



Animal Protection Index (API) 2020

Oriental Republic of Uruguay: ranking D

Executive summary

Uruguay's Law 18471 on the Responsible Tenure of Animals, enacted in 2009, is the country's main animal welfare legislation. This law prohibits cruelty to animals and highlights the importance of responsible ownership, and requires that any holder of an animal is responsible for keeping the animal 'in proper physical and sanitary conditions, providing accommodation, food and shelter in suitable conditions according to their species, according to the regulations established by the World Organisation Animal Health (OIE) and the guidelines of the World Society for the Protection of Animals' [now World Animal Protection]. The Law 18471 prohibits bull fights and other shows during which animals are killed. Decree 204/017, which implements the primary legislation Law 18471, provides detailed legislation on the welfare standards appropriate for companion animals, which should respect their Five Freedoms. Furthermore, Law 18611 regulates the use of animals in experiments and enshrines the Reduction principle into law.

However, there are several areas where the animal welfare legislation could be improved. Notably, Law 18471 does not define 'animals', which means that its scope of application is unclear. Moreover, despite prohibiting animal fights, the law still authorises the use of animals for public shows and circuses. In addition, fur farming and greyhound racing are cruel practices still allowed in Uruguay. Furthermore, there is a lack of species-specific welfare provisions for the rearing of farm animals. Law 18471 exempts from cruelty considerations all livestock management practices considered 'usual', which means that common forms of animal cruelty in farming are not condemned. The slaughter of farm animals who are not stunned is also allowed for religious purposes.

Since the API was first published in 2014, the national body in charge of monitoring the implementation of Law 18471 has been renamed the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA). Its functions are clearly outlined in Decrees 311/016 and 204/017 and focus on companion animals and farm animals. COTRYBA has moved from being under the Ministry of Education and Culture to falling under the Ministry of Livestock, Agriculture and Fisheries. The work of COTRYBA is complemented with Departmental Commissions on animal welfare. Furthermore, Law 18611 establishes a National Commission on Animal Experimentation (CNEA) to regulate the use of animals in research. Each facility using animals for experimentation is also required to have an Ethics Committee.

The Government of Uruguay is strongly encouraged to define more precisely the scope of application of Law 18471, so that it is applicable to all vertebrates, cephalopods and decapod crustaceans. All these species should explicitly be defined as sentient in the law. Furthermore, the Government of Uruguay is urged to enact more precise regulations surrounding the rearing of farm animals. The Government of Uruguay is urged to ban fur farming, which is inherently cruel and causes pain, distress and suffering to animals. The Government of Uruguay is also strongly encouraged to ban any form of entertainment which exploits animals, such as greyhound racing. The Government of Uruguay is urged



to implement humane stray animal population management programmes, whereby culling should be banned. Further legal and policy recommendations are associated with each indicator and contained in the relevant sections of this report. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

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

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>Existing policy and legislation do not acknowledge animal sentience. The main legislation surrounding animal welfare, Law 18471 on the Responsible Tenure of Animals of 2009,¹ establishes that the purpose of the law is 'to protect animals in their life and well-being.' The term 'animal' is not defined in Law 18471. Article 12 explicitly prohibits to 'abuse or injure animals' meaning 'any unjustified action that generates damage or stress excessive in an animal.' However, animals are not explicitly defined as sentient in this legislation.</p> <p>Analysis</p> <p><i>Law 18471 recognises that animals can suffer, since it aims to protect animals. The reference to an animal's 'well-being' may be understood as an implicit recognition that animals can suffer psychologically. Article 12 also prohibits acts causing excessive stress to an animal, providing that animals' well-being includes both physical and mental well-being. However, animals are not defined as sentient in this legislation.</i></p> <p><i>As it stands today, there is no formal evidence or signal from the Government to recognise sentience as an independent issue that will inform discussions of animal issues in the country. As such, sentience is not included and does not inform public policies that could be potentially linked to animals, such as environmental or sustainable production policies.</i></p>	
Enforcement mechanisms	
<p>Law 18471 contains the following enforcement mechanisms applicable to all infringements of its provisions (Article 22): formal warnings, fines, seizing of animals, cancellation of permits or authorisations, and bans on having animals (temporary, indefinite or permanent). The section on enforcement mechanisms also contains some comments with regards to those acts that will create an aggravated offence (such as tethering animals or supplying medications without a prescription) and gives the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA) the power to introduce sanctions for these.</p>	
Key recommendations	
<ul style="list-style-type: none">• Given the extensive body of scientific evidence proving that animals are sentient, the Government of Uruguay is urged to recognise that all animals for whom there is scientific	

¹ <https://docs.uruguay.justia.com/nacionales/leyes/ley-18471-mar-27-2009.pdf>



evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.

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

Analysis of the legislation	
Ranking	C
<p>Law 18471 on the Responsible Tenure of Animals defines its objective as to ‘protect animals’ life and wellbeing’ (Article 1) and has a general prohibition against causing death, inflicting pain or inducing ‘excessive stress’ to animals, unless it is for reasons specified in the law such as veterinary treatment (Article 12). Article 12(A) prohibits mistreating or injuring animals, meaning abusive action causing excessive harm or stress or impairment to bodily integrity.</p> <p>However, two exemptions exist to this anti-cruelty provision, namely ‘any manipulations, treatments or surgical interventions, whose function is to improve the quality of life of the animal or the control of the population of the species in question, carried out under the supervision of a veterinarian or by the authority’s mandate’. Secondly, ‘any manipulation, treatment or surgical intervention that is made as a result of usual practices’ in livestock management are exempt from cruelty considerations. Moreover, Article 3 mentions the slaughter of animals for ‘religious rites.’</p> <p>Article 12 also contains a list of specific forms of conduct that are banned under the legislation, such as bullfighting, promotion of animal fighting, feeding animals with live animals, genetic manipulation and other similar concepts.</p> <p>The law does not encompass suffering caused by failure to act, but does create a duty of care under Article 9(A) which requires that any holder of an animal is responsible for keeping the animal ‘in proper physical and sanitary conditions, providing accommodation, food and shelter in suitable conditions according to their species, according to the regulations established by the World Organisation Animal Health (OIE) and the guidelines of the World Society for the Protection of Animals’ [now, World Animal Protection].</p> <p>However, Law 18471 does not define ‘animal’, hence it is not clear whether the provisions extend to all vertebrates including fish and/or to any invertebrates.</p> <p>Further explanatory detail on the provisions of Law 18471 is contained within the Decree 62/2014, which was repealed in 2017 by Decree 204/017.²</p>	

² <https://www.impo.com.uy/bases/decretos/62-2014>



Law 18471 furthermore creates an Honorary National Commission for Animal Welfare (CONAHOBA) in charge of receiving and processing complaints about acts of mistreatment and the abandonment of animals. The Commission can act on its own initiative and may require, where appropriate, the intervention of the Ministry of the Interior, as well as competent health and judicial authorities (Article 16). Since 2016, this Commission has been known as the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA).

