i>The Government has taken substantial steps in producing policy and legislation to protect farm animals, thus covering a good section of the OIE's standards. The existing standards may offer guidance to the country to develop some systems of protection on issues that do not currently have full regulation, such as the use of animals in scientific research. As it stands today, Argentinian legislation has some basic</i></p>	

²⁴ <http://www.oie.int/infographic/StandardsAW/index.html>



needs covered, but reference to secondary legislation incorporating the OIE's standards could help to promote better animal welfare in the country. The Government is encouraged to continue working on the introduction of the OIE's standards by updating legislation or by producing secondary legislation to transpose some of the existing measures and add clarity to existing provisions.

Enforcement mechanisms

Those OIE standards that do appear in legislation, for example in relation to farm animals, do have enforcement mechanisms in law.

Key recommendations

- **The Government of Argentina is strongly encouraged to implement the OIE's animal welfare standards and principles within policy and legislation.**

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

Analysis of the legislation

The Government of Argentina has not expressed support in principle for the Universal Declaration on Animal Welfare.

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

Analysis

Support for the UDAW would be a first step into integrating animal protection considerations into different discussion forums, becoming a soft law source for decision makers interested in improving animal protection in the country. Given the government's interest in improving animal welfare in the country demonstrated by the establishment of an animal welfare commission, there are not considered to be any significant barriers to a pledge in principle of support for the UDAW.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

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



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