



Animal Protection Index (API) 2020

Republic of Korea: ranking D

Executive summary

Since it first introduced the Animal Protection Act (2017), Korea has been proactive in continuing improvements to the law, ensuring that animal welfare is protected in the country. The Act enshrines the Five Freedoms, places a duty of care towards animals on owners, local authorities and the general Korean population. There is a recognition across animal-related legislation that animals feel pain and can suffer, and it is mandated that steps be taken to prevent any unnecessary pain and suffering. Some jurisdictions in the country, for example Seoul, should be commended on their commitment to animal welfare with their local schemes to reduce stray animal populations and to end the trade in dog meat.

While the Animal Protection Act (2017) has continued to improve, its application can still be unclear due to contradicting definitions of animals in other legislation. This is a common theme across animal-related legislation in Korea. For example, the Livestock Products Sanitary Control Act (2016) and the Livestock Industry Act (2017) include different species in their definition of "livestock." Similarly, it is unclear how the protections enshrined in the Animal Protection Act (2017), such as the Five Freedoms, are applied in relation to farm animals. Reports suggest that battery cages are widely used for chickens, and that small cage sizes result in an inability for chickens to achieve several of the Five Freedoms stipulated by law.

The Animal Protection Act (2017) established an animal welfare committee, under the Ministry of Agriculture, which is required to develop and implement a national animal welfare plan every five years. However, legislation for wildlife and marine animals, assigns responsibility for their care to the Ministry of Environment. Similarly, while the Animal Protection Act (2017) mandates treatment for animals in testing, the responsibility for their care is assigned to the Ministry for Food and Drug Safety.

Since 2014 and the previous iteration of the Animal Protection Index, the Government of Korea has made amendments to many pieces of legislation that impact animal welfare. This suggests a strong political will to ensure high animal welfare standards in the country.

The Government of Korea is recommended to align all animal welfare matters under one government ministry with the human and financial resources for research, policy development, public education and enforcement. 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	E
<p>While legislation does not mention sentience explicitly, components of sentience are recognised by the Animal Protection Act of 2011¹ (last amended in 2017). The stated purpose of the Act is to promote the protection of the lives, safety, and welfare of animals and to promote the emotional development of people so as to respect the lives of animals by providing for matters necessary to prevent cruelty to animals and to protect and manage animals appropriately (Article 1). Article 3 states that in raising, caring for and protecting animals, each person shall endeavour to observe stated principles that encompass the Five Freedoms. This therefore includes recognition of animals' capacity for discomfort, pain, fear and distress, and of the importance of ensuring that animals can express normal behaviour.</p> <p>However, the Act does not cover all animals, defining "animals" as vertebrates with developed nervous systems through which they can feel pain. This covers all mammals and birds. Reptiles, amphibians and fish species protected under the Act are prescribed by Presidential Decree therefore this recognition of sentience applies only to this restricted list of species. The Presidential Decree was not found at the time of writing.</p> <p><u>Analysis</u></p> <p><i>While the limited definition of "animal" within Article 2 of the Animal Protection Act excludes some animals, this is an improvement on previous iterations of the Animal Protection Act, as the list of species was expanded to include all mammals and birds in 2013. The Government of Korea regularly reevaluates the Act which suggests further inclusions of all animal species could be possible in future reviews. While sentience is not explicitly recognised, it is recognised that animals suffer both physically and mentally.</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms for breaches of the legal provisions which arise out of the recognition of animal sentience in Article 3 of the Animal Protection Act, including fines and imprisonment with work depending on the offence (Articles 46 and 47).</p>	
Key recommendations	

¹ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=42743&lang=ENG



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

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

Analysis of the legislation	
Ranking	C
<p>The stated purpose of the Animal Protection Act (2017) is to promote the protection of the lives, safety, and welfare of animals and to promote the emotional development of people so as to respect the lives of animals by providing for matters necessary to prevent cruelty to animals and to protect and manage animals appropriately (Article 1).</p> <p>All Korean people should observe the Five Freedoms for animals (Article 3), and the Government is required to establish a national animal welfare plan (formulated every 5 years) under Article 4. Local governments are required to support and implement the animal welfare plan. Similarly, Article 5 established an animal welfare committee within the Ministry of Agriculture, Food and Rural Affairs. Both have responsibility for ensuring the prevention of cruelty to animals. The Committee is required to include veterinarians, animal welfare NGO representation and animal welfare policy experts. However, the current National Animal Welfare Plan was not found at the time of writing.</p> <p>Article 7 of the Animal Protection Act (2017) creates a duty of care, requiring that owners and keepers of animals provide appropriate feed and water and endeavour to ensure that the animal exercises, rests and sleeps adequately.</p> <p>Article 8 establishes prohibited acts of cruelty towards animals and includes protections applicable to different categories of animals from pets, to farm animals, to wildlife. The prohibited acts include: killing animals through hanging or in the presence of other animals of the same species; failing to provide food or water; hurting the body or collecting body fluid from live animals (except when required for experimentation or curing of diseases); abandoning an animal and using animals for gambling purposes including as a prize. While the inflicting of physical pain or injury on animal for the purpose of gambling, advertising, amusement or entertainment is prohibited, such actions during 'folk games' are excluded from the prohibition.</p> <p>The Animal Protection Act (2017) also mandates some anti-cruelty protections during transportation and states that no animal shall be slaughtered in a cruel or revolting manner and shall be free from unnecessary pain, fear or stress in the process. Similarly, anyone working with animals (as defined in</p>	



Article 32) is required to undergo annual education on the protection of animals.

The Wildlife Protection and Management Act² was first promulgated in 2011 and was most recently amended in 2017. While the purpose of the Act is stated as the prevention of the extinction of wildlife, it also includes anti-cruelty provisions for wildlife. However, it is unclear whether wild animals in captive environments such as zoos or circuses are protected under the Act.

Article 8 of the Wildlife Protection and Management Act prohibits killing wild animals by cruel methods such as the use of poison, beating or burning alive; causing pain or inflicting wounds after capturing animals; and collecting or installing any device in the body of wild animals to collect blood, gallbladder, internal organs or parts of the living body of wild animals. Similarly, Article 14 also prohibits use of cruel methods of capture such as snares, traps, pitfalls etc.

