



# Animal Protection Index (API) 2020

## Russian Federation: ranking D

### Executive summary

Since the API was first published in 2014, the Russian Federation has adopted for the first time an overarching animal welfare act, Federal Law No. 498-**Ф3** 'On Responsible Handling of Animals and on Amending Certain Legislative Acts of the Russian Federation' (17 December 2018). This new law, in conjunction with the Penal Code of the Russian Federation (1996, amended 2012), are the main legal instruments through which animal welfare can be safeguarded and enforced in Russia. Federal Law No. 498-**Ф3** recognises that certain animals should be treated as being capable of experiencing emotions and physical suffering. The Act states that the fate of animals is a human responsibility; that the Russian population should be educated in moral and humane attitudes towards animals, and that animal welfare is a scientifically based combination of moral, economic and social interests of a person, society and the State. Provisions are made within the Act to safeguard the welfare of companion animals and stray animals. Of particular significance is the legislation prohibiting the killing of stray animals and the duty of care endowed upon animal owners of companion animals, and penalties associated with a failure to act in case of animal cruelty. Furthermore, this new legislation bans animal fights and restricts physical contact between wild animals and spectators during cultural and entertainment events, thus outlawing petting zoos and wild animal 'cafés'.

However, there is room for improvement in many areas related to animal welfare. Notably, all farm animals (including aquaculture and fur farming), animals used for scientific research and wild animals are explicitly excluded from the scope of application of Federal Law No. 498-**Ф3**. Much legal work remains to adequately safeguard the welfare of animals not covered by this Law. Federal Law No. 498-**Ф** neither defines 'animals' nor explicitly recognises animals as sentient; restricting them to being considered as things or property in law. Furthermore, Russian laws only offer basic provision safeguarding the welfare of certain species under certain conditions (e.g. the provision of bedding, food and water to pigs transported over six consecutive hours by road). The exploitative use of animals for fur production is still allowed in the country. Moreover, only anti-cruelty provisions are applicable to animals used in scientific research.

There is no evidence of responsibility for animal protection being allocated to an individual body of the government. The Ministry of Agriculture is in charge of enacting regulations for animals used in farming.

The Government of Russia is urged to formally recognise animals as sentient in legislation, given the scientific evidence which has proven that all vertebrates, cephalopods and decapod crustaceans are sentient. Furthermore, the Government of Russia is strongly encouraged to expand the scope of application of Federal Law No. 498-**Ф3** to all animals. The Government of Russia is urged to ban the confinement of farm animals – for instance, in sow stalls and farrowing crates for pigs, and in cages for egg-laying hens – and the Government is urged to mandate the humane slaughter of all farm animals, with stunning prior to slaughter. The Government of Russia is furthermore urged to ban fur



farming, which is inherently cruel, causing pain and distress to animals. The Government of Russia is urged to outlaw forms of entertainment which cause animal suffering, such as the use of captive marine mammals in shows for the public. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



## Animal Protection Index Indicators

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

#### 1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>Since the API was first published in 2014, the Russian Federation has adopted a new animal welfare act, namely the Federal Law No. 498-<math>\Phi</math>3 'On Responsible Handling of Animals and on Amending Certain Legislative Acts of the Russian Federation', adopted on 17 December 2018. Article 4 of Law No. 498-<math>\Phi</math>3 states that the treatment of animals should be based on the following 'moral principles and principles of humanity': that animals should be treated as creatures capable of experiencing emotions and physical suffering; that the fate of the animal is a human responsibility; that the population should be educated in moral and humane attitudes toward animals, and that animal welfare is a scientifically-based combination of moral, economic and social interests of a person, society and the state.</p> <p>The term 'animal' is not defined in the Act and farm animals (including aquaculture and fur farming), animals used for scientific research, for hunting, and for conservation are explicitly excluded from all provisions within the Act (Article 1(2)).</p> <p><b>Analysis</b></p> <p><i>Federal Law No. 498-<math>\Phi</math>3 recognises animal welfare and the suffering of animals as independent issues. Although animal sentience is not specifically referred to in the Act, various aspects of sentience are recognised (i.e. animals are capable of experiencing emotions and physical suffering). However, it is regrettable that the definition of 'animal' contains numerous exemptions. The same recognition of animal emotions and physical suffering is not reflected in the Penal Code of the Russian Federation (1996, amended 2012)<sup>2</sup> which only refers to death or injury of animals.</i></p>	
Enforcement mechanisms	
<p>Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (which has been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) constitute a criminal offence punishable by: fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.</p>	

<sup>1</sup> <http://publication.pravo.gov.ru/Document/View/0001201812270064#print>

