



Animal Protection Index (API) 2020

United Republic of Tanzania: ranking D

Executive summary

The Government of Tanzania should be commended on the explicit recognition of both vertebrates and invertebrates as sentient beings as well as enshrining the Five Freedoms in law in the Animal Welfare Act (2008). Similarly, the Government should be commended for explicitly promoting the 3Rs Principles – Replacement, Reduction, Refinement – in the Act. The Animal Welfare Act (2008) is also able to have a positive impact on animal welfare in Tanzania through the dual role of all police officers and zoo sanitary inspectors as Animal Welfare Inspectors.

However, animal welfare legislation in Tanzania is unclear as to its application to wild animals in captivity. A further concern is the exclusion of wild animals from the protections of the Animal Welfare Act (2008), when the Wildlife Conservation Act (2009) includes few welfare protections. The exclusion also means that the Five Freedoms and the recognition of sentience cannot be applied to wild animals. There are limited secondary regulations to ensure appropriate care for farm animals and it is of concern that the National Livestock Policy (2006) promotes the industrialisation of the farming industry. Industrial systems are not compatible with the Five Freedoms already enshrined in the Animal Welfare Act (2008). Since the 2014 edition of the API, the Government of Tanzania has made no improvements to animal welfare legislation.

Responsibility for implementation of the Animal Welfare Act (2008) is assigned to the Minister responsible for Livestock, while wild animals fall under the jurisdiction of the Minister responsible for the Environment and the appointed Director of Wildlife. The Animal Welfare Act (2008) also established the Animal Welfare Advisory Council which is responsible for advising the Government on animal welfare issues.

The Government of Tanzania is encouraged to amend the Animal Welfare Act (2008) to include a recognition of wild animals and other animals such as cephalopods and decapods crustaceans as sentient. Alternatively, the Government is encouraged to recognise the sentience of all vertebrates, cephalopods and decapods crustaceans in the Fisheries Act (2003) and the Wildlife Conservation Act (2009). Similarly, the Government is also encouraged to amend the Animal Welfare Act (2008) to ensure all animals – both domesticated and wild – are protected under the Act. 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 Tanzanian Animal Welfare Act (2008)¹ states that an animal is a sentient being, and that anyone exercising powers under, applying or interpreting the Act shall have regard to this principle. This includes all species of animal but does not extend to any animals governed by the Fisheries Act (2003)² or the Wildlife Conservation Act (2009)³ therefore wild animals and fish are not covered by this recognition. Sentience of wild animals and fish is not recognised in that separate legislation.</p> <p>The Animal Welfare Act (2008), also enshrines the Five Freedoms in law.</p> <p>Analysis</p> <p><i>This formal recognition of sentience in legislation, as a guiding principle for that legislation, is an important way to introduce the concept of sentience into government discussions on animal protection. However, wild animals and fish are currently excluded from the recognition of sentience whereas scientific evidence shows that all vertebrates are demonstrably sentient. Although the existing recognition in legislation is extremely positive and suggests that some improvement may be possible, cultural attitudes to wild animals as resources may present a barrier to improvement in this area. The Ministry of Livestock and Fisheries Development acknowledges in the National Livestock Policy (2006)⁴ that issues such as inadequate awareness and socio-cultural limitations present constraints to improving animal welfare.⁵</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms for the provisions of the Animal Welfare Act (2008) that arise out of the recognition of sentience. Section 4(b)(i) of the Act requires that anyone applying or interpreting the Act shall have regard to the principle of sentience.</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Tanzania is encouraged to amend the Animal Welfare Act (2008) to include a recognition of wild animals and other animals such as cephalopods and decapods crustaceans as sentient. Alternatively, the Government is encouraged to recognise the sentience 	

¹ <http://extwprlegs1.fao.org/docs/pdf/tan85327.pdf>

² <http://extwprlegs1.fao.org/docs/pdf/tan53024.pdf>

³ <http://extwprlegs1.fao.org/docs/pdf/tan97858.pdf>

⁴ https://www.tnrf.org/files/E-INFO_National_Livestock_Policy_Final_as_per_Cabinet_Dec-2006.pdf

⁵ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livestock-Policy.pdf>



of all vertebrates, cephalopods and decapods crustaceans in the Fisheries Act (2003) and the Wildlife Conservation Act (2009).