Analysis

Effort has been made by the Government to give independence to the issue of animal protection in Uruguay by producing specific legislation on animal protection. The current Law 18471 is an update of legislation passed in 1918. It is positive that Law 18471 recognises that animal welfare is also determined by mental well-being, since it prohibits actions causing 'excessive stress.'

However, since Law 18471 does not define 'animal', it is unclear to what species this legislation applies. Moreover, the legislation only regulates activities and conducts that involve the use of animals, with no implied mandates to improve welfare. The regulated conducts do not extend to suffering caused by a failure to act.

The exemptions for any conduct that fits with current livestock management practices mean that the law is not able to adapt to prohibit practices that are found to cause cruelty or stress to animals.

The current framework of animal protection needs further regulation in order to make implementation possible and to close current gaps in interpretation. In addition, the law does not forbid the slaughter of animals for religious practices.

It is positive that Law 18471 created the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA), in charge of processing complaints about animal mistreatment. However, seeing that livestock management practices are exempted from animal cruelty consideration, there are economic interests that prevent the improvement of animal welfare.

Enforcement mechanisms

Law 18471/2009 contains the following enforcement mechanisms applicable to all infringements of its provisions (Article 22): formal warnings, fines, seizing of animals, cancellation of permits or authorisations, and bans on having animals (temporary, indefinite or permanent). The section on enforcement mechanisms also contains some comments with regards to those acts that will create an aggravated offence (such as tethering animals or supplying medications without a prescription) and gives the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA) the power to introduce sanctions for these.

Key recommendations

- **Law 18471 on the Responsible Tenure of Animals, dating from 2009, is the main piece of legislation regulating animal welfare in Uruguay. It is supplemented by secondary legislation with Decree 204/017. Law 18471 prohibits cruelty towards animals, however, the scope of**



application of this law remains unclear. Therefore, the Government of Uruguay is urged to provide a clear definition of 'animals' in Law 18471. Given the extensive body of scientific evidence proving that animals are sentient, this definition should 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.

- Article 12 of Law 18471 prohibits abuse and cruelty to animals, but this does not extend to animal suffering caused by a failure to act. Therefore, the Government of Uruguay is strongly encouraged to amend Article 12 to include acts of negligence in the definition of animal cruelty.
- Article 12 of Law 18471 exempts from animal cruelty considerations of any livestock management practices considered 'usual'. This creates a loophole in legislation, by which cruel forms of abuse in farming systems are exempted from the law. Therefore, the Government of Uruguay is urged to amend Article 12 to remove this exemption from the law.

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	F
<p><u>Rearing</u></p> <p>The general anti-cruelty provisions of Article 12(A) of Law 18471 apply to animals used for farming. Article 12(A) prohibits mistreating or injuring animals, meaning abusive action causing excessive harm or stress or impairment to bodily integrity. However, one of the two exemptions to this general anti-cruelty provision encompasses 'any manipulation, treatment or surgical intervention that is made as a result of usual practices' in livestock management. Article 4 relates to the transport and slaughter of farm animals, specifying that these will be carried out 'in accordance with the specific legal and regulatory norms on the matter' and should use procedures 'that do not cause unnecessary suffering.'</p> <p>Law 3606³ on Animal Health Police constitutes the basic normative framework of all regulations related to animal health and public health. Its objective is to ensure the protection of livestock production with sanitary measures that prevent the introduction of exotic diseases.</p>	

³ <http://extwprlegs1.fao.org/docs/pdf/uru185814.pdf>



In addition, the country has established in Resolution 35/011,⁴ a system of registry and identification of bovines to control transport of these animals.

Rearing – pigs

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

Rearing – broiler chickens

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

Rearing – egg-laying hens

No legislation has been found specifically relating to the rearing of egg-laying hens.

Rearing – dairy cattle and calves

No legislation has been found specifically relating to the rearing of dairy cattle and calves.

Transport

Decree 369⁵ of 1983 contains some additional regulations on animals used for transport (Section IX, Chapter 1). Article 225 provides general requirements regarding animal transport. Notably, animal transport will be only authorised in vehicles constructed in such a way that they can be easily loaded and unloaded, with protection and ventilation suitable during the trip, and that are easy to clean and disinfect.

Slaughter

Decree 369⁶ of 1983 regulates veterinary inspection of animal products and has detailed regulation on the slaughtering of animals raised for production.

Resolution 152/012,⁷ enacted in 2012, incorporates slaughtering rules from the Council Directive EC No 1099/2009.⁸ Article 3 in the Directive states that animals shall be spared any 'avoidable pain, distress or suffering during their killing and related operations'. Article 4 mandates that animals must be stunned prior to being slaughtered, and the loss of consciousness and sensibility shall be maintained until the death of the animal. Article 5 specifies that workers should check whether animals do not present any signs of consciousness in the period between the end of the stunning process and death. Annex I to this Directive lists all the stunning methods possible. Annex II sets out the requirements regarding the layout, construction and equipment of slaughterhouses.

⁴ <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC101488>

⁵ <https://www.impo.com.uy/bases/decretos-reglamento/369-1983>

⁶ <https://www.impo.com.uy/bases/decretos-reglamento/369-1983>

⁷ <http://extwprlegs1.fao.org/docs/pdf/uru116458.pdf>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>

Provisions in Resolution 152/012 are similar to the wording of the Council Directive EC No 1099/2009. Namely, Article 3 mandates that animals will not be caused 'pain, distress or avoidable suffering' during the slaughter process. Article 5 mandates that animals will be slaughtered only after desensitisation, but Article 7 provides an exemption to this in case of religious rites. When slaughtering animals for religious rites, the personnel must make sure that animals do not present 'any sign of life before being subjected to skinning or scalding' (Article 7).