<sup>2</sup> <https://www.legislationline.org/documents/action/popup/id/8916>



If acts are committed by a group of persons or on organised group, the severity of punishments increase to fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

### Key recommendations

- **Given the extensive body of scientific evidence proving that animals are sentient, the Government of Russia 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

B

Article 11 of Federal Law No. 498-~~Ф~~3 states that animals should be protected from abuse and prohibits various practices, namely: procedures that cause pain without the use of anaesthetic; organised animal fighting, and the feeding of live prey to predators (with an exception for the cultural and entertainment purposes). Article 11 also defines that a failure to act by owners in case of animal cruelty constitutes an offence. Article 12 also prohibits the promotion of animal cruelty by direct means or through the production, display, and distribution of films, video and photographic materials, printed materials, audio-visual products. Article 9 provides general requirements for the keeping of animals: the first of these requirements is that owners provide 'proper care' to their animals. In case of the owner refusing or being unable to take care of his/her animal, the owner must transfer the responsibility for the animal's wellbeing onto a new owner or a shelter.

Article 245 of the Penal Code of the Russian Federation contains a provision addressing cruelty to animals. Article 245 is comprehensive enough to cover all animals, but its content has restrictions in its application. Cruelty is not defined, but rather refers to two potential outcomes, namely injury or death of the animal, and such cases are addressed by law in observance of one of three cases, namely: i) when cruelty is caused with malicious or mercenary motives; ii) with the use of sadistic methods or; iii) in the presence of minors. Suffering caused by failure to act is not covered. The provision is included in the chapter of crimes against human health and public morality.

#### Analysis

*Federal Law No. 498-~~Ф~~3 was introduced in 2018 and is based on the premise that animals can experience emotions and physical suffering. Key provisions are made for the protection of certain animals under specific conditions, including failure to act which would cause cruelty (Article 3(5) &*

11(3)) and abandonment (Article 9(2)). However, the Act falls short of banning bestiality and explicitly excludes provisions for farm animals (including aquaculture and fur farming), animals used for scientific research and wild animals. The provisions relating to the welfare of companion animals (Article 13) and stray animals (Articles 16-18) are comprehensive and embrace a neuter and non-euthanasia policy for stray animals.

As anti-cruelty provisions are contained within the Penal Code, criminal procedures can be applied. This facilitates citizen interaction with authorities, as the Constitution and the Penal Procedure Code<sup>3</sup> establishes that prosecution is mandatory in Russia. Authorities therefore have the obligation to pursue any crime committed in the country and process it according to the rules. Citizens have a correlative obligation to report any criminal activity to authorities. However, as the implementation of the criminal provision is qualified (in other words, can only be put in place in cases where particular conditions are met), the existing legislation does not offer many preventive alternatives to protect animals.

### Enforcement mechanisms

Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

If acts are committed by a group of persons or on organised group, the severity of punishments increase to: Fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

### Key recommendations

- **The Government of Russia is urged to extend the scope of application of Federal Law No. 498-Φ3 'On Responsible Handling of Animals and on Amending Certain Legislative Acts of the Russian Federation', which at presents contains large exemptions for farm animals, animals used in scientific research and wild animals. Animal protection measures should be applicable to, at a minimum, all vertebrates, cephalopods and decapod crustaceans.**
- **The Government of Russia is urged to remove the exemption contained in Article 11 of Federal Law No. 498-Φ3 which allows the feeding of live prey to predators for entertainment or cultural events. Culture or entertainment should never be an excuse for animal cruelty.**
- **The Government of Russia is strongly encouraged to amend the Penal Code to prohibit a failure to act in a case of animal cruelty.**