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

Analysis of the legislation	
Ranking	C
<p>The Animal Welfare Act (2008) enshrines the Five Freedoms in law and states that human beings have a 'moral obligation to care, respect and protect' animals. However, the Act explicitly excludes wild animals and fish.</p> <p>The Act prohibits causing unnecessary or avoidable suffering for farm animals and prohibits their abandonment. The Act also requires that farm animal owners provide appropriate housing (as prescribed by the Minister for Agriculture), care and attention, considering the physiological and behavioural needs of the animal. The Minister is also required to prescribe appropriate standards for animal carriers and transport vehicles for each category of livestock.</p> <p>Companion animal owners are responsible for their animal's complete health and wellbeing. Non-therapeutic procedures are prohibited except for neutering and ear tipping for feral cats as a sign of neutering.</p> <p>Any person that strikes or injures an animal with a car or bicycle is required to provide the animal care and attention as necessary to relieve pain and aid their recovery.</p> <p>Under the Animal Welfare Act (2008) it is prohibited to cruelly beat, kick, ill-treat, torture, infuriate or terrify an animal. It is prohibited to convey or carry an animal in such a way as to cause unnecessary suffering as well as to administer any poisonous or dangerous drug or substance to any animal without reasonable cause or excuse.</p> <p>The Animal Welfare Act (2008) establishes the Animal Welfare Advisory Council which is responsible for advising the Minister responsible for livestock on animal welfare issues. The Council is required to include two representatives from animal welfare advocacy groups as well as a leading animal behaviourist and animal welfare ethicist.</p> <p>The Council is able to advise the Minister on the appointment of Animal Welfare Inspectors. The Act also makes every zoo sanitary inspector and all members of the police force Animal Welfare Inspectors. Under the law, Animal Welfare Inspectors are responsible for ensuring the humane treatment of animals during transport, slaughter, entertainment events such as sport, experimentation, and work. They are also responsible for ensuring all animal handling complies with animal welfare principles and standards.</p>	



The Animal Welfare Advisory Council has the authority to appoint an Animal Welfare Director at a local level, who is responsible for ensuring the development of information and education for organisations and individuals regarding animal welfare. The Director is also responsible for monitoring animal welfare advocacy groups.

Analysis

The basic anti-cruelty legislation to protect animals deals with the issue of animal welfare and is based on internationally accepted principles, such as the Five Freedoms. The country has included animal welfare as a consideration in relevant policies, including environmental policy and the National Livestock Policy (2006). The Government of Tanzania should also be commended for establishing the Animal Welfare Advisory Council and for assigning all zoo inspectors and police officers the role of Animal Welfare Inspector.

However, protections are limited as wild animals for example are not protected under the Animal Welfare Act (2008). The legislation would benefit from extending protection to all categories of animals.

An OIE report indicates that "to establish the necessary enforcement structures/systems, training of the inspectors, formal authorisation and licensing of slaughterhouses, transporters, drivers and slaughter workers/men" continues to be a challenge in the country.⁶ The Ministry of Livestock and Fisheries Development acknowledges in the Livestock Policy (2006) that issues such as inadequate awareness and socio-cultural limitations present constraints to improving animal welfare.⁷

It appears that there may be resource and enforcement barriers to improvement in this area.

Enforcement mechanisms

Sections 7 to 10 of the Animal Welfare Act (2008) establish general inspection and enforcement mechanisms, providing that inspectors can be appointed by the Minister and giving a general framework of powers and duties of inspectors. The Act also provides that local authorities may produce by-laws for effective enforcement of the Act.

Section 59(2) of the Act provides that contravention of the prohibition in section 59(1) on conveying or carrying an animal in such a manner or position as to cause that animal any unnecessary suffering, is punishable by imprisonment for up to one month or a fine up to one hundred thousand shillings. A first offender can be given a reprimand or correction order.

However, there do not appear to be enforcement mechanisms for the prohibition on causing unnecessary pain, suffering or distress to or abandoning a farm animal in section 11(2). Neither for the prohibition on causing working animals avoidable suffering, injury, pain or distress in section 33(2),

⁶ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>

⁷ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livestock-Policy.pdf>



although the Act does envisage that local government authorities have powers to make enforcement by-laws (section 8(3)).

Key recommendations

- The Government of Tanzania is encouraged to amend the Animal Protection Act (2008) to ensure all animals are protected under the Act.

Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation

Ranking

D

Rearing

Section 59(1) of the Animal Welfare Act (2008) creates cruelty offences which apply to this category of animals. These include cruelly beating, kicking, ill-treating, torturing, infuriating or terrifying an animal; conveying or carrying an animal in such a manner or position as to cause that animal any unnecessary suffering; and subjecting the animal to an operation which is performed without due care and humanity.

The Animal Welfare Act (2008) also makes specific provision for the protection of animals used in farming, including during transport and slaughter. Sections 11 to 15 of the Act deal with housing, including the requirement that animals are provided with appropriate housing, care and attention considering their physiological and behavioural needs.

Section 63 of the Act gives the Minister of Livestock Development and Fisheries powers to make secondary regulations on issues including husbandry conditions, slaughter and breeding. However, these secondary regulations were not found at the time of writing.

The Tanzania's National Livestock Policy (2006), which is focused on animal production, contains further guidance on humane handling, transportation and slaughter.

Rearing - pigs

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

Rearing - broiler chickens



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

Rearing - egg-laying hens

There is no policy or legislation specifically related to the rearing of egg-laying hens.

Rearing - dairy cattle and calves

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

Transport

Under the Animal Welfare Act (2008), animals are not permitted to be transported in a manner likely to cause pain, injury or undue suffering or distress. An animal that presents with an illness or physical injury is also prohibited from being transported unless it is for health purposes.

Vehicles for transporting animals are required to be designed and operated in a way so as to avoid any injury or suffering to animals and to protect animals from inclement weather.

Slaughter

The Animal Welfare Act (2008) includes provisions regarding the slaughter of animals. Animals are required to be slaughtered using methods that either involve instantaneous killing (in the case of religious slaughter) or stunning before slaughter. Pigs and animals such as horses are permitted to be slaughtered using either an instrument administering a blow or penetration to the brain or electronarcosis.