Analysis

The Animal Protection Act (2017) provides clear and defined definitions of cruel acts towards animals as well as enshrining the Five Freedoms in law. It also establishes clear responsibilities for protecting animals on animal owners, national and local governments, and the citizens of Korea more generally.

Similarly, the establishment of the animal welfare committee and a national plan for animal welfare suggests a strong political will within Korea to ensure a high level of animal welfare across the country. The inclusion of animal welfare experts in policy, science and NGOs in both, as well as regular amendments to the Animal Protection Act (2017) since its inception in 2011, further suggests a willingness to change and improve animal welfare.

While it is positive to see the inclusion of specific anti-cruelty protections for wild animals (in addition to those provided in the Animal Protection Act (2017)), the Act does not define "wild animal" so it is not clear whether this applies to all wild animals or to a restricted category such as vertebrates, and to birds or fish. Similarly, the Animal Protection Act also excludes some species of fish, amphibians and reptiles; however, it is unclear which species are excluded.

The structure of the legislation creates a barrier to improvement in protecting animals from suffering, as it provides for Presidential Decrees to be made to specify individual species of animals that will be covered by the Animal Protection Act (Article 2).

There are also exemptions to the anti-cruelty provisions in the Animal Protection Act including for traditional games (Article 8(2)(3)) which suggest that there may be some socio-cultural barriers to improving animal welfare.

There are challenges with respect to preventing the suffering of wild animals in captivity. While wild animals are protected under both the Animal Protection Act (2017) and the Wildlife Protection and Management Act (2017), there are limited cruelty provisions included in the latter, nor is it clear if certain categories of wild animals i.e. in circuses or other entertainment facilities are protected. Similarly, the Five Freedoms included in the Animal Protection Act (2017) are not included in the

² https://elaw.klri.re.kr/eng_service/lawView.do?hseq=46346&lang=ENG



Wildlife Protection and Management Act even though it deals with breeding facilities for endangered species.

Enforcement mechanisms

There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act (2017).

Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with work for up to two years or by a fine of up to twenty million won (Article 46). Breach of Article 8(4) (abandonment) is punishable with a fine of up to three million won (Article 47). It is noted that the Act does not contain powers to ban people from owning animals if they have been convicted of cruelty or to impose higher penalties on repeat offenders for some acts, which could act as a stronger deterrent.

Cruelty towards wild animals is also punishable by imprisonment with work for up to three years or a fine of between three and thirty million won under the Wildlife Protection and Management Act (2017).

Key recommendations

- The Government of Korea is encouraged to amend the Animal Protection Act (2017) to ensure all animals are protected under the Act.
- The Government of Korea is encouraged to end animal protection exemptions for 'folk games' to ensure they are also subject to the same anti-cruelty provisions as other animal uses.
- The Government of Korea is encouraged to provide clarity on the inclusion or exclusion of animals in captive environments such as circuses under the Wildlife Protection and Management Act (2017).

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	D
---------	---

Rearing

The Animal Protection Act (2017) applies to this category of animals including the duty of care under



Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals.

Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including the certification of animal welfare livestock farms and policies on animal welfare livestock farming, and Article 4 requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years, to include matters regarding the expansion of animal welfare livestock farming and animal welfare livestock farms.

Under Article 29 of the Act, Korean farms can gain a secondary certificate as an 'animal welfare livestock farm' if they allow animals to live 'an ordinary life while maintaining their natural behaviour.' This certificate also allows these farms access to government funds for improving facilities as well as counselling and education with regards to environmental and animal welfare improvement.

Under the Livestock Products Sanitary Control Act (2010, last amended 2017)³, livestock are defined as cattle, horses, sheep (including goats), swine (including raised wild boars), chickens, ducks and other animals prescribed by Presidential Decree as animals for food. However, a list of other animals prescribed by Presidential Decree was not found at the time of writing.

Under the Livestock Industry Act (2007, last amended in 2017)⁴, livestock, in addition to the list included in the Act above, also includes deer, geese, turkeys, quails, ostriches, pheasants and other animals specified by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. However, the Ordinance was not found at the time of writing.

Farms and related livestock farming businesses are required to obtain a license to operate under the Livestock Industry Act (2017). Similarly, they are required to undergo inspection by relevant government representatives at least once every two years.

Those facilities that operate in a breeding capacity of livestock are required to apply for a farm identification number and to report the birth and death of any cattle or breeding pig under the Cattle and Beef Traceability Act (2013, last amended in 2017)⁵.

The Livestock Industry Act (2017), also establishes a Deliberative Committee for Development of the Livestock Farming Industry, however animal welfare organisations or experts are not required to be members.

Rearing - pigs

No policy or legislation related specifically to the rearing of pigs was found at time of writing. According to the Promotion of Animal Welfare in Commercial Agriculture (2018) report, guidelines

³ https://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=45885&joseq=JO0002000

⁴ https://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=42746&joseq=JO0003000

⁵ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=41225&lang=ENG



for free-range certification for pig farms are under development.⁶ However, no draft or published guideline was found at the time of writing.

Rearing - broiler chickens

No policy or legislation related specifically to the rearing of broiler chickens was found at time of writing. According to the Promotion of Animal Welfare in Commercial Agriculture (2018) report, guidelines for free-range certification for broiler chickens are under development. However, no draft or published guideline was found at the time of writing.

Rearing - egg-laying hens

According to reports⁷ there are minimum standards for space requirements for egg-laying hens; however, these standards were not found at the time of writing.

There is no policy or legislation related specifically to the rearing of egg-laying hens. According to the Promotion of Animal Welfare in Commercial Agriculture (2018) report, guidelines for free-range certification for egg-laying hens are under development. However, no draft or published guideline was found at the time of writing.

Rearing - dairy cattle and calves

No policy or legislation related specifically to the rearing of dairy cattle and calves was found at the time of writing. According to the Promotion of Animal Welfare in Commercial Agriculture (2018) report, guidelines for free-range certification for dairy cattle and calves are under development. However, no draft or published guideline was found at time of writing.

Industrial facilities for the milking of dairy cattle are required to obtain a license to operate under the Livestock Products Sanitary Control Act (2017) and as such are required to undergo inspections.

Transport

Article 9 of the Animal Protection Act (2017) provides that a person specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries shall endeavour to provide animals in transit with adequate food and water and not surprise or injure animals by starting or stopping suddenly. The vehicle must be built to protect animals from injury and minimise suffering caused by rapid change of temperature or difficulty in breathing. Old, young or pregnant animals or those with offspring that are suckling should be segregated or have other necessary measures taken to prevent them being hurt by others, and the Minister of Food, Agriculture, Forestry and Fisheries has powers to establish further guidelines.