<sup>3</sup> <https://www.legislationline.org/documents/id/8917>



## 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
<p><u>Rearing</u></p> <p>Whilst Federal Law No. 498-Φ3 makes general provisions for the protection of animals, Article 1(2) explicitly excludes animals used in farming (including aquaculture and fur farming) from the provisions of the Act.</p> <p>Article 245 of the Penal Code of the Russian Federation contains a provision addressing cruelty to animals. Article 245 is comprehensive enough to cover all animals, but its content has restrictions in its application. Cruelty is not defined, but rather refers to two potential outcomes, namely injury or death of the animal, and such cases are addressed by law in observance of one of three cases, namely: i) when cruelty is caused with malicious or mercenary motives; ii) with the use of sadistic methods, or iii) in the presence of minors. Suffering caused by failure to act is not covered. The provision is included in the Chapter of crimes against human health and public morality.</p> <p><u>Rearing - pigs</u></p> <p>Ministerial Decree No. 114 (29 March 2016)<sup>4</sup> laying down 'veterinary rules for keeping pigs with the purpose of reproduction, growing and sale' does not appear to contain any provisions relating to animal welfare except that it prohibits the use of mouldy and/or frozen bedding to keep swine on the farm. No other legislation protecting the welfare of pigs has been found, with the exception of the basic provisions made in the Penal Code.</p> <p><u>Rearing - broiler chickens</u></p> <p>No legislation protecting the welfare of broiler chickens has been found, with the exception of the basic provisions made in the Penal Code. Order No. 104<sup>5</sup> of the Ministry of Agriculture laying down 'veterinary regulation on indoor keeping of poultry in at the poultry farms' does not contain any provisions relating to animal welfare. Order No. 103<sup>6</sup> states that feeding must be safe for poultry and the environment (Article 4.1). Each adult bird must have access to a minimum of 6-8 cm of the feeder. Young birds must have access to a minimum of 4-5 cm per bird. Feeding of different bird species shall be performed separately (Article 4.6). On private farmsteads and for poultry kept on open farms, wood dust, wood chips, chopped straw and similar materials shall be used as litter upon the floor of the animals' housing (Article 3.2). For poultry kept on indoor farms, flooring must be solid, impervious</p>	

<sup>4</sup> <http://extwprlegs1.fao.org/docs/pdf/rus187209.pdf>

<sup>5</sup> [Link](#)

<sup>6</sup> <http://www.fao.org/3/a-i4002e.pdf>

to animal excrement and disinfectants, and should facilitate the removal of manure and litter (Article 3.4).

### Rearing - egg-laying hens

No legislation protecting the welfare of egg-laying hens has been found, with the exception of the basic provisions made in the Penal Code. Order No. 104 of the Ministry of Agriculture laying down 'veterinary regulation on indoor keeping of poultry in at the poultry farms' does not appear to contain any provisions relating to the welfare of egg-laying hens.

### Rearing - dairy cattle and calves

Ministerial Decree No. 551 (13 December 2016)<sup>7</sup> laying down 'veterinary rules for keeping cattle with the purpose of reproduction, growing and sale' states that on farms solid flooring, cattle can be housed with or without the use of bedding, but any bedding material used shall not be frozen or mouldy. Apart from this, Decree No. 551 does not contain other welfare provisions for cattle.

No legislation protecting the welfare of dairy cattle or calves has been found, with the exception of the basic provisions made in the Penal Code.

### Transport

Ministerial Decree No. 329 (6 July 2017)<sup>8</sup> laying down 'veterinary rules for the transportation of pigs and feed for them by road' provides standards for the protection of pigs during transport from adverse weather conditions. This Decree provides for ventilation and free space between standing animals and the ceiling. It stipulates that the flooring of vehicles and trailers must be free of cracks, potholes and holes (except for technological ones), and must be waterproof, slip-resistant and be able to withstand the weight of the animals being transported. When transporting pigs by road for more than six consecutive hours, the vehicle must possess the potential for storage of nesting material, water and feed.

Order No. 35<sup>9</sup> of the Ministry of Railways lays down 'regulations on transport of animals by rail' does not appear to contain any provisions relating to animal welfare except that states that slaughtering during transportation is prohibited. No other legislation protecting the welfare of farm animals during transport has been found, except the basic provisions made in the Penal Code.

### Slaughter

No legislation protecting the welfare of farm animals at slaughter has been found, with the exception of the basic provisions made in the Penal Code.

### Analysis

*The anti-cruelty provisions in the Penal Code have a very narrow scope of application. There is no*

<sup>7</sup> <http://extwprlegs1.fao.org/docs/pdf/rus187208.pdf>

<sup>8</sup> <http://extwprlegs1.fao.org/docs/pdf/rus187210.pdf>

<sup>9</sup> [Link](#)

apparent legislation or policy detailing welfare standards for farm animals. The lack of legislation for animals used in farming likely reflects the legal status of food animals as things or possessions. This results in very little (or no protection) of individual species on-farm, during transport and at slaughter. For example, for pigs, there is no legislation that mandates the group-housing of sows, bans the use of farrowing crates, and mutilations such as tail docking, teeth clipping or castration of piglets. For broiler chickens, there is no legislation limiting stocking density to a maximum of 42 kg/m<sup>2</sup> or below, mandating the provision of environmental enrichment and the provision of natural light. For laying hens, there is no legislation banning the use of battery or colony cages. For dairy cattle and calves, there is no legislation banning tethering or zero-grazing systems. There are no provisions in law that ban long-distance transport or that require animals to be slaughtered as close to the point of rearing as possible. The Russian Federation does not appear to mandate for humane slaughter and for the inspection of slaughterhouses on animal welfare grounds.

