



Animal Protection Index (API) 2020

Federal Republic of Nigeria: ranking E

Executive summary

While Nigeria does not have stand-alone legislation regarding animal welfare, the Nigeria Criminal Code does include many prohibitions regarding animal cruelty, and the wording suggests some acknowledgment that animals can suffer both physically and mentally. Nigeria produced the Nigerian Animal Welfare Strategy in 2016 and this document is forming the basis of revisions to legislation. Similarly, the Criminal Code (1990) provides specific protections for some categories of animals, such as those used for draught purposes for whom it is prohibited to overload or overwork, and a national ban on animal fights. The Animal Disease (Control) Act (2004) provides some additional protections for farm animals including limiting stocking density during transportation to ensure adequate ventilation.

However, it is concerning that there is no singular act to prevent animal cruelty or to promote animal welfare in Nigerian legislation. Particularly wild animals – both in the wild and in captivity – and animals used in scientific experimentation are vulnerable to abuse due to a lack of legislation. While the National Institute of Animal Science has a mandate to ensure a high quality of meat is produced, there is no reflection on the importance of animal welfare in producing high quality meat. Also of concern, is the existence of the dog meat trade in some parts of Nigeria which is a risk to both animal and human health given the prevalence of rabies in the country.

Responsibility for animal welfare is assigned to the Department of Veterinary and Pest Control Services, Federal Ministry of Agriculture and Rural Development. The Ministry also has a national OIE focal point for Animal welfare who is the Head of the Animal Welfare Branch and handles animal welfare issues under the supervision of the Chief Veterinary Officer of Nigeria who is the OIE delegate on Animal Health and Animal welfare.

Since the 2014 edition of the Animal Protection Index, the Government of Nigeria has made some progress in improving animal welfare in the country through the development of the Nigerian Animal Welfare Strategy (2016) and revising of existing legislation, however many of these changes are yet to be enacted.

The Government of Nigeria is encouraged to introduce an independent Animal Welfare Act that includes a definition of animal welfare, in line with the OIE and explicitly promoting the Five Freedoms. The Government of Nigeria is also urged to enact legislation detailing specific welfare requirements for the rearing of farm animals during the phases of rearing, transport and slaughter. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

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

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>The Nigerian Animal Welfare Strategy states as it's scope 'the care of, use of, and direct impact of human activity on all sentient species of animals in the nation.'</p> <p>The country has not yet revised legislation to formally recognise animals as sentient beings. However, there is reference in the Nigerian Criminal Code (1990)¹ to the ability of animals to suffer, and to experience psychological states of being infuriated and being terrified, which shows some recognition of elements of animal sentience. This applies to domestic and captive animals, including birds, fish and reptiles, but not to wild animals.</p> <p>Analysis</p> <p><i>The recognition of animal sentience in the Nigerian Animal Welfare Strategy is an important step towards improving animal welfare. However, this recognition is yet to be included in enacted legislation. Similarly, it is unclear which animal species are acknowledged as sentient.</i></p> <p><i>The current acknowledgement of animal suffering and the ability to feel anger and fear in legislation shows some recognition of elements of animal sentience. However, current provisions are not sufficient to recognise the concept in its entirety. Wild animals are excluded from the partial recognition of sentience.</i></p> <p><i>The Department of Veterinary and Pest Control Services that has the OIE mandate on Animal Welfare in Nigeria has been taking the issue of animal welfare very seriously. There is an Animal Welfare Unit in the Quality Assurance and Standards Division under the Department of Veterinary and Pest Control Services, Federal Ministry of Agriculture and Rural Development with annual Budget line on Animal Welfare.</i></p>	
Enforcement mechanisms	
<p>Causing suffering and cruelly infuriating or terrifying an animal are criminal offences punishable with fines and/or imprisonment under Section 495 of the Criminal Code (1990).</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Nigeria is applauded for recognising animal sentience. The 	

¹<http://www.nigeria-law.org/Criminal%20Code%20Act+Part%207%20to%20the%20end.htm>



Government is encouraged to define which animals are recognised as sentient and to include appropriate provisions in revised legislation to protect animals as sentient beings.