Slaughter

⁶https://assets.publishing.service.gov.uk/media/5af97121ed915d0df19690c6/Promotion_of_animal_welfare_in_commercial_agriculture.pdf

⁷ www.koreaherald.com/view.php?ud=20180129000668



Under the Livestock Products Sanitary Control Act (2017), the standards for the slaughter and treatment of farm animals shall be prescribed by Ordinance of the Prime Minister. However, there is no explicit link to the livestock welfare standards mandated under the Animal Welfare Committee. Similarly, animals slaughtered for personal consumption (excluding cattle and horses) or for the direct cooking and sale to consumers (excluding cattle, horses, swine and sheep) are not required to be slaughtered at a licensed facility. Under Article 7 of the Act, slaughter facilities are required to obtain a license to operate. The Livestock Products Sanitary Control Act (2017) also mandates the inspection of such facilities.

In relation to slaughter, Article 10 of the Animal Protection Act (2017) provides that when an animal is killed pursuant to the Livestock Products Sanitary Control Act (2017) or the Act on the Prevention of Contagious Animal Diseases (2017) their suffering shall be minimised by using a method specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as gas stunning or electrical stunning and shall only move onto the next step of slaughter only when they are unconscious. Article 10 of the Animal Protection Act (2017) also stipulates that 'no animal shall be slaughtered in a cruel or revolting manner, and shall be free from unnecessary pain, fear or stress in the process of being slaughtered.'

Under the Act on the Prevention of Contagious Animal Diseases (2002, last amended in 2013)⁸, slaughter of infected livestock or to prevent livestock must be done by a qualified veterinarian and/or through transportation to a slaughterhouse. Article 21 of the Act denotes that methods of culling shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. However, the Ordinance was not found at the time of writing.

Analysis

According to the Animal Protection Act (2017), policies on animal welfare livestock farming are the responsibility of the Animal Welfare Committee. However, no policies relating to animal welfare in livestock farming were found at the time of writing.

While the Animal Protection Act (2017) enshrines the Five Freedoms in law, reports suggest that species specific regulations allow for battery cages for example. Minimum standards space requirements for farmed animals in Korea are above OIE animal welfare standards. However, it is difficult, if not impossible for farmed species to live 'an ordinary life while maintaining their natural behaviour.'

However, the Government has shown political will to improve animal welfare for farmed animals. The Animal Protection Act (2017) introduced financial support for welfare improvements in farming and according to reports are in the process of introducing high-welfare guidelines for farmed species. Article 29 of the Act provides for certification of farms as 'animal welfare livestock farms' if they are managed in a way specified by Ordinance that enables animals to live an ordinary life, while not interfering with their natural behaviour. The Minister for Food, Agriculture, Forestry and Fisheries can then provide support to such farms including the cost of improving facilities for promoting the welfare of animals. The Government has produced animal welfare standards for guidance. It is positive that the government has taken steps towards recognising international trends and has introduced an animal

⁸ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=45922&lang=ENG



welfare certification programme for farms. Similarly, following recent human health scares, the Government of Korea has pledged to move away from its traditional factory farming and battery cage systems.^{9 10}

While businesses that conduct slaughter or milking of farm animals are required to obtain a license to operate, lack of animal welfare or infringement of animal cruelty provisions are not explicitly listed as reason to suspend a license under the Livestock Products Sanitary Control Act (2017) or the Livestock Industry Act (2017). However, licenses may not be issued or may be revoked if a holder is within a year of having served imprisonment for work. Since punishment for animal cruelty can be imprisonment with work, those convicted of animal cruelty may not apply to hold such a license or may have a license revoked because of a conviction.

Further positive changes to the legislation include improvements to regulations for slaughtering animals in the aftermath of disease outbreaks following on from international condemnation after a Foot and Mouth outbreak in 2010-11.¹¹ However, these regulations could not be found at the time of writing.

Enforcement mechanisms

There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act.

Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). There appear to be no enforcement mechanisms for breach of the duty of care under Articles 3 and 6 or for the provisions relating to transport and slaughter under Articles 10 and 11.

Fraud relating to certification as an animal welfare livestock farm is punishable with a fine of up to five million won (Article 46(2)).

Key recommendations

- The Government of Korea is encouraged to ensure the Five Freedoms enshrined in the Animal Protection Act (2017) are included in species specific regulations to ensure the highest animal welfare standards can be achieved for farm animals. Additionally, the Government is encouraged to ensure legislation regarding the transport of animals shall protect their Five Freedoms.
- The Government of Korea is encouraged to continue with plans to move away from factory farming and battery cage systems to high-welfare farming methods.
- Due to the significant animal welfare concerns associated with long-distance transport, the Government of Korea is strongly urged to ban the import and export of live animals over long-

⁹ <https://careanimalrights.org/2017/08/fundamental-changes-to-south-koreas-livestock-industry/>

¹⁰ <http://koreabizwire.com/home-improvements-for-chickens-as-govt-pushes-for-better-factory-farming-standards/108738>

¹¹ <https://www.dailymail.co.uk/news/article-1346775/South-Korea-buries-1-4m-pigs-ALIVE-bid-eradicate-foot-mouth-disease.html>



distances (i.e. over eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.

- The Government of Korea is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.¹² 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.
- The Government is encouraged to explicitly include acts of cruelty towards animals among prohibitions in farm animal specific legislation such as the Livestock Industry Act (2007).
- The Government of Korea is encouraged to **include a standard definition of 'livestock' species** across all related legislation.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	D
<p>The Animal Protection Act (2017) applies to this category of animals including the duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8. However, the species of reptiles, amphibians and fish protected under the Act are prescribed by Presidential Decree. The applicable Decree was not found at the time of writing, so it is unclear how the Act can be applied to reptiles, amphibians and fish in captive environments.</p> <p>Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including matters regarding the welfare of animals and the prevention of cruelty to animals, and Article 4 requires the Government to formulate and implement a comprehensive plan for the welfare of animals once every five years. The Animal Protection Act (2017) also enshrines the Five Freedoms in law for all applicable species.</p>	

¹² [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))

The Wildlife Protection and Management Act (2017) provides some basic legal protection to wild animals kept in captivity. Article 8 prohibits killing wild animals by cruel methods; causing pain or inflicting wounds after capturing animals; and collecting or installing any device in the body of wild animals to collect blood, gallbladder, internal organs or parts of the living body of wild animals. There are no provisions for keeping animals in welfare-positive environments that promote their natural behaviour.

