



Animal Protection Index (API) 2020

People's Republic of China: ranking E

Executive summary

Since the API was first published, it is very positive that China has announced a ban on the domestic ivory trade in 2015, which was implemented in 2017. The Law on the Protection of Wildlife has also been amended in 2017. The law further separates captive breeding from natural conservation and slightly tightened regulation on wildlife use. It is encouraging that the Chinese Veterinary Medical Association, under instruction by the Ministry of Agriculture, has drafted General Principles of Animal Welfare. These will be non-binding guidelines on the welfare of various categories of animals, including farm animals, and will include issues such as infrastructure, feeding environment and health. In 2017, these Guidelines were approved by the National Animal Husbandry Standardisation Technical Committee and are now under review by the Ministry of Agriculture. Furthermore, it is positive that humane slaughter is now legally required for pigs and, in the Shandong province, for poultry. Progress has also been made in regulations focusing on companion animals. The Nation's Rabies Prevention Control Plan (2017-2020) lays out specific requirements for vaccinations, monitoring, epidemic surveys and education against rabies. At the municipal level, cities also enacted companion animal regulations mandating vaccination and microchipping of dogs. In addition, the fact that China has ended animal testing requirements on post-market cosmetics is a step forward eliminating the practice of animal testing on cosmetics. China has already stopped animal testing for domestically produced cosmetics. Legislation relating to animals used in experiments is very progressive by comparison to other categories of animals, since it requires that those involved in laboratory animal work must love and protect animals and shall not disrespect or abuse animals. In early 2020, to combat the spread of Covid-19, the Chinese Government introduced a full ban on the trade of wildlife. Later in addition, the legislation body made a decision (equivalent to a law) to complete ban the hunting, trade, captive-bred and transport of terrestrial wild animals for consumption as well as the eating of captive-bred wild animals. Illegal wildlife trade enforcement and punishment are also escalated to the highest level. Wild animals used for other purposes such as scientific research, medicine and exhibition are required to go under strengthened inspection and quarantine to regulate the trade. Further wildlife trade regulation will be launched and enforced strictly by the State Council and related departments.

The main relevant legislations for animal welfare in China are the Animal Husbandry Law of the People's Republic of China (amended in 2015), which is only applicable to livestock and poultry production standardisation, and the Law of the People's Republic of China on the Protection of Wildlife which focuses on conserving endangered wildlife species. An overall piece of legislation solely focused on animal welfare protection is still missing. The Husbandry Law contains minimal welfare requirements, mandating that livestock and poultry farms provide suitable conditions for the breeding, survival and growth of the animals. Animal cruelty is not banned by a stand-alone law; rather, animals receive limited protection in terms of being considered a food source, through penalties related to property damage or food poisoning. Moreover, the Wildlife Protection Law allows for the commercial



breeding of endangered wildlife, through a permit system. Since the Law focuses on species protection, individual wild animals under state protection may still be consumed and traded for several legally permitted purposes. Many categories of animals in China still lack legal protection, such as stray animals, draught animals and those used for recreational purposes. Furthermore, it is still compulsory for some imported products to be tested on animals before being given licences for sale in China.

Animal welfare is not formally part of the remit of any Ministry in China. However, the Ministry of Agriculture, the National Forestry and Grasslands Administration and the Ministry for Housing and Urban-Rural Development have produced guidelines referring to animal welfare. Assigning responsibility and accountability for animal welfare to a Ministry, and to a dedicated animal welfare unit, would be an essential improvement in the governance scheme of animal welfare.

The Government of China is strongly encouraged to enact the General Principles of Animal Welfare. Moreover, building upon the example of legislation for animals used in research, the Government of China is encouraged to enact a stand-alone animal welfare legislation, recognising animal sentience and laying out detailed welfare requirements for various species of animals, in line with the OIE international standards. The Government is also encouraged to remove the permit system allowing the captive breeding, commercial trade and consumption of wildlife or wildlife-derived products. Further legal and policy recommendations are associated with each indicator and contained in the relevant sections of this report. 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 the prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>Animal sentience is not formally recognised in Chinese legislation. The main piece of legislation for animals is the Animal Husbandry Law of the People’s Republic of China (amended in 2015)¹, yet is only applicable to livestock and poultry. This law focuses on protection of genetic resources rather than individual animals; hence no aspect of sentience is recognised in this piece of legislation.</p> <p>Management Regulations of Practicing Veterinarians (2008), produced under the Law of the People's Republic of China on Animal Epidemic Prevention (Article 1) provides that practicing veterinarians shall love and protect animals and promote knowledge about animal health and animal welfare (Article 26). These Regulations form the first law giving some level of general protection to all animals.</p> <p>The Law of the People's Republic of China on the Protection of Wildlife² provides guidelines for wildlife protection, encourages public education and scientific research, promotes a sustainable and harmonious relationship between human and wildlife, regulates any forms of utilisation of wildlife. The law was amended in 2018 and made some progress in wildlife protection, notably through:</p> <ul style="list-style-type: none"> - Categorising captive breeding as unnatural behaviour based on the rationale that wildlife cannot be tamed (since genetic adaptation is required). - Tightening regulations on wildlife utilisation and removing commercial benefits from legal exceptions to the ban. - Encouraging public and other entities to donate, support and volunteer to actively engage in wildlife protection. - Encouraging the media to fulfil supervision on law violations and wildlife protection public education.³ <p>Article 9 in the Interim Rules on Administration of Domestication, Breeding and Utilisation Technology of Fur-producing Wild Animals (2005) and Articles 2 to 4 in Suggestions on Further Strengthening the Zoo Management (2010) refer to the humane treatment of animals and to or measures to ensure that the animals in question do not suffer, thus recognising an element of sentience.</p> <p>In relation to animals in zoos, Articles 2 to 4 in Suggestions on Further Strengthening the Zoo Management state requirements to avoid terrifying or infuriating animals, thus recognising elements of sentience beyond physical suffering.</p>	

¹ http://english.court.gov.cn/2016-04/15/content_24567977.htm

² <http://extwprlegs1.fao.org/docs/pdf/chn173552.pdf>

³ http://www.hubei.gov.cn/zwgk/zcsd/201612/t20161216_928707.html



Article 29 of Regulations for the Administration of Laboratorial Animals (Command No. 2, State Scientific and Technological Commission, 1988) requires that those involved in laboratory animal work must love and protect animals and shall not disrespect or abuse animals. Explanatory detail on the Regulations is provided by the Guidance on Kind Treatment of Laboratory Animals by Ministry of Science and Technology of the People's Republic of China (No. 398, State Scientific and Technological Commission, 2006). Article 1 notes that the Guidance is composed in compliance with the Regulations, to improve the quality and level of the management of laboratory animals, to maintain animal welfare, promote harmony between humans and nature, and to meet the needs of scientific research, economic development and opening to the outside world. Article 2 provides that kindness to animals, as mentioned in the Guidance, means to take effective measures to avoid unnecessary harm, hunger, discomfort, fear, torture, disease or pain during the process of rearing and using laboratory animals; to allow animals to perform natural behaviours, to enjoy good management and care, to have a clean and comfortable living environment, and to have sufficient and healthy food and water; and to avoid or reduce pain and suffering. This recognition of the need for animals to perform natural behaviours, as well as reference to negative psychological aspects such as fear, shows a recognition of sentience. However, this applies only to laboratory animals.

Analysis

Although Article 2 in the Guidance on Kind Treatment of Laboratory Animals (2006) only applies to animals used in research, this law has historical significance in showing movement away from a system which takes human rights as the basis for protection of animals. It is positive that Article 2 addresses the scientific evidence in reference to elements of animal sentience, however, it only applies to laboratory animals. Other policy documents and pieces of legislation do not integrate a full recognition of sentience into the system and are limited in scope for the animal species covered.

