



Animal Protection Index (API) 2020

Republic of Chile: ranking D

Executive summary

Law 20380 on the Protection of Animals 2009 is the main piece of legislation relating to animal protection in Chile. Crucially, this law recognises that animals are sentient beings, though they are still defined as 'moveable assets' in the Chilean Civil Code. Secondary legislation supplements Law 20380, through three Decrees regulating the conditions of rearing, transport and slaughter of animals.

Since the API was first published in 2014, former President Bachelet promulgated the Law on Responsible Tenure of Pets and Companion Animals in July 2017. This new legislation establishes a duty of care on pet owners and provides that various Ministries and their municipalities are in charge of responsible pet ownership. This law furthermore prohibits the abandonment of pets, which amounts to animal cruelty.

The Agriculture and Livestock Service (SAG) is the main authority in charge of monitoring animal protection, however, its activities focus on farm animals. There is also an Animal Bioethics Committee, which oversees the use of animals for research.

Following the recognition of animal sentience in Law 20380, the Government of Chile is strongly encouraged to recognise animals as sentient beings in the Chilean Civil Code as well. The SAG has published animal welfare good practices with regards to pig production and is strongly encouraged to produce such guidelines for other species of farm animals. Similarly, it is recommended that the Government of Chile enacts legislation with specific requirements for wild animals in captivity, and for the humane treatment of stray animals. Furthermore, the Government of Chile is strongly encouraged to ban any activities involving the use of animals for sport or for entertainment where such use may involve suffering or adversely affect the animals' welfare, such as rodeos and circuses. Animal testing for cosmetic products and their ingredients should also be forbidden. Further legal and policy recommendations are associated with each Animal Protection Indicator (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	B
<p>Law 20380 on the Protection of Animals of 2009¹ establishes in Article 2 that animals should be 'respected and protected as living sentient beings that are part of nature'. Article 1 says that the objective of the law is, among others, to avoid unnecessary suffering of animals. Article 1 specifies that domestic and wild animals will be differentiated in regulations, although, the Act appears to apply to all animals.</p> <p>However, the Chilean Civil Code² treats animals as property. In fact, animals are defined as 'moveable assets' in article 567, since they can move themselves. As a result, the owner of the animal is responsible for all the damages caused by the animal, even after it has been released or lost. This is true unless the release, loss, or damage cannot be imputable to the owner's fault.</p> <p>Analysis</p> <p><i>It is positive that the main piece of legislation dedicated to animal protection, Law 20380, acknowledges animals as sentient in Article 2. References are made throughout the legislation that animals should be protected from 'unnecessary suffering'. However, there is a discrepancy between the provisions of Law 20380 and the Chilean Civil Code, which treats animals as moveable assets. This implies that animals are mere goods, to be possessed and used by humans like any other inanimate object.</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms for breach of the provisions of Law 20380 of 2009 that arise out of the recognition of animal sentience. Notably, Article 12 establishes that an animal may be confiscated from his/her owner, in cases of mistreatment or cruelty to animals.</p>	
Key recommendations	
<ul style="list-style-type: none">• Chile has enshrined animal sentience into law since 2009, when Law 20380 on the Protection of Animals came into effect, animals have been recognised as sentient. This progressive and crucial step towards improving animal welfare should be highly acclaimed. However, Chile's Civil Code still defines animals as 'moveable assets', subject to the regime of property.	

¹ <https://www.leychile.cl/Navegar?idNorma=1006858>

² <https://www.leychile.cl/Navegar?idNorma=172986&idParte=8717776>

Therefore, Chile is strongly encouraged to amend the Civil Code to define animals as sentient beings, in accordance with Law 20380.

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	B
<p>Law 20380 of 2009 is the central piece of legislation concerning animal protection in the country. Article 1 of this law establishes as its objective that the law sets out 'rules designed to know, protect and respect animals as living beings and part of nature, in order to treat them adequately and without causing unnecessary suffering'.</p> <p>Article 3 establishes that animal owners have a duty of care towards their animals. In fact, Article 3 reads that any animal owner must 'take care of it and provide it with adequate food and shelter, according to, at least, the minimum needs of each species and category and the background provided by science and experience'. Article 3 also relates to wild animals as it states that 'the freedom of movement of wild animals should not be unnecessarily restricted, especially if it causes them suffering and disruption of their normal development'. Article 4 mandates that the transport of animals must not cause mistreatment or 'serious deterioration of their health'. Article 5 regulates that any establishment using animals – for exhibition, experiments, production, sale – must have adequate facilities relative to each species to avoid 'mistreatment and the deterioration of their health'.</p> <p>Unnecessary suffering must also be avoided during the sacrifice of animals (Article 11), which is understood to be the killing of animals who provide meat, skins, feathers or other products.</p> <p>However, Article 16 outlines that anti-cruelty provisions do not apply to 'sports in which animals participate, such as rodeos, cow runs and equestrian sports', which shall be governed by their respective regulations.</p> <p>Law No. 18859³ of 1989 modified the Penal Code in relation to animal protection, by adding Article 291 bis which punishes anyone committing acts of mistreatment or cruelty to animals with the penalty of minor prison in its minimum degree and/or a fine of one to ten minimum monthly incomes. Article 18 of Law 20380 of 2009 amended Article 291 bis to introduce stronger penalties.</p> <p>Article 291 TER of the Penal Code⁴ defines animal cruelty and mistreatment 'as any act or omission, occasional or repeated, that unjustifiably causes harm, pain or suffering to the animal'. Animal cruelty can occur, either by action or omission through for instance a lack of food or water, the use of instruments or substances that cause animals to die with suffering in a state of consciousness; through</p>	

³ <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC009317>

⁴ https://www.animallaw.info/sites/default/files/COD-PENAL_12-NOV-1874.pdf

removing destroying or altering any member, organ or appendage of an animal for causes other than veterinary or sanitary.

According to Article 175 of the Code of Criminal Procedure⁵ (Law 19696, from 2000), all public employees are obliged to report crimes that they become aware of in the performance of their duties, including any act of mistreatment or animal cruelty.