Zoos

Zoos in Korea are governed by the Act on the Management of Zoos and Aquariums (2016). Wildlife governed under this Act is aligned with the definition provided in the Wildlife Protection and Management Act (2017): 'species of animals...that inhabit or grow in nature, such as around mountains, plains or rivers.'

The Act on the Management of Zoos and Aquariums (2016) requires owners to register with the local government who have jurisdiction. This registration includes status of specialised members of staff, lists of species and populations (including both nationally and globally endangered species) and a management plan for disease/zoonoses control, providing adequate habitats for animals, a safety management plan and a plan for managing the animals during a temporary or permanent closure of the zoo. A zoo may lose its registration if any of the requirements including adequate habitats are not satisfied. Zoos are also required to open to the general public for a minimum number of days each year to maintain the registration. Under Article 9 of the Act, it is the responsibility of the local government to ensure operating or working in a zoo has not committed any of the prohibited acts prescribed in the Act on the Management of Zoos and Aquariums (2016).

Under the Act on the Management of Zoos and Aquariums (2016) the owner of such a facility is required to provide appropriate habitats including supplying nutrition and curing diseases for all animals in the collection. Similarly, zoo operators and staff are prohibited from engaging any of the acts of cruelty banned under the Wildlife Protection and Management Act (2017) which includes killing wild animals with cruelty, causing pain or inflicting a wound on the them after capture and caging or inflicting any wound for the purposes of gambling, advertising, entertainment or amusement. The Act on the Management of Zoos and Aquariums (2016) also includes additional anti-cruelty measures including prohibitions on inflicting injuries by tool or drug, beating or inflicting injuries for advertisement or exhibition and withholding food or water from animals or neglecting animals suffering from a disease. However, all anti-cruelty measures have the exception of 'extenuating circumstances.' While there is a mandate for zoo operators and staff to recapture or isolate an escaped animal that could cause harm to humans, there are no humane requirements for methods of doing so.

Local governments can undertake zoo inspections; however, this is not a requirement under the Act on the Management of Zoos and Aquariums (2016). Local government can issue orders for improvement measures within set time frames, including when management of animals within the facility is deemed inappropriate. The operator of a zoo is also able to apply to the local or state government to subsidise the technology and expenses necessary for appropriately conserving and proliferating animal collection or curing of diseases which could have a positive impact on the animal welfare of such animals.



Only 22 Korean zoos were registered with the Korean Association of Zoos and Aquariums. Reports suggest that zoos in Korea prioritise animal shows and experiences, where visitors can purchase food items and feed the animals without supervision.¹³ It was reported in 2019 that revisions to the Act of the Management of Zoos and Aquariums (2016), including restrictions on visitors touching and feeding, had been proposed, however these revisions faced strong opposition from the Korea Animal Cultural Industry Association which is composed of 130 zoos, aquariums and animals cafes. The association was set up in response to proposed revisions to legislation.¹⁴

Private keeping of wild animals

Under the Animal Protection Act (2017), companion animals are classed as dogs, cats and rabbits only; however, there are no restrictions on keeping wild animals as pets beyond prohibitions under the Wildlife Protection and Management Act (2016). The Wildlife Protection and Management Act makes it illegal to capture, collect or keep endangered species except for scientific research or watching/exhibition at any biological resource conservation facility. Certain non-endangered species are fully protected from capture and keeping under the Act; however, the Ordinance from the Ministry of the Environment detailing these species was not found at the time of writing.

Where the importation of wild animals is permitted, the person receiving the animal/s is required to be equipped with 'a proper facility to admit and protect the wildlife.' However, there are no requirements for importers, capturers, exporters or keepers of wild animals to adhere to high standards of animal welfare (beyond anti-cruelty measures). Revocation of permits allowing individuals to participate in the import, capture, export or keeping of wild animals does not include animal welfare violations amongst the list of reasons.

However, reports suggest the keeping of wild animals is popular in Korea from keeping exotic and wild animals as pets to "pet cafes."^{15 16}

The Animal Protection Act (2017) requires animal welfare standards to be maintained in businesses including the sale of animals and production of animals as well as requiring their registration. This is only applicable for businesses relating to animals 'raised for the purpose of companion at home,' but it is unclear if this is applied to the exotic pet trade.

Bear farms also still exist in Korea.¹⁷ There has been no legislation introduced to ensure that bears kept in such facilities are being provided appropriate care in line with the Five Freedoms. However, in 2017, the Korean Government agreed to a mass sterilisation programme of captive bears on farms to ensure this is the last generation to be involved in the bear bile industry in Korea.¹⁸

¹³ <https://www.zoocheck.com/wp-content/uploads/2018/10/Korean-Zoo-Report-Small.pdf>

¹⁴ www.koreaherald.com/view.php?ud=20190508000804

¹⁵ https://www.vice.com/en_us/article/xwxqbn/i-visited-seouls-most-insane-pet-cafes-from-capybaras-to-meerkats

¹⁶ <http://www.koreaherald.com/view.php?ud=20110729000543>

¹⁷ www.bearconservation.org.uk/bear-farms/

¹⁸ <https://www.worldanimalprotection.org.au/news/south-korea-takes-steps-end-cruel-bear-bile-industry-following-our-campaigning-local-partners>



There is no policy or legislation relating specifically to the private keeping of wild animals.

Fur farming

There is no policy or legislation related specifically to fur farming. There are no fur farms in Korea, however, Korea is a large market for imported fur.^{19 20}

Analysis

While the amendments to the Animal Protection Act (2017) since it was first passed in 2011 have continued to provide increased protections for an ever-growing number of animal species, its applicability to wild animals in captivity is limited due to amendments in the Act not being added to other related animal welfare legislation such as the Act on the Management of Zoos and Aquariums (2016); for example, the Five Freedoms.

It is positive that there is a political will continued improvement to animal welfare for animals in captivity, however there are areas of concern such as the popularity of fur in Korea and the recent increase in exotic species being kept privately, both as pets in and animal cafes. Similarly, while the Korean Government has taken steps to end bear bile farming in Korea, there has been no supporting legislation introduced to ban the practice outright nor ban the import of such products once the Korean industry has ended.