Overall, some progress has been made in recognising animal sentience. Current animal protection laws demonstrate first steps towards legal protection of animal sentience. Although there is no single law addressing animal protection, animal welfare issues are addressed in several places in lower level legislation. Society in China is increasingly aware of the concept of animal welfare, and legal protection of animals has grown recently, with increasing scope of application to different species and uses of animals. In the history of China, relevant positive influences can be seen, for example, the consideration that man is an integral part of nature (Lao Zi), the Confucian principle of mercy, and the Buddhist principles of protection of life and of reincarnation.

Enforcement mechanisms

There are enforcement mechanisms included in the Suggestions on Further Strengthening the Zoo Management (2010) which include inspection, suspension and critical communications.

There are enforcement mechanisms for abuse of laboratory animals in Guidance on Kind Treatment of Laboratory Animals (2006) which include criticism, notice to rectify, dismissal and licence revocation.

Key recommendations



- Building upon Article 2 of the Guidance on Kind Treatment of Laboratory Animals which refers to elements of animal sentience for animals used in experiments, the Government of China is encouraged to publicly recognise animals as sentient beings and to enshrine animal sentience in the law.

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	G
<p>The first comprehensive animal welfare legislation, the Animal Protection law of the People’s Republic of China, was drafted in September 2009, but was never passed into law or enacted.</p> <p>The main piece of legislation for animals is the Animal Husbandry Law of the People’s Republic of China (amended in 2015), which is only applicable to livestock and poultry. This law focuses on protection of genetic resources, rather than protecting individual animals.</p> <p>Article No. 29 of Regulations for the Administration of Laboratorial Animals (Command No 2, State Scientific and Technological Commission, 1988) requires that those involved in laboratory animal work must love and protect animals and shall not disrespect or abuse animals. Explanatory detail on the Regulations is provided by the Guidance on Kind Treatment of Laboratory Animals by Ministry of Science and Technology of the People’s Republic of China (No.398, State Scientific and Technological Commission, 2006). Article 2 provides that kindness to animals, as mentioned in the Guidance, means to take effective measures to avoid unnecessary harm, hunger, discomfort, fear, torture, disease or pain during the process of rearing and using laboratory animals; to allow animals to perform natural behaviours, to enjoy good management and care, to have a clean and comfortable living environment, and to have sufficient and healthy food and water; and to avoid or reduce pain and suffering. This applies only to laboratory animals.</p> <p>Management Regulations of Practicing Veterinarians (2008), produced under the Law of the People's Republic of China on Animal Epidemic Prevention (Article 1) provides that practicing veterinarians shall love and protect animals and promote knowledge about animal health and animal welfare (Article 26). These Regulations form the first law giving some level of general protection to all animals.</p> <p>An amendment to the Law of the People's Republic of China on the Protection of Wildlife adds that municipal governments are encouraged to promote insurance mechanisms to cover wildlife-human conflicts loss in collaboration with commercial entities. The amendment also calls upon the Central Government to provide subsidies for losses, to further ease local wildlife-human tensions.</p> <p>The Amendments to the Law of the People's Republic of China on the Protection of Wildlife also enlists the following as wildlife protection violations:</p>	

- Offering illegal trade platforms,
- Producing or purchasing wildlife-derived food,
- Advertising for illegal selling, purchasing and using wildlife products and hunting tools
- Illegal wildlife releases.

The Amendments to the Law of the People's Republic of China on the Protection of Wildlife also regulate the confiscation of wildlife-derived products and introduces wildlife-related criminal records into the social credit system, in order to further strengthen the enforcement of the regulation.

In early 2020, the Law of the People's Republic of China on the Protection of Wildlife and other relevant laws were proposed to be amended to strictly prohibit the hunting, trading, captive-bred and transportation of terrestrial wild animals for the purposes of consumption. The amendments also prohibit the consumption of captive-bred wild animals. Illegal wildlife trade enforcement and punishment are also escalated to the highest level.

Analysis

Animal cruelty is not explicitly defined in Chinese legislation. Therefore, there are currently no nationwide laws that prohibit the mistreatment of animals in China. There has been some progress in protecting animals, as demonstrated by the Regulations and Guidance relating to the use of animals in research which mandates that animals must be loved and respected. A compilation of relevant legislation, the Assemble of Current Chinese Animal Protection Laws (An Xiang), includes details on laboratory wildlife, companion animals and farm animals.

The Development Research Centre of the State Council (DRC), the official think-tank and advisory committee for central government authority, published a research on animal welfare legislations.⁴ The article acknowledges that animal welfare is the symbol of social civilisation and strongly suggests animal welfare legislation. It was also published in the China Economic Times; whose target audience is government officials.

However, the lack of a unified system of animal protection legislation presents an obstacle to improvement through the introduction of new protection and enforcement of existing laws.

Furthermore, there might be a favourable political climate to improving animal welfare in China. Yu Kangzhen, the Associate Minister of Agriculture, delivered a keynote speech on World Conference on Farm Animal Welfare in 2017.⁵ He acknowledged animal sentience and linked it to Chinese traditional culture. Yu Kangzhen stated that promoting animal welfare is an essential outcome of economic and social development, which contributes to green agriculture development, food safety and human caring embodiment. He also called on all the stakeholders in the Chinese animal husbandry industry to promote animal welfare, with an overarching plan fitting within the process of China's economic and social development. His plan was as follows:

⁴ <http://www.drc.gov.cn/xscg/20170711/182-473-2893949.htm>

⁵ <https://www.compassioninfoodbusiness.com/media/7431752/speech-given-by-yu-kangzhen-vice-minister-of-the-ministry-of-agriculture-of-china.pdf>



- Firstly, China needs to accelerate the development of animal welfare technical standards and regulations.
- Secondly, China needs to actively explore the approaches for animal welfare legislation. The Government will accelerate the process of animal welfare legislation, when appropriate adding to and amending the relevant provisions of existing laws and regulations, while at the same time facilitating the development of comprehensive new legislation and regulation for the promotion of animal welfare.
- Thirdly, China will take farm animal welfare as an approach to promoting the green and sustainable development of the farming industry
- Fourthly, China will continually enhance international communication and collaboration.

Enforcement mechanisms

There are enforcement mechanisms for abuse of laboratory animals in Guidance on Kind Treatment of Laboratory Animals (2006) which include criticism, notice to rectify, dismissal and licence revocation. However, since animal cruelty is not defined in Chinese legislation, there are no enforcement mechanisms to punish cruel practices.

Key recommendations

- **There is no nation-wide animal protection law in China covering all animal species. The 1988 Regulations for the Administration of Laboratorial Animals and the 2006 Guidance on Kind Treatment of Laboratory Animals provide protection solely to animals used in experiments. Therefore, the Government of China is strongly encouraged to produce legislation that would prohibit cruelty towards all animals.**
- **The Government of China is encouraged to tighten and finally cut wildlife use in other purposes in the long run.**

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	G
The Government has enacted some legislation regarding aspects of farm animal rearing, transport and slaughter, which is based on food safety concerns, but which contains elements relevant to animal welfare protection.	

Rearing

The main piece of legislation for animals is the Animal Husbandry Law of the People's Republic of China (amended in 2015), which is applicable to livestock and poultry. This law focuses on protection of genetic resources, rather than individual animals. Article 38 mandates the training of farmers as to prevent, and treat if necessary, epidemic diseases. Article 39 mandates that livestock and poultry farms use the services of veterinarians. Article 42 requires that all livestock and poultry farms provide suitable conditions for the breeding, survival and growth of the animals farmed. Article 44 provides that workers should prevent and control the spread of epidemic diseases among livestock and poultry.

The Chinese Veterinary Medical Association, under instruction by the Ministry of Agriculture, is drafting General Principles of Animal Welfare. These will be non-binding guidelines on the welfare of various categories of animals, including farm animals, and will include issues such as infrastructure, feeding environment and health. These are the first guidelines regarding animal welfare approved by the Ministry of Agriculture. In 2017, these Guidelines have been approved by the National Animal Husbandry Standardisation Technical Committee.⁶ However, they are still under review by the Ministry of Agriculture.