Analysis

There is acknowledgement of the issue of animal welfare in the country, and the existing legislation creates a duty of care by which people owning or taking care of an animal should act in consideration of minimum requirements for food, space and housing conditions of each species. This is in line with international standards on the subject matter. It is positive that Article 3 of Law 20380 acknowledges that different species of animals deserve different welfare provisions; and that wild animals also have welfare needs. Furthermore, this article recognises that the wellbeing of animals is entrenched in science.

It is also positive that Article 291 TER of the Penal Code includes acts of negligence in the definition of animal cruelty.

However, it is not explicit that Law 20380 protects the mental wellbeing of animals, since the anti-cruelty provisions focus on physical wellbeing. Only Article 3, which addresses the welfare of wild animals, may address the psychological wellbeing of animals by alluding to the ‘normal development’ of animals, which may be impacted by high stress levels.

Enforcement mechanisms

Law No. 18859 introduced a new offence in the Penal Code relating to cruelty towards animals. Penalties were strengthened by the adoption of Article 18 in Law 20380. In its present form, the law states that anyone committing acts of mistreatment or cruelty to animals shall be punished with the penalty of minor imprisonment in its minimum to medium grades and/or a fine of two to thirty monthly tax units’.

In addition to potential fines and imprisonment, the law gives powers to judges and other relevant authorities to seize animals and order veterinary care for animals affected by cruelty behaviours (Article 13).

Furthermore, the legislation implies that the government is in charge of producing policy to educate and raise awareness on issues in relation to cruelty towards animals, providing literature for complementary guidance and recommendations for citizens in the country.

Key recommendations

- **Law 20380 of 2009 on the Protection of Animals prohibits cruelty to animals and establishes a duty of care for all animal owners towards their animals. Animals are protected from**

⁵ <https://www.leychile.cl/Navegar?idNorma=176595>



mistreatment during transport and when they are used by facilities for exhibitions, experiments, production and sale. However, several exemptions exist. As such, the Government of Chile is also encouraged to ban any activities involving the use of animals for sport or for entertainment where such use may involve suffering or adversely affect the animals' welfare, such as rodeos. At the very least, the Government of Chile is encouraged to repeal Article 16, so that sports using animals for entertainment are subject to the same anti-cruelty provision that any other use of animals.

- Article 291 bis of the Penal Code prohibits abuse and cruelty to animals, and cruelty to animals extends to suffering caused by a failure to act (Article 291 TER). However, the Government of Chile is strongly encouraged to explicitly forbid practices that would cause psychological suffering, as well as physical suffering.

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 20380 of 2009 includes a series of provisions to address the welfare needs of animals used for farming. Article 17 specifies that provisions in health codes and, in particular, those of Law 19162 need to be implemented in accordance with animal protection legislation. Law 20380 gives powers to the Agriculture and Livestock Service (SAG) to control farms, fairs, livestock exhibition sites, slaughtering plants and cattle transport through three Decrees. Each of these Decrees provides a table of welfare standards specific to each species.</p> <p>Decree No. 29⁶ of 2012 regulates the protection of animals during their industrial production, their commercialisation and in other animal keeping areas, such as zoos, circuses and exhibition places. Article 6 details the prohibitions on the handling of animals, which would cause them unnecessary pain or suffering. However, the use of electrical stimulation is justified in some cases, such as when an animal refuses to move forward. The Decree also states that the person in charge of the animals must be trained in aspects such as: handling and proper movement of the animals, in order to avoid physical injuries, and to minimize pain and suffering, among other aspects.</p> <p><u>Rearing - pigs</u></p>	

⁶ <https://www.leychile.cl/Navegar?idNorma=1051298>

No legislation has been found specifically relating to pigs.

Rearing – broiler chickens

No legislation has been found specifically relating to broiler chickens.

Rearing – egg-laying hens

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

Rearing – dairy cattle and calves

No legislation has been found specifically relating to dairy cattle.

Transport

Article 4 of Law 20380 establishes that the transport of animals must be carried out in a way that 'prevents mistreatment or serious deterioration of their health'. Regulations will specify this matter according to the species of animals.

Decree No. 30⁷ of 2012 focuses on the protection of animals during transport. Article 4 rules that animal transport should not cause unnecessary suffering. Article 5 explains that the SAG will encourage the preparation of good practices that contain recommendations on how to comply with article 4. An example of such good practice manual was created for pigs in 2019.⁸ Decree No. 30 complements Decree No. 240, dating from 1993, which contains the requirements for vehicles utilised in cattle and meat by land, rail, water, and air transportation. Livestock loading must be done in a way to avoid injuries to the animals. The carrier is responsible for the supervision of the animals and must allow them to rest and provide them with drinking water every 24 hours and for a period of eight hours each time.⁹

Slaughter

Article 11 of Law 20380 addresses the 'profit and sacrifice of animals', by specifying that 'rational methods should be used to avoid unnecessary suffering'. The term 'sacrifice' is understood as to refer to animals who provide meat, skins, feathers and other products. Regulations will determine technical procedures to be used by industrial establishments not already regulated by Law 19162.

Decree No. 28¹⁰ of 2013 regulates the technical procedures surrounding the slaughter of animals, both domestic or wildlife, that provide meat, fur, feathers and other products at the time of profit in industrial establishments. Article 1 states that such procedures should 'tend to avoid unnecessary suffering'. The decree is based on the OIE standards on slaughter. Article 19 mandates that animals must be 'desensitised' with appropriate methods specific to each species, and which avoid

⁷ <https://www.leychile.cl/Navegar?idNorma=1051151>

⁸ https://www.pig333.com/latest_swine_news/chile-handbook-on-good-animal-welfare-management-practices-for-pigs_14979/

⁹ https://www.animallaw.info/sites/default/files/DTO-240_26-OCT-1993.pdf

¹⁰ <https://www.leychile.cl/Navegar?idNorma=1051388>

unnecessary suffering. A table outlines legal requirements specific to certain species, namely, bovines, sheep and goats, pigs and poultry. However, there is no mention of egg-laying hens.