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

Analysis of the legislation	
Ranking	B
<p>Section 495 of the Criminal Code (1990) prohibits acts of cruelty to animals. These include, under 495(1)(a), cruelly beating, kicking, over-loading, infuriating or terrifying an animal, or as the owner, permitting this to happen. Section 495(1)(b) creates an offence of failure to act, prohibiting wantonly or unreasonably doing or omitting to do any act that causes unnecessary suffering (or as the owner, permitting an act that causes unnecessary suffering). This section also prohibits transporting animals in a manner that causes unnecessary suffering (c), administration of poison (d), operations performed without due care (e) and actions associated with animal fighting (f).</p> <p>There are exceptions for acts done in the course of slaughter for food, except where there is the infliction of unnecessary suffering, and for the hunting of a captive animal, unless it was liberated in an injured, mutilated or exhausted condition. Section 495 applies to all domestic and captive animals, including birds, fish and reptiles. Therefore, this does not include wild animals unless they have been captured or confined.</p> <p>Property offences in sections 450 and 456 prohibit wilfully and unlawfully killing, maiming or wounding any animal "capable of being stolen", with greater penalties for more financially valuable species of animal, and wilfully spreading infectious disease among animals.</p> <p>Inclusion of Animal Welfare in the training curriculum for veterinary schools is mandatory. The veterinary council of Nigeria (VCN) regulates training and practice of veterinary surgeons and reviews the curriculum from time to time and has included Animal Welfare, though Animal Welfare training module is not fully developed. This was mentioned during the scoping study by the Registrar of VCN.</p> <p>The Department of Veterinary and Pest Control Services coordinates a National Consultative Committee on Animal welfare made of key stakeholders including Animal Welfare organisations and has organised sensitisation workshops for stakeholders on good farm animal welfare practices. However, this committee has not met since 2016.</p> <p>In 2017 the Department presented the Nigeria Animal Welfare Strategy to stakeholders at the maiden University of Ibadan animal care and use research ethics committee.</p> <p><i>Analysis</i></p>	



The legislation is sufficient for the prohibition of acts of cruelty to domestic animals and includes offences for failure to act. It recognises animal welfare and the importance of prohibiting animal cruelty. However, wild animals are not covered by this protection.

The legislation is not currently applicable to coursing or the hunting of any captive animals, unless the animal is liberated when injured, mutilated or exhausted. This leaves many animals outside the sphere of legal protection.

The Department of Veterinary and Pests control services of the Federal Ministry of Agriculture and Rural Development has an Animal Welfare Branch in the Quality Assurance and Standards Division of Department whose mandate is coordinate and develop policy on animal welfare.

It is positive that animal welfare education is compulsory for training veterinarians in Nigeria and suggests a willingness to improve animal welfare across the country.

Enforcement mechanisms

Any person who commits acts of cruelty detailed in section 495 Criminal Code (1990), or as an owner permits such cruelty, is liable to imprisonment for six months, or a fine of fifty naira, or both.

Any person guilty of offences detailed in section 450 is liable to imprisonment for two years, increased to seven years if the animal in questions is on a specified list which includes horses, cows, goats, pigs, and rams.

Any person guilty of offences detailed in section 456 is liable to imprisonment for seven years.

Key recommendations

- **The Government of Nigeria is encouraged to introduce an independent Animal Welfare Act that includes a definition of animal welfare, in line with the OIE and explicitly promoting the Five Freedoms.**
- **The Government of Nigeria is encouraged to ensure the Animal Welfare Committee to advise the Government on policy and animal welfare solutions meets regularly to provide continuing improvements to animal welfare policy and regulations. The Animal Welfare Committee should include representatives from animal welfare organisations.**

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

Rearing

Sections 450, 456 and 495 of the Nigeria Criminal Code (1990) are applicable to animals used in farming. However, there is no specific reference to animals used in farming in the existing legislation, and animals being slaughtered for food are excluded from the protection of section 495 except where there is unnecessary suffering.

The Nigerian Institute of Animal Science Act (2007)² established the Nigerian Institute of Animal Science, which has the responsibility for ensuring high quality animal proteins. The food safety unit within the Department of Veterinary Services also has a mandate to ensure safe, quality meats are produced for public consumption.

The Department of Veterinary and Pest Control services has been implementing in Nigeria the OIE global animal welfare standards governing animal production as contained in chapter 7 of OIE Terrestrial Health code.