Religious slaughter is required to be undertaken by experienced persons in the presence of a veterinarian. Similarly, it is only allowed to be performed in a way that prevents other animals waiting for slaughter to see the killing.

It is prohibited to slaughter an animal by drowning, or by any other method of suffocation, use of a poisonous substance or drug (other than by a vet for euthanasia purposes) or by electrocution unless preceded immediately by the induction of loss of consciousness.

Analysis

The legislation protecting the welfare of farm animals is based on the principles of the Five Freedoms and requires that physiological and behavioural needs are considered (section 11 Animal Welfare Act 2008). However, there is a lack of species-specific regulations for farm animals.

Growing demands for food have seen a greater production of livestock and farmed animals. The OIE reports that this has meant an increase in farming-intensive models: "Intensive farming is found primarily in poultry, mostly boilers, but there is also a growing battery egg production and piggery production".⁸

⁸ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>



Increasing use of intensive methods presents significant welfare challenges but the importance of producing healthy livestock may also assist in reducing some barriers to improvement.

Both the National Livestock Policy (2006) and the Pork Production Livestock Masterplan (2017)⁹ recommend the industrialisation of the meat industry to meet growing demand. However, the industrialisation of the industry comes with animal welfare concerns, for example adequate space.

Although the legislation follows good international practice, questions remain over implementation. The country scores in the middle-lower percentile of the Worldwide Governance indicators of the World Bank, with scores ranging no more than 37 points in the scale on issues related to national constraints such as, Government Effectiveness and the Rule of Law which raises concerns about the abilities to control and implement legislation effectively. An OIE report indicates that “to establish the necessary enforcement structures/systems, training of the inspectors, formal authorisation and licensing of slaughterhouses, transporters, drivers and slaughter workers/men” continues to be a challenge in the country.¹⁰

The Ministry of Livestock and Fisheries Development acknowledges in the Livestock Policy (2006) that issues such as inadequate awareness and poor handling facilities present constraints to improving animal welfare.¹¹

Enforcement mechanisms

Section 59(2) of the Animal Welfare Act 2008 provides that contravention of the prohibitions in section 59(1) is punishable by imprisonment for up to one month or a fine up to 100,000 shillings. A first offender can be given a reprimand or correction order.

Other than this provision in section 59(1), there do not appear to be enforcement mechanisms for other relevant provisions relating to the welfare of animals used in farming (sections 11 to 15 on husbandry, sections 22 to 25 on transport and sections 29 to 32 on slaughter), although the Act does envisage that local government authorities have powers to make enforcement by-laws (Section 8(3)).

Key recommendations

- The Government of Tanzania is 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.

⁹ <https://core.ac.uk/download/pdf/132697820.pdf>

¹⁰ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>

¹¹ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livetock-Policy.pdf>

- Due to the significant animal welfare concerns associated with long distance transport, the Government of Tanzania 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.
- The Government of Tanzania is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.¹² Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed.
- The Government of Tanzania is urged to mandate that no animal should be forced to witness other animals being slaughtered as this is inherently distressing. Currently it is only mandated for religious slaughter.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	G
<p><u>Zoos</u></p> <p>The Animal Welfare Act (2008) does not apply to animals that are governed by the Wildlife Conservation Act (2009). The Animal Welfare Act (2008) states that the provisions within the Wildlife Conservation Act (2009) shall apply for animal welfare aspects of the animals covered by that law. However, the Wildlife Conservation Act does not include any anti-cruelty provisions.</p> <p>The definition of 'animal' in the Wildlife Conservation Act (2009) is all vertebrates and invertebrates that are not domestic animals, thus suggesting that all wild animals, whether or not in captivity are protected under the provisions of the Act.</p> <p>However, the content of the Wildlife Conservation Act (2009) does not extend to wild animals in captivity except where they are held for certain purposes, for instance commercial or conservation breeding such as zoos. The definitions in section 3 of the Animal Welfare Act 2008 include reference</p>	

¹² [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))



to “captive animals”, which do not include domesticated animals. It therefore appears that a wild animal held captive in a private zoo or private collection could fall within the scope of the Animal Welfare Act 2008.

Under the Wildlife Conservation Act (2009), the Wildlife Director may give permission for wild animals to be captured for a zoo. Operation of a zoo requires permission from the Wildlife Director. Such permits may contain conditions as to care, stabling, feeding and transporting the animals (section 51), but the legislation does not require that any such conditions are attached.

The Animal Welfare Act (2008) mentions the role of ‘zoo inspectors’ who are also to function as animal welfare inspectors. However, any legislation or regulation regarding the role of the zoo inspector was not found at the time of writing.

There is no policy or legislation related specifically to zoos.

Private keeping of wild animals

Under the Wildlife Conservation Act (2009), the Wildlife Director may grant a permit authorising the capture of any animal to provide a ‘specimen for commercial purposes.’ This may be applicable for those who sell animals for the wild animal pet market.

Under the Animal Welfare Act (2008) it is illegal to breed, import or sell animals that are aggressive.

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

Fur farming

There is no policy or legislation related specifically to fur farming. However, no evidence was found to suggest there is a fur farming industry in Tanzania.