Analysis

It is positive that each phase of rearing, transport and slaughter are regulated by associated Decrees Chilean legislation. The scope of application of such decrees is extended to all animals that provide for feathers, skin and other products, which goes beyond the traditional species used for farming. It is also progressive that standards are adapted to each species. There is acknowledgement of the situations and activities that can undermine the welfare of these animals and a series of considerations for eliminating or alleviating actual or potential sources of suffering. In addition, the legislation mandates that people in charge of managing animals used in farming need to take a course on animal welfare, which should help to ensure that legislative protection mandates are correctly implemented and used throughout the meat industry. It is positive that good practices guidelines have been enacted for pig production, and similar guidelines should be drafted for other species.

The existing legislation provides for human and financial resources to be allocated for the continuing development of policies and measures to protect animals under this category. It is positive that the government has enacted more detailed regulations in Decrees 28, 29 and 30 with regards to animals used in farming and given responsibility to the Agriculture and Livestock Service (SAG) for enforcing such regulations. It appears that the government has allocated human and financial resources for the SAG to monitor compliance to animal welfare standards, since a sub-department to SAG dedicated to animal welfare was created. Moreover, the SAG organised a workshop on animal welfare in transport in partnership with the OIE, which shows the government's commitment to engage in discussions on how to improve such welfare standards.¹¹ Furthermore, livestock keepers are provided with courses to adequately follow the regulation. Such training is managed by the SAG. Each teacher must have training in livestock production, health and animal welfare.¹²

In 2002, inspections of slaughterhouses were transferred from the Ministry of Health to the SAG.¹³ Since the SAG is now responsible for verifying that farms and slaughterhouses abide by animal protection regulations, there should be public evidence of the results of such inspections. Such records have not been found.

Advancements in farm animal welfare, for example, during transport and slaughter, have occurred against a background of a bilateral trade agreement between the European Union and Chile that includes animal welfare and that has stimulated the establishment of bodies within the country concerned with promoting the issue.¹⁴ In 2003, the EU, with the aim of developing standards, requested the introduction of a reference to animal welfare in the trade agreement. As such, the EU-Chile trade agreement is the first bilateral agreement to mention animal welfare.

¹¹ <http://www.sag.cl/noticias/sag-dicta-taller-sobre-bienestar-animales-en-el-transporte-en-tres-regiones-del-pais>

¹² <http://www.sag.cl>

¹³ https://www.pig333.com/latest_swine_news/chile%E2%80%93slaughterhouse-inspection-transferred-to-sag_471/

¹⁴ <https://www.ictsd.org/bridges-news/biores/news/the-eu-chile-association-agreement-a-booster-for-animal-welfare>

Enforcement mechanisms

There are enforcement mechanisms consisting of fines and imprisonment for breaches of Law 20380.

Law No. 18859 introduced a new offence in the Penal Code relating to cruelty towards animals. Penalties were strengthened by the adoption of Article 18 in Law 20380. In its present form, the law states that anyone committing acts of mistreatment or cruelty to animals shall be punished with the penalty of minor imprisonment in its minimum to medium grades and/or a fine of two to thirty monthly tax units’.

In addition to potential fines and imprisonment, the law gives powers to judges and other relevant authorities to seize animals and order veterinary care for animals affected by cruelty behaviours (article 13).

Legislation on public health provides some additional enforcement mechanisms, mostly administrative and in relation to restrictions and sanctions applicable to the meat industry. Importantly, the legislation includes capacity building mandates for employees working with animals.

Non-compliance with any Decrees 28, 29 or 30 generates penalties, according to the procedure based on the Organic Law of SAG No. 18.755, dating from 1988.¹⁵

Violations of decrees No. 28, 29 and 30 on the protection of animals must be sanctioned with fines of one to 50 to 50 monthly tax units. In case of repeated crime, the fine may be doubled. In the infractions of articles 5 and 11 (establishments of industrial production, livestock fairs and establishments for the benefit and slaughter of animals), temporary closure may be imposed for up to three months, or the definitive closure of the establishment (Law 21020, Article 37).

Key recommendations

- **Chile has extensive legislation with regards to ensuring the welfare of farm animals during rearing, transport and slaughter. Law 20380 provides general anti-cruelty provisions and is complemented by three Decrees (No. 28, 29 and 30) outlining more precise, species-specific regulations. By outlawing the slaughter of non-stunned animals, Chile represents an example for other countries to follow.**
- **The Agriculture and Livestock Service (SAG) has published animal welfare good practices with regards to pig production. The SAG is strongly encouraged to produce such guidelines for other species of animals used in farming.**
- **The Government of Chile 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**

¹⁵ https://www.leychile.cl/Navegar/index_html?idNorma=30135

that pre-slaughter stunning is compatible with religious principles.¹⁶ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

- Moreover, the SAG is in charge of monitoring the implementation of animal protection legislation. The SAG is strongly encouraged to publish reports of its inspections of farms and slaughterhouses.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E
<p>As a general principle, Article 3 of Law 20380 establishes that the freedom of movement of wild animals should not be unnecessarily restricted, especially if this causes suffering or alters their normal behaviour.</p> <p><u>Zoos</u></p> <p>Article 5 of Law 20380 is more specific and provides a mandate for places keeping animals in captivity (such as circuses, zoos, laboratories, vet practices and training facilities) according to which, facilities should be in place that avoid mistreatments or abuse and that do not undermine the animals' health. Article 4 on transport is not limited to animals used for farming and can be applied to animals in captivity.</p> <p>With regards to zoos, Resolution No. 2602¹⁷ provides that animals, with the exception of birds, that are imported into the country to be exhibited in zoos, must be covered by an official certificate, indicating the country, the animal species, the establishment of origin, the number and identification of the animals (race, sex, age, marks and signs) and the identification of the means of transport. Likewise, it must prove, among other things, that the region of origin is free from diseases.</p> <p><u>Private keeping of wild animals</u></p> <p>No legislation has been found specifically relating to the private keeping of wild animals.</p>	

¹⁶ [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))

¹⁷ <http://www.fao.org/faolex/results/details/en/c/LEXFAOC011766>

Fur farming

No legislation has been found specifically relating to fur farming.

Analysis

The legislation recognises the fact that captivity can create welfare problems for animals, and as such it establishes provisions to prevent animals to be kept in conditions that can deteriorate or undermine their welfare. Provisions are simple yet cover most of the basic standards and principles on animal welfare and have focused on the idea that legislation should address the different scenarios in which animals may be held in captivity. While the existing framework is comprehensive, it is noted that the country has legitimised in law some forms of captivity that are otherwise increasingly banned in other countries of the region, such as the use of animals in circuses. It would also be of benefit to address the species-specific welfare needs of animals kept in captive settings such as zoos.