Since the API was first published, Decree 195/18⁹ was enacted in 2018, creating a control system for the slaughter of birds. The control system aims at monitoring the quantity and weight of the birds; there is no mention of animal welfare. The National Meat Institute (INAC) is in charge of implementing the provisions of this Decree.

Analysis

The regulations only deal with issues regarding sanitised and efficient production of animal products, particularly meat, mostly by regulating slaughtering and transport. There is no legislation addressing the rearing of farm animals, and Article 12 of Law 18471 provides an exemption from cruelty considerations for 'usual practices' for livestock management. Most regulations relating to farm animals focus on the sanitary requirements of the final animal-based products, rather than on the welfare of individual animals. Therefore, legislations relating to farm animals are, at present, not efficient at mainstreaming animal welfare.

With regards to animal transport, Decree 369/1983 does not contain any specific welfare provisions. Rather, the focus of the Decree is to ensure that meat products comply with sanitary requirements.

With regards to slaughter, it is regrettable that Uruguayan legislation still allows for the slaughtering of animals without prior stunning, in case of religious slaughter. Moreover, the implementation of the 2018 Decree 195 on the slaughter of birds is monitored by the National Meat Institute (INAC), whose Board is composed of industry representatives and producers. The mission of INAC is centred on promoting activities which 'add value to the meat chain, improving its efficiency and competitiveness in the production, industrialisation, commercialisation, storage and transport systems'.¹⁰ The fact that animal welfare is not part of the responsibilities of INAC, which is in charge of monitoring slaughter rules for chickens, proves that there are structural barriers to improving the welfare of farm animals.

Enforcement mechanisms

The enforcement mechanisms established for Law 18471 apply to this indicator. More specifically, Article 22 outlines that the Honorary National Commission for Animal Welfare will sanction offenders, depending on the gravity of the offence, with: a warning; a fine up to 500 re-adjustable units; the confiscation of animals; the cancellation or suspension of authorisation; permits or rating; the temporary or definitive prohibition of animal ownership.

In addition, there are specific enforcement measures on animal transport, which include country guidance, government resolutions in which aspects of transport and slaughter are explained and a

⁹ <http://extwprlegs1.fao.org/docs/pdf/uru178710.pdf>

¹⁰ <http://www.meaturuguay.com/inac/>



registry system to control animal movement. Furthermore, there are some financial and administrative sanctions derived from Regulation 152/012, which refers to the general public finance legislation in the country.

Key recommendations

- Law 18471 provides a general anti-cruelty provision to animals, however, Article 12 exempts from any cruelty consideration 'usual' livestock management practice. Because such practices are not well-defined, this creates a loophole in legislation by cruel forms of animal farming – such as confinement in cages, are allowed. As such, the Government of Uruguay is urged to amend Article 12, to remove this exemption from the law.
- Uruguay has extensive legislation on the transport and slaughter of animals, however, there is no primary or secondary legislation mandating welfare requirements for the rearing of farm animals. As such, the Government of Uruguay is urged to provide further regulations, with species-specific requirements, with regards to ensuring farm animals are reared in conditions that respect their Five Freedoms and in line with OIE animal welfare standards. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.
- In addition, the Government of Uruguay is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.
- The Government of Uruguay 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.¹¹ 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 Uruguay 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

¹¹ [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))



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	C
<p><u>Zoos</u></p> <p>The general anti-cruelty provisions of Article 12(A) of Law 18471 apply to animals in captivity.</p> <p>Article 6 of Law 18471 refers to animals kept in captivity, more precisely in 'circuses, zoological gardens, recreational centres, shelters, nurseries, rehabilitation centres, shelters and training centres, public and private'. Article 6 establishes that these animals should be kept in conditions that meet 'basic needs of health, care, space, environment, hygiene and food' according to the species of the animals. Only specified species are permitted to be kept in captivity. There are no specific regulations detailing the minimum standards required by Article 6.</p> <p>Moreover, Article 9 applies to all animal holders. Article 9(A) mandates that every animal holder should maintain the animal 'in proper physical and sanitary conditions, providing accommodation, food and shelter in suitable conditions according to their species, as stated by the regulations established by the World Organisation Animal Health (OIE) and the guidelines of the World Society for the Protection of Animals' [now, World Animal Protection]. Article 9(D) reiterates that every animal holder should provide treatment 'appropriate to their species or race' to animals. Moreover, Article 9(E) establishes that animal holders must allow access by the competent authority to control the legality of the animal's possession; Article 9(G) states that animal holders must allow the review of the status of the animal, conditions and place of tenure by the National Honorary Animal Welfare Commission.</p> <p><u>Private keeping of wild animals</u></p> <p>Law 16088¹² of 1989 bans the possession of wild animals outside zoos, circuses, wild animal breeders and researchers. Article 2 mandates that wild animals must be kept in cages that meet the needs for 'basic space of the species in question'. This law establishes that private owners of wild animals should surrender them to relevant authorities (Article 3) and introduces some changes to the Civil Code with regards to responsibility of damage done by wild animals (Article 4).</p>	

¹² <http://www.impo.com.uy/bases/leyes/16088-1989>



Fur farming

Decree 828/008¹³ regulates the activity of establishments dedicated to the breeding of minks for commercial purposes. This Decree provides for the compulsory registration and health rating of such establishments by the General Directorate of Livestock Services of the Ministry of Livestock, Agriculture and Fisheries. Animal welfare is not mentioned in Decree 828/008.

Analysis

It is positive that Law 18471 mandates to all animal holders to abide by the OIE's animal welfare standards and guidelines, as well as the guidelines established by World Animal Protection, however, the law would benefit from offering more details as to what these guidelines are. Furthermore, there is no mention that zoos or other facilities keeping animals in captivity should obtain a licence to operate. Furthermore, there is no provision mandating the Honorary National Commission for Animal Welfare or any other body to carry out regular animal welfare inspections of facilities where animals are held captive.