### Enforcement mechanisms

Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

If acts are committed by a group of persons or on organised group, the severity of punishments increase to: fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

### Key recommendations

- **The Government of Russia is urged to enact legislation detailing specific welfare requirements for 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.**
- **The Government of Russia 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/m<sup>2</sup> 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 Russia 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.<sup>10</sup> 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.

- Legislation regarding the transport of animals should protect their Five Freedoms. Due to the significant animal welfare concerns associated with long distance transport, the Government of Russia 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	D
<p><u>Zoos</u></p> <p>The general anti-cruelty provisions in the Penal Code apply to animals in captivity.</p> <p>Ministerial Decree No. 823 (17 July 1996)<sup>11</sup> mandates that the establishment of zoological collections requires a licence delivered by the Ministry of Environmental Protection and Natural Resources. Article 4 specifies that zoological collections can be replenished by seizing wild animals from their natural territory.</p> <p>Federal Law No. 498-Φ3 make basic provisions for the protection of animals kept in zoos (Articles 5(2), 6, 15(9) and 27(4)). Article 5(2) indicates that the State maintains a list of animals whom cannot be kept in captivity. Article 6 states that activity on the maintenance and use of animals in zoos, zoo gardens, circuses, animal theatres, dolphinarium or oceanariums is subject to licensing according Federal Law No. 99-FZ on the 'licensing of separate types of activity' (4 May 2011).<sup>12</sup> Article 27(4) of Federal Law No. 498-Φ3 states that individual entrepreneurs engaged in activities for the maintenance and use of animals in zoos, zoological gardens, circuses, animal theatres, dolphinarium</p>	

<sup>10</sup> [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))

<sup>11</sup> <http://extwprlegs1.fao.org/docs/texts/rus41117.doc>

<sup>12</sup> <https://web.archive.org/web/20190418205455/http://en.smb.gov.ru/support/regulation/99fz/>



or oceanariums, are required to obtain a license for its implementation until 1 January 2022. After 1 January 2022, the implementation of this activity without a licence is not allowed.

In March 2014, it was reported that the Moscow Zoo, which is traditionally responsible for regulating the operation of zoos in the country, will draft a new federal law specifically focusing on zoos, explaining the existing legislation is outdated.<sup>13</sup> At time of writing, this law has not been enacted.

### Private keeping of wild animals

Article 22 of Federal Law No. 498-**ФЗ** states that wild animals contained or used in captivity in violation of the requirements established by this Federal law shall be subject to confiscation in cases and in the manner established by the legislation of the Russian Federation. Confiscated wild animals in captivity are subject to return to their habitat. If return of the specified animals to the environment of their dwelling is impossible, the further treatment of the specified animals is performed according to the order established by the Government of the Russian Federation.

### Fur farming

Article 1(2) of Federal Law No. 498-**ФЗ** specifically excludes animals used for the production of fur from all the provisions contained in the law. No legislation protecting the welfare of animals farmed for fur has been discovered except the basic provisions made in the Penal Code.

### Analysis

*The existing law on zoos appears not to encompass provisions relating to the living conditions for animals.<sup>14</sup> Whilst zoos must be licenced, there does not appear to be any assessment or inspection mandated in law according to defined welfare criteria.*

*There is a dedicated authority in charge of state registration of wildlife collections. Ministerial Decree No.823 (17 July 1996) states that the Ministry of Environmental Protection is responsible for state registration of wildlife collections of scientific, research, cultural and instructive, teaching and educational and aesthetic value, as well as some notable collection exhibits irrespectively of the form of property. However, there is no evidence that the law provides any financial resource for the activity or that welfare conditions have to be met in order for such collections to achieve registration.*

*With regards to the private keeping of wild animals, it has been reported in general news media that, through the enactment of Federal Law No. 498-**ФЗ**, wild animals cannot be kept in private homes.<sup>15</sup> Though such an outright prohibition has not been found in Law No. 498-**ФЗ**, it appears that the scope of application of Article 22 could be expanded to mean that wild animals do not belong in private homes.*

*With regards to animals used for fur farming, the lack of legislation either banning or protecting the welfare of animals farmed for fur perpetuates this cruel and unnecessary use of animals.*

<sup>13</sup> [http://rapsinews.com/legislation\\_news/20140321/270986017.html](http://rapsinews.com/legislation_news/20140321/270986017.html)

<sup>14</sup> [http://rapsinews.com/legislation\\_news/20140321/270986017.html](http://rapsinews.com/legislation_news/20140321/270986017.html)