Article 13 establishes that the Agriculture and Livestock Service is responsible for the enactment of provisions found in Article 5. There is no evidence of financial resource allocated to the delivery of this legislation.

In 1996, the New York Times pointed out to the deplorable conditions of the animals living at Santiago's public zoo.¹⁸ However, at present, conditions appear to have improved. The zoo's website highlights its efforts to provide for the wellbeing of its animals.¹⁹ There is no mention, however, of inspectors in charge of verifying that welfare needs of animals in captivity are met.

Enforcement mechanisms

There are enforcement mechanisms consisting of fines and imprisonment for breaches of the anti-cruelty provisions of Law 20380. Article 18 states that anyone who commits acts of mistreatment or cruelty to animals shall be punished with the penalty of minor imprisonment in its minimum to medium grades and a fine of two to thirty monthly tax units, or only with the latter.

Moreover, Article 13 creates enforcement mechanisms for breach of Article 5, which mandates adequate facilities for species kept in captive settings – for show for exhibitions, laboratories, production or sale of animals. Article 13 establishes that anyone found guilty of mistreatment under Article 5 will be sanctioned with a fine of one to 50 monthly tributary units. In case of recidivism, the fine may be doubled. Compliance with the regulation will be supervised by the Agricultural and Livestock Service, according to the procedure established in Lay 18755.

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 20380 covers the basic animal welfare needs of animals kept in captivity, however, the**

¹⁸ <https://www.nytimes.com/1996/06/23/world/chile-zoo-seen-as-unfit-for-man-or-beast.html>

¹⁹ <http://www.parquemet.cl/zoologico-nacional/manejo-y-bienestar/>

legislation could be improved by addressing the species-specific welfare needs of animals kept in captive settings, such as zoos. Consequently, the Government of Chile is encouraged to enact legislation, or at the very least guidelines, 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.

- The Government of Chile 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 Chile is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.
- Additionally, the Government of Chile 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>Article 2 of Law 20380 establishes that education should ‘instil a sense of respect and protection to animals.’ It adds in its second paragraph that ‘priority will be given to education on responsible ownership of animals in order to control canine and feline populations, promoting the implementation of further preventative measures, such as systematic fertility control of dogs and cats and of interrelated environmental factors, and the registry and identification of these domestic animals’.</p> <p>General provisions in Article 3 of Law 20380 establish that animal owners have a duty of care and must provide adequate food and shelter to their animals apply to companion animals.</p> <p>Since the API was first published in 2014, former president Bachelet promulgated the Law on Responsible Tenure of Pets and Companion Animals in July 2017.²⁰ Law 21020²¹ defines pets or companion animals as ‘those domestic animals, whatever their species may be, that are maintained by people for company or safety purpose’ (article 2).</p>	

²⁰ <https://www.minsal.cl/presidenta-promulga-ley-de-tenencia-responsable-de-mascotas/?s=animales>

²¹ <https://www.leychile.cl/Navegar?idNorma=1106037>



Article 3 mandates that the Ministries of Interior and Public Security, health and Education, with the collaboration of their respective municipalities, promote responsible ownership of pets 'in order to ensure their welfare and the health of people and the environment.'

Article 7 establishes that municipalities must issue an ordinance on the responsible possession of pets.

Article 10 creates a duty of care on pet owners, and article 13 mandates that pet owners have a civil liability to the damage that pets may cause. Article 12 forbids the abandonment of pets, which is considered animal abuse.

The Ministry of Interior and Public Security shall also maintain a national registry of pets, in order to control stray animal populations.

This law states that all pet owners have to identify and register their pets onto an online platform managed by the Ministry of the Interior. Pet owners also have a duty of care to give their animals food, maintain their health and have a civil liability to the damage that pets may cause. Owners are also forbidden to abandon their pet or to leave them in places that do not meet the appropriate conditions for their care.

In addition to defining responsible pet ownership and the respective duties of pet owners, Law 21020 establishes norms to protect public health, people's safety, the environment, and protected natural areas by applying measures to control the population of pets. Municipalities are in charge of monitoring compliance to this law.

Stray animals

No legislation has been found specifically relating to stray animals.

Analysis

It is positive that Article 3 establishes responsible care requirements onto animal owners. However, these requirements are quite basic since they are limited to food and shelter and do not address, for instance, physical and mental stimulation through exercise.

Furthermore, it is positive that the government is promoting education on responsible pet ownership. Paragraph 2 of Article 3 connects this idea with schemes on controlling animal population humanely by using mechanisms that have been internationally accepted as responsible and representative of maintaining good animal welfare. However, the mandates are restrictive as far as references are specific to dogs and cats and not to companion animals in general. In addition, no immediate restrictions or provisions on what constitutes 'responsible ownership' are found in law. Since this Index was first published in 2014, the government has not provided a more detailed definition of responsible pet ownership. The law announced in 2017 by former president Bachelet provides a stronger duty of care of animal owners, notably by prohibiting abandonment.

Article 2 in Law 20380 identifies the relevant authority as responsible for the promotion of the mandates included in the law. Whilst there is no evidence of existing financial resource allocated to undertake such responsibilities, former president Bachelet has advised the government's intention to

act with respect to promotion of responsible pet ownership and a national sterilisation programme.

There is a large population of stray or roaming dogs in the country, estimated at one dog for every six humans.²² It is regrettable that humane stray dog population management is not enshrined in legislation. Former president has made a call for more affordable veterinary centres where pets can be vaccinated and sterilised.²³ In Santiago, for instance, there are free vaccination services on specific days of the week.²⁴

In addition to the national sterilisation programme, initiatives at the municipal level demonstrate the government's intention to improve the welfare of stray animals. In August 2014, Santiago's mayor Christian Vittori formed a brigade of 12 stray dogs, trained to patrol and protect the streets. The goal of this initiative was two-fold: reflect on responsible ownership of dogs by giving them a purpose and, secondly, to recover the abandoned dog population and to train them to be useful to the community. However, no record was found of how much public funding is allocated to such neuter programmes or initiatives for the rehabilitation of stray dogs.