Rearing - pigs

No legislation has been found specifically relating to the rearing of pigs.

Rearing - broiler chickens

No legislation has been found specifically relating to the rearing of broiler chickens.

Rearing - egg-laying hens

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.

Transport

Article 53 of the Animal Husbandry Law of the People's Republic of China (amended in 2015) requires that transportation of animals must comply with relevant by-laws and regulations and must ensure the safety of livestock and provide necessary space, food and water.

According to the Animal Epidemic Prevention Law of the People's Republic of China (amended in 2015)⁷ and its supplemental documents, long-distance transportation of livestock should be avoided.⁸

⁶ https://www.thepaper.cn/newsDetail_forward_1853162

⁷ <http://extwprlegs1.fao.org/docs/pdf/chn152186.pdf>

⁸ http://www.moa.gov.cn/govpublic/SYJ/201804/t20180402_6139513.htm?keywords



The Shandong Province has also established its own Standards regulating proper handling and transportation of poultry in 2016.⁹ Such standards define the appropriate handling position with two hands and require stunning prior to slaughter.

Slaughter

The Ministry of Agriculture also issued a series of supplementing documents on slaughter, encouraging stunning before slaughter.¹⁰ However, stunning is not required. The 'Notice on guiding the safe production of livestock and poultry slaughtering industry;' primarily aims at improving safety conditions for workers onsite.

The Shandong Province has also launched local poultry humane slaughter standards, the first of its kind in the industry.¹¹

Specifically relating to pigs, Articles 8, 11 and 15 of the Regulations on Administration of Hog Slaughter (2008 Revision) refer to slaughter conditions, operation procedures and techniques, and prohibit injecting pigs with water – a practice used to increase weight before slaughter. Article 13 of the Implementation Methods of Pig Slaughtering Management Regulation (2008) states that slaughterhouses are encouraged to conduct humane slaughter according to relevant national standards. Technique Standards of Pig Slaughtering (GB/T22569-2008) provide further details. Furthermore, in 2018, the Ministry of Agriculture strengthened the requirements for humane slaughter by mandating inspections of pig slaughterhouses, pre-and post-mortem.

Other relevant legislations

The Ministry of Agriculture launched several regulations on veterinary medicine and veterinary daily practice to further regulate and standardise the industry. These guidelines regulate animal medical care and services, ensure animal health and food safety.¹² Firstly, growth-promoting drugs and related feedings production and imports are fully banned. Secondly, the national veterinary medicine registration system is upgraded so as to improve veterinary medicine quality and government management.¹³ Thirdly, veterinary medicine companies are required to implement a stricter quality inspection that involves the full cycle from research and development, clinical trials, GLP/GCP inspection committee.¹⁴ The quality inspection process is further tightened for veterinary diagnosis and clinical products. The prescription standards of veterinary medicines are also regulated to enable a strict regime of inspection and supervision.¹⁵

⁹ <https://finance.sina.com.cn/money/future/agri/2016-08-30/doc-ixvixsh6889375.shtml>

¹⁰ http://www.moa.gov.cn/govpublic/SYJ/201602/t20160203_5007839.htm?keywords=

¹¹ http://epaper.gmw.cn/gmrb/html/2016-10/14/nw.D110000gmrb_20161014_2-16.htm

¹² http://www.moa.gov.cn/govpublic/SYJ/201604/t20160426_5108742.htm?keywords=

¹³ http://www.moa.gov.cn/govpublic/xmsyj/201907/t20190710_6320678.htm?keywords=

¹⁴ http://www.moa.gov.cn/govpublic/SYJ/201807/t20180719_6154348.htm?keywords=

¹⁵ http://www.moa.gov.cn/govpublic/SYJ/201512/t20151216_4954629.htm?keywords=



The Ministry of Agriculture also launched a veterinary medicine list, whereby medicines not included in the list are forbidden to be used, which further regulates the market to avoid drug abuse.¹⁶ A drugs residue supervision regulation was enacted in 2019 to further address antibiotics problems and ensure animal health and food safety.¹⁷

Analysis

With regards to the rearing of farm animals, Article 42 of the Animal Husbandry Law of the People's Republic of China (2015) provides only general requirements for the rearing of livestock and poultry. The Government of China would benefit from more detailed regulations with species-specific standards. Most of the legislation focuses on production safety and animal health, which is only one component of animal welfare.

In the Animal Husbandry Law of the People Republic of China (2015), Article 53 relating to the transport of animals appears slightly more progressive and detailed than the Articles focusing on rearing conditions. In fact, Article 53 mentions that the basic needs of animals must be met during transport.

With regards to slaughter, there is no mandate in legislation to humanely slaughter animals. A recent Notice established by the Ministry of Agriculture presents a small improvement, as although its focus on worker safety, humane slaughter procedures are promoted through onsite practitioners' training and education. It is positive that local legislation, such as in Shandong, mandates humane slaughter standards. At present, as the law relating to humane slaughtering only applies to pigs; it would be beneficial for this to be extended to all farm animals.

It is expected that the General Principles of Animal Welfare, currently under development, should enable improvements for farm animals. The General Principles are aimed at raising the profile of animal welfare within the livestock industry, the impact of which should be felt by farmers, suppliers and consumers alike and should therefore contribute to raising awareness and concern over farm animal welfare in China. As non-compulsory standards, they will be limited in their effect from a legal perspective, and other countries with comparable economic status and farming industries have more extensive compulsory and enforced legislation in reference to animals used in farming. However, there is potential for the General Principles to act as operational guidance on references to animal welfare within legislation, thus improving the implementation and enforcement of relevant laws. At the time of writing, these General Principles have already passed technical review and are now under review by the Ministry of Agriculture.

The Ministry of Agriculture launched an antibiotics reduction pilot farm project. More than 104 farms nationwide were trialling low dose amount of related medicines. It is a high welfare trial launched by the Government and is highly likely to be promoted to a large scale.¹⁸

¹⁶ http://www.moa.gov.cn/govpublic/SYJ/201608/t20160829_5256200.htm?keywords

¹⁷ www.moa.gov.cn/govpublic/SYJ/201904/t20190410_6178507.htm?keywords

¹⁸ http://www.moa.gov.cn/govpublic/xmsyj/201905/t20190530_6315887.htm?keywords=+%E7%9A%84%E9%80%9A%E7%9F%A5



However, it is noted that China has embraced intensive farming with associated practices that are being restricted or banned in many other countries (for example, the European Union).¹⁹

Enforcement mechanisms

There are enforcement mechanisms for the regulations relating to pig slaughter. Article 67 of the Animal Husbandry Law of the People’s Republic of China (amended in 2015) specifies that where livestock and poultry are bred in violation of the provisions of Article 43 of this Law, punishment shall be imposed in accordance with the provisions of relevant laws and administrative regulations. No further details are provided, and no evidence of such regulations has been found.

The General Principles of Animal Welfare, which are still currently under review, would be non-binding, thus without any enforcement mechanisms.

Key recommendations

- **China has limited legislation applicable at the national level with regards to farm animals. A priority would be to enact legally binding provisions requiring the stunning of animals prior to slaughter for all farm animals since, at present, the law relating to humane slaughter only applies to pigs. Humane slaughter requirements apply to poultry at the local level, however only in the Shandong province.**
- **The Government of China is encouraged to fully adopt the General Principles of Animal Welfare, currently under review by the Ministry of Agriculture. Additionally, the Government of China is encouraged to introduce species-specific legislation covering animal welfare in farm animal production systems, since the General Principles will be non-binding.**

4. There are laws that apply to animals in captivity

Analysis of the legislation

Ranking	E
<p><u>Zoos</u></p> <p>Article 26 of the Law of the Protection of Wildlife establishes that captive breeding of wildlife under special state protection ‘shall benefit the protection of the species and scientific research and may not damage wild populations.’ Anyone intending to breed wildlife under special state protection shall ensure that animals ‘have the necessary living space and conditions for the movement, reproduction, hygiene and health of the animal according to its habits and properties; that they are equipped with adequate premises, facilities and technology in line with the purpose, type and scale of the captive</p>	

¹⁹ <http://www.forbes.com/sites/michaeltobias/2012/11/02/animal-rights-in-china/>



breeding operation; that they can satisfy relevant technical standards and disease prevention requirements; and that wild animals are not abused.’