<sup>15</sup> <https://www.themoscowtimes.com/2018/12/31/russia-outlaws-animal-cruelty-a64009>



### Enforcement mechanisms

Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: Fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

If acts are committed by a group of persons or on organised group, the severity of punishments increase to: fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

### Key recommendations

- **The Government of Russia is highly encouraged 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. The Government of Russia should mandate regular inspections to be carried out at zoos. Results of such inspections should be made publicly available.**
- **The Government of Russia is urged to outlaw the wild capture of animals to replenish zoological collections. Animals housed in zoological facilities should be bred in captivity. Captive breeding of wild animals should only be allowed in registered zoological facilities, only when it serves conservation purposes and facilities should abide by strict welfare conditions. Efforts should be made to release animals in their natural habitat.**
- **The Government of Russia 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 Russia 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	C
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### Care of companion animals

Federal Law No. 498-**ФЗ** makes basic provisions for the protection of companion animals. Article 5 details the powers of federal bodies to: establish a list of cases in which companion animals are allowed to be used in business activities; approve the list of potentially dangerous dogs and establish requirements for the use of animals for cultural and entertainment purposes. Article 9 establishes a duty of care onto animal owners, which includes proper animal husbandry; timely provision of veterinary treatment; taking measures to prevent unwanted offspring, and proper provision if a companion animal becomes unwanted. In such circumstances, animals must be taken to a new owner or to an animal shelter. Article 13 prohibits the use of companion animals in business activities (except in cases approved by the Government) and forbids the possibility of free, uncontrolled movement of the animal across roads. The maximum number of companion animals allowed to be kept by the same owner is determined on the basis of the owner's ability to provide the animals with corresponding veterinary care, as well as complying with sanitary regulations. Article 13 also lays out various requirements regarding the walking of pets: notably, dogs considered 'dangerous' must be walked with a muzzle and a leash.

### Stray animals

The general anti-cruelty provisions in the Penal Code apply to stray animals. In addition, Articles 16 and 17 of Federal Law No. 498-**ФЗ** lay down provisions for the management of stray animals. Animal shelters are established for the maintenance of animals, including those without owners (Article 16(1)). Article 16(6) states that the owners of animal shelters and their authorised persons are responsible as animal owners. Article 16(1-13) lay down welfare provisions for stray animals including inspection of animals; vaccinations; identification, and sterilisation of animals kept in shelters. Furthermore, it is forbidden to transfer stray animals to be used for scientific experiments (Article 16(8)). Article 16(11) prohibits the killing of stray animals, except in the cases of incurable injury or disease; euthanasia should be performed by a veterinarian, to ensure a quick and painless death.

### Analysis

*It is significant that Federal Law No. 498-ФЗ confers a comprehensive duty of care on the owners of companion animals (Article 13), which includes provisions against abandonment (Article 9(2)). However, this new law lacks provisions for the licensing of animal breeding establishments – it is not clear from the wording of the legislation what is encompassed through the term 'business activities.' The law also fails to prohibit cosmetic mutilations on animals. The third-party sale of kittens and puppies in pet shops is still allowed.*

*The introduction of Federal Law No. 498-ФЗ is a welcome response to the reporting of companion animal welfare atrocities in the run up to the 2014 Winter Olympics in Sochi. There were reports of large stray dog populations in the country and international outcry about the killing of dogs.<sup>16</sup> Dog hunters were reported to operate in Moscow and organised mass culls of animals, including by the use of poison, causing great concern amongst animal protectionists.<sup>17</sup> Provisions in Federal Law No.*

<sup>16</sup> <http://www.dailymail.co.uk/news/article-2549977/Russians-culling-stray-dogs-Sochi-Winter-Olympics-dont-way-events.html>

<sup>17</sup> <http://abcnews.go.com/blogs/headlines/2013/01/dog-hunters-plan-big-cull-of-moscow-strays/>



498-Φ3 for banning the culling of stray animals but rather, their maintenance at animal shelters and their sterilisation of stray animals is a welcome step.