In January 2018, the Department also organized a national stakeholders' workshop on "Good Animal Welfare Practices for farm animals based on the Nigerian Animal Welfare Strategy. This strategy document was presented to World Animal Protection during their scoping visit to Nigeria.

Rearing - pigs

There is no policy or legislation related specifically to the rearing of pigs.

Rearing - broiler chickens

There is no policy or legislation related specifically to the rearing of broiler chickens.

Rearing - egg-laying hens

There is draft legislation related specifically to the rearing of egg-laying hens (Breeder farms, Hatcheries and Feed Establishment (Infectious Diseases and other Related Hazards) Prevention Bill 2019. However, at the time of writing, this Bill had not been passed and therefore is unable to be scored for the Animal Protection Index.

Rearing - dairy cattle and calves

There is no policy or legislation related specifically to the rearing of dairy cattle and calves.

²<http://www.fao.org/faolex/results/details/en/c/LEX-FAOC120585>

Transport

The Animal Diseases (Control) Act (2004)³, which aims to control and prevent the introduction and spread of infectious and contagious disease among animals in Nigeria, contains requirements for the transportation of animals, including farm animals. These mostly apply to control of disease rather than animal welfare but do include the requirement that during transport of animals for the purpose of slaughter, the journey may not exceed thirty kilometres (section 12(6)) and that transport of animals for trade by road or rail requires the person in charge to stop to feed, water and rest the animals every twelve hours (section 12(7)). Provisions on stocking density to allow adequate ventilation (section 12(8)), as well as loading ramps to reduce injury (section 12(9)) are also included.

Slaughter

There is no policy or legislation specifically related to slaughter.

Analysis

The existing legislation takes into consideration several concerns relevant to the welfare of animals in this category, including humane treatment and transport and it is a positive development that Nigeria is in the process of implementing OIE animal welfare standards for farm animals. However, the current protections provided are limited and do not detail provisions regarding appropriate rearing or slaughter of farm animals. Similarly, it is unclear the timescale for fully implementing OIE standards for farm animals in Nigeria.

While it does not currently have a mandate for animal welfare, the Nigerian Institute for Animal Science is mandated to ensure the highest quality of animal protein is produced. Given that higher welfare care of animals in farming produces better quality meat, there could be some scope for the Institute to promote high welfare farming systems in Nigeria.

The dissemination of knowledge of animal welfare within the livestock sector would assist in making the welfare of farmed animals a mainstream concern of society. No evidence was found of existing guidelines, recommendations or codes of practice describing the importance of welfare for animals used in farming, or tools that raise awareness of welfare issues faced by farm animals in the country.

Section 495 of the Criminal Code 1990 provides an exemption for activities connected with slaughter for human consumption, unless such slaughter is accompanied by the infliction of unnecessary suffering. There are no specifications as to what constitutes "unnecessary suffering" in this context. Inefficient or ineffective slaughter methods, including a lack of pre-stunning, can result in prolonged pain and distress. Legislation could go further to protect animals during slaughter and include provisions on humane slaughter methods.

The Federal Ministry of Agriculture and Rural Development is responsible for formulating, supervising and overseeing policies on agriculture and practices covering animals and diseases. Although the

³<http://extwprlegs1.fao.org/docs/pdf/nig120046.pdf>



Animal Diseases (Control) Act (2004) does include important welfare provisions on transport of animals, including those used in farming, it would benefit from the inclusion of housing and husbandry specifications to further protect the welfare of farmed animals.

Enforcement mechanisms

Any person who commits acts of cruelty detailed in section 495 Criminal Code (1990), or as an owner permits such cruelty, is liable to imprisonment for six months, or a fine of fifty naira, or both.

Any person guilty of offences detailed in section 450 is liable to imprisonment for two years, increased to seven years if the animal in questions is on a specified list which includes horses, cows, goats, pigs, and rams. Any person guilty of offences detailed in section 456 is liable to imprisonment for seven years.

Any person contravening the relevant provisions of the Animal Diseases (Control) Act (2004) is liable to fines not exceeding 100 naira or imprisonment not exceeding thirty days for the first offence, and a fine not exceeding 200 naira or imprisonment not exceeding two months for subsequent offences.