There are also NGOs focusing on spay and neuter programmes in the country, such as Fundación Quiltro.²⁵ This suggests that there is social support for improving the lives of stray animals.

Enforcement mechanisms

There are enforcement mechanisms consisting of fines and imprisonment for breaches of the anti-cruelty provisions of Law 20380. It appears that there are no relevant tools to enforce the principles of care and education that are established in Article 2.

Law 21020 on the Responsible Tenure of Pets contain enforcement mechanisms in Title IX. Animal cruelty is punished according to the provisions of Article 291 bis of the Penal Code. Any other contraventions under Law 21020 is punished with a fine from one to 30 monthly tax units.

However, since no legislation has been found on stray animals, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- **Animal owners have a basic duty of care towards their animals as enshrined in Article 3 of Law 20380. This duty of care should be expanded to improve welfare in all the aspects of physical and psychological well beings of animals. A 2017 legislation has defined abandonment as cruelty towards animals. The Government is encouraged to produce guidelines on how to best respond to the needs of companion animals.**
- **It is positive that the former president has implemented humane population controls of stray**

²² <http://fundacionquiltro.org/quienes-somos/>

²³ <http://www.economist.com/news/americas/21603436-state-orders-sterilisation-stray-mutts-spay-you-go>

²⁴ <https://www.keteka.com/destinations/streetdogs-santiago/>

²⁵ <http://fundacionquiltro.org/45-2/>

animals. However, humane stray animal population management is not enshrined in legislation. In addition, there is no evidence was found on how much public spending goes into such programmes. The Government of Chile is thus encouraged to continue allocating funding to such spay and neuter programmes, and to publish information with regards to the impact of these programmes.

- The Government of Chile is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. The methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.
- Chile promotes responsible pet ownership through Article 2 of Law 20380 and should continue to do so, including through promoting the adoption over the purchase of companion animals.

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

Analysis of the legislation	
Ranking	G
<p><u>Animals used for entertainment</u></p> <p>Article 5 of Law 20380 establishes that facilities used for shows and exhibitions of animals should have adequate conditions for their care, in particular in relation to their health. Circuses appear as an example of such facilities. Indeed, Article 5 states that ‘circuses, zoological parks and other places intended for the show or exhibition of animals [...] must have adequate facilities to the respective species and categories of animals to avoid mistreatment and the deterioration of their health.’</p> <p>However, Article 16 exempts ‘sports in which animals participate, such as rodeo, cow runs, movement to rein and equestrian sports’ to be considered under Law 20380, since such activities ‘shall be governed by their respective regulations.’</p> <p>No evidence of such regulations has been found.</p> <p><u>Draught animals</u></p> <p>No legislation has been found specifically relating to animals used for draught.</p> <p><u>Analysis</u></p> <p><i>The welfare provisions contained in Article 5 are very general and solely provide a basic framework</i></p>	

of protection for animals used for entertainment. It is positive that Article 5 recognises that facilities must be specific to each species of animals, however, there is no detail provided as to what such requirements should be for certain categories of animals. Furthermore, the legislation focuses on the health of animals, which is only one component of their welfare. No attention is paid to the psychological wellbeing of animals, and the stressed induced by training and captive conditions.

No specific restrictions or limitations to the use of certain species are introduced in this law, falling behind the international trend to ban the use of wild animals in circuses. These factors are at odds with the idea of making the welfare of the animals covered by this indicator a mainstream concern of society. It is understood that wild animals are used in several travelling circuses in the country and are living in deprived conditions.²⁶ Furthermore, the exemptions provided by Article 16 enable cruel activities such as rodeos to be exempt from anti-cruelty considerations.

With regards to animals used for draught, there is no acknowledgement of specific issues concerning animal welfare.

Enforcement mechanisms

There are enforcement mechanisms consisting of fines and imprisonment for breaches of the anti-cruelty provisions of Law 20380. Article 18 states that anyone who commits acts of mistreatment or cruelty to animals shall be punished with the penalty of minor imprisonment in its minimum to medium grades and a fine of two to thirty monthly tax units, or only with the latter.

Moreover, Article 13 creates enforcement mechanisms for breach of Article 5, which mandates adequate facilities for species kept in captive settings – for show for exhibitions, laboratories, production or sale of animals. Article 13 establishes that anyone found guilty of mistreatment under Article 5 will be sanctioned with a fine of one to 50 monthly tributary units. In case of recidivism, the fine may be doubled. Compliance with the regulation will be supervised by the Agricultural and Livestock Service, according to the procedure established in Lay 18755.

However, since no legislation has been found on draught animals, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- **Chile has some very general provisions requiring that facilities using animals for shows and exhibitions do not mistreat animals or contribute to the deterioration of their health (article 5). This provision is too vague since there are no further detailed guidelines establishing what are the welfare needs specific to each species. Therefore, the Government of Chile is strongly encouraged to issue secondary legislation relating more specifically to the care and conditions for keeping animals used for draught and recreational purposes, in order to complement the general provisions of Law 20380.**
- **Article 16 of Law 20380 provides exemptions to animal protection provisions to sports using**

²⁶ http://www.ad-international.org/animals_in_entertainment/go.php?id=733

animals, including practices impeding on the welfare of animals, such as rodeos.

- The Government of Chile is thus encouraged to ban any activities involving the use of animals for sport or for entertainment where such use may involve suffering or adversely affect the animals’ welfare, such as rodeos and circuses.
 - The Government is strongly encouraged to enact a ban on the use of all animals in circuses. A first step would be achieved by outlawing the use of wild animals in circuses, following the examples set by numerous countries doing so, such as Bolivia.
 - At minimum, the Government of Chile is encouraged to repeal Article 16, so that sports using animals for entertainment are subject to the same anti-cruelty provision that any other use of animals.
- The Government of Chile is strongly encouraged to engage with NGOs to promote the welfare of animals used for draught and recreational purposes.