Similarly, complementary measures in Law 16088 highlight issues on the possible damages to someone else's property or injuries to other humans by irresponsible ownership or care of wild animals, but this legislation only includes a very basic provision with regards to the space requirements of the cage of the animal. It is positive that Law 16088 bans the private keeping of wild animals and states that private owners should surrender their wild animals. However, the term 'wild animals' is not explicitly defined: A Positive List of species would be helpful to better define which species can be kept as companion animals.

In relation to fur farming, the legislation provides that each farm shall be granted registration according to sanitary requirement, but no attention is paid to the welfare of the animals farmed. Furthermore, fur farming is inherently cruel and causes pain and distress to animals.

It is unclear, from the text of the legislation in existence, whether the Government has legal mechanisms to produce secondary regulation to clarify the principles and the gaps in the relevant laws. If this is not the case, the willingness of the Government to produce regulations based on the existing legal framework should be the starting point to improve the existing legislation in the country.

Having said that, since the API was first published, the Durazno zoo has re-opened in 2017, after renovation work that extended the zoo by 16 hectares. The decision to improve the zoo was made after a report was published from the Environment and Animal Welfare Centre, declaring that many animals presented signs of distress and loneliness.¹⁴ Such a report proves that there is some funding and human resources allocated to researching and improving the welfare standards of animals kept in zoos.

Enforcement mechanisms

¹³ <http://www.fao.org/faolex/results/details/en/c/LEXFAOC085199>

¹⁴ <https://www.telesurenglish.net/news/Uruguay-Reopens-Zoo-After-Almost-Two-Years-of-Construction-20171122-0033.html>

The enforcement mechanisms established for Law 18471 apply to this indicator. More specifically, Article 22 outlines that the Honorary National Commission for Animal Welfare will sanction offenders, depending on the gravity of the offence, with: a warning; a fine up to 500 re-adjustable units; the confiscation of animals; the cancellation or suspension of authorisation; permits or rating; the temporary or definitive prohibition of animal ownership.

Key recommendations

- The Government of Uruguay 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.
- Furthermore, the Government of Uruguay is encouraged to allocate human and financial resources to create an inspection unit in charge of verifying that welfare standards are respected where animals live in captive settings, such as zoos. Facilities where animals are kept captive should be regularly inspected, and the results of such inspections should be made public.
- To complement Law 16088 which currently bans the private keeping of wild animals, the Government of Uruguay 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 Uruguay is urged to fully ban fur farming for all species, including minks. 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

Care of companion animals

The general anti-cruelty provisions of Article 12(A) of Law 18471 apply to this companion animals.

Article 8 of Law 18471 defines companion animals. As part of the definition, it says that these animals receive attention, protection, food and sanitary care from their owners or keepers. Article 9 presents some basic characteristics of responsible ownership, in order to prevent issues such as public nuisance and danger to others. In particular, Article 9(A) mandates that every animal holder should maintain the animal 'in adequate physical and sanitary conditions, providing adequate food and shelter depending on the species, as well as in accordance with the OIE standards and guidelines



established by World Animal Protection'. Article 9(D) reiterates that every animal holder should provide treatment 'appropriate to their species or race' to animals.

Article 10 contains some regulations on dangerous companion animals, among which dogs of 'dangerous breeds', mandating that the owner must take necessary precautions to reduce the risk of attacks. Such dogs are required to wear a muzzle, collar and a safety strap when on public roads.

Article 13 establishes that any person abandoning an animal will still be responsible for this animal and the damages that the animals may cause to third parties.

The Honorary National Commission for Animal Welfare (CONAHOBA), created by Article 14 of Law 18471, is in charge of limiting the breeding of companion animals through sterilisation, non-lethal means or through organising adoption campaigns. The Honorary National Zoonoses Commission is also authorised to contribute to campaigns aimed at controlling the overpopulation of domestic animals in the streets (Article 21). CONAHOBA is also capable of confiscating animals subject to abuse by their owners (Article 17(F)). All companion animals must be registered within the National Registry of Companion Animals (RENAC) (Article 18) and 'Service Providers' (i.e. shelters, breeders, walkers and trainers, pet stores, pet food marketing companies) also require registration. Since 2016, this Commission has been known as the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA).

Since 2017, Decree 204/2017 has replaced Decree 62/204. Decree 204/2017 expands on the criteria defining responsible pet ownership. Notably, Article 12 states that 'responsible tenure' implies that the Five Freedoms of animals as recognised by the OIE are ensured. Article 13 lists in more detail the responsibilities of owners towards their animals, namely, to provide sufficient shelter, food, healthcare, an 'affective and appropriate treatment to their species and race' and not to abandon them. Any loose animal without identification will be registered by RENAC and sterilised (Article 15).

Stray animals

With regards to culling, Article 12 of Law 18471 provides a general prohibition on culling except when there is an epidemic or other sanitary emergency. However, there is no precise definition to understand when such a scenario would occur.

Analysis

It is positive that the Uruguayan legislation emphasises responsible ownership of companion animals, recognising that having a companion animal implies responsibilities onto the owners. Law 18471 refers to OIE regulations and guidelines from World Animal Protection, but the law does not provide details about such regulations. It is thus positive that responsible ownership is defined at length in Decree 204/2017, notably by promoting the Five Freedoms and prohibiting abandonment. Species requirements are considered in defining what level of food, shelter or care is appropriate; this contributes to mainstreaming the idea that welfare standards shall be adapted to each species and each individual.



With regards to the management of stray animal populations, the mandatory registration of companion animals and of facilities working with companion animals – such as shelters and breeders – is useful to control population numbers. Furthermore, the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA) takes responsibility for registering and neutering ‘loose’ animals found in the streets and who have not been identified through the National Registry of Companion Animals (RENAC).

Nevertheless, culling is still authorised when there is an epidemic or sanitary emergency. However, these terms are not precisely defined, which leaves a loophole in the law for protecting stray animals. Moreover, Decree 62/204, which was repealed in 2017 by Decree 204/2017, had provisions stating that healthy stray animals may not be killed unless they are aggressive and cannot be re-socialised. These provisions have not been transposed in the new Decree 204/2017.

Decree 62/204 also contained more precise provisions regulating the commercial breeding of dogs. Notably, Article 59 mandated puppies to remain with their mothers for at least 60 days. However, such a provision has not been transposed in the new Decree 204/2017. Overall, Decree 204/2017 is effective at detailing responsible ownership requirements for owners, but there are not many provisions relating to the welfare of stray animals.