Key recommendations

- **The Government of Nigeria is urged to continue with the implementation of OIE animal welfare standards and to enact legislation detailing specific welfare requirements for the rearing of farm animals during the phases of rearing, transport and slaughter. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.**
- **In addition, the Government of Nigeria is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**
- **The Government of Nigeria 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.⁴ 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**

⁴[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))

animal should be forced to witness other animals being slaughtered as this is inherently distressing.

- Due to the significant animal welfare concerns associated with long distance transport, the Government of Nigeria is strongly urged to ban the export of live animals for long 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.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E
<p><u>Zoos</u></p> <p>The general provisions of sections 450, 456 and 495 of the Criminal Code 1990 apply to animals in captivity.</p> <p>There is limited legislation specifically covering the welfare of captive animals. The Wild Animals (Captive Animals) Regulations (1975)⁵ prohibit keeping certain protected species of wild animals in captivity without a licence but refer only broadly to welfare in requiring that licence holders make adequate provisions for the health and welfare of captive protected animals.</p> <p>There is no policy or legislation related specifically to zoos.</p> <p><u>Private keeping of wild animals</u></p> <p>There is no policy or legislation related specifically to the private keeping of wild animals. However, under the Wild Animals (Captive Animals) Regulations (1975), possessors of such animals are required to obtain a license. There are no animals that are excluded from the permissions under the law.</p> <p><u>Fur farming</u></p> <p>There is no policy or legislation related specifically to fur farming. However, there is no evidence it is taking place in Nigeria.</p> <p><u>Analysis</u></p>	

⁵<http://extwprlegs1.fao.org/docs/pdf/nig7768.pdf>



The current legislation covers only deliberate acts of cruelty to animals and forms of neglect. Further provisions should be introduced regarding the housing, handling (both during capture and generally) and husbandry of this category of animals to ensure the welfare of animals held in large zoos or circuses, as well as by individuals with captive animal licences.

Acknowledging the particular welfare issues faced by animals in captivity is necessary to improve their welfare. For instance, the country does not appear to have specific legislation to protect animals in captive settings such as game reserves, zoos or circuses. Although the existing protection in the Criminal Code is applicable to captive animals, the Government is encouraged to introduce specific legislation for animals in captive settings, with guidelines on housing and husbandry.

The Wild Animals (Captive Animals) Regulations (1975) require that a licence, valid for one year, be held in order to keep protected animals (as listed in the Wild Animals Law 1963) in captivity. Although licence agreements require that adequate provisions are made for the health and welfare of the animal, there are no specifications as to what constitutes 'adequate provisions.'

Research could not find any evidence of a government body responsible for implementing this legislation. In order to make the welfare of this category of animals a mainstream concern of society, the Government is encouraged to allocate responsibilities of enforcement and promotion of the legislation to a specific authority.

Existing provisions create a legislative barrier to improvement for some species. Section 495 of the Criminal Code gives an exemption for the coursing or hunting of any captive animal, 'unless liberated in an injured, mutilated or exhausted condition.' This potentially leaves a large number of animals outside of the protection of existing legislation. The existing requirement for licence holders to make "adequate provisions" for health and welfare could be a useful starting point for elaboration of detailed guidance or requirements for different captive settings and different species of animals.

Enforcement mechanisms

Any person who commits acts of cruelty detailed in section 495 Criminal Code (1990), or as an owner permits such cruelty, is liable to imprisonment for six months, or a fine of fifty naira, or both.

Any person guilty of offences detailed in section 450 is liable to imprisonment for two years, increased to seven years if the animal in questions is on a specified list which includes horses, cows, goats, pigs, and rams. Any person guilty of offences detailed in section 456 is liable to imprisonment for seven years.

Failure to comply with the Wild Animals (Captive Animals) Regulations (1975) is liable to a fine not exceeding 100 naira, or imprisonment not exceeding six months, or both, and a licence can be revoked if the licence-holder is not making adequate provision for the health and welfare of the animal.