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

Analysis of the legislation	
Ranking	C
<p>Title IV, Articles 6-10, of Law 20380 refer to the use of animals for scientific research and educational purposes. Article 6 authorises live experiments on animals to be performed for a wide range of purposes, including the general objective to ‘study and know their behaviours’. Article 7 establishes that experiments on live animals may only be carried out by qualified personnel, who will avoid animals’ suffering as much as possible. ‘Qualified personnel’ is defined as someone who has studied the ‘veterinary, medical or related sciences’. Surgical interventions which require anaesthesia should be practiced by a veterinarian, in facilities suitable for the respective species of animals. Article 8 creates a permanent Animal Bioethics Committee, in charge of drawing up guidelines under which experiments on live animals may be carried out.</p> <p>The composition of this Animal Bioethics Committee is laid out in Article 9: it consists of two academics, two scientists, an investigator, a representative from the Association of Veterinary Medicine and a representative of institutions for the protection of animals with national importance.</p> <p>Article 10 forbids experiments to be carried out on live animals at the basic and middle levels of education. Live animal experiments are allowed in agricultural or high schools, only when they are deemed ‘indispensable and cannot be replaced by accumulated experience or alternative methods of learning’ by the principal of the school or the dean of the respective faculty.</p> <p>Article 5 also applies to animals used in scientific research, since it lays out that ‘establishments destined to the research and teaching about animals’ must have adequate facilities to the respective</p>	



species and categories of animals to avoid mistreatment and the deterioration of their health. Article 5 is essentially reiterated in the fourth paragraph of Article 7.

In 2013, Resolution No. 1911²⁷ created the Institutional Committee for the Care and Use of Laboratory Animals, as requested by the OIE since its 78th General Assembly which took place in 2010.²⁸

The use of animal testing for cosmetic products and their ingredients does not appear to be restricted in legislation.

Analysis

Law 20380 recognises that animals used in scientific research require legislative protection. Article 6 is damaging for animal welfare since it allows live animal experiments to be performed for virtually any reason, and the article does not prescribe the use of any anaesthetics. Article 10 limits the scope of application of live animal experiments since these can only be performed in agricultural or high schools, if no other methods have been deemed adequate. As such, Article 10 incorporates one of the Three Rs Principles - replacement. However, the two other Principles of refinement and reduction do not appear in legislation.

The Animal Bioethics Committee is entrusted to produce guidelines on the use of animals in research, and it is positive that such Committee includes representatives from animal welfare organisations. However, no publicly available evidence of such guidelines has been found.

In May 2018, a research conducted by Cadem Consultancy, and commissioned by the animal protection organisations Te Protejo and Humane Society International, found that 86% of Chileans are in favour of a national ban on animal testing for cosmetics.²⁹ Seeing the wide public support for a ban on testing for cosmetics, there may be industry pressures that represent barriers to enacting such a ban.

Enforcement mechanisms

Article 14 of Law 20380 provides enforcement mechanism in case of violations of Article 10 of that same legislation, which forbids experiments to be carried out on live animals at the basic and middle levels of education. Article 14 states that violations will be sanctioned by the corresponding Regional Ministry of Education. The sanction may be claimed within a period of five business days.

Key recommendations

- **Chile has limited legislation addressing the welfare of animals used for scientific research, since provisions in Law 20380 focus on live experiments. The Government of Chile is urged to mandate the use of anaesthetics for such live animal experiments.**

²⁷ <http://www.fao.org/faolex/results/details/en/c/LEXFAOC123117>

²⁸ <https://peh-med.biomedcentral.com/articles/10.1186/s13010016-0035-3>

²⁹ <https://www.consultancy.lat/news/218/chileans-oppose-animal-testing-for-cosmetics>

- It is positive that Chile has created an Animal Bioethics Committee, in charge of drawing up guidelines for research carried out using animals. However, the guidelines do not seem to be publicly available. As such, the government is strongly encouraged to publish such guidelines and to clarify their legal status, ensuring the guidelines are legally binding.
- Moreover, the Animal Bioethics Committee is encouraged to promote the Three Rs principles as recommended by the OIE – replace, reduce and refine the use of animals in scientific experiments. As of now, only the principle of replacement features in Article 10 of Law 20380, with a focus on live animal experiments.
- The Government of Chile is urged to enact a ban on animal testing for cosmetics and their ingredients. By enacting such a ban, Chile would follow the examples set out by 37 countries around the world (including the European Union) which has already forbidden animal testing for cosmetic products.
- Chile is encouraged to continue engaging with animal welfare organisations in order to promote alternatives to animal experiments.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	D
<p>Title III, Article 3 of Law 20380 of 2009 provides that freedom of movement of wild animals should not be unnecessarily restricted, especially if it would cause pain or alter normal behaviour.</p> <p>Article 13A of Law 18892 of 1989,³⁰ the General Law of Fisheries and Aquaculture, provides that the Secretariat of the Fisheries and Aquaculture is responsible for establishing rescue procedures for animals in imminent danger of physical harm or death, unable to survive in their environment (as a result of human activities, pollution or adverse environmental factors).</p> <p>Article 13B of Law 18892 of 1989 provides that rehabilitation activities must respect the biological characteristics and behaviour of different species, and Article 13B requires a permit in order to hold in captivity, research and rehabilitate cetacean species.</p>	

³⁰ <http://extwprlegs1.fao.org/docs/pdf/chi1227.pdf>



Article 2 of Law 20293 (OJ 25/10/2008), Amendment to the General Law of Fisheries and Aquaculture in Protection of Cetaceans, prohibits the killing, hunting, capture, and other activities involved cetaceans.³¹

In 1996, Law 19473 replaced Law 4601 on Hunting.³² The provisions of Law 19473 apply to the hunting, capture, breeding, conservation and sustainable use of wildlife animals, except for species and hydrobiological resources whose preservation is governed by Law No. 18,892, General Fisheries and Aquaculture. Law 19473 prohibits in the national territory the hunting or capture of specimens of the wild fauna listed as endangered species, vulnerable, rare and scarcely known, or species beneficial for maintenance of the balance of natural ecosystems or that have low population densities (Article 3). Hunting can only be done after obtaining a hunting permit (Article 8). Hunting grounds are the grounds specially designed to practice large and small game hunting of animals, and to establish one will require the prior realisation of a declaration or environmental impact study, in accordance with the procedure provided for in Law No. 19.300, of 1994 (Article 10). Article 18 states that hunting and breeding grounds, as well as reproduction, rehabilitation and exhibition centres must comply with minimum space requirements 'to provide each animal species with a habitat according to their physiological needs, safeguarding their health and well-being'. Article 26 states that the Regulations implementing this law shall specify the conditions of transport of animals captured, in order to protect their health and well-being, as well as the permitted and prohibited hunting methods, which 'must avoid unnecessary suffering'. Hunting controls are done by the Carabineros, the Chilean national police.