### Enforcement mechanisms

Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

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### Key recommendations

- **The Government of Russia is strongly encouraged to set out clear animal welfare criteria, which animal breeders must fulfil prior to being granted the authorisation to commercially breed and trade companion animals.**
- **The Government of Russia is urged to ban cosmetic mutilations on animals.**
- **In addition to Federal Law No. 498-Φ3, which promotes the humane treatment of stray animals and their placement in animal shelters, the Government of Russia is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.**
- **Instead of having a list of dangerous dogs, the Government of Russia is strongly encouraged to implement education programmes on dog bite prevention.**
- **The Government of Russia should promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.**

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

Analysis of the legislation	
Ranking	E
<p><u>Animals used for entertainment</u></p> <p>Federal Law No. 498-Φ3 makes basic provisions for the protection of animals used for entertainment. Article 11 of Federal Law No. 498-Φ3 states that animals should be protected from abuse and prohibits various practices, among which organised animal fighting.</p> <p>Article 15 states that these of animals in the cultural and entertainment purposes and their maintenance are permitted considering the requirements established by the Government of the Russian Federation. Article 15(2) states that animals should be used in accordance with biological (species and individual) features, without causing harm to their life and health, requirements for places of detention of such animals and persons engaged in their use. Article 15(4) outlaws the organisation of cultural or entertainment events whose main purpose is to offer to the spectator physical contact with the animals. If such activities involving physical contact between spectators and animals are carried out, the animal must always have access to a sheltered area away from spectators (Article 15(5)). The use of drugs for veterinary use and other substance to improve the efficiency of animals is forbidden (Article 15(6)), including for sport competitions (Article 15(7)). Article 15(8) states that if further use of the animal in cultural and entertainment purposes is not possible, the animal owner is obliged to ensure the animal's maintenance until natural death of the animal or transfer the animal to another owner or to an animal shelter.</p> <p>The use of animals in circuses is not banned and Federal Law No. 498-Φ3 states that the maintenance and use of animals in zoos, zoo gardens, circuses, animal theatres, dolphinariums, oceanariums is licenced according to Federal Law N 99-FZ on the 'licensing of separate types of activity' (4 May 2011).<sup>18</sup></p> <p><u>Draught animals</u></p> <p>Whilst Federal Law No. 498-Φ3 makes general provisions for the protection of animals, animals used in farming (including aquaculture) are excluded from its provisions (Article 1(2)). It is assumed this includes animals used for draught purposes.</p> <p><u>Analysis</u></p> <p><i>It is positive that Federal Law No. 498-Φ3 prohibits organisation of cultural or entertainment events whose main purpose is to offer to the spectator physical contact with the animals. This provision effectively outlaws petting zoos and wild animals 'petting' cafés, which are reported to exist for species</i></p>	

<sup>18</sup> <http://en.smb.gov.ru/support/regulation/99fz/>

as varied as hedgehogs, rabbits, owls, raccoons, snakes and spiders.<sup>19</sup>

However, Federal Law No. 498-Φ3 and provisions from the Penal Code are not sufficient to guarantee the welfare of animals used for entertainment, since there is no detailed legislation that guarantees, at minimum, the Five Freedoms of animals used for entertainment. The fact that Federal Law No. 498-Φ3 explicitly recognises the use of animals in circuses, dolphinariums and oceanaria condones such cruel uses of animals for entertainment. Therefore, the use of animals in circuses, performances at zoos, performances of marine animals, rodeos and animal races remain permitted in law.

With regards to animals used for draught, it is unclear from Federal Law No. 498-Φ3 that draught animals are covered within the scope of application of this relatively new law. Therefore, there appears to be a lack of legal provisions for this category of animals.

### Enforcement mechanisms

Breaches of the Penal Code of the Russian Federation (1996, amended 2012) relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: Fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

If acts are committed by a group of persons or on organised group, the severity of punishments increase to: Fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

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

### Key recommendations

- **The Government of Russia is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover rodeos, 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 the use of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**
- **Given that the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of Russia is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that these animals constitute the last generation**

<sup>19</sup> <https://www.themoscowtimes.com/2019/11/27/moscow-cafe-offers-responsible-playtime-with-hedgehogs-a68340>

in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.

- The Government of Russia 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	F
<p>Whilst Federal Law No. 498-Φ3 makes general provisions for the protection of ‘animals’, those used for scientific research are explicitly excluded from its provisions (Article 1(2)).</p> <p>Article 245 of the Penal Code of the Russian Federation contains a provision addressing cruelty to animals. The article is comprehensive enough to cover animals used for scientific research, but its content has restrictions in its application. Cruelty is not defined, but rather refers to two potential outcomes, namely injury or death of the animal, and such cases are addressed by law in observance of one of three cases, namely: i) when cruelty is caused with malicious or mercenary motives; ii) with the use of sadistic methods or; iii) in the presence of minors. Suffering caused by failure to act is not covered. The provision is included in the chapter of crimes against human health and public morality.</p> <p>Beyond this very basic level of protection, there is no evidence of existing policy or legislation to protect animals used in scientific research. The use of animal testing for cosmetic products does not appear to be restricted in legislation.</p> <p><u>Analysis</u></p> <p><i>The basic provisions in the Penal Code are not sufficient to ensure that adequate welfare standards for animals used in scientific research are met. There appears to be no legislation promoting the Three Rs principles – Replacement, Reduction, Refinement – or a body dedicated to the welfare of animals used in experiments. Furthermore, the use of animal testing for cosmetic products is still allowed.</i></p>	
Enforcement mechanisms	
<p>Breaches of the Penal Code relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: Fines of up to 80,000 roubles or an amount equivalent</p>	



to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

If acts are committed by a group of persons or on organised group, the severity of punishments increase to: Fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year's income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