Key recommendations

- The Nigeria Criminal Code provides basic protections for animals kept in captivity; however, the legislation could be improved by addressing the species-specific welfare needs of animals kept in captive settings, such as zoos. As a result, the Government of Nigeria is urged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. In particular, the Freedom to express normal patterns of behaviours should be respected.
- The Government of Nigeria is strongly encouraged to allocate human and financial resources to create an inspection unit in charge of verifying that welfare standards are respected where animals live in captive settings. Facilities where animals are kept captive should be regularly inspected, and the results of such inspections should be made public.
- The Government of Nigeria is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government of Nigeria is encouraged to amend the Nigerian Criminal Code to remove the exemption for coursing or hunting of any captive animal 'unless liberated in an injured, mutilated or exhausted condition.'
- The Government of Nigeria is urged to fully ban fur farming. 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 general anticruelty provisions of sections 450, 456 and 495 of Chapter 50 of the Criminal Code (1990) apply to companion animals.</p> <p>The Dog Law of the Federation and Lagos (1943) requires that all dogs must be licenced within six months of taking ownership. The license badge is required to be attached to the collar or harness of</p>	

the dog.

There are some reports and research to suggest that there is an active dog meat trade in Nigeria.⁶⁷

At the time of writing, there is a newly drafted bill before the National Assembly: Dog Control (Canine Health and Welfare) Bill 2019. As the Bill has not yet passed or been enacted, it is unable to be assessed for the Animal Protection Index.

Stray animals

There is currently no policy or legislation related specifically to stray animals, however the draft bill Dog Control (Canine Health and Welfare) will address the issue of stray animals in Nigeria. As the Bill has not yet passed or been enacted, it is unable to be assessed for the Animal Protection Index.

Analysis

It is not only a criminal offence to cause suffering to an animal, but as an animal owner, it is a criminal offence to permit such suffering to be caused to any animal. Furthermore, the inclusion of neglecting to act to prevent the suffering of an animal shows the government's recognition of different forms of animal abuse. These are important first steps in raising awareness and making the welfare and protection of companion animals a mainstream concern of society. There do not appear to be any efforts to regulate specific welfare issues faced by companion animals, such as provisions on food and shelter, or humane management of stray populations. The lack of responsible authority for implementing the existing legislation acts as a barrier for improving animal welfare in Nigeria. An apparent lack of general concern for animal welfare may present a barrier to progress.

Enforcement mechanisms

Any person who commits acts of cruelty detailed in section 495 Criminal Code (1990), or as an owner permits such cruelty, is liable to imprisonment for six months, or a fine of fifty naira, or both.

Any person guilty of offences detailed in section 450 is liable to imprisonment for two years, increased to seven years if the animal in questions is on a specified list. Any person guilty of offences detailed in section 456 is liable to imprisonment for seven years.

Key recommendations

- **The Government of Nigeria 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**

⁶https://www.researchgate.net/publication/237051232_Evaluation_of_dog_slaughter_and_consumption_practices_related_to_the_control_of_rabies_in_Nigeria

⁷<https://www.mirror.co.uk/news/world-news/defenceless-dogs-scream-agony-boiled-8788111>

governments to manage dogs humanely as well as to help communities to live in harmony with dogs.

- The Government of Nigeria should promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.
- The Government of Nigeria is strongly encouraged to promote humane stray animal population management, which relies on promoting responsible ownership, mass vaccinations and reproduction control programmes. Culling has been scientifically proven to be ineffective and should therefore be banned.
- The Government of Nigeria is encouraged to continue with plans to introduce the new Dog Control (Canine Health and Welfare) Act.

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 general anti-cruelty provisions of sections 450, 456 and 495 of the Criminal Code (1990) apply to animals used for draught or entertainment.</p> <p>Animal fighting and baiting is banned under section 495 of the Nigeria Criminal Code (1990), putting restrictions on the use of animals for recreational purposes.</p> <p>There is no policy or legislation related specifically to animals used for entertainment.</p>	
<p><u>Draught animals</u></p> <p>A number of the conducts deemed abusive in Section 495 of the Nigeria Criminal Code (1990) are particularly relevant to draught animals, including the prohibition of over-riding and over-loading.</p> <p>There is no policy or legislation related specifically to draught animals.</p>	
<p><u>Analysis</u></p> <p><i>While some general principles are applicable to animals in this category, there is no acknowledgement of issues specifically concerning animal welfare in relation to animals used for exhibition or performance. In order to make the welfare of these animals a mainstream concern of society, it is recommended that the Government make some communication or effort to promote the legislation on animals used for draught or recreation. Awareness of these regulations is presumed</i></p>	

to be low within society.