The strength of the reaction from many zoos and other animal facilities in reaction to proposed amendments to existing animal welfare legislation suggests that social and cultural attitudes towards animals may present significant barriers to progress regarding development of policy and legislation to promote the welfare of captive animals, and implementation and enforcement of existing legislation.

Enforcement mechanisms

There are powers for officials to carry out inspections under the Act on the Management of Zoos and Aquariums (2016), and any breach of the anti-cruelty provisions shall be punished by a fine of up to five million won.

Contravention of the anti-cruelty provisions in Article 8 of the Wildlife Protection and Management Act is punishable with imprisonment of up to a year or a fine of up to five million won (Article 70).

Key recommendations

- The Animal Protection Act (2017) provides basic animal welfare needs for animals in captivity such as enshrining the Five Freedoms in law. Similarly, the Act on the Management of Zoos and Aquariums (2016) requires plans for appropriate habitat for captive animals for zoo operations. However, the Government of Korea is encouraged to ensure the Five Freedoms are enshrined in law in all legislation relating to animals in captivity. Additionally, the Government is strongly encouraged to produce detailed amendments specifying conditions under which wild animals

¹⁹ <https://careanimalrights.org/2019/01/care-lush-campaign-fur-free-korea/>

²⁰ <https://www.nationalgeographic.com/news/2016/08/wildlife-china-fur-farming-welfare/>

may be kept in captivity including requirements with regards to housing, feeding, handling and husbandry.

- The Government is encouraged to continue with plans to amend the Act on the Management of Zoos and Aquariums (2016) to ensure that animal welfare standards continue to improve in the country.
- The Government of Korea is 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 regularly be inspected, and the results of such inspections should be made public.
- The Government of Korea is urged to clarify the legal definition of companion animals given the exotic pet keeping in the country, and to develop a Positive List of species under this definition, based on clear criteria including animal welfare and other relevant concerns.
- The Government is strongly urged to fully ban fur farming, including the import of such products. 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	D
<p><u>Care of companion animals</u></p> <p>The Animal Protection Act (2017) applies to this category of animals, including the duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8. Under Article 32 of the Act companion animals are defined as dogs, cats and rabbits only.</p> <p>To encourage good animal welfare, both public officials and members of the public can be assigned the role of 'Animal Guardian.' These guardians are responsible for protecting animals and performing administrative duties regarding the protection of animals (public officials) as well as provide guidance and education on the prevention of animal abuse and the protection of animals (members of the public).</p> <p>Korea has an active dog meat trade and is one of a few nations who has industrialised the farming of dog meat.²¹ In 2018, a Korean court declared that killing dogs for meat was illegal and in 2019,</p>	

²¹ <https://www.scmp.com/week-asia/society/article/2185739/dog-meat-once-prized-its-healing-properties-decline-south-korea>



the last dog slaughterhouses in Seoul were closed following a campaign by the city's Mayor.^{22 23}

Under the Animal Protection Act (2017), owners are required to register cats and dogs with local government within 30 days of taking ownership and are required to report their animals as missing to authorities within 10 days of the loss. Similarly, I.D. tags and leashes are required for dogs in public spaces. However, mandatory vaccinations are delegated to the authority of the Mayor or Governor.

Article 32 of the Animal Protection Act (2017) requires those who intend to engage in business including the sale of specified animals such as dogs, cats and rabbits, animal beauty care and production to meet standards prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. However, this Ordinance was not found at the time of writing. Under the Animal Protection Act (2017) businesses relating to companion animals are required to be registered with the local government with the exception of breeders, must undergo annual inspections and operators must receive education on the protection of animals and the prevention of risks to public health every year.

Stray animals

Article 14 of the Animal Protection Act (2017) contains measures for stray and abandoned animals. If a Mayor or Do (province) Governor discovers a stray or abandoned animal, they are required to rescue the animal and take measures to protect it. Animals must be kept for at least seven days, with notice given to the public. Under Article 21, animals can then be sold or donated to a zoo, animal lover or NGO. Local governments are also responsible for the rescue and care of animals in their jurisdiction and as such have the same duty of care towards those animals, i.e. lost or abandoned animals, as animal owners. They are also responsible for building care centres for the care of animals, and these centres must be operated in accordance with the Ordinance of the Ministry of Agriculture. However, this Ordinance was not found at the time of writing.

There is no mandated euthanasia for abandoned animals after a set period of time; however, if required, humane methods are required. Local governments that hold custody of any lost or abandoned animal are required to publicly announce that the animal has been found in local newspapers for at least 7 days after taking custody.

In March 2019, the city of Seoul announced a city-subsidised insurance plan for dogs adopted from shelters as part of the city's five-year plan to reduce the number of stray pets in the city. The city also plans to increase the number of adoption centres, coordinate foster homes and subsidise microchip implantation. If effective, the city hopes to extend the programme to other species as well as increase public facilities for dog owners such as dog parks and training schools.²⁴

Analysis

The Animal Welfare Act (2017) is clear in the protections it assigns to companion animals in Korea, including enshrine the Five Freedoms. The Act should be commended for not only providing anti-cruelty

²² <https://www.theguardian.com/world/2018/jun/21/killing-dogs-for-meat-illegal-south-korea-court-rules>

²³ <https://www.dailymail.co.uk/news/article-7630471/South-Korean-capital-declared-free-dog-meat-three-canine-shops-end-practice.html>

²⁴ https://www.koreatimes.co.kr/www/nation/2019/03/281_265641.html



provisions but also for the duty of care assigned not only to animal owners but also to local governments. The legislation is proactive in its resolutions towards lost and stray animals and finding their homes as well as in the education of the public through their 'Animal Guardians.'

However, it is widely reported that dogs continue to be farmed for meat and consumed in the country.²⁵ Reports suggest that over two million dogs are consumed every year and that pet dogs may be stolen and sold into the trade and killed in brutal ways, in contravention of the anti-cruelty provisions of the Animal Protection Act (2017).²⁶ While there has been some progress with regards to the reduction of the dog meat trade from cities such as Seoul, the practice is still widespread, particularly in the months of July and August. Dogs are officially classed as companion animals meaning the trade in their meat and slaughter does not have to adhere to the same OIE-aligned or better standards for other farmed animals. However, as a Korean court recently ruled that killing a dog for meat was unlawful, it may pave the way for significant changes to the industry; either towards a regulated trade or towards a ban. There are significant cultural barriers to progress in relation to dog meat trade.²⁷

However, in recent years there has been an increase in the keeping of cats and dogs as companion animals, indicating that there is a growing number of stakeholders with an interest in the welfare of pets and thus potential for improving the welfare of this category of animals.²⁸

It is concerning that there is no policy or legislation specifically related to the culling of dogs or other companion animals.