Article 28 establishes a permit system for captive breeding of wildlife under state protection, ‘for which there exists established knowledge and techniques for captive breeding’. Annual quotas will be established by the Department of Wildlife Protection.

Articles 2 to 4 in Suggestions on Further Strengthening the Zoo Management include requirements to avoid terrifying or infuriating the animals. Article 3 requires that, to ensure the welfare and health of animals, zoos must provide suitable feeds of good quality and quantity, and facilities must be suitable for natural behaviour and hygienic needs, with necessary equipment for cold and hot weather. Zoos are required to take necessary measures for disease prevention and treatment and to provide necessary medical care. Animal performances in zoos are prohibited, and zoos are required to avoid frightening or stimulating animals.

The City Zoo Management Regulations,²⁰ launched by the Ministry of Housing and Urban-Rural Development of China, regulate the proper size, layout, sanitary requirements, enrichment levels and medical care requirements of animals kept in zoos. These Regulations also go into details into nutritional needs that suit different animals, and animal food procurement demands. The Regulations also include disease treatment, prevention for onsite veterinaries.

The Ministry of Housing and Urban-Rural Development of China also enacted a Zoo Management Regulations in 2017.²¹ It regulates design principle should promote animal welfare and allow more natural behaviour, and provides animal welfare guidance on the construction and design of animal shelter, hospital, incubation room, food, storage, etc. Animal welfare is also included as one of the basic principles required in the General Rules to these Regulations.

The Chinese Association of Zoological Gardens is the official trade association affiliated with the Ministry of Housing and Urban-Rural Development. It launched the China Zoo Ethics and Animal Welfare Convention, which promotes animal welfare through environment enrichment, safety protection measures and medical care. It also bans any abuse or harmful activities to animals.

The Chinese Veterinary Medical Association, under the Ministry of Agriculture, has begun drafting non-binding guidelines on animal welfare for different categories of animals, including wild animals that have been captured.²² These Guidelines are still under review by the Ministry of Agriculture.

The 2020 amendments to legislation in response to Covid-19 state that wild animals for non-edible use i.e. in zoos should undergo stricter examination and approval than ever. Similarly, the Government at all levels are to increase supervision and inspections of such facilities. However, at the time of writing it is unclear if all zoo animals are to undergo inspection or only newly acquired animals.

[Private keeping of wild animals](#)

²⁰ http://www.mohurd.gov.cn/wjfb/201706/t20170627_232370.html

²¹ <http://www.zhaojianzhu.com/guojiguifan/119149.html>

²² https://www.thepaper.cn/newsDetail_forward_1853162



Article 25 on the Law on the Protection of Wildlife, amended in 2017, presents that the state shall support relevant scientific research institutions in conducting captive breeding of wildlife under special state protection 'for the purpose of the protection of the species.' For other purposes, there exists a permit system, under which anyone can breed protected wildlife, provided they have obtained the approval of the department of wildlife protection under the provincial, regional or municipal government. Anyone intending to breed wildlife under special state protection shall use captive-bred offspring as founder stock, and shall establish a species genealogy, breeding records and records of individual data. Furthermore, it is possible for anyone breeding wildlife to use wild founder stock 'where it is absolutely necessary [...] for the purposes of protecting the species.'

The 2020 amendments to legislation in response to Covid-19 state that keeping wild animals for edible purposes are banned.

Fur farming

In 2016, some regulations for minks, foxes and raccoons used for fur farming were established by the National Forestry and Grassland Administration.²³ These regulations specify that necessary requirements should be met in captive breeding to allow fur animals express natural behaviours. It also regulates transportation requirements, including proper cage size, less than four hours driving time and provision of fresh water supply. The regulation also mandates humane slaughter for fur animals. Industry standards for animal welfare – focusing on feed, housing, health and behaviour – have also been developed by the China Leather Association and the International Fur Association.²⁴

Analysis

There is legislation supporting the welfare of wild animals in captivity in China. Article 26 of the Law of the Protection of Wildlife contains welfare-related provisions, ensuring that basic needs for the survival and reproduction of animals are met. Including welfare-related provisions is new by comparison to the former version of the Act.²⁵ The breeding of wildlife under state protection is justified for benefiting the 'protection of species or scientific research'. However, this phrasing is very vague, and this Article 26 allows for the legal proliferation of commercial breeding of endangered wildlife in China.^{26,27}

It is positive that, in its new Compilation Plan of Chinese Pharmacopoeia 2020, the Pharmacopoeia Commission of China Food and Drug Administration (CFDA) already ruled out controversial, unethical or endangered wildlife-derived drug ingredients.²⁸ In August 2019, the National Medical Insurance and the Human Resource and Social Security Bureau, also removed hawksbill sea turtle, sea horse,

²³ <http://www.forestry.gov.cn/uploadfile/lykj/2016-8/file/2016-8-8-f27f896f973d458b9823bd6de25d9caa.pdf>

²⁴ <http://www.ccn.com.cn/html/shishangshenghuo/shishang/2019/0117/436719.html?1547717335>

²⁵ <http://www.drc.gov.cn/xsyzcfx/20160725/44-2891315.htm>

²⁶ <https://www.chinadialogue.net/article/show/single/en/9849-EIA-China-s-tiger-farms-are-a-threat-to-the-species>

²⁷ <https://www.animalsasia.org/intl/media/news/newsarchive/fivethingsyouneedtoknowaboutbearbile-farming.html>

²⁸ <http://www.chp.org.cn/view/ff8080815e0d584f016146aee506579a?a=WYHBjWY>



coral, and saiga antelope antlers, among other wildlife-derived products, from the list of drugs eligible for reimbursement by government-funded insurance.²⁹

However, overall, Article 26 constitutes legal loophole that allows for the exploration of wild animal 'farms' in the country, which may result in animal suffering and pose a threat to the survival of species.

It is positive that Suggestions on Further Strengthening the Zoo Management contains recommendations and guidelines for zoos in China. The guidance and recommendations within Article 2 (4) recognise animal welfare as a unique issue and address it as such. The Five Freedoms of animals kept in zoos are guaranteed, and it is also positive that performances are forbidden at zoos. However, the scope of this legal instrument is limited, as it only addresses animals in zoos and no other animals held in captivity across the country.

With regards to the private keeping of wild animals, Article 25 of the Law on the Protection of Wildlife allows for the captive breeding of protected wildlife, with a permit system. Furthermore, the provision allowing the use of wild offspring for captive breeding (instead of captive-bred parents) is a dangerous loophole which may allow for the laundering of wild-caught specimens onto commercial breeding activities.

With regards to fur farming, the main piece of legislation for animals, the Animal Husbandry Law of the People's Republic of China (2015), does not address the welfare of animals farmed for fur.

The Ministry of Housing and Urban-Rural Development produced the Suggestions on Further Strengthening the Zoo Management and does not seem to lack resources to implement its guidelines. However, there are social and cultural aspects acting as significant barriers to improving captive animal welfare. Animals in captivity still have a wide range of living conditions in China. There are still many zoos and entertainment facilities with significant animal welfare concerns.