The inclusion of over-riding and over-loading and of activities connected with animal fights demonstrates that the Government has acknowledged some of the key welfare issues surrounding the use of animals for draught or recreational purposes. However, further provisions need to be introduced to protect the welfare of these animals in situations of neglect or other types of non-deliberate cruelty. Guidance regarding their housing, training, handling and husbandry would be useful to ensure the welfare of working animals as well as those used in entertainment. There is no evidence in legislation that the Government has allocated human or financial resources to undertake the development of these guidelines or further animal welfare legislation. An apparent lack of general concern for animal welfare may present a barrier to progress.

Enforcement mechanisms

Any person who commits acts of cruelty detailed in section 495 Criminal Code 1990, or as an owner permits such cruelty, is liable to imprisonment for six months, or a fine of fifty naira, or both.

Any person guilty of offences detailed in section 450 is liable to imprisonment for two years, increased to seven years if the animal in questions is on a specified list which includes horses. Any person guilty of offences detailed in section 456 is liable to imprisonment for seven years.

Key recommendations

- The Government of Nigeria 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.

- The Government of Nigeria 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. 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	E
<p>Section 495 of the Criminal Code (1990) applies to all domestic and captive animals, including birds, fish and reptiles, and prohibits deliberate causing of suffering to animals, and suffering through failure to act. The existing legislation does not contain any specific mandates on the use of animals for education and scientific research. It is a criminal offence to subject an animal to any operation “performed without due care and humanity”, or as the owner, to permit such an operation, which has some application to scientific research.</p> <p>The reference to “unnecessary suffering” may provide the ability for those carrying out some research procedures to argue that they are necessary. It would be useful to have detailed rules and guidelines on the use of animals in scientific research.</p> <p>There are ethics committees at some Nigerian Universities.</p> <p>Analysis</p> <p><i>Although the provisions in section 495 of the Criminal Code (1990) give some limited protection to animals used in experimentation from certain welfare concerns associated with scientific research, there are no explicit guidelines on animals used in scientific research in this country. In 2017 the Department of Veterinary and Pest Control Services presented the Nigerian Animal Welfare Strategy to stakeholders at the maiden University of Ibadan animal care and use research ethics committee.</i></p> <p><i>Government has made attempt to regulate the use of animals in research, by inaugurating the maiden edition of the animal care and use research ethics committee in one of the leading Nigerian University. Other universities have since established their own ethics committee for use of animals in research. Emphasis on the Three Rs (Replacement, Reduction, Refinement) would be a step in the right direction by encouraging a decrease in the number of animals used in science, and improving the welfare of those that are used as well as replacement of animals with alternative non-animal methods, now widely developed and in use in other countries.</i></p> <p><i>There is provision for this in the amended Animal Diseases Control Bill 2018 and this is also captured in the Nigerian Animal Welfare Strategy document.</i></p>	
Enforcement mechanisms	
<p>Any person guilty of performing operations without due care and humanity is liable to imprisonment for six months or to a fine of fifty naira or both (section 495 Criminal Code).</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Nigeria is encouraged to require, through legislation, that all animals used for research are protected from unnecessary pain and suffering. The Three Rs Principles – Replacement, Reduction, Refinement – should also be enshrined in law. • The Government of Nigeria is encouraged to create ethics committees, in charge of scrutinising applications for animal research, at all facilities where such research takes place. 	



Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.

- The Government of Nigeria is urged to ban the testing of cosmetic products and their ingredients on animals.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	E
<p>Section 495 of the Criminal Code (1990), which creates offences of cruelty to animals, does not apply to wild animals unless they have been captured or confined. Sections 450 and 456 of the Criminal Code (1990), which prohibit unlawful killing or wounding and prohibit poisoning, apply to animals that are “capable of being stolen”, and wild animals “in the enjoyment of their own natural liberty” are not protected by this legislation (section 382).</p> <p>The Endangered Species (Control of International Trade and Traffic) Act (1985)⁸ focuses on the protection and management of Nigeria’s wildlife, specifically vulnerable and endangered species. The hunting, capture or trade in an animal species threatened with extinction (endangered) is prohibited. Hunting, capture or trade in an animal species that may become so threatened unless trade is controlled (vulnerable) is prohibited, except under a valid licence. No person shall trade in vulnerable species if export/import of the animal is detrimental to its survival. The animal must be transported in a way to minimise the risk of injury, damage to health, cruel treatment or death.</p> <p>The Wild Animals Law (1963)⁹ makes further provision for the protection of certain listed protected species and for the establishment of game reserves. This law also contains some restrictions on hunting methods at sections 33 and 34, which apply to all wild animals. It is prohibited to use bait, poison or explosives for hunting or capturing any wild animals other than pests, to use any net, fence or pit to capture any wild animals other than fish or pests, to use or sell any traps other than those prescribed for the control of pests, to hunt or capture animals except fish at night, to hunt as part of a group of more than five people, or to hunt animals from vehicles or aircraft (other than wild fowl and crocodiles which can be hunted from small craft). Pests are defined as invertebrates, poisonous snakes, birds of the order Ploceidae (weavers) or rodents which are causing widespread and persistent damage.</p>	