Analysis

The issue of animals in captivity is not fully considered in legislation. The regulations permitting the capture of wild animals do not focus on animal welfare or animal protection measures, but rather on the social and environmental impact of the use of animals in captivity. Capture of wild animals may be permitted for purposes including commercial gain. The current definition of “animal” in the Animal Welfare Act (2008) by reference to the definition in the Wildlife Conservation Act (2009) results in some lack of clarity in the legislative provisions and in the protection afforded to animals in this category.

The existing legislation does not prohibit keeping wild animals in private collections or small zoos, and it is unclear if when animals are kept in such situations, they are covered by the protections of the Animal Welfare Act (2008). Any other wild animals kept in captivity are not protected by welfare legislation.



The division of protection between the two pieces of legislation for this category of animals also results in a situation where sentience is recognised only for those captive animals which do not fall within the purposes of captivity that are governed by the Wildlife Conservation Act 2009.

The existing division of protection for different circumstances of this category of animals, and lack of welfare considerations for captured animals which are held for conservation, educational or commercial purposes, demonstrates that there are barriers to improvement in this area.

Enforcement mechanisms

For those animals which are covered by the Animal Welfare Act (2008), section 59(2) of the Act provides that contravention of the prohibitions in section 59(1) is punishable by imprisonment for up to one month or a fine up to 100,000 shillings. A first offender can be given a reprimand or correction order.

For those animals which are covered by the Wildlife Conservation Act (2009), there do not appear to be any welfare considerations with enforcement mechanisms.

Key recommendations

- The Government of Tanzania is urged to clarify if captive wild animals fall under the protections of the Animal Welfare Act (2008). If not, the Government of Tanzania is encouraged to amend the Animal Welfare Act (2008) to ensure wild animals in captivity are protected.
- The Government of Tanzania 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 behaviours should be respected.
- The Government of Tanzania 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 Tanzania 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 Tanzania 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
<p><u>Care of companion animals</u></p> <p>Section 59(1) of the Animal Welfare Act (2008) creates cruelty offences which apply to this category of animals. These include cruelly beating, kicking, ill-treating, torturing, infuriating or terrifying an animal; conveying or carrying an animal in such a manner or position as to cause that animal any unnecessary suffering; and subjecting the animal to an operation which is performed without due care and humanity.</p> <p>Section 37 prohibits surgical operations for the purpose of modifying the appearance of an animal by which any part of the animal's body is removed or damaged, other than a curative purpose. An animal that has undergone a prohibited operation cannot be entered into any competitions or offered for sale (section 38). The only non-therapeutic procedures permitted on companion animals are neutering, and ear tipping of feral cats when used as a sign of neutering (section 19).</p> <p>Section 63 of the Act gives powers to the Minister of Livestock Development and Fisheries to make secondary regulations on issues including breeding and animal pounds. However, no such regulations were found at the time of writing.</p> <p>There are also some provisions in the Animal Welfare Act (2008) specifically relating to companion animals. Section 16 provides that a person who keeps or looks after a companion animal is responsible for that animal's complete health and welfare and has a duty to care for that animal's well-being. Dogs and cats may only be sold in pet shops and other businesses offering animals within the scope of their business activity (section 18(9)).</p> <p>Under the Act, commercial breeders must be licenced under section 20, in accordance with prescribed standards and must consider the anatomical, physiological and behavioural characteristics that could risk the health of either the offspring or parent.</p> <p><u>Stray animals</u></p> <p>Sections 50 to 58 of the Animal Welfare Act (2008) regulate the establishment of pounds. Anyone wanting to operate a pound must obtain a permit from the government, but the legislation does not mention whether there are any conditions relating to welfare attached to such a permit. It is also unclear how these pounds operate in combination with the animal sanctuaries and hospices that are envisaged by section 28, which provides that injured, orphaned or diseased animals which are straying or ownerless shall be taken to such rescue centres for treatment and adoption.</p> <p><u>Analysis</u></p> <p><i>Legislation is applicable to anyone who keeps or has agreed to look after a companion animal and</i></p>	



includes responsibility for health and welfare. The level of detail of the regulations should help to promote good attitudes towards companion animals.

However, although the legislation follows good international practice, questions remain over implementation and dealing with problems associated with stray/feral/roaming dogs and cats. There also appears to be a lack of enforcement mechanisms within the existing legislation.

There are an estimated four million street dogs and cats in the country presenting a significant challenge for the government. Widespread poverty and a lack of appreciation of companion animals, which are regarded as having no or little value by the public present barriers to improving animal welfare.¹³ The widespread presence of rabies also engenders fear in people and provides a barrier to the development of humane attitudes to animals, as does the lack of a national humane approach to population management of street dogs. Resource issues also present a barrier to improving animal welfare considering the scale of the problem and the size of the country.

Enforcement mechanisms

Section 59(2) of the Animal Welfare Act (2008) provides that contravention of the prohibitions in section 59(1) is punishable by imprisonment for up to one month or a fine up to 100,000 shillings. A first offender can be given a reprimand or correction order.

Other than this provision in section 59(1), there do not appear to be enforcement mechanisms for the sections of the Act specifically relating to this category of animals (section 37 on surgical procedures, section 16 creating a duty of care, and sections 18 and 20 on selling and breeding), although the Act does envisage that local government authorities have powers to make enforcement by-laws (section 8(3)). The Government is invited to confirm whether any such by-laws have been made.