In 2010, the largest NGO involved in the welfare of animals kept at zoos and parks in China, Animals Asia, conducted a report on improving standards for animals in zoos in the country.³⁰ This report recognised some improvements in a selection of larger and wealthier zoos in China, however, these improvements are limited and most zoos still house animals in conditions focussed on ease of view for visitors and without consideration of animals' behaviour requirements. Many animals are still housed in bare concrete conditions.

World Animal Protection has conducted a research showing that the number of Chinese tourists watching elephant shows has reduced by 26% and those riding elephants has dropped by 13%.³¹ More than 15 Chinese tourism companies signed a pledge to end sale of wildlife entertainment tourism. These are positive signs that there is a growing concern for animal welfare in China.

²⁹ <https://www.nationalgeographic.co.uk/animals/2019/08/pangolin-scale-medicines-no-longer-covered-chinese-insurance>

³⁰ http://www.huffingtonpost.com/2010/08/09/chinese-zoos-routinely-be_n_675369.html

³¹ <https://chinesetouristnews.com/chinese-tourists-more-wildlife-friendly-reject-telephant-rides/>



However, in recent years there has been some increase in interest and support for animal protection in the country, which raises hope for improvement.³²

Enforcement mechanisms

There are administrative enforcement mechanisms included in the Suggestions on Further Strengthening the Zoo Management which include inspection, suspension and critical communications.

However, since there is no legislation on animals used for fur farming, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- China has legislation applicable at the national level with regards to zoos. The fact that China bans performances by zoo animals demonstrates that the country pays attention to the welfare of zoo animals. However, the country is urged to ban the cruel practice of live feeding.
- The Government of China is encouraged to ensure regular zoo inspections should be carried out to check on the welfare of zoo animals in response to Covid-19 continue to be enshrined in law. The results of such inspections should be made public.
- The Government of China is strongly encouraged to amend the Law on the Protection of Wildlife to remove the permit system that currently allows for the captive breeding of endangered wildlife. Captive breeding of wild animals should only serve conservation purposes and abide by strict welfare conditions. Efforts should be made to release animals in their natural habitat.
- Additionally, the Government of China is encouraged to promote herbal and synthetic alternatives to bear bile, with the same medicinal properties.
- The Government of China is urged to enact as soon as possible a ban on fur farming for all species. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	F
Care of companion animals	

³² <http://www.forbes.com/sites/michaeltobias/2012/11/02/animal-rights-in-china/>



There are very limited nationwide policies or legislation related to the welfare of companion animals in China. Article 5.5 of the Inspection Regulation of the Place of Origin for Dogs, Cats and Rabbits (2011) requires that carrying vehicles and cages shall take consideration of animal welfare.

Some branches of local government have made regulations addressing elements of welfare of companion dogs. Dog Management Regulations in Shanghai, Beijing, Qingdao and Guangzhou prohibit dog owners abusing or abandoning their dogs. Shanghai enforces responsible dog ownership measures such as registration and walking dogs on leash.³³ Shenzhen, Shanghai, Guangzhou, Xi'an, Qingdao and Wuhan have plans to launch chips for dog registration.³⁴ Article 19 of the Dog Management Measures of Yang County (2012) requires that breeders provide necessary food and living conditions for their dogs

Local government such as Shenzhen launched ban on companion animal consumption in response to the COV-19 breakout. With a full ban on wildlife consumption, strict law regulation of companion animal consumption is expected.

Companion animals have also witnessed improvements in policies. The Nation's Rabies Prevention Control Plan (2017-2020)³⁵ lays out specific requirements for vaccinations, monitoring, epidemic surveys and education against rabies.

Stray animals

No legislation has been found specifically relating to stray animal populations management.

Analysis

There is a lack of general and detailed provisions at national level addressing the welfare of companion animals. Some regulations at local level represent a first step towards protection of this category of animals, as they include a duty of care onto dog owners.

However, the local prohibitions on dog walking are regressive with regards to the welfare of these animals. Given the availability of resources and legislation produced for the protection of companion animals worldwide, the Government is encouraged to take steps to protect all animals in this category by introducing national policy and legislation on this.

There is a lack of legal protection for stray animals in China. However, World Animal Protection China BLGD team signed a memorandum of understanding (MoU) with the Beijing Animal Disease Control Center (BADCC) to work together on rabies elimination and responsible dog ownership (RDO) education in Beijing. As one of the important outcomes from this collaboration, two parties launched the textbook "Dogs, Our Little Friends", which aims to teach pupils from age seven to nine about vaccination against rabies, RDO, and the long history of human-dog relationship. The book was developed by 14 experts from a range of backgrounds, including animal behaviour, children psychology, animal welfare education, disease control, graphic design, and publication.

³³ <http://www.spcsc.sh.cn/n1939/n2440/n3021/u1ai127037.html>

³⁴ http://www.sznews.com/tech/content/2019-06/20/content_22185999.htm

³⁵ https://www.sohu.com/a/147687933_749000



It is positive that the Nation's Rabies Prevention Control Plan puts forth vaccination as the most efficient way to eliminate rabies. Furthermore, initiatives at the municipal level (e.g. microchipping) will hopefully contribute to the better management of dog populations, to avoid having dogs becoming stray.

However, the dog meat trade is present in some parts of China. In recent years, the practice received lot of media attention during the Summer solstice, with the organisation of the annual Yulin Dog Meat Festival.³⁶ The local government of Yulin published a statement in 2014 explaining that the Government does not endorse the event.³⁷ The festival is a commercial activity initiated by a private company. Even though the dog meat trade is not officially supported by the Government, it would be beneficial to ban the practice, since the production and consumption of dog meat involves inherent cruelty in all its phases.

Enforcement mechanisms

There are enforcement mechanisms for the local legislation relating to dog management. However, since there is no legislation on stray animals, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- The Government of China is encouraged to introduce legislation that mandates welfare provisions for companion animals, including providing adequate care, sufficient food, water and shelter. In addition, legislation should prohibit cruelty acts towards companion animals.
- The Government of China 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 China 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 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 China is strongly encouraged to fully ban the dog meat trade, which currently does not fall under any regulations.

³⁶ <https://www.bbc.com/news/world-asia-china-33220235>

³⁷ <https://www.zaobao.com.sg/realtime/china/story20160611-627851>



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

Analysis of the legislation	
Ranking	F
<p><u>Animals used for entertainment</u></p> <p>The use of animals in performances within zoos has been banned under the Suggestions on Further Strengthening the Zoo Management (Article 3). However, this does not extend to stand-alone circuses. In the same vein, the Zoo Management Regulations 2017 clearly require that zoos do not use wild animals in entertainment activities.</p> <p>Article 22 of the Law on the Protection of Wildlife prohibits trade or raising and breeding wildlife which has been designated under special state protection, except where necessary for scientific research, domestication and breeding, exhibition or other special purposes, in which case approval must be obtained from the department of wildlife administration under the State Council or by a unit authorised by that same Department (or, in the case of wildlife designated under second class protection, by the Department of Wildlife Administration under the Government of the relevant province, autonomous region or municipality directly under the Central Government or by a unit authorised by the same department). Article 2 of that Law defines 'raising and breeding' as raising and breeding for purposes such as protection, research, scientific experiments, or exhibition. Therefore, although Article 22 appears to prohibit trade and raising and breeding wild animals for entertainment purposes, Article 2 still leaves a wide array of circumstances possible for animals to be used for entertainment (especially since 'exhibition' may be understood as 'entertainment').</p> <p>Furthermore, park construction management rules includes the termination of animal entertainment shows, as an appraisal standard for environments protection, which further leverages the importance of animal protection.³⁸ The Law on the Protection of Wildlife also bans close interaction with endangered wildlife.³⁹</p> <p>In addition, animal fights, such as dog fights, are regularly organised in China and there is no legislation regulating or forbidding such a practice.⁴⁰ However, the Government enacted a strict ban on gambling, which may contribute to reducing the occurrence of dog fights. Beijing also has had rodeos since 2011, and no animal welfare provisions have been found to regulate the practice.⁴¹</p>	

³⁸ http://www.gov.cn/zwgc/2013-05/10/content_2399643.htm

³⁹ <http://www.forestry.gov.cn/zrbh/1472/content742257.html>

⁴⁰ <https://www.ibtimes.com/dogfighting-china-tradition-that-shard-stop-1000614>

⁴¹ <https://www.telegraph.co.uk/news/worldnews/asia/china/8649862/Chinas-first-rodeo-triggers-protests-at-trash-culture.html>

With regards to horse racing, some industry benchmarks have been set by trade associations, such as the China Horse Industry Association. For racehorses, a medical care centre is required every a few miles, and microchipping and anti-doping measures were mandated by industry code.⁴²

The 2020 amendments to legislation in response to Covid-19 state that wild animals for exhibition purpose should go under stricter inspection and quarantine. Similarly, several of the amendments banned wildlife performances in certain venues. Further trade regulation will be launched and enforced strictly.