The Government of Uruguay has improved the welfare of companion animals by creating the Honorary National Commission for Animal Welfare (CONAHOBA) – now known as the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA) – and the National Registry for Companion Animals (RENAC), in order to monitor numbers of companion animals. Other ‘Service Providers’ such as shelters, and breeders also need to be registered.

However, Law 18471 assigns no governmental budget to the functioning of CONAHOBA. The lack of funds has a direct implication on human resources capacity to address the needs of animal welfare. Chapter VII creates the ‘Animal Protection Fund’, however, it appears that the executive power is ‘exempted’ from payment. This Animal Protection Fund lists all the source of revenues for COTRYBA (e.g. the application of sanctions or fines) but there is no pledge from the Government to contribute financially to its activities; this represents a financial barrier to improving the welfare of companion animals.

Enforcement mechanisms

The enforcement mechanisms established for Law 18471 apply to this indicator. More specifically, Article 22 outlines that the Honorary National Commission for Animal Welfare will sanction offenders, depending on the gravity of the offence, with: a warning; a fine up to 500 re-adjustable units; the confiscation of animals; the cancellation or suspension of authorisation; permits or rating; the temporary or definitive prohibition of animal ownership.

Decree 204/2017 reiterates in Chapter VII that such sanctions are implemented by the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA). COTRYBA is in charge of conducting inspections to guarantee the responsible tenure and animal welfare (Article 27).

Key recommendations

- It is positive that Law 18471 and its associated Decree 204/2017 define at length the responsibilities of pet owners. The Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA) conducts campaigns to promote responsible pet ownership. Notably, responsible pet ownership regulations prohibit abandonment and protect the Five Freedoms of individual animals. All companion animals must be registered within the National Registry of Companion Animals (RENAC). The Government of Uruguay is encouraged to further promote such responsible pet ownership campaigns, and in collaboration with animal welfare organisations.
- The improvement of animal welfare standards for companion animals is hindered by the fact that the Government is not required by law to contribute financially to the activities of COTRYBA or RENAC. Therefore, the Government of Uruguay is encouraged to provide regular financial support to the Animal Protection Fund, to ensure that the activities and responsible pet ownership campaigns led by COTRYBA can be implemented.
- The Government of Uruguay is urged to amend Article 12(B)(4) of Law 18471 in order to forbid all culling of stray animals. The Government of Uruguay is strongly encouraged to promote humane stray animal population management, which relies on promoting responsible ownership, mass vaccinations and reproduction control programmes. Culling has been scientifically proven to be ineffective and should therefore be banned.
- The Government of Uruguay is encouraged to engage with the International Companion Animal Management (ICAM) Coalition to both inform 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.

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

Analysis of the legislation	
Ranking	F
<p><u>Animals used for entertainment</u></p> <p>The general anti-cruelty provisions of Article 12(A) of Law 18471/2009 apply to animals used for entertainment. Article 6 of Law 18471 refers to animals kept in captivity, more precisely in 'circuses, zoological gardens, recreational centres, shelters, nurseries, rehabilitation centres, shelters and training</p>	



centres, public and private'. Article 6 establishes that these animals should be kept in conditions that meet 'basic needs of health, care, space, environment, hygiene and food' according to the species of the animals. There are no specific regulations detailing the minimum standards required by Article 6.

Moreover, Article 9 is applicable to animals kept for entertainment, since it applies to all animal holders. Article 9(A) mandates that every animal holder should maintain the animal 'in proper physical and sanitary conditions, providing accommodation, food and shelter in suitable conditions according to their species, as stated in the regulations established by the World Organisation Animal Health (OIE) and the guidelines of the World Society for the Protection of Animals' [now, World Animal Protection]. Article 9(D) reiterates that every animal holder should provide treatment 'appropriate to their species or race' to animals. Moreover, Article 9(E) establishes that animal holders must allow access by the competent authority to control the legality of the animal's possession; Article 9(G) states that animal holders must allow the review of the status of the animal, conditions and place of tenure by the National Honorary Animal Welfare Commission.

Article 12 (J) explicitly prohibits bullfights, fights with heifers and other shows in which animals are killed. It is also forbidden to promote fights between animals (Article 12(G)), or to feed animals with other live animals, except if that is the only means of survival of the animal (Article 12(I)).

Moreover, Article 11 indicates that 'public shows in which animals are used' and during which 'due to the activities, demonstrations and skills they perform, are in danger of suffering accidents risking their integrity' must obtain veterinary care.

More detailed provisions relating specifically to this category of animals appeared in Decree 62/2014.¹⁵ Article 23 of Decree 62/2014 required that those conducting shows to the public involving animals must employ someone to oversee the welfare of the animals and register with the Animal Welfare Technical Group at least 72 hours in advance. Article 71 required that sporting events held for profit must be registered and animals used for sporting events must be certified as healthy by a veterinarian no more than 72 hours in advance. Article 99 of Decree 62/2014 required that those who own horses, whether for draught or for sport, should ensure the Five Freedoms are in line with OIE guidelines. Article 100 makes welfare-related rules including provision of adequate housing and shelter and allowing daily exercise. Articles 116 to 123 provided for the welfare of draught horses, including age limits and ambient temperature limits for work. Urban working horses are required to be registered. However, since Decree 204/017 repealed Decree 62/2014, none of these provisions have been transposed into the new Decree 204/2017.

Furthermore, greyhound racing appears to be increasingly popular in Uruguay, with approximately 3,000 dogs used in the industry.¹⁶ At present, the practice is not regulated by law. Legal proposals have been put forth by animal rights and welfare organisations to ban the practice and

¹⁵ <https://www.impo.com.uy/bases/decretos/62-2014>

¹⁶ <https://www.sosvox.org/en/petition/no-to-the-dog-track-in-uruguay.html>

impose sanctions on betting-related activities.¹⁷

Draught animals

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

Analysis

It is positive that the promotion of animal fights, and the organisation of bullfights and other 'shows' in which animals are killed, are prohibited by Law 18471.