However, there are no provisions specifically relating to animals used in scientific research, hence there is a lack of enforcement mechanism for this category of animals.

### Key recommendations

- The Government of Russia is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.
- The Government of Russia is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- Furthermore, the Government of Russia 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	C
<p>Whilst Federal Law No. 498-ФЗ makes general provisions for the protection of 'animals', those used for hunting and conservation are explicitly excluded from its provisions (Article 1(2)). As such, this Law is not applicable to wild animals living in their natural habitat. The general anti-cruelty provisions in the Penal Code are presumed to apply to wild animals, although this is not defined in the law.</p> <p>Beyond this very basic level of protection, the Federal Law of the Russian Federation on Wildlife (No. 52-FZ of 1995)<sup>20</sup> is the most important law applicable to wild animals in the country. This legislation</p>	

<sup>20</sup> <http://extwprlegs1.fao.org/docs/pdf/rus22375R.pdf>



is complemented by a significant number of regulations forming secondary legislation on biodiversity, conservation, fisheries and other related matters. There are regulations for the management of lists (Red Book) of protected endangered animals. The law, and notably Chapter III on the protection of wildlife and their habitats, focuses on the conservation of species.

There is some policy in existence for the welfare of wild animals, but its context is often controversial; for example, with the Agreement on Humane Trapping Standards signed between the Russian Federation, Canada and the European Union (then the European Community).<sup>21</sup>

Law 26-OZ of 2000<sup>22</sup> regulates hunting and hunting reserves in Russia. Hunting is a licenced activity in the Russian Federation; licences are delivered for a period of 10 to 49 years (Article 7). Amateur hunters are forbidden to hunt brown bear and wild ungulates and must have a licence for their hunting weapons. Article 7 specifies that the use of game animals should be carried out with 'humane means.' The use of certain weapons is prohibited (e.g. bows and crossbows) as is the use of poisons, although hunting with dogs is permitted. Article 13 outlines that citizens may be deprived of the right to hunt for gross violation of hunting rules, which includes hunting wild animals classified as rare or endangered.

### **Analysis**

*Some of the policy production seems to focus on activities which are by their very nature detrimental to animal welfare; the ratification of the 1997 Agreement on Inhumane Trapping Standards is an example of such provisions. While it introduces some minimum standards that may be inspired by welfare considerations, the capture of wild animals for fur using other trapping mechanisms is legitimised. The Agreement itself does not demonstrate any attempt by the Government to restrict or reduce wild animal capture.*

*According to the Federal Law of the Russian Federation on Wildlife, wildlife is a regenerating natural resource that should be used rationally for the purpose of satisfaction of spiritual and material needs of Russian nationals. Therefore, there are no elements of welfare or protection of individual animals in the wildlife law or in secondary legislation. Furthermore, most of the secondary legislation revolves around the idea of animals considered as commodities. Examples of this stance are found in the hunting secondary legislation relating to hunting (for example, Law 26-OZ of 2000 on hunting and hunting reserves<sup>23</sup>).*

### **Enforcement mechanisms**

Breaches of the Penal Code relating to cruelty to animals that has involved their death or injury (been conducted with malicious or mercenary motives, or the use of sadistic methods, or in the presence of minors) are a criminal offence punishable by: Fines of up to 80,000 roubles or an amount equivalent to six month's income; compulsory works for a term of up to 360 hours; corrective labour for a term of up to one year; restriction of liberty for a term of up to one year, or arrest for a term of up to six months.

<sup>21</sup> <https://web.archive.org/web/20120213194356/http://www.legaltext.ee/text/en/PH0782.htm>

<sup>22</sup> <http://extwprlegs1.fao.org/docs/texts/rus34353.doc>

<sup>23</sup> <http://extwprlegs1.fao.org/docs/texts/rus34353.doc>



If acts are committed by a group of persons or on organised group, the severity of punishments increase to: Fines ranging from 100,000 to 300,000 roubles or an amount equivalent to one to two year’s income; compulsory works for a term of up to 480 hours; corrective labour for a term of up to two years, or restriction of liberty for a term of up to two years.