Key recommendations

- The Government of Tanzania is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dogs and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.
- The Government of Tanzania 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 proven to be scientifically ineffective and should therefore be banned.

¹³ <http://www.vetsonline.com/publications/veterinary-times/archives/n-43-42/charity-champions-welfare-in-tanzania.html>



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>Section 59(1) of the Animal Welfare Act (2008) creates cruelty offences which apply to this category of animals. These include cruelly beating, kicking, ill-treating, over-riding, over-driving, over-loading, torturing, infuriating or terrifying an animal; causing, procuring or assisting in the baiting of animal fights; conveying or carrying an animal in such a manner or position as to cause that animal any unnecessary suffering; keeping, using, managing, acting or assisting in the management of premises for animal fighting or baiting; and receiving money for admission to animal fighting or baiting premises.</p> <p>The Animal Welfare Act (2008) also contains further provisions specifically addressing issues related to animals used for recreational purposes. Section 18(6) prohibits the use of performance enhancing substances for animals used in competitions. Section 18(7) prohibits training animals in a way that is detrimental to health and welfare and 18(8) prohibits subjecting animals for shows, advertising or similar in a manner which can entail suffering, pain, injury or distress. However, due to a lack of clarity regarding protections for captive wild animals, it is unclear if the Animal Welfare Act (2008) is applicable to all animals used for entertainment purposes.</p> <p><u>Draught animals</u></p> <p>The Animal Welfare Act (2008) provides specific protections for working animals. These include a duty of care under section 33, which establishes that any person who keeps or looks after a working animal is responsible for that animal's complete health and welfare and shall provide housing, care and attention taking into account its physiological and behavioural needs, including for food, water, shelter, exercise, companionship and veterinary treatment, and which prohibits causing a working animal any avoidable suffering, injury, pain or distress. Sections 34 and 35 restrict the amount of work which an animal can be required to perform, and section 36 reiterates the prohibition on organising animal fighting.</p> <p><u>Analysis</u></p> <p><i>The legislation covers relevant issues faced by working animals imposing some limitations on the way in which working activities are undertaken and awarding some protection to animals used for recreational purposes. It is positive that animal fighting is prohibited and that charging money for admission to animal fights is considered as a distinct prohibition. However, there is a lack of enforcement mechanisms within the existing legislation. The OIE reports that the country has developed a dependency on working animals: "Animals are a source of manure, draught power for cultivation</i></p>	



and transport. Animals provide alternative savings to banks.”¹⁴ It is therefore important that this group of animals is afforded sufficient protection with full implementation of legislative provisions.

The lack of recognition of horses and donkeys as draught animals by the government is a barrier to improving animal welfare, as is the view by some decision makers that draught power, even when provided by oxen, is a “backward” part of development.¹⁵ Poverty and a lack of awareness of animal health and welfare issues amongst animal owners provide further challenges with respect to improving the welfare of draught animals.¹⁶ Socio-cultural attitudes towards the use of animals in entertainment may provide further barriers. The Ministry of Livestock and Fisheries Development acknowledges in the Livestock Policy (2006) that issues such as inadequate awareness and socio-cultural limitations present constraints to improving animal welfare.¹⁷ However, a number of NGOs are working to address the welfare of draught animals, for example, the Tanzania Animal Welfare Society.¹⁸

Enforcement mechanisms

Section 59(2) of the Animal Welfare Act (2008) provides that contravention of the prohibitions in section 59(1) is punishable by imprisonment for up to one month or a fine up to 100,000 shillings. A first offender can be given a reprimand or correction order.

Other than this provision in section 59(1), there do not appear to be enforcement mechanisms for the sections of this Act relating specifically to this category of animals (section 18 relating to animals used in entertainment and sections 33 to 36 relating to working animals), although the Act does envisage that local government authorities have powers to make enforcement by-laws (section 8(3)).

Key recommendations

- The Government of Tanzania is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, 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 of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- The Government of Tanzania 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

¹⁴ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>

¹⁵ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4013987/>

¹⁶ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4013987/>

¹⁷ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livestock-Policy.pdf>

¹⁸ <http://www.vetsonline.com/publications/veterinary-times/archives/n-43-42/charity-champions-welfare-in-tanzania.html>



and behavioural needs. Any condition that may impair their welfare must be treated promptly and, affected animals must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