However, since the many provisions relating to animals used in shows, sporting events, and for draught have not been transposed into the new Decree 204/2017, there is a clear lack of legal provision for this category of animals. Article 6 of Law 18471 provides only basic welfare provisions and Article 11 approves the use of animals in public shows, even if their bodily integrity is at risk, as long as animals receive veterinary care. Despite campaigns from animal welfare organisations to ban the use of wild animals in circuses, no such ban has been enacted.¹⁸ Furthermore, the fact that greyhound racing is currently not addressed in the law, it is a barrier to improving welfare legislation for animals used for entertainment. The 'Galgo Libre UY' campaign led by various animal protection organisations sheds light on the animal cruelty associated with the greyhound racing industry.¹⁹ Since the practice of greyhound racing has been outlawed in Argentina since 2016, it is reported that numerous breeders and racers have tried to export their business to Uruguay. This presents an additional barrier to improve the welfare of greyhounds.²⁰

Enforcement mechanisms

The enforcement mechanisms established for Law 18471/2009 apply to this indicator. More specifically, Article 22 outlines that the National Honorary Animal Welfare Commission will sanction offenders, depending on the gravity of the offence, with: a warning; a fine up to 500 readjustable units; the confiscation of animals; the cancellation or suspension of authorisation; permits or rating; the temporary or definitive prohibition of animal ownership.

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

Key recommendations

• Since Decree 62/2014 was repealed and replaced by Decree 204/2017, animals used for draught and recreational purposes do not have sufficient legal protection. Law 18471 provides basic health and welfare provisions, and Article 9 outlines that animal holders should provide the appropriate care to their animals, according to their species. However, there is no precise

¹⁷ <https://www.petlevrieri.it/en/news-about-pet-levrieri/we-support-gaston-cossias-law-aptaha-and-proyecto-galgo-argentina-against-greyhound-racing-in-uruguay/>

¹⁸ http://www.ad-international.org/animals_in_entertainment/go.php?id=3649&ssi=10

¹⁹ <https://www.petlevrieri.it/en/articles/please-use-the-fb-frame-galgo-libre-uy-to-ban-greyhound-racing-in-uruguay/>

²⁰ <https://www.petlevrieri.it/en/news-about-pet-levrieri/we-support-gaston-cossias-law-aptaha-and-proyecto-galgo-argentina-against-greyhound-racing-in-uruguay/>

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

- It is positive that Law 18471 prohibits both the organisation of fights in which animals are killed, and the promotion of animal fights. However, the law still allows public shows in which the bodily integrity of animals may be jeopardised. Therefore, the Government of Uruguay is urged to repeal Article 11 and ban all public shows which endanger the lives of animals.
- The Government of Uruguay is urged to forbid the organisation of, and attendance to, entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- In the same vein, the Government of Uruguay is urged to issue a nation-wide ban on breeding, training and racing of greyhounds. The Government should also issue a moratorium on the euthanasia of healthy dogs, regardless of whether they are too slow to race. Rehoming and adoption programmes should be encouraged.

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

Analysis of the legislation	
Ranking	C
<p>Article 7 of Law 18471 defines animals used in scientific research by reference to activities and institutions which use animals (such as universities and laboratories) and provides that these issues will be covered by separate legislation. Article 7 specifies that the norms will establish a framework for the conduct of animal experiments ‘in the strictly necessary cases.’</p> <p>Following the enactment of Law 18471, Law 18611²¹ was approved in 2009 to regulate the use of animals in research and education. The provisions of Law 18611 are wide-reaching and detailed but</p>	

²¹ <https://www.impo.com.uy/bases/leyes/18611-2009>



focus mostly on the activities and institutions authorised to perform animal experimentation, rather than on the welfare conditions or circumstances in which animals are used. There are no limitations as to which animals can be used. Article 4 creates the National Commission of Animal Experimentation (CNEA), chaired by the Minister of Education and Culture and made up of various ministries, scientists, a representative from the Chamber of Industries, and a representative from the animal protection organisation (Article 5). These members have 'honorary character' and are appointed for four years (Article 7). The CNEA is in charge of creating and monitoring the rules regarding the humane transport of animals for the experiment; advising the executive branch of government on the activities regulated by this law; implementing an accreditation system for anyone using animals for experiments; maintaining a record of the procedures used; applying sanctions; and establishing the rules for use and care of animals, which should be in line with 'international conventions' (Article 8).

Furthermore, any institution using animals for experiments should constitute, prior to its registration, an Ethics Committee on the Use of Animals (Article 9), made up of a veterinarian, a teacher and a representative of the local community (Article 10). Each Ethics Committee is in charge of enforcing the legal provisions at its facilities.

Article 15 specifies that experiments that may cause pain or distress should be done under anaesthesia; animals will be euthanised in accordance with the CNEA's guidelines if the procedure caused 'intense suffering'. Article 17 mandates that the number of animals used must be the 'minimum necessary to produce a conclusive result.'

The use of animal testing for cosmetic products and their ingredients does not appear to be restricted in Uruguayan legislation.

Analysis

Current legislation on animal testing includes two of the Three Rs principles - Replacement, Reduction and Refinement. In fact, Article 17 of Law 18611 enshrines the principle of Reduction, and Article 15 includes the Refinement principle, since it mandates that potentially painful experiments should be done under anaesthesia. Moreover, Article 7 of Law 18471 alludes to the Replacement principle, since it says that animal experiments will be conducted in the 'strictly necessary cases.' However, no explicit reference is made to the OIE standards or the Three Rs principles. The National Commission of Animal Experimentation (CNEA) is in charge of establishing animal welfare rules in line with international conventions, but there is no definition of what such conventions are.

It is positive that every institution using animals for experiments should be registered under the CNEA, and that each facility has an Ethics Committee on the Use of Animals. Though animal protection organisations are represented at the CNEA, they are not part of any Ethics Committee.

Human resources seem to have been allocated to the implementation of legislation addressing the use of animals in research and education, since Law 18471 creates a National Commission for Animal Experimentation, which is formed by government representatives from various ministries. The Commission is presided over by the Ministry of Culture and Education and includes representatives from civil society, including the pharmaceutical industry and animal protection societies.



Furthermore, there is a mandate to create an Ethics Committee on the Use of Animals within the institutions that are legally authorised to use animals in research or education. Despite this, the legislation provides that members of the CNEA will work *ad honorem* (Article 7), and there is only a vague reference to financial resource (budget), which is said to come from the Ministry of Education.