Draught animals

No legislation has been found specifically relating to animals used for draught.

Analysis

It is positive that the use of animals for performance at zoos is forbidden by both the Suggestions on Further Strengthening the Zoo Management, as well as the Zoo Management Regulations 2017. However, this ban does not apply to animals used in circuses. Animals are widely used in circuses throughout the country. Animals suffer tremendously in circuses for various reasons; they may not get enough food and water, or they are unable to perform natural behaviours. Training for performances also cause multiple injuries to animals, such as joint damage.⁴³ There are a series of bans from different Ministries prohibiting animal entertainment, however, further enforcement measures and exit roadmaps for circus needs more work.

World Animal Protection has conducted a research showing that the number of Chinese tourists watching elephant shows has reduced by 26% and those riding elephants has dropped by 13%.⁴⁴ Furthermore, over 15 Chinese tourism companies signed a pledge to end sale of wildlife entertainment tourism. Such signs are positive that there is a growing concern for animal welfare in China. There has been some progress, as recent reports suggest that some circuses may have been cancelled due to public boycotts on animal welfare grounds.⁴⁵

In addition to circuses, the number of aquaria has risen from 39 in 2015 to 76 in 2019.⁴⁶ The popularity of shows involving the use of marine mammals is therefore a barrier to improving the welfare of such animals. Animals are either bred in captivity or sourced from the wild, which is detrimental since the latest scientific evidence demonstrates that no marine mammal can thrive in captivity.⁴⁷

The Ministry of Agriculture and Rural Affairs launched an announcement on aquaria and wildlife entertainment. Article 2 requires termination of close contact of wildlife and wildlife entertainment shows.

⁴² sports.sina.com.cn/o/e/2017-05-31/doc-ifyfuvpm6835755.shtml

⁴³ <https://www.chinadialogue.net/article/show/single/en/6673-The-suffering-of-China-s-circus-animals>

⁴⁴ <https://chinesetouristnews.com/chinese-tourists-more-wildlife-friendly-reject-telephant-rides/>

⁴⁵ <http://www.globalanimal.org/2013/10/11/chinese-citizens-cancel-circus-citing-abuse/>

⁴⁶ <https://www.independent.co.uk/news/world/asia/china-dolphins-whales-marine-mammals-aquariums-captive-number-theme-park-report-a8816016.html>

⁴⁷ <https://www.worldanimalprotection.ca/case-against-marine-mammals-captivity#main-content>

Animals fights are by nature cruel. Hence, the Government is encouraged to outright ban these practices, rather than relying on banning gambling which often go along with animal fights.

With regards to horse racing, the current industry standards do not guarantee high welfare standards. Rather, the industry standards are focused on the health of the animals, which is only one component of welfare.

Enforcement mechanisms

There are administrative enforcement mechanisms included in the Suggestions on Further Strengthening the Zoo Management, which include inspection, suspension and critical communications.

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

Key recommendations

- **Building upon the ban on animal performances in zoos included in the Suggestions on Further Strengthening the Zoo Management, the Government of China is strongly encouraged to implement a full ban on the use of all animals in circuses and other public performances.**
- **The Government of China is furthermore encouraged to ban animal fights, as well as horse races.**
- **The Government of China is strongly encouraged to ban the keeping and breeding of marine mammals in captivity, and to end the sourcing of marine mammals from the wild. Captive environments are not suitable for these wild species. Ultimately, the Government of China is urged to phase out the use of marine mammals in captivity.**

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

Analysis of the legislation

Ranking	D
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Article 29 of Regulations for the Administration of Laboratory Animals (Command No. 2, State Scientific and Technological Commission, 1988) requires that those involved in laboratory animal work must love and protect animals and shall not disrespect or abuse animals. Explanatory detail on the Regulations is provided by the Guidance on Kind Treatment of Laboratory Animals by Ministry of Science and Technology of the People’s Republic of China (No. 398, State Scientific and Technological Commission, 2006).

Article 1 notes that the Guidance is composed in compliance with the Regulations, to improve the quality and level of the management of laboratory animals, to maintain animal welfare, promote



harmony between humans and nature, and to meet the needs of scientific research, economic development and opening to the outside world.

Article 2 provides that kindness to animals, as mentioned in the Guidance, means to take effective measures to avoid unnecessary harm, hunger, discomfort, fear, torture, disease or pain during the process of rearing and using laboratory animals; to allow animals to perform natural behaviours, to enjoy good management and care, to have a clean and comfortable living environment, and to have sufficient and healthy food and water; and to avoid or reduce pain and suffering.

Article 5 requires entities which breed or use animals for research to set up a Laboratory Animal Management Committee or a Laboratory Animal Ethics Committee. The Committee's duties include ensuring that the facility and the living environment of animals meets the requirement of kind treatment; ensuring that practitioners receive necessary training; making reasonable animal experiment implementation plans; and coordinating with personnel to reduce the numbers of animals used to levels of reasonable usage. Standards are also in development by the Chinese Veterinary Medical Association, under the instruction of the Ministry of Agriculture, for submission to the National Standards Committee.

The 2020 amendments to legislation in response to Covid-19 state all wildlife for scientific purpose should go under stricter inspection and quarantine. Further trade regulation will be launched and enforced strictly by the State Council and related departments.

In addition, testing on animals for some cosmetic products is still required in China. Namely, foreign imported ordinary cosmetics, and foreign imported and domestically produced 'special use' cosmetics require animal testing, where special use includes deodorants, some hair and skin products.⁴⁸ The measures were enacted on 30 June 2014, for animal testing on products made and sold inside China.⁴⁹

Since the API was first published in 2014, the China Food and Drug Administration (CFDA) has announced a new regulation, which took effect on 1st March 2017. The CFDA has agreed to permit the entry of specific first-import non-special use cosmetics through a simplified filing management process.⁵⁰ As such, products imported into China for the first time must obtain a filing certificate for hair, skin, make-up, fragrance and nail products.

In March 2019, the Gansu Province Medical Products Association announced the end of cosmetic animal testing for all finished imported and domestically produced products.⁵¹

Analysis

The existence of legislation on laboratory animals is a positive step towards disseminating the idea that animals in laboratories should be protected. In addition, the fact that China has ended animal testing requirements on post-market cosmetics is a step forward eliminating the practice and proves that greater attention is being paid to the welfare of animals used for experiments. Despite this, it is

⁴⁸ <https://ethicalelephant.com/understanding-china-animal-testing-laws/>

⁴⁹ http://www.hsi.org/news/press_releases/2014/06/china-implements-rule-change-063014.html

⁵⁰ <https://www.cosmeticsdesign-asia.com/Article/2017/01/23/China-s-new-rules-on-first-import-cosmetics-products>

⁵¹ <https://www.livekindly.co/china-ends-animal-testing-requirements-cosmetics/>



currently still compulsory for some cosmetic products to be tested on animals before being given licenses for sale in China although there has been a recent minor relaxation of this requirement (Circular 10 (2013) of the China Food and Drug Administration).