This legislation is implemented by the 1998 Decree No. 5.³³ Title IV of the Decree specifies which method may be used for hunting. Article 25 prohibits using poison, except for species considered pests such as rats and mice.

In 2015, the law on hunting was amended to allow licensed gun holders to hunt feral dogs in rural areas.³⁴

In 2016, Law 20962 implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora was enacted.³⁵

Other than a national policy on the conservation of threatened species³⁶, which has been in place since 2005, and earlier conservation measures to protect wildlife³⁷, there does not appear to be evidence of a general wildlife protection law. Since this Index was first published, Chile has published a National Biodiversity Strategy for the period from 2017 to 2030, whose goal is to make significant

³¹ <https://www.rufford.org/files/Press%20Release%20-%20Campaign%20Chile%202008%20A%20Whale%20Sanctuary.pdf>

³² <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC009328>

³³ <https://www.ecolex.org/details/legislation/decreto-no-5-reglamento-de-la-ley-de-caza-lex-faoc021665/?>

³⁴ <http://stream.aljazeera.com/story/2015020512430024542>

³⁵ <https://www.ecolex.org/details/legislation/ley-no-20962-aplica-convencion-sobre-el-comercio-internacional-de-especies-amenazadas-de-flora-y-fauna-silvestre-lex-faoc160690/?>

³⁶ <http://www.cbd.int/countries/profile/default.shtml?country=cl>

³⁷ <http://www.sciencedirect.com/science/article/pii/S0006320796001504>



progress in the sustainable use of national biodiversity, contributing to the maintenance of its ecosystem services.³⁸ Article 13F specifies that aquaculture rules must protect animal welfare and avoid unnecessary suffering. However, the focus of this Strategy lies in conserving populations of species and their ecosystems, rather than focusing on the welfare of individuals.

Analysis

It is positive that Article 3 of Law 20380 considers the welfare of wild animals, by mandating that their freedom of movement should not be unnecessarily restricted. This piece of legislation departs from other conservation measures, such as the National Biodiversity Strategy, which does not consider extensively the welfare of individual animals.

Article 2 of Law 20293, which effectively prohibits whaling, is helpful to mainstream welfare concerns for other species since it extends to all other cetacean species.

Law 19473 on Hunting establishes a mandatory hunting permit, which suggests some form of control on hunting. However, the focus of this legislation is on the conservation of species populations, rather than on the welfare of individuals. Only Articles 18 and 26 mention animal welfare. In Decree No. 5, which implements Law 19473, hunting methods are specified. Poisoning is only allowed for species considered 'pests.' There is no prohibition on the other cruellest forms of hunting (e.g. trapping, dog hunting, baiting etc.).

The Government is taking measures to protect biodiversity although there are resource and enforcement challenges.³⁹ The Chilean government seems willing to invest resources to better protect wild animals, since former president Bachelet announced in January 2018 an expansion by 38,5% of the country's national parks, reaching 10 million acres.⁴⁰

With regards to marine life, former president Bachelet announced in 2008 that the entire coastline of Chile would be converted into a whale sanctuary, and that whales would be regarded as national monuments.⁴¹ This reflects a strong political commitment to improving the protection of wild animals. Chile's recent decision in August 2018 to ban the use of plastic bags can also be seen as an effort to improve the welfare of marine animals, who suffer from the pollution of microplastics.⁴²

Enforcement mechanisms

The general criminal enforcement mechanisms contained in Law 20380 refer to abuse and mistreatment of animals, and there are no relevant tools to enforce the principles relevant to the restriction of movement of wild animals.

Article 135 of Law 18892 provides that any person who kills, hunts or captures any cetacean species shall be liable to imprisonment 'in its minimum degree' and seizure without prejudice. Any person who

³⁸ <http://extwprlegs1.fao.org/docs/pdf/chi176425.pdf>

³⁹ <http://www.worldwildlife.org/places/southern-chile>

⁴⁰ <https://news.nationalgeographic.com/2018/01/chile-new-national-parks-10-million-acres-environment/>

⁴¹ https://www.rufford.org/rsg/updates/b%C3%A1rbara_galletti_and_venazzani_mu%C3%B1oz/1785

⁴² <https://www.firstpost.com/tech/science/chile-becomes-first-south-american-country-to-ban-commercial-use-of-plastic-bags-4895191.html>

possesses, transports, unloads or markets these species shall be liable to confiscation and imprisonment 'in its medium degree.'

Key recommendations

- It is commendable that Article 3 of Law 20380 pays attention to wild animal welfare, however, other conservation policies focus on populations' dynamics rather than on individual welfare.
- The Government of Chile is encouraged to ban any form of hunting that does not directly support subsistence i.e. 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 encouraged to forbid the use of the cruellest hunting methods. At present, there are no provisions detailing what hunting methods can be used. This suggests that cruel forms of hunting, such as trapping, baiting and dog hunting, are allowed.
- By contrast to the lack of legislation with regards to land animals, there are more legislative provisions concerning marine animals. Article 2 of Law 20293 should serve as an example for other countries to ban the killing, hunting and capture of cetaceans.

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
<p>Article 2 of Law 20380 provides that relevant authorities will educate and promote measures to protect animals. The relevant authority is not specified, but the legislation is linked to the Secretariat of Public Health of the Ministry of Health in the country.</p> <p>Article 13 of this law states that the Agriculture and Livestock Service shall be responsible for ensuring the adequacy of facilities that house or utilise animals; and for making sure that animals do not suffer from mistreatment.</p> <p>Article 8 establishes an Animal Bioethics Committee to produce guidelines for the ethical use of animals in scientific research. The committee functions independently to propose and evaluate policies relating to animals of this category.</p>	



Since this Index was first published, Law 21020 on the Responsible Tenure of Pets was enacted in 2017. Article 3 mandates that the Ministries of Interior and Public Security, health and Education, with the collaboration of their respective municipalities, promote responsible ownership of pets 'in order to ensure their welfare and the health of people and the environment.'