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

Analysis of the legislation	
Ranking	C
<p>The Animal Welfare Act (2008) does not apply to animals that are governed by the Wildlife Conservation Act (2009). The definition of ‘animal’ in the Wildlife Conservation Act (2009) is all vertebrates and invertebrates that are not domestic animals, thus suggesting that all wild animals, including those in captive use for research, are excluded from the protection of the Animal Welfare Act (2008). However, the content of the Wildlife Conservation Act (2009) does not extend to wild animals in captivity except where they are held for certain purposes such as commercial or conservation breeding, and the definitions in section 3 of the Animal Welfare Act (2008) include references to “captive animals” which do not include domesticated animals. It is therefore unclear if non-domesticated animals including wild animals in captivity are protected under the Animal Welfare Act (2008).</p> <p>Domestic animals used for scientific research do fall within the scope of the Animal Welfare Act (2008), and the definition of animal in the Act extends to invertebrates as well as to vertebrates.</p> <p>Section 59(1) of the Animal Welfare Act (2008) creates cruelty offences which apply to this category of animals. These include cruelly ill-treating, torturing, infuriating or terrifying an animal; without any reasonable cause or excuse administering a poisonous or injurious drug or substance to an animal; and subjecting an animal to any operation which is performed without due care and humanity.</p> <p>The Act also contains further provisions specifically addressing issues related to animals used for scientific research, including on genetic manipulation. The Animal Welfare Act (2008) explicitly includes the 3Rs Principles - Reduction, Refinement, Replacement - as one of the fundamental principles of the Act. Experiments using animals for experimental or other scientific purpose can only be done under permit from the Director (section 40). Permits will be granted if the experiment is intended to benefit, either directly or indirectly, the health or nutrition of a human being or an animal and “any other purpose deemed to be of sufficient value” (section 40(2)) and if the practice in question does not adversely affect the welfare of the animal and is not in breach of ethical rules and standards prescribed by the Minister (section 41). An experiment may not be carried out for a purpose that can be achieved by non-animal means, or by using fewer animals or entailing less distress; or for a purpose with the importance of which does not justify the distress caused (section 44(2)). The holder of a permit must ensure that the animal suffers as little pain, injury, fear or distress as possible without defeating the objective of the experiment, and anaesthetic must be used except where that would defeat the</p>	



objective (section 46).

There is currently no ban on the use of animals in the testing of cosmetics and their ingredients.

Analysis

The Animal Welfare Act (2008) contains consideration of some welfare challenges faced by animals used in scientific research and explicitly includes the 3Rs Principles. Although animal experimentation is not prohibited, animal welfare considerations are in place in the decision-making process. Specific prohibitions apply to undertake experiments on animals for which there is a replacement or a lower severity alternative and of experiments for a purpose which does not justify the distress caused. It is understood that research involving animals takes place under supervision of an Animal Welfare Council.¹⁹ However, this stipulation is not included in the Animal Welfare Act (2008).

Whilst the government has enacted legislation, it appears that many institutions have yet to establish oversight committees and that in institutions with guidelines and policies, there are reported to be no responsible committees or units to directly oversee if and how these guidelines and policies are enforced. Implementation and enforcement of the legislation therefore appears problematic presenting a barrier to improving animal welfare.²⁰ It may be that there are resource constraints providing further challenges.

Enforcement mechanisms

Section 59(2) of the Animal Welfare Act (2008) provides that contravention of the prohibitions in section 59(1) is punishable by imprisonment for up to one month or a fine up to 100,000 shillings. A first offender can be given a reprimand or correction order.

Section 43(1)(c) of the Act provides that permits for experiments can be revoked where the holder does not comply with the conditions of the permit.

Other than this provision in section 59(1) and the possibility of licence revocation under section 43(1)(c), there do not appear to be enforcement mechanisms for the other sections of the Act specifically relating to this category of animals (sections 37 to 48 relating specifically to animal experiments), although the Act does envisage that local government authorities have powers to make enforcement by-laws (section 8(3)).

Key recommendations

- The Government of Tanzania is encouraged to ensure institutions conducting animal experiments have established 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

¹⁹ <http://iwc.int/private/downloads/erdkgx8471ckggg0c8kgokogo/64-WKM&AWI%205.pdf>

²⁰ <http://www.ncbi.nlm.nih.gov/pubmed/23006770>



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 Tanzania 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>The Animal Welfare Act (2008) does not apply to animals that are governed by the Wildlife Conservation Act (2009).</p> <p>The definition of ‘animal’ in the Wildlife Conservation Act (2009) is all vertebrates and invertebrates that are not domestic animals.</p> <p>The Wildlife and Conservation Act (2009) contains provisions for conservation of animals and their environment, but generally does not consider welfare from an individual perspective. Provisions which do touch on welfare considerations are, that any person who wounds an animal shall use all reasonable endeavours to kill it at the earliest opportunity (section 42); and that hunting with vehicles, poison, traps or dogs is prohibited (section 65). The Act also establishes a Wildlife Protection Unit and Wildlife Protection Officers.</p> <p>The Wildlife Conservation Act (2009) provides some provisions regarding hunting. Some animals such as ‘national game’ are protected from hunting and capture except by written permission of the Wildlife Director. It is completely prohibited to hunt, kill or capture any animal in a national park. Hunting is only allowed by persons holding a valid hunting license. To apply for a license a person must hold a valid firearm permit and have a reasonable knowledge as to the firearms use with regards to hunting. Traditional Communities are also required to obtain a license for the purposes of subsistence hunting. The license for traditional communities is applicable only to specific species and allows for different methods of hunting if required by the community. Professional hunters are required to hold a certificate in professional hunting from any recognised wildlife institution and are required to show a knowledge of relevant laws and international agreements on the control and management of the hunting industry, in order to successfully apply for a Professional Hunting License. Lack of animal welfare is not listed under ‘good cause’ for the revocation of a hunting license.</p> <p>The Wildlife Conservation Act (2009) also requires a separate permit for the capture of wild animals. A capture permit can only be issued if the applicant satisfies the Director of Wildlife’s conditions regarding the method of capture, care, stabling, feeding, crating, transport and export of the animal. The capture permit also prescribes the animal and area within which the animal may be captured.</p>	



Under the Act, any person who wounds an animal is responsible for ensuring it dies at the earliest opportunity. It is illegal to hunt young, a female accompanied by young or an apparently pregnant female without express written permission. It is also prohibited to hunt or capture any animal on village land without first presenting the hunting license to the Village Council. Similarly, it is prohibited to hunt on any land where the landowner does not hold a license, permit or written permission to hunt. The Act allows for the killing of 'problem animals' however, any method of killing that may result in undue cruelty to animals is prohibited.