At present, the legislative situation regarding animal testing is not aligned with international standards regarding the use of animals in research.

This area of animal welfare has had a degree of relatively early legal protection, under the Regulations for the Administration of Laboratory Animals (1988). Some recent progress has been made in this area. For instance, in 2014, China took an important decision promoting animal welfare when the Government announced that animal testing will no longer be required for products made and sold inside China. Such a measure allowed for up to 10,000 animals to be saved each year.⁵² In addition, a 2017 CFDA Regulatory Reform stipulated for the first time a list of products that could be imported into to China without requiring animal testing.

Enforcement mechanisms

The Guidance on Kind Treatment of Laboratory Animals contains enforcement mechanisms including criticism, education and notice to improve for relatively minor offences, and dismissal for more serious offences. Licences may be revoked for instances of repeated abuse caused by inappropriate management.

Key recommendations

- **The Guidance on the Kind Treatment of Laboratory Animals strives to ensure the Five Freedoms of animals used for scientific experiments.**
- **China still mandates animal testing to be conducted for some cosmetic products. However, recent decisions in 2014 and 2017 are positive steps taken towards reducing the number of animals used in experiments, by allowing products made and sold within China, as well as certain non-specific products imported for the first time in the country, to be sold on the Chinese market without having been tested on animals. The Government of China is highly encouraged to build upon such reforms by outlawing the mandatory testing of cosmetic products on animals, thereby aligning with international standards such as the EU's 2013 Cosmetics Regulations.**
- **The Government of China is urged to establish a National Centre of Research which would promote the Three Rs principles as recommended by the OIE – replace, reduce and refine the use of animals in scientific experiments – in addition to the local Ethics Committees, required for each facility using animals for research.**

⁵² http://www.hsi.org/news/press_releases/2014/06/china-implements-rule-change063014.html

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	D
<p>The Law of the People's Republic of China on the Protection of Wildlife⁵³ was adopted in 1988 and amended in 2017 with the purpose of saving and protecting wildlife and environmental resources. Included in the legislation are some issues that can affect the welfare of wild animals, such as the poaching of wild animals, but the legislation is concerned with conservation of endangered species and with the use of wildlife as natural resources for humans, rather than with the welfare of individual animals. Article 13 provides that, for the relevant government Departments governing wildlife uses, wildlife protection and habitat protection should be considered a priority. Full consideration should be given to potential impact onto wildlife and its habitat of any legislative change.</p> <p>With regards to hunting, Article 21 prohibits the hunting, catching or killing of wildlife in area under state protection, except for 'scientific research, population control, epidemic monitoring or other special purposes.' Article 22 mandates that anyone who intends to hunt or fish a species not currently under state protection requires a licence to do so and shall respect the hunting quota assigned. Article 24 prohibits the cruellest forms of hunting, such as hunting with poison, explosives, and the use of traps and snares, among others.</p> <p>Article 27 prohibits the trade and utilisation of wildlife under special state protection, or of wildlife-derived products, except where 'necessary for scientific research, captive breeding, public exhibition or performances, heritage conservation or other special purposes.' In such cases, approval must be obtained from the Department of Wildlife Administration under the State Council or by a unit authorised by that same Department (or in the case of wildlife designated under second class protection, by the Department of Wildlife Administration under the government of the relevant province, autonomous region or municipality directly under the Central Government or by a unit authorised by the same department). This Article used to include 'economic purposes', however, this was removed when the law was amended in 2017 from the list to strengthen wildlife protection.</p> <p>In March 2014, the National People's Congress and the National Committee of the Chinese People's Political Consultative Conference proposed to revise the law relating to the protection of wildlife, producing a framework of suggestions and a set of draft amendments.⁵⁴</p> <p>In April 2014, the Standing Committee of the National People's Congress provided judicial interpretation of Articles 341 and 312 of the Criminal Law of the People's Republic of China, confirming that they prohibit the illegal purchase of state protected wildlife, precious or endangered species and/or their products to be used as food or for other purposes, and thus clearly defining the purchase for food of state protected wildlife as a crime.</p>	

⁵³ <http://www.forestry.gov.cn/main/3949/content-204777.html>

⁵⁴ <http://dongbaowang.org/en/dongbaowang/47>



Since the API was first published in 2014, the Government of China jointly pledged with the United States to ban the domestic trade in ivory in 2015.⁵⁵ This was implemented by the Office of the State Council, which announced on 29th December 2016 that all licensed ivory carving factories and retailers will be phased out between 31st March 2017 and 31st December 2017.⁵⁶

Enacted for the first time in 1999, the Measures of the People's Republic of China for Special Licenses for Exploitation of Aquatic Wild Animals have been revised in 2017.⁵⁷ The Measures prohibit the capture and killing of aquatic wildlife, except in 'special circumstances' (Article 8) such as scientific research, teaching, domestication and breeding, exhibition and donations. Under such special circumstances, a licence must be obtained to capture wildlife. The artificial breeding of the state's key protected aquatic wild animals should be approved by the Fisheries Department of the provincial government, and a licence should also be obtained to breed wildlife (Article 15).

Similarly, the sale or purchase of aquatic wildlife are prohibited, except under those same 'special circumstances.' The application for the special license for aquatic wildlife business must be examined and approved by the competent authorities at the provincial level or above, and a special sign should be obtained and used in accordance with the relevant provisions so as to ensure tractability (Article 22).

In early 2020, the Law of the People's Republic of China on the Protection of Wildlife and other relevant laws were amended to strictly prohibit the hunting, trade, transport and captive-breeding of terrestrial wildlife for the purpose of consumption. Enforcement against and punishment for illegal wildlife trade would be escalated to the highest level. Wild animals used for other purposes such as scientific research, medicine and exhibition are required to go under strengthened inspection and quarantine to regulate the trade. Further trade regulation will be launched and enforced strictly by the State Council and related departments.

Analysis

The conservation of wildlife and endangered species is becoming increasingly recognised by society. However, animal welfare is not specifically referred to in legislation. There are no specific standards, guidelines or recommendations on welfare as the focus is on conservation and resource management.

The Law on the Protection of Wildlife formally authorises the commercialisation and consumption of wildlife or wildlife-derived products, through the exceptions included in Article 26 and 27. These exceptions are wide-ranging. In particular, 'heritage conservation' is a legal loophole which may be interpreted as authorising the commercial trade in bones of wild species, for production of medicinal products. However, it is positive that with the 2017 amendment, the Law on the Protection of Wildlife now includes a prohibition on the advertisements relating to illegal trade of wildlife.

⁵⁵ <https://news.nationalgeographic.com/2015/09/150925-ivory-elephants-us-china-obama-xi-poaching/>

⁵⁶ http://www.gov.cn/zhengce/content/2016-12/30/content_5155017.htm

⁵⁷ <http://extwprlegs1.fao.org/docs/pdf/chn137682.pdf>



The recent ban on the legal ivory trade in China is a significant step to mainstream the welfare of wild elephants, poached and killed for their tusks. Since China is the world's largest consumer of ivory, this ban reflects the government's efforts to value wildlife.