Analysis

In July 2014, former president Bachelet referred to animal welfare with respect to dogs in her state-of-the-union speech, demonstrating high level government interest in the issue.⁴³ Additionally, Chile's trade agreement with the European Union contains specific references to animal welfare.⁴⁴ However, since current president Sebastian Pinera got elected in 2017, the president does not appear to have taken a strong stance towards improving animal welfare. However, articles related to animal welfare feature on the Ministry of Health's website, which suggests that this is an area of work for the current government.⁴⁵

Inspections of slaughterhouses were transferred in 2002 from the Ministry of Health to the Agriculture and Livestock Service (Servicio Agrícola y Ganadero, SAG), under the Ministry of Agriculture.⁴⁶ SAG is also in charge of monitoring the implementation of Law 20380⁴⁷, and it has created a Sub-Department of Animal Welfare in order to do so.⁴⁸ It is positive that the SAG provides information about animal welfare on its website.⁴⁹ However, SAG's activities focus on farm animals. By comparison, the Animal Bioethics Committee focuses on the use of animals for research; and the Ministry of Health is in charge of promoting responsible ownership of companion animals. As such, there is no coordinated action for animal welfare for all species. There is no animal welfare body addressing welfare issues for all species at the national level.

Enforcement mechanisms

The responsibilities of some relevant government departments are mandated by legislation.

Key recommendations

- The Government of Chile has assigned responsibility at government level to specific areas of animal welfare. Law 20380 attributes some degree of responsibility to the Ministry of Health, to ensure that education promotes responsible pet ownership, and to the Agriculture and Livestock Service (SAG) to ensure that animals are housed in adequate facilities. The Animal Bioethics Committee focuses on animals used for scientific research. However, not all animal welfare issues are covered by the above-mentioned entities.
- As such, the Government of Chile is encouraged to create a multi-stakeholder committee in

⁴³ <http://www.economist.com/news/americas/21603436-state-orders-sterilisation-stray-mutts-spay-you-go>

⁴⁴ http://trade.ec.europa.eu/doclib/docs/2013/december/tradoc_151962.pdf

⁴⁵ <https://www.minsal.cl/presidenta-promulga-ley-de-tenencia-responsable-de-mascotas/?s=animales>

⁴⁶ http://www.oie.int/fileadmin/Home/eng/Support_to_OIE_Members/pdf/FinalReportChile.pdf

⁴⁷ https://www.pig333.com/latest_swine_news/chile-%E2%80%93-slaughterhouse-inspections-transferred-to-sag_471/

⁴⁸ http://www.oie.int/fileadmin/Home/eng/Support_to_OIE_Members/pdf/FinalReportChile.pdf

⁴⁹ <http://www.sag.cl>



order to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the overall Chilean policies and strategies on animal welfare, in line with international standards. This committee should include representatives from animal welfare organisations.

Goal 4: Support for international animal welfare standards

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

Analysis of the legislation	
Ranking	E
<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.⁵⁰</p> <p>Several of the OIE's guiding principles for animal welfare are covered in Chilean legislation. Animal transport, slaughter, stray population control and the use of animals in scientific research are covered by various provisions in Law 20380 (Articles 2-11). The Agriculture and Livestock Service (SAG) highlights on its website that the regulations surrounding animal transport⁵¹ and animal slaughter⁵² model the OIE's Terrestrial Animal Health Code.</p> <p>However, since Chile has no regulation surrounding animals used for draught, the OIE standards on working equids are not reflected in Chilean legislation.</p> <p><u>Analysis</u></p> <p><i>There are references to OIE standards in legislation. For instance, Decree 28 regulating the protection of animals who provide meat, skins, feathers and other products refers to the OIE as the organisation has defined 'an important link between animal health and animal welfare'. The Agriculture and Livestock Service (SAG) also refers to the OIE standards as the model to follow. For instance, the SAG highlights on its website that it follows the slaughter regulations of the OIE, outlined in Chapter 7.5 of the Terrestrial Animal Health Code.⁵³</i></p> <p><i>Issues covered by existing legislation are in accordance with several the standards and the guiding principles of the OIE. Inclusion of further OIE standards, among which the concepts of the Three Rs and the full development of the Five Freedoms concept, would be helpful to improve existing legislation. Furthermore, Chile would benefit from enacting legislation on animals used for draught,</i></p>	

⁵⁰ <http://www.oie.int/infographic/StandardsAW/index.html>

⁵¹ <http://www.sag.cl>

⁵² <http://www.sag.cl>

⁵³ <http://www.sag.cl>

especially equids, to abide by OIE standards.

Enforcement mechanisms

Mechanisms of enforcement that appear in Law 20380 are applicable to those of the OIE's standards which appear in that law.

Key recommendations

- At present, OIE standards are partially implemented in Chile's legislation. In particular, working equids are not covered by Chilean animal protection legislation. Therefore, the Government of Chile is strongly encouraged to enact mandatory guidelines for these species, in accordance with the OIE's Terrestrial Animal Health Code.
- Furthermore, the Government of Chile is strongly encouraged to promote a more thorough application of the Three Rs principles, notably through the work of the Animal Bioethics Committee.
- It is positive that the Agriculture and Livestock Service (SAG) uses the OIE standards as examples of legislation to follow. The Government of Chile is encouraged to continue engaging with the OIE to stay up-to-date with its animal welfare standards and to continuously incorporate such standards in the country's legislation.

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

Analysis of the legislation

The Government of Chile has given full official support in principle to the Universal Declaration on Animal Welfare since 2010 through a declaration of support from the Ministry of Foreign Affairs.

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

The UDAW is currently the only proposed international instrument creating a commitment for countries to acknowledge and respect animal sentience and to work towards ending cruelty and protecting the needs of animals. The government has expressed full formal support in principle for the declaration, thus helping to incorporate animal welfare into policy discussions.



Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- **The Government of Chile has pledged full government support in principle to UDAW. As such, Chile is an example for other countries to follow to champion UDAW at the national and international levels.**

Last edited: 9 November 2019

Publication: March 2020