The Wildlife Conservation Act (2009) requires hunters to also hold a CITES permit for animals covered by CITES. Any trade in violation of CITES provisions is strictly prohibited under the Act.

Analysis

The Wildlife Conservation Act (2009) contains little consideration of animal welfare, although it can be said that some protection is derived from the ecological and conservation perspective. Environmental measures are regulated with the view of managing populations, hunting seasons and regarding animals as trophies, and the Director has powers to grant permits authorising the capture of wild animals for providing specimens for zoos, or for educational, scientific, cultural or commercial purposes (section 50). The current Wildlife Policy emphasises the importance of hunting, both by rural citizens and by tourists.²¹

It is concerning that as there are few animal welfare provisions contained within the Wildlife Conservation Act (2009), wild animals are not considered sentient are protected under the Animal Welfare Act (2008).

The country is part of the CITES international treaty and has a prominent role in discussions on conservation of many endangered species, particularly elephants.²² There has been some recognition for the country's stance towards conservation, but illegal poaching of ivory remains a problem in the country. The country scores in the middle-lower percentile of the Worldwide Governance indicators of the World Bank, with scores ranging no more than 37 points in the scale on issues related to national constraints such as Government Effectiveness and the Rule of Law, which raises concerns about the abilities to control and implement legislation effectively. Trophy hunting provides the country with tourism and investment income, which may present barriers to improving wild animal welfare as may socio-cultural attitudes towards animals.²³

Enforcement mechanisms

There are enforcement mechanisms for the implementation of the Wildlife Conservation Act (2009), with possibilities for substantial imprisonment and fines, although most of these relate to conservation provisions rather than welfare issues.

²¹ <http://www.tzonline.org/pdf/wildlifepolicy.pdf>

²² <http://allafrica.com/stories/201402270049.html>

²³ <http://www.mnrt.go.tz/index.php/highlights/view/investment-opportunities-in-tanzania>



Contravention of the prohibition on hunting with vehicles, poison, traps or dogs under section 65 is punishable with a fine of between one and two million shillings and/or imprisonment of one to three years, with a minimum fine of twice the value of the animal killed.

It appears that there is no enforcement mechanism for contravention of the requirement under section 42 to kill an animal at the earliest opportunity when it has been wounded.

Key recommendations

- The Government of Tanzania is encouraged to ban any form of hunting that does not directly support subsistence **i.e. for feeding oneself and one’s family and not for commercial gain**. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the amount of time it takes for animals to die in these hunts. At the very least, the Government is strongly encouraged to forbid the use of the cruelest hunting methods.
- The Government of Tanzania is encouraged to amend the Wildlife Conservation Act (2009) to include anti-cruelty provisions, a recognition of sentience for all vertebrates and to enshrine the Five Freedoms to ensure alignment with the Animal Welfare Act (2008).

Goal 3: Establishment of supportive government bodies

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

Analysis of the legislation

Ranking	B
<p>The Ministry of Livestock Development and Fisheries is responsible for implementation of the Animal Welfare Act (2008).</p> <p>Section 7(3) of the Act deems all zoo sanitary inspectors and members of the police above the level of Inspector to be animal welfare inspectors appointed to act generally for the purposes of that Act. The Minister may make more detailed regulations under section 63, on issues such as husbandry conditions, slaughter, breeding, competitions and animal pounds and sanctuaries. Local government authorities have powers to make enforcement by-laws under section 8(3).</p> <p>The Animal Welfare Act (2008) establishes the Animal Welfare Advisory Council which is responsible for advising the Minister responsible for livestock on animal welfare issues. The Council is required to</p>	



include two representatives from animal welfare advocacy groups as well as a leading animal behaviourist and animal welfare ethicist.

The Animal Welfare Act (2008) does not apply to wild animals, and the provisions of the Wildlife Conservation Act (2009) do not include welfare considerations. However, the Wildlife Conservation Act does assign responsibility for wild animals to the Minister for the Environment who in turn is to appoint a Director for Wildlife.

Analysis

Animal welfare is an independent issue, recognised by legislation as such for government management and regulation, and responsibility for implementation of the Animal Welfare Act (2008) is allocated at Ministerial level. There is a framework for deploying animal welfare measures based on existing legislation. The Government's Livestock Policy acknowledges the importance of work in the area of animal welfare (2006).²⁴

The existing legislation envisages the production of more detailed regulations to implement the provisions of the Animal Welfare Act 2008, but the production of such regulations is not required by the existing law. The existing legislation contains detailed provisions, many of which do not have associated enforcement mechanisms. Local government authorities have powers to make enforcement by-laws but are not obligated to do so.