There appears to be governmental appetite to protect certain wild animal species, since the government issued an urgent notice on the protection of giant pandas in 2015.⁵⁸ Moreover, in 2019, the Government announced that traditional medicines containing pangolin scales will no longer be covered by China's state insurance funds.⁵⁹

*With regards to marine wildlife, the Measures of the People's Republic of China for Special Licenses for Exploitation of Aquatic Wild Animals do not seem adequate to ensure the welfare of marine animals. The Ministry of Agriculture published an announcement to strengthen the protection of endangered marine wildlife. Licenses are required for selling, purchasing, breeding or any other use of wildlife. Transportation, delivery and carrying are restricted by an approval of the Fishery Departments, Transportation Departments and other authorities. Marine wildlife tracking and poaching for food and other use are prohibited, and law enforcement is strengthened within different Departments.⁶⁰ Endangered species listed in CITES Appendices and endangered species listed by China are required to comply with relevant convention and regulation in imports and exports.⁶¹ The Ministry of Agriculture specially issued a protection plan (2018-2035)⁶² for Dabry's Sturgeon (*Acipenser dabryanus*), and sea turtle protection plan (2019-2033).⁶³ Notably, by allowing exemptions to the capture, sale and purchase of marine life, China permits the capture of marine animals to supply the entertainment industry.*

Overall, wildlife trafficking remains a critically important issue in the country, with China often being a destination country for wildlife-derived products used in traditional medicine and in food. Such uses represent significant cultural and historic barriers to improvement to animal welfare. In legislation, wildlife is treated as a resource rather than considering the welfare of individuals.

Enforcement mechanisms

There are enforcement mechanisms in the Law of the People's Republic of China on the Protection of Wildlife, which contains extensive provisions to identify the responsible parties for the administration of the legislation. Articles 15 to 30 give responsibility to the central and local governments to administer the legislation. The duty of every citizen to uphold the legislation is referenced in Article 5. Articles 31 to 39 cover the legal responsibilities of central government to enforce the consequences of non-compliance by both public citizens as well as those within government responsible for the act.

⁵⁸ <http://www.forestry.gov.cn/zrbh/1472/content-742257.html>

⁵⁹ http://www.nhsa.gov.cn/art/2019/8/20/art_37_1666.html

⁶⁰ http://www.moa.gov.cn/govpublic/YYJ/201706/t20170629_5730486.htm?keywords

⁶¹ http://www.yyj.moa.gov.cn/bjwj/201904/t20190419_6197463.htm

⁶² http://www.moa.gov.cn/govpublic/CJB/201805/t20180516_6142302.htm?keywords

⁶³ http://www.moa.gov.cn/govpublic/YYJ/201901/t20190109_6166381.htm?keywords



The judicial interpretation by the Standing Committee of the National People’s Congress of the law relating to trade in protected wild animals confirmed that trade in protected animals for food purposes is punishable under the Criminal Law of the People’s Republic of China.

Key recommendations

- The Government of China is recognised for its domestic ban on the ivory trade, which received strong public support. The Government is encouraged to build on this good progress by establishing bans on other wildlife-derived products, in order to prevent wildlife trafficking.
- The Government of China is urged to provide greater protection for marine mammals. The Government is encouraged to remove the exemptions allowing the capture and trade in marine wildlife. Current scientific evidence has shown that marine mammals cannot thrive in captivity,⁶⁴ therefore China is strongly urged to ban the importation of wild caught cetaceans for marine parks.
- The Government of China 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.
- The Government of China is encouraged to strictly regulate and gradually cut-off wildlife used for purposes other than consumption.

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	G
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There is no overall responsibility designated for improving animal welfare in the country in relation to all categories and species of animals. An animal welfare working group was established in 2008 within the Ministry of Agriculture and has been assigned governmental responsibility for farm animal protection and welfare. The China Animal Health and Food Safety Alliance was also founded in

⁶⁴ <https://www.worldanimalprotection.ca/news/thousands-captive-whales-dolphins-and-other-marine-mammals-still-suffering-2019>



2017. This is an alliance that cooperatively joins the Ministry of Agriculture, trade associations and industry leaders. Though animal health is its priority, animal welfare is one of its working areas.

The Ministry for Housing and Urban-Rural Development has produced guidelines specifically referring to animal welfare as a unique issue for zoo management. Within such guidelines, responsibility for animal welfare has not been officially assigned. However, it could be assumed that responsibility lies within the Ministry responsible for zoo development in China.

The general principle of animal welfare was passed by the Husbandry Standardisation Committee, which lies within the Ministry of Agriculture. It is the first animal welfare-themed principle from the Ministry of Agriculture. Although it is a non-binding guideline, it shaped the landscape overall and laid the foundation for further legislation regarding animal welfare.

Analysis

Through setting up the Working Group, animal welfare is identified as an individual issue and treated as such. Additionally, some research programmes in farm animal welfare, such as 'Livestock environment stress response in production and transportation and control technology research' have been funded by the Special Fund of Agricultural Ministry and their achievements have been recognised by the OIE.⁶⁵ However, the lack of supportive legislation specifically addressing animal welfare and protection in China restricts the outcome of work undertaken by the working group.

Additionally, accountability has not been assigned in relation to all categories of animals. There remain significant barriers to improving animal welfare through the working group, primarily related to historical treatment of animals as non-sentient property and the lack of national legislation specifically focused on animal welfare and protection.

The first comprehensive animal welfare legislation, the Animal Protection law of the People's Republic of China, was drafted in September 2009, but has not been enacted into law. China would benefit from assigning clear responsibility and accountability for animal welfare at Ministerial level.

Enforcement mechanisms

There are no enforcement mechanisms in legislation that assign responsibility for animal welfare at the governmental level.

Key recommendations

- **The Government of China is encouraged to continue the allocation of financial and human resources to pursue the work carried out by the animal welfare working group.**
- **The Government of China is strongly encouraged to clearly assign responsibility for animal welfare at the Ministerial level.**
- **The Government of China is urged to regularly liaise with animal welfare organisations to**

⁶⁵ <http://www.oie.int/eng/AW2012/presentations/PTT%20Session%202/2.7%20Lu-Fei.pdf>



improve animal welfare standards.

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.⁶⁶</p> <p>China has joined the OIE in 2007 and is now one of its 182 members.⁶⁷ 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.⁶⁸</p> <p>China's legislation does not incorporate all OIE's standards. There is no standalone animal protection law in China, but animal protection regulations are included in laws of different areas, such as the Law for the Protection of Wildlife, and Pig Slaughtering Regulations. In particular, the current legislation does not address the welfare of working animals, stray animal populations or the rearing of farm animals. Furthermore, legislation does not reach the level of detail set out in the OIE's standards for the transport and slaughter of farm animals. Furthermore, the use of animals in research is restricted in China's legislation, but this does not incorporate the Three Rs Principles as OIE standards recommend.</p> <p>Analysis</p> <p><i>Animal protection awareness and laws exist; however, an overall law considering all types of animals with a sole responsible authority needs to be developed to address the full range of animal species and long-term issues.</i></p> <p><i>China has been a member of the OIE since 2007 and as such has given its support to the OIE's animal welfare standards and guiding principles for animal welfare.</i></p> <p><i>However, it is encouraging to see that the World Congress of Animal Welfare Science was held in Chengdu, Sichuan, in 2019 with the theme of 'Animal Welfare Science and Sustainable Development of Animal Husbandry'.⁶⁹ This conference was held by China Animal Health and Food Safety Alliance,</i></p>	

⁶⁶ <http://www.oie.int/infographic/StandardsAW/index.html>

⁶⁷ <http://www.oie.int/eng/AW2012/presentations/PTT%20Session%202/2.7%20Lu-Fei.pdf>

⁶⁸ <https://www.oie.int/infographic/StandardsAW/index.html>

⁶⁹ http://guoqing.china.com.cn/2019-06/11/content_74876692.htm



whose key board members are affiliated with the Ministry of Agriculture. The conference serves as a platform to communicate and conglomerate different parties to promote animal welfare.

Enforcement mechanisms

There are administrative enforcement mechanisms in relation to those of the OIE's standards that are covered by current legislation.

Key recommendations

- **The Government of China is encouraged to fully incorporate the OIE's standards and principles within its legislation and policy.**

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

Analysis of the legislation

The Government has not pledged in principle support 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

There is no support for the UDAW. Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- **The Government of China is encouraged to pledge, in principle, support for the Universal Declaration on Animal Welfare.**

Last edited: 28 February 2020

Publication: March 2020