Enforcement mechanisms

Law 18611/2009 creates a National Commission of Animal Experimentation in Chapter III (Articles 4 to 8), which has the duty to implement the legislation, advise the Government on issues related to animal experimentation, and impose sanctions. In the context of this law, enforcement mechanisms are mostly administrative remedies. Namely, administrative sanctions include warning, fine from 100 to 500 readjustable units, a temporary suspension of the activities linked to the experimentation up to 30 days, or the closure of the facility.

In addition, the legislation leaves open the possibility for the further development of civil sanctions. As the legislation basically regulates the activities and lists those institutions authorised to perform experiments or use animals in teaching modules, the mechanisms are relevant and specific to this regulation.

Key recommendations

- It is a positive development that Uruguay has created a National Commission on Animal Experimentation (CNEA), in charge of establishing the rules for the care of animals used in experiments. The CNEA is strongly encouraged to promote the Three Rs principles as recommended by the OIE – Replacement, Reduction, Refinement. At present, only the principles of Reduction is enshrined in Article 17 of Law 18611. The principle of Refinement could be further defined, as currently only Article 15 mandates that live experiments should be conducted under anaesthetics. The principle of Replacement is only evoked in Article 7 of Law 18471.
- The Government of Uruguay is urged to enact a ban on animal testing for cosmetics and their ingredients.
- The Government of Uruguay is encouraged to continue engaging with animal welfare organisations, for instance through CNEA which includes a representative from animal protection organisations, in order to promote alternatives to animal experiments. It is furthermore recommended that the Ethics Committees on the Use of Animals, which monitor the work of each institution conducting animal experiments, includes at least one representative of an animal protection organisation. Discussions with animal protection organisations should focus on developing alternatives to animal experimentation (the Replacement principle), as this is currently not well addressed in legislation.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	E
<p>The general anti-cruelty provisions of Article 12(A) of Law 18471 apply to wild animals. Article 5 contains a general prohibition on to 'hunt, capture or sacrifice' wild animals and legally protected species. Hunting wild animals is authorised by the competent authority issuing a hunting permit and defining hunting season. Article 12(E) of Law 18471 prohibits the use of live animals for the practice of target shooting, with the exception, however, of animals considered a 'national pest' by the competent authority.</p> <p>Furthermore, there are specific regulations to hunting activities, as established by Law 9481²² of 1935, which protects Indigenous Fauna. Article 3 contains a general prohibition on hunting, with the exception of species designated by the executive power and the National Commission for the Protection of the Indigenous Fauna, created in Article 4.</p> <p>Several Decrees provide additional regulations to Law 9481. Notably, Decree 164/1996²³ prohibits the hunting, possession, transport, commercialisation and industrialisation of all wild zoological species and their existing products in the national territory and the destruction of their refuges, burrows, nests and its habitat in general (Article 1). It is prohibited to hunt indiscriminately at night from vehicles, with a firearm, within a radius of three kilometres of populated centres or rural schools, on public roads or without the consent of the owner of the property (Article 3). However, certain species can still be hunted: the list will be established by annual decree of the Executive Power based on the report of the Technician in the Directorate of Protected Areas of the General Directorate of Natural Renewable Resources of the Ministry of Livestock, Agriculture and Fisheries (Article 11). Hunting of 'globally protected species' is made possible at the request of an 'interested party', if the species in question has caused damage to other wild species, to farms, crops or human beings (Article 12). The government body in charge of issuing hunting permits is the Ministry of Livestock, Agriculture and Fisheries through the General Directorate of Renewable Natural Resources (Article 4).</p> <p>Furthermore, Decree 119/998²⁴ authorises sport hunting for certain species including:</p> <ul style="list-style-type: none"> • Spotted Nothura (<i>Nothura maculosa</i>), • Spot-winged Pigeon (<i>Columba maculosa</i>), • White-faced Whistling Duck (<i>Dendrocygna viduata</i>), • Yellow-billed Pintail (<i>Anas georgica</i>), • Rosy-billed Pochard (<i>Netta peposaca</i>), • European Hare (<i>Lepus capensis</i>) • Chital (<i>Axis axis</i>); males only. 	

²² <http://extwprlegs1.fao.org/docs/pdf/uru46057.pdf>

²³ <https://www.mvotma.gub.uy/institucional/normativa-asociada/decretos/item/10010960-decreto-164-996>

²⁴ <http://extwprlegs1.fao.org/docs/pdf/uru14237.pdf>



Article 2 of Decree 165-1996²⁵ establishes the authorised quota of each species to be hunted, and the extension of the hunting season. This Decree establishes a list of animals that are not included in the hunting bans (including boars, pigeons and indigenous rodents) and requires, as a general procedure, to obtain permits for hunting in the country. It is not clear whether such permits contain any welfare-related restrictions or conditions.

Decree 357/989 regulates the sport and commercial hare hunting: a permit will be required for commercial hunting only.²⁶

In 2017, the state of Morelos adopted a new Wildlife Law,²⁷ however, this Law does not contain any animal welfare provision. It should be highlighted, however, that animal protection organisations may assist the authorities with monitoring compliance with this conservation law (Article 14).

Analysis

Although there are several regulations that cover wild animals, these concentrate on the avoidance of animal destruction and the regulation of hunting activities. There are no indications of individual wildlife protection with a focus on animal welfare, but rather an attempt to achieve administrative control of human consumption of live resources and some policies on natural conservation, including forestry and national flora. Furthermore, Article 12(E) of Law 18471 still authorises the cruel form of hunting, using live bait. In addition, it is worrying that sport hunting of certain species, such as the hare, does not require a permit. In addition, hunting globally protected species is still authorised, provided that an interested party can prove that such species has detrimental effect to the interested party: this provision empowers farmers to obtain permits to hunt endangered species.

Wild animal regulation would benefit from an update to legislation and some effort into unifying different activities that have a direct negative impact on the welfare of wild animals. The lack of uniform parameters of protection is identified as a national constraint for the effective implementation of legislative and policy measures to protect wild animals. Since hunting is advertised as a reason for tourists to visit Uruguay, there may be socio-cultural barriers to improving the welfare of this category of animals.²⁸

Enforcement mechanisms

The enforcement mechanisms established for Law 18471 apply to this indicator (including fines, cancelation of permits and bans on ownership).