Enforcement mechanisms

Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with work for up to two years or by a fine of up to twenty million won (Article 46). Abandoning an animal is punishable by a fine of up to three million won.

Animal-related businesses who operate without registration are liable for a fine of up to five million won while failure to attend mandatory training, submit mandated reports and failure to comply with an inspection or corrective order is punishable by a fine of up to one million won.

Failure to register an animal is punishable by a fine of up to one million won and not reporting a change of ownership or allowing a dog into a public space without an id tag is punishable by a fine of up to five-hundred thousand won.

Repeat offenders for some crimes under the anti-cruelty provisions are liable for an additional half sentence.

There appear to be no enforcement mechanisms relating to the duty of care provisions in Articles 3 and 7.

²⁵ <http://www.koreananimals.org/animals/dogs.htm>

²⁶ <https://awionline.org/content/south-korean-dog-meat>

²⁷ <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-4560.2009.01616.x/abstract>

²⁸ <http://www.euromonitor.com/pet-care-in-south-korea/report>



There appears to be no legal power to ban people from owning animals if they have been convicted of cruelty.

Key recommendations

- The Government of Korea is encouraged to follow the example of the city of Seoul in promoting the adoption of stray animals.
- The Government of Korea 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 dogs 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 is encouraged to extend mandatory registration to businesses that produce/breed companion animals to ensure a high-welfare standard for animals.
- The Government is encouraged to mandate mass dog vaccination, including for rabies.
- The Government is encouraged to amend the Animal Protection Act (2017) to include prohibitions on cosmetic mutilations of companion animals, such as tail docking and declawing and to ban animal ownership for anyone who has been convicted of violations of the Act.
- Given that the Government of Korea recognises dogs as companion animals, the Government of Korea is urged to ban the dog meat trade.

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

Analysis of the legislation

Ranking

G

The Animal Protection Act (2017) is applicable to some species in this category. Not all reptiles, amphibians and fish are protected under the Act. The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals, including all mammals and birds. Protected species are also protected under the Five Freedoms that the Animal Protection Act (2017) enshrines in law.

The Wildlife Protection and Management Act provides some basic legal protection to wild animals used for recreational purposes. Article 8 prohibits killing wild animals by cruel methods and causing pain or inflicting wounds after capturing animals. However, there are no provisions for keeping animals



in welfare-positive environments that promote their natural behaviour, and beyond this prohibition, there are no apparent restrictions on activities that can be undertaken with animals.

Animals used for entertainment

It has been reported that animal shows are commonplace within zoos in Korea and there has been a recent increase in animal cafes across the country featuring both domesticated and exotic species.²⁹ Similarly, bullfighting is considered a traditional sport and thus exempt from anti-cruelty protections for animals in entertainment. The use of horses for racing purposes is similarly excluded from the regulations.

While animal shows within zoos are governed by the Animal Protection Act (2017), the Act on the Management of Zoos and Aquariums (2016) and the Wildlife Protection and Management Act (2017), it is unclear if animals in circuses for example are also protected by the legislation. The Animal Protection Act (2017) requires animal welfare standards to be maintained in businesses including animal exhibitions, as well as requiring their registration. However, this is currently only applicable for businesses relating to animals 'raised for the purpose of companion at home.'

Bullfighting in Korea is governed by the Traditional Bullfighting Match Act (2015), which states its purpose includes 'the growth of the livestock industry by revitalising bullfighting.' The Act mandates that the 'life and safety of fighting bulls shall be preferentially considered in determining the operation, method, etc. of bullfighting matches.' The Act does not however include any provisions or guidance to protect animal welfare during such events.

The use of horses is governed by the Horse Industry Development Act (2018). The Act governs such activities as hiring horses for riding for example. However, there are no animal welfare provisions included in the Act.

It was reported in 2019 that revisions to the Act of the Management of Zoos and Aquariums (2016), including restrictions on visitors touching and feeding, had been proposed, however these revisions faced strong opposition from the Korea Animal Cultural Industry Association which is composed of 130 zoos, aquariums and animals cafes. The association was set up in response to proposed revisions to legislation.³¹

Over the last several years, Korea has made efforts to release dolphins from captivity where they had been forced to live and perform after being illegally caught in the wild.^{32 33} In 2018, the Korean Government banned the import of dolphins caught in the Japan's Taiji hunt.³⁴

²⁹ <https://www.zoocheck.com/wp-content/uploads/2018/10/Korean-Zoo-Report-Small.pdf>

³⁰ https://www.vice.com/en_us/article/xwxqbn/i-visited-seouls-most-insane-pet-cafes-from-capybaras-to-meerkats

³¹ www.koreaherald.com/view.php?ud=20190508000804

³² <https://www.nationalgeographic.com/news/2015/05/150520-kidnapped-dolphins-animals-science-south-korea-released-world/>

³³ <https://www.tandfonline.com/doi/full/10.1080/08920753.2018.1451726?scroll=top&needAccess=true&>

³⁴ <https://www.dolphinproject.com/blog/south-korea-bans-importation-of-taijis-dolphins/>

Draught animals

There is no policy or legislation specifically relating to draught animals.

Analysis

Legislation to protect animals in entertainment and draught animals is limited. While officially both are protected through the Animal Protection Act (2017), the lack of cohesion and cross-over with supporting legislation - where it exists - means that both draught animals and animals in entertainment can be subject to abuse and improper care.

Animals are involved in performances in zoos and circuses in the country and recent attempts to curb such activities were met with protests from the industry.³⁵ However, Korea has been able to make progress in releasing illegally caught dolphins back into the wild in recent years.³⁶

In 2014, an international campaign was launched for the government to improve legislation following revelations of cruelty in the country's Monkey School where monkeys are trained to perform.³⁷ However, no evidence of such legislation or successful campaign outcome was found at time of writing.