⁸<http://extwprlegs1.fao.org/docs/pdf/nig18379.pdf>

⁹<http://extwprlegs1.fao.org/docs/pdf/nig7764.pdf>

Analysis

The legislation recognises the value of wild animals by restricting and prohibiting hunting activities depending on the protected status of individual species. There are also restrictions on hunting methods that do give some limited protection to the welfare of wild animals, other than animals classified as pests in legislation.

Wild animals are not currently included in the protection from acts of cruelty under section 495 of the Criminal Code (1990), such as cruelly beating, kicking, ill-treatment, over-riding, over-driving, over-loading, torturing, infuriating, or terrifying animals, neither are they protected from wilful and unlawful killing, maiming or wounding (section 450) or from poisoning (section 456). Extending this legislation to protect animals in the wild as well as domestic and captive animals would go further towards making the welfare of wild animals a mainstream concern of society.

Traditional attitudes towards hunting may act as barriers to addressing welfare issues concerning wild animals. However, it is positive that the government has introduced legislation to address some cruel hunting methods.

Enforcement mechanisms

Any person who contravenes the Endangered Species Act (1985) by trading in, obtaining or dealing with an animal species threatened with extinction is liable to a fine of five million Naira for a first offence, and one year imprisonment with the option of a fine for a second offence.

Any person who trades in, obtains or deals with an animal species which may become threatened with extinction unless trade is controlled, is liable to a fine of one million Naira for a first offence, and 6 months imprisonment for a second offence.

There is no evidence of existing guidelines, recommendations, codes of practice, or other positive enforcement methods that explain the importance of animal welfare for wild animals in general, nor tools that raise awareness of issues regarding illegal wildlife trade in the country.

Key recommendations

- **The Government of Nigeria is encouraged to amend the Criminal Code (1990) to ensure wild animals are protected under general anti-cruelty provisions.**
- **The Government of Nigeria 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 all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.**



Goal 3: Establishment of supportive government bodies

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

Analysis of the legislation	
Ranking	D
<p>The Federal Ministry of Agriculture and Rural Development is responsible for formulating, supervising and overseeing policies on agriculture and issues covering animal disease, including the Animal Diseases (Control) Act (2004).</p> <p>The Department of Veterinary and Pests control services of the Federal Ministry of Agriculture and Rural Development has an Animal Welfare Branch in the Quality Assurance and Standards Division of Department whose mandate is coordinate all animal welfare activities and develop policy on animal welfare. The licencing procedure in the Wild Animals (Captive Animals) Regulations (1975) is governed by the Permanent Secretary, but delegated officials are not identified.</p> <p>The Nigerian Animal Welfare Strategy (2016) is mandatory and provides Federal, State and Local Governments with a direction for improvements in animal welfare. The strategy:</p> <ul style="list-style-type: none"> • focuses on ensuring the health and welfare of animals by promoting the development and adoption of sound animal welfare standards and handling practices • addresses farm animal welfare in the first instance and will address other emerging issues on the basis of priorities set by the OIE • recognizes the interrelationship between animal welfare, health, production and food safety • facilitates a National consultative approach to animal welfare that welcomes involvement of the government sector and non-governmental organizations (NGOs) • seeks to develop National support for the implementation of the OIE guidelines • establishes a framework for sustainable animal welfare outcomes based on, or informed by, scientific evidence and knowledge • recognizes the importance of education and training, and animal welfare research and development, areas in which the OIE collaborating centers play a role <p>The strategy states it will be reviewed every three years.</p> <p>Analysis</p> <p><i>The Animal Diseases (Control) Act (2004) includes some welfare provisions relating to the transport of animals; however, the majority of the policies that the Federal Ministry of Agriculture and Rural Development is responsible for relate to farm animal health protection. Promoting the protection of animal health does in turn generally encourage better animal welfare. However, due to the range of factors that influence an animal's welfare outside of health, it is important for animal welfare to be recognised as an independent issue.</i></p> <p><i>The framework described above has some potential to develop and implement policy and</i></p>	



legislation relating to the protection of certain categories of animals, including farm animals. The Nigerian Institute for Animal Science has the potential to be a body to help promote animal welfare, particularly for farm animals.