It is noted that the Ministry of Livestock Development and Fisheries participated in a 2012 working group on the development of proposed new legislation on animal protection, together with relevant stakeholders including NGOs. It is positive that the government allocated resources to this aim.

The OIE has reported that the general responsibilities of the Ministry of Livestock Development and Fisheries with regard to the Millennium Development goals are developed without compromise on animal welfare considerations and that the country has appointed local inspectors and resources to enforce the regulations of the Animal Welfare Act (2008) as part of national reforms of the public sector.²⁵ Animal welfare work is identified as an item for Ministry work in the Livestock Policy (2006). This indicates that improvement may be possible.

Enforcement mechanisms

The responsibility for implementation of the legislation is clearly set out in the Animal Welfare Act 2008. However, there is no duty placed on the Ministry of Livestock Development and Fisheries to make or to consider making the regulations envisaged by section 63; nor is there a duty placed on local government authorities to make enforcement by-laws as envisaged by section 8(3).

Key recommendations

²⁴ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livestock-Policy.pdf>

²⁵ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>



- The Government of Tanzania is encouraged to align responsibility for the welfare of all animals under one Ministry.
- The Government of Tanzania is encouraged to amend the role of the Animal Welfare Advisory Council to include a mandate to produce regulations for different categories of animals to ensure alignment with international standards and current animal welfare science.

Goal 4: Support for international animal welfare standards

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

Analysis of the legislation	
Ranking	E
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.²⁶</p> <p>The existing legislation covers many of the key issues established in the OIE’s guiding principles and animal welfare standards, but further development is recommended on some animal welfare issues such as transport of live farmed animals, humane handling, humane killing, competency of slaughter staff, further measures in compliance of animal research institutions.</p> <p>The Government of Tanzania has a record of interaction with the OIE. Tanzania has requested assistance on a Performance Veterinary Service mission from the OIE, which has been completed, although the government has not consented for the PVS report to be made public.</p> <p>The Government also reports to the OIE on disease control.</p> <p>Analysis</p> <p><i>The Government has made some positive progress towards introducing elements of animal welfare principles and animal welfare standards into legislation. Further developing remaining elements addressed by the OIE’s standards is recommended to achieve more comprehensive legislation, and it is important that enforcement mechanisms are created and implemented in respect of those standards which have already been introduced.</i></p> <p><i>Full transposition of the OIE’s standards and guiding principles into legislation is encouraged. The government is encouraged to continue this work and introduce elements of budget to develop these measures. An OIE report indicates that “to establish the necessary enforcement structures/systems,</i></p>	

²⁶ <http://www.oie.int/infographic/StandardsAW/index.html>



training of the inspectors, formal authorisation and licensing of slaughterhouses, transporters, drivers and slaughter workers/men” continues to be a challenge in the country.²⁷ The Ministry of Livestock and Fisheries Development acknowledges in the Livestock Policy (at 3.19) that issues such as inadequate awareness and poor handling facilities present constraints to improving animal welfare.²⁸

The introduction of the Animal Welfare Act (2008) represented a significant legislative advance with regard to animal protection in Tanzania and shows that interaction with the OIE is an important advance in terms of the application of the OIE’s guiding principles and standards in the country. The government is encouraged to develop its engagement with the OIE further, in particular in the area of animal welfare.

It appears that since the enactment of the Animal Welfare Act 2008 the level of interaction with the OIE may have reduced. However, despite this, the OIE reported in 2011 that Tanzania has been developing further its animal health situation by improving veterinary capacity, which in turn has highlighted issues on human resource and budget that exist in the country. It therefore appears that further development in this area should be possible.

Enforcement mechanisms

Enforcement mechanisms are not widespread with regard to the OIE’s standards and principles across existing legislation. Guidance to citizens on understanding the OIE, its role and the standards could also benefit animal welfare and help with implementation of the existing legislation.

Key recommendations

- The Government of Tanzania is encouraged to implement legislation in line with the OIE animal welfare standards, which should include enforcement mechanisms.

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

Analysis of the legislation

The Ministry of Livestock Development pledged support in principle for the UDAW in 2007.

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

²⁷ Animal Welfare In OIE Member Countries & Territories in the SADC Region: Summaries of baseline country assessments. Gaborone, Botswana: OIE - Sub-regional Representation for Southern Africa, 2011. **Available at:** <https://www.oie.int/doc/ged/D11112.PDF>

²⁸ <http://www.mifugouvuvu.go.tz/wp-content/uploads/2013/06/Livestock-Policy.pdf>



of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

Support for the Universal Declaration on Animal Welfare has informed decisions within the Ministry of Livestock to determine government policies. Furthermore, the guiding principles of the UDAW have been incorporated into legislation, forming the basis for the Animal Welfare Act 2008.

There appears to be full commitment from the government to incorporate the declaration into its legislative and policy system. The Animal Welfare Advisory Council within the Ministry of Livestock and Fisheries Development states on its website that, when the UDAW is tabled at the United Nations, Tanzania will accede to it.²⁹

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- The Government of Tanzania has provided Government support to UDAW, and as such should act as an example to other countries to pledge support in principle to UDAW.

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²⁹ <http://www.mifugouvuvu.go.tz/animal-welfare-advisory-board/>