Enforcement mechanisms

Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with work for up to two years or by a fine of up to twenty million won (Article 46). Breach of Article 8(4) (abandonment) is punishable with a fine of up to three million won (Article 47). It is noted that the Act does not contain powers to ban people from owning animals if they have been convicted of cruelty or to impose higher penalties on repeat offenders for some acts, which could serve as a stronger deterrent.

Cruelty towards wild animals is also punishable by imprisonment with work for up to three years or a fine of between three and thirty million won under the Wildlife Protection and Management Act (2017).

Key recommendations

- The Government of Korea is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.

³⁵ www.koreaherald.com/view.php?ud=20190508000804

³⁶ <https://www.nationalgeographic.com/news/2015/05/150520-kidnapped-dolphins-animals-science-south-korea-released-world/>

³⁷ http://www.ad-international.org/media_centre/go.php?id=3521&si=12



- The Government of Korea is strongly encouraged to adopt specific legislation to address the **welfare of working animals, including working equids, following the requirements of the OIE’s** animal welfare standards (Chapter 7.12). Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition that may impair their welfare must be treated promptly and, affected animals must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

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

Analysis of the legislation	
Ranking	C
<p>The Animal Protection Act (2017) is applicable to some species in this category. Not all reptile, amphibians and fish are protected under the Act. The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals, including all mammals and birds. The protected species are also protected under the Five Freedoms that the Animal Protection Act (2017) enshrines in law.</p> <p>Article 23 of the Animal Protection Act (2017) mandates some provisions for animals used in testing. The dignity of animal lives must be considered, as well as alternative methods ensuring the minimum number of animals are used in testing. Measures must be taken to relieve pain; euthanasia must be painless and is also mandated if the animal will not recover or is likely to live in persistent pain.</p> <p>Article 24 bans the use of lost or abandoned animals and animals which have served humans and/or the State (such as guide dogs) for animal testing.</p> <p>Article 25 established animal testing ethics committees for any institute or facility wishing to use animals in testing. The committee is responsible for ensuring that testing is conducted in line with Article 23 of the Animal Protection Act (2017) as well as having the power to demand the head of the animal testing institute takes measures necessary for the protection and ethical management of lab animals. Membership of the committee must include veterinarians and persons recommended by NGOs as an expert in animal welfare and protection.</p> <p>Animal Testing is also governed by the Laboratory Animal Act (2008, last amended 2017).³⁸ Article 2 of the Act defines ‘laboratory animal’ as any vertebrate used or raised for the purpose of animal testing thus extends the protection of the Animal Protection Act (2017) to the use of all vertebrates in research, except where otherwise prescribed by the Laboratory Animal Act.</p> <p>Under Article 5 of the Act, it is the duty of the Ministry of Food and Drug safety to develop and promote policies regarding the use of laboratory animals and the development of substitutes as well</p>	

³⁸ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=46430&lang=ENG



as support education in relation to laboratory animals.

Under Article 6, the Act requires preferential consideration of matters, which can substitute animal testing. Article 6 also requires education of those engaged in animal testing. Article 8 requires registration for facilities carrying out research on animals.

The Laboratory Animal Act (2017), requires that animals used in testing only be supplied from designated, registered suppliers. Suppliers of laboratory animals are required to ensure the safety and health of their animals, including ensuring that transportation is done by a method suitable to the ecology of the animal.

The Minister of Food and Drug Safety is required annually publish a report on animal testing.

The testing of cosmetics and their ingredients on animals was banned in the 2016 amendments to the Cosmetics Act (2010)³⁹ and companies were required to be compliant by 2018.⁴⁰ However, reports suggests that exemptions within the law mean that extensive testing on animals for cosmetics still takes place.⁴¹

Analysis

It is positive that the legislation extends the protection of the Animal Protection Act (2017) to all vertebrates used in experiments, and that animal testing ethic committees are required to have members who have expertise in animal health and animal welfare. The legislation also requires that there is preferential consideration of alternative methods and the minimisation of animals used in testing.

However, the language used around the requirements on education for animal facility staff is vague and reference for people undertaking research with animals to educate them in animal welfare or animal sentience, to better protect animal welfare.

Similarly, while reports at the time suggested that amendments to Cosmetics Act (2010) would result in a ban on the testing of cosmetic products and their ingredients on animals; reports from 2019 suggest that this has not been the case.⁴²

Enforcement mechanisms

There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act (2017), and breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to two years or by a fine of up to twenty million won (Article 46). There appear to be no enforcement mechanisms relating to the duty of care provisions in Articles 3 and 7.

³⁹ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=50282&lang=ENG

⁴⁰ <https://www.crueltyfreeinternational.org/breaking-news/korea-announces-ban-animal-testing-cosmetics>

⁴¹ <https://chemicalwatch.com/80002/south-koreas-cosmetic-reform-bill-has-not-stopped-animal-testing-says-ngo#overlay-strip>

⁴² <https://chemicalwatch.com/80002/south-koreas-cosmetic-reform-bill-has-not-stopped-animal-testing-says-ngo#overlay-strip>



Operating an animal testing institution without an ethics committee, not undertaking deliberation before conducting animal testing and failing to comply with an order to improve are punishable by a fine of up to three million won.

Breach of the provisions of the Laboratory Animal Act is punishable with fines of up to one million won (Article 33).

Key recommendations

- The Government of Korea is urged to amend the Laboratory Animal Act (2017) and the Animal Protection Act (2017) to explicitly protect animals used in testing and scientific research from unnecessary pain and suffering and to enshrine the Three Rs Principles – Replacement, Reduction, Refinement.
- The Government of Korea is encouraged to amend legislation regarding animal testing ethics committees to enable such committees to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs.
- The Government is encouraged to produce species-specific guidelines for appropriate care and standards for animals used in scientific research and testing.
- The Government of Korea is strongly urged to ban the testing of cosmetic products and their ingredients on animals.

8. There are laws that apply to wild animals

Analysis of the legislation

Ranking

D

The Animal Protection Act (2017) is applicable to some species in this category. Not all reptile, amphibians and fish are protected under the Act. The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals, including all mammals and birds. The protected species are also protected under the Five Freedoms which the Animal Protection Act (2017) enshrines in law.

The country became a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1993.

The Wildlife Protection and Management Act (2016) provides some basic legal protection to wild animals. Article 8 prohibits amongst other things, killing wild animals by cruel methods; causing pain



or inflicting wounds after capturing animals; and collecting or installing any device in the body of wild animals to collect blood, gallbladder, internal organs or parts of the living body of wild animals.