There are a series of administrative measures to regulate provisions in the wildlife legislation, such as cancellation of permits, revocation of licences, fines and similar mechanisms. No provisions were found detailing criminal prosecution.

**Key recommendations**

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

**Goal 3: Establishment of supportive government bodies**

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

**Analysis of the legislation**

Ranking	F
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There is no evidence of responsibility for animal protection or animal welfare development being allocated to an individual government body. Article 8 of Federal Law No. 498-Φ3 states that powers of local governments in the field of the treatment of animals are defined according to the legislation of the Russian Federation on the General principles of the organisation of local government and this Federal law. Article 19 outlines that state supervision in the field of the treatment of animals is performed by Federal Executive authorities supervising veterinary services and nature conservation. No further information is given to reference a single Federal Executive authority.

The Ministry of Agriculture of the Russian Federation<sup>24</sup> is responsible for ‘drafting and implementing government policy and legal regulation in the agriculture and related industries, including livestock farming (including breeding of domesticated fish species included in the State Register of Protected Breeding Achievements), veterinary services...’ and ‘drafting state policy and legal regulation in the fisheries industry, including fishing and fish farming (aquaculture)... ...the protection, study, preservation

<sup>24</sup> <http://government.ru/en/departments/59/events/>

and replacement of marine wildlife and protection of their natural habitats, excluding water biological resources in federal protected nature areas and listed in the Red Book of the Russian Federation’.

### **Analysis**

*Although the Government has assigned some environmental responsibilities to its executive bodies, this has not transformed or evolved into allocation of responsibility for animal protection. Environmental and conservation measures in the country are underpinned by a view of the commodification of animals, which does not create a framework in which debates promoting animal protection and animal welfare can take place. There is no evidence of human and financial resource allocated to promote animal protection or animal welfare.*

### **Enforcement mechanisms**

The responsibilities of relevant government bodies are set out in legislation. However, no Ministry has direct responsibility for animal welfare.

### **Key recommendations**

- **The Government of Russia is urged to assign responsibility for animal welfare to a Ministry. This Ministry should be responsible for enacting animal welfare legislation and for monitoring the implementation of animal welfare standards.**
- **The Government of Russia is strongly encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals’ well-being to find solutions for welfare concerns. This committee would guide the country’s policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.**

## **Goal 4: Support for international animal welfare standards**

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

<b>Analysis of the legislation</b>	
<b>Ranking</b>	<b>D</b>
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. <sup>25</sup>	

<sup>25</sup> <http://www.oie.int/infographic/StandardsAW/index.html>



Though Federal Law No. 498-**ФЗ** does not directly refer to the OIE standards, many of its provisions, such as the humane treatment of stray animals, abide by the OIE requirements. However, the existing legislation does not cover the use of animals in farming and scientific research, since these categories of animals are explicitly excluded from the scope of application of Federal Law No. 498-**ФЗ**. As such, not all OIE standards are currently incorporated in Russian legislation.

Furthermore, there are some references to the OIE standards in international legislation, which could act as a secondary source for interpretation or brought as a preamble of such norms. Examples of these are found in the Resolution of Customs Union Commission No. 721 on application of international standards, guidelines and recommendations (22 June 2011);<sup>26</sup> the Customs Union Treaty related to Veterinary and Sanitary Measures (11 December 2009); and the Order of the Ministry of Agriculture of the Russian Federation No. 3 on approval of procedure for audit of legal acts related to sanitary-epidemiological, veterinary-sanitary and phytosanitary requirements (11 January 2010).

### **Analysis**

*The animal welfare guiding principles and standards of the OIE are based on scientific evidence strong enough to support legislation and policy production. Current reference to these OIE standards in international agreements or in the preamble to existing legislation shows that the Government already has some policy from which transposition and implementation of the OIE standards could follow. Furthermore, recent Federal Law No. 498-**ФЗ** has embraced several of the OIE standards, but still falls short of transposing all of the OIE guidelines since this legislation is not applicable to farm animals or animals used in scientific research.*

### **Enforcement mechanisms**

There are enforcement mechanisms for those of the OIE's standards which have been incorporated into legislation.

### **Key recommendations**

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

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

### **Analysis of the legislation**

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

<sup>26</sup> [https://www.wto.org/english/thewto\\_e/acc\\_e/kaz\\_e/WTACCKAZ92\\_LEG\\_7.pdf](https://www.wto.org/english/thewto_e/acc_e/kaz_e/WTACCKAZ92_LEG_7.pdf)



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 Russia 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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