Animal protection increasingly being regarded as a distinct issue in legislation and but is still is dealt with as part of a much wider package of issues related to property ownership under the Criminal Code. Although the mechanisms described above could potentially enhance and strengthen existing animal welfare provisions, research could not identify any evidence that this is taking place.

There is evidence of existing allocation of responsibilities for the development of some issues as specified in the previous indicators. However, there is no evidence of direct responsibility for animal welfare promotion in a government body in the country and there is no evidence of financial resource allocated to animal welfare development and policy in said legislation. This does not appear to be a priority for government work and finance.

Enforcement mechanisms

The references to government authorities in the relevant legislation are to give enforcement powers to those authorities, not to mandate action by them. There is no evidence of enforcement mechanisms relevant to this indicator.

Key recommendations

- **The responsibility for different categories of animals currently falls under multiple Ministries and Departments. The Government of Nigeria is encouraged to align all animal welfare under one Ministry, with appropriate resources for research, implementation and enforcement.**
- **The Government of Nigeria established the National Consultative Committee on Animal welfare in 2012, however the Committee has not met since 2016. The Government is encouraged to mandate the Committee meets regularly to ensure improvements to animal welfare continue.**

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</p>	

education, and working equids.¹⁰

The animal protection legislation in Nigeria includes some of the issues covered by the OIE’s animal welfare standards, such as transport of animals for trade. The Nigerian Animal Welfare Strategy provides direction for the development of action plans for Nigeria to implement existing OIE guidelines and standards which have been adopted by the country. The Animal Diseases (Control) Act 2004 sets limitations to the distance animals can be transported for slaughter, necessitates rest times for feeding and watering animals being transported for trade, and requires stocking density to allow adequate ventilation.

However, this is an ongoing process and not all OIE animal welfare standards are not yet regulated by policy or legislation, including slaughter of animals for human consumption or disease control, control of stray dog populations, welfare of animals in research and education, and issues in beef cattle and broiler chicken production systems. The timeline for implementation and compliance is unclear.

Analysis

The Government has taken some steps towards the production of legislation on animal protection. The Government at inception constituted the National Consultative Committee on Animal Welfare in 2012 tasked with the responsibility of developing the Nigerian Animal Welfare Strategy Document which was approved as a policy document by the National Council on Agriculture and Rural Development in April 2016.

Incorporation of the OIE’s standards could enable the country to develop a system of protection on issues that do not currently appear to have regulation, such as the use of animals in experiments.

As it stands today, animal protection legislation meets some basic welfare needs, but incorporating the OIE’s animal welfare standards would further improve animal protection in the country.

Enforcement mechanisms

In relation to those legislative provisions which transpose the animal welfare standards, there are enforcement mechanisms. For instance, any person contravening provisions of the Animal Diseases (Control) Act (2004) are liable to fines not exceeding 100 naira or imprisonment not exceeding thirty days for the first offence. Any subsequent offences shall be liable to a fine not exceeding 200 naira or imprisonment not exceeding two months. Further incorporation of the OIE’s guiding principles and standards could provide the chance to use similar mechanisms to implement legislation.

Key recommendations

- **The Government of Nigeria is encouraged to continue with plans implementing legislation in line with the OIE animal welfare standards, including enforcement mechanisms for all species**

¹⁰<http://www.oie.int/infographic/StandardsAW/index.html>



to ensure a good level of animal welfare across Nigeria.

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

Analysis of the legislation

The Government of Nigeria 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

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.

The Government is encouraged to pledge in principle support for the UDAW as this will promote good models of animal welfare policy and help to introduce animal welfare into decision making processes for other policies. The government has not expressed a desire to improve animal protection in the country; however, support for the UDAW would be a first step in doing so.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

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

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