The capture, collection, release, naturalisation, process, distribution, keeping, exporting, importing, removal and bringing in of endangered species is prohibited. The taking of non-endangered wildlife from the wild (excluding marine life) is similarly prohibited. However, there are exceptions including for 'watching or exhibition' at any biological resource centre and for relocation or transplantation for public works. The law is unclear if zoos can also be classified as a 'biological resource conservation facility.' If permitted to take species from the wild, it is prohibited to use explosives, snares, pitfall traps and other cruel methods of capture and to use poison or chemicals. However, the prohibitions on these methods also have exceptions including when a wild animal needs medical attention or where an ex-situ conservation institution has been authorised. Capturing endangered species under any of the above conditions requires a permit from the Minister of Agriculture to whom results must be reported.

The Wildlife Protection and Management Act (2016) also governs hunting. Hunting is only permitted in designated areas and must be established by local authorities, not private individuals. Hunting with firearms and with other hunting implements requires separate licenses, both of which require a holder to pass an examination. Similarly, those wishing to obtain a license to hunt must undergo education on the history and culture of hunting and safety regulations. Under the Wildlife Protection and Management Act (2016), violation of Article 8 - the anti-cruelty measures - is not included under the revocation or suspension of hunting license list.

Analysis

Wildlife is protected to a degree under the Animal Protection Act (2017); however, not all wild animal species are covered. This provides a point of confusion with the Wildlife Protection and Management Act (2016) which designates wildlife as all species born and raised in nature. Further confusion is created through the exclusion of marine life in some parts of the Wildlife Protection and Management Act (2016).

Illegal trade in endangered species occurs in the country in contravention of CITES, in both Appendix 1 and Appendix 2 species.^{43,44}

Enforcement mechanisms

In relation only to species listed and designated by the Animal Protection Act (2017), breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with work for up to two years or by a fine of up to twenty million won.

Contravention of the anti-cruelty provisions in Article 8 of the Wildlife Protection and Management Act is punishable with imprisonment with work of up to three years or a fine of up to thirty million won.

⁴³<http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214Wildlife.pdf>

⁴⁴ https://www.unodc.org/documents/toc/Reports/TOCTA-EA-Pacific/TOCTA_EAP_c07.pdf

Key recommendations

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

Goal 3: Establishment of supportive government bodies

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

Analysis of the legislation

Ranking	B
<p>Responsibility and accountability for animal welfare and its improvement is divided across multiple government ministries and departments.</p> <p>Article 5 of the Animal Protection Act (2017) establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including animal welfare, prevention of cruelty and rescue and the protection of animals. Article 4 of the Act requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years. Article 40 of the Act requires that the Minister for Food, Agriculture, Forestry and Fisheries, a Mayor or Do (province) Governor or the head of a Si (city), Gun (town) or Gu (district) will designate a public official as an animal guardian to prevent cruelty to animals and perform administrative duties regarding animal protection.</p> <p>In relation to animals used in research, the Korea Food and Drug Administration is required to formulate and promote policies concerning the use of laboratory animals and concerning the development and approval of alternative methods which do not use animals (Article 5 Laboratory Animal Act). The Administration is also responsible for registration and supervision of research facilities (Articles 8 and 11).</p> <p>In relation to wild animals, the Minister of Environment is required to formulate a master plan for the protection of wildlife every five years; however this is in the context of protection of wildlife and conservation of natural habitats and it is not clear whether welfare considerations are included in this remit.</p>	



The Minister of Oceans and Fisheries has the responsibility for marine life.

The national plans for animal welfare were not found at the time of writing.

Analysis

Although there is no single government body with overall responsibility for the welfare of all categories of animals, responsibilities are allocated in the relevant legislation, and there are requirements for plans to be produced and updated to track progress.

However, there is still room for improvement. Alignment across different ministries and their policies may be difficult to achieve, particularly for species that have protections given to them by multiple ministries.

Enforcement mechanisms

The responsibilities of relevant government bodies are set out in primary legislation.

Key recommendations

- The responsibility for different types of animals currently falls under multiple Ministries and Departments and so the Government of Korea is encouraged to align all animal welfare under one Ministry, with appropriate resources for research, implementation and enforcement.
- The Government of Korea is encouraged to ensure alignment across all animal welfare legislation ensuring the Five Freedoms and anti-cruelty measures are enshrined in law for all animal species.

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
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. ⁴⁵	

⁴⁵ <http://www.oie.int/infographic/StandardsAW/index.html>



The Government does not seem to have formally transposed the OIE's animal welfare standards or guiding principles for animal welfare into policy and legislation. However, supplementary regulations were not found at the time of writing.

Existing legislation such as the Animal Protection Act (2017) cover some issues established in the OIE guiding principles and animal welfare standards including transport of animals, slaughter of animals and animals in research and enshrined the Five Freedoms into law. However, this has not been transposed into other legislation relating to animals.

There is some evidence of active engagement between the OIE and the government. The Director of the General Animal Health Division of the Ministry of Agriculture, Food and Rural Affairs of the Republic of Korea, informs the OIE about activities such as field simulation exercises on disease control. The OIE organised a regional seminar for OIE National Focal points on Animal Welfare, which was held in Seoul in late August 2013.

Analysis

The Animal Protection Act (2017) covers some areas in the OIE's animal welfare standards such as transportation of animals and animals in research.

Through incorporating the OIE's principles and standards in areas such as agriculture and health, animal welfare could be introduced into other governmental strategies which would further help to improve animal welfare in the country. The Government does recognise the role of the OIE in animal health, which suggests that increased engagement may be possible.

Enforcement mechanisms

There are enforcement mechanisms relating to those of the OIE's standards that are covered by the content of the Animal Protection Act (2017).

Key recommendations

- The Government of Korea is strongly encouraged to introduce and implement additional legislation in line or with or above the OIE animal welfare standards, including enforcement mechanisms for all species to ensure a good level of animal welfare across many industries.

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

Analysis of the legislation

The Government of Korea has not pledged in principle support for the Universal Declaration on Animal Welfare (UDAW).



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

Analysis

Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a source of inspiration 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 Korea is encouraged to pledge in principle support for the UDAW. Support for the UDAW will likely underpin further animal protection measures.

Last edited: 3 December 2019

Publication: March 2020