Article 6 of Law 9481 establishes that infraction to this law will be punished with fines from US\$100 to US\$500.

Administrative sanctions for hunting activities fall short in protecting the animals which are the object of such activities and therefore do little to promote their welfare. Some attempts to provide enforcement

²⁵ <http://extwprlegs1.fao.org/docs/pdf/uru9534.pdf>

²⁶ <http://www.fao.org/faolex/results/details/en/c/LEXFAOC046626>

²⁷ <http://marcojuridico.morelos.gob.mx/archivos/leyes/pdf/LFAUNAEM.pdf>

²⁸ <https://web.archive.org/web/20190428184930/http://www.joinuruguay.com/43-ing/big-game-hunting-in-uruguay.html>



mechanisms to national authorities (police and navy) can be found in the general legislation of national budget accounting (Law 16320/1992²⁹), but its application is not easily linked to legislation mentioned above. There are no guidelines, recommendations or publications for the Government which could easily educate the public on the course of action to be followed to guarantee wildlife protection.

Key recommendations

- **The Government of Uruguay is encouraged to ban any form of hunting that does not directly support subsistence i.e. 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 the animals to die in these hunts. At a minimum, the Government of Uruguay is encouraged to add more humane killing provisions to Law 9481 which regulates hunting. At present, some of the cruellest forms of hunting, such as live baiting, are still authorised.**

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>Chapter IV of Law 18471 is dedicated to the governance structure of animal protection. Article 14 creates the Honorary National Commission for Animal Welfare (CONAHOBA), created as a decentralised agency of the Ministry of Education and Culture. Since 2016, this Commission has been renamed as the Honorary National Commission for the Responsible Tenure and Welfare of Animals (COTRYBA).</p> <p>The Commission is made up of various Ministry representatives (Ministry of Public Health, Ministry of Livestock, Agriculture and Fisheries, Ministry of the Interior, Ministry of Housing, Territorial Planning and the Environment), a delegate from the Congress of Intendants, two university representatives and a representative from an animal protection organisation having legal status. The mandates of such members last for five years (Article 15). The Commission is responsible for, among others, advising the executive power on animal protection policies; informing the executive branch of international commitments concerning animal and ensure compliance with such commitments; carrying out research related to animal protection; processing complaints about animal abuse; controlling the number of</p>	

²⁹ <https://www.impo.com.uy/bases/leyes/16320-1992>



pets in the country (Article 16). In addition, the Commission is responsible for applying Law 18471 and its possible sanction, as well as confiscating animal subject to cruelty. CONAHOBA is allowed to receive inheritances, donations and bequests (Article 17(E)), however, there is no mention of government budget allocated to the Commission.

Since the API was first published, Law 19355³⁰ of 2015 placed CONAHOBA under the Ministry of Livestock, Agriculture and Fisheries, rather than the Ministry of Education. Moreover, Decree 311³¹ of 2016 renamed CONAHOBA the Honorary National Commission of Responsible Tenure and Animal Welfare (COTRYBA).³² Article 2 highlights that COTRYBA is in charge of two areas: regulations on companion animals and farm animals. Article 3 outlines that if the Commission does not have sufficient resources of its own, the Ministry of Livestock, Agriculture and Fisheries will provide support. Article 4 creates Departmental Honorary Commissions for Responsible Tenure and Animal Welfare in four Ministries – the Ministry of Livestock, Agriculture and Fisheries, Ministry of Interior, Ministry of Public Health, Departmental Intendancies.

The functions of COTRYBA are explained in more detail in Decree 204/2017. Article 26 outlines that COTRYBA will regulate the realisation of public shows with animals, the possession of potentially dangerous dogs, the reproduction, breeding and marketing of pets and the requirements for shelters, and any other activities related to the responsible tenure of animals and their welfare. Decree 248/2016³³ created the Advisory Council to COTRYBA, in charge of suggesting campaigns and advising the Commission on research projects.

Moreover, Law 18611, regulating the use of animals in research, creates a National Commission of Animal Experimentation (CNEA), chaired by the Minister of Education and Culture and made up of various ministries, scientists, a representative from the Chamber of Industries and a representative from the animal protection organisation (Article 5). These members have 'honorary character' and are appointed for four years (Article 7). However, there is no government budget specifically attributed to CNEA in legislation.

Analysis

Uruguayan legislation on issues regarding animals and animal protection has adequate structures according to which responsibility for promotion of animal welfare has a designated body of officials in charge of its management. As the country has a long-standing tradition of meat production, most of the efforts rely on following international standards, particularly with respect to transport and slaughter, and there are direct efforts to include this issue in the government structure and to include and promote animal welfare.

It is positive that the Honorary National Commission on Animal Welfare stimulates cooperation among different Ministries around animal welfare. Furthermore, the fact that the Commission has received

³⁰ <https://www.impo.com.uy/bases/leyes/19355-2015/9>

³¹ <http://www.impo.com.uy/bases/decretos/311-2016>

³² <http://www.cotryba.gub.uy/>

³³ <http://extwprlegs1.fao.org/docs/pdf/uru160936.pdf>

numerous complaints over animal abuse proves that the public is aware of its existence and role.³⁴ However, COTRYBA's responsibilities are limited to the welfare of companion and farm animals, and hence do not contribute to mainstreaming the welfare of other categories of animals.

Article 8 of Decree 311/016 outlines that the provisions of Law 18471 will be 'widely disseminated throughout the national territory, using all means deemed effective for this purpose'. The Ministry of Livestock, Agriculture and Fisheries and the Ministry of Education publish information about animal welfare on their websites, which shows the government's willingness to consider this as an important issue.³⁵

Despite the numerous committees and commissions working on animal welfare, there is no legal provision ensuring consistent funding for such bodies. Article 3 of Decree 311/016 requires the Ministry of Livestock, Agriculture and Fisheries to provide 'support' when COTRYBA does not have sufficient resources, however, no specific amount is mentioned.

Enforcement mechanisms

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

Key recommendations

- **The Government of Uruguay has assigned responsibility at government level to specific areas of animal welfare. Law 18471 creates the Honorary National Commission for Animal Welfare (COTRYBA), which falls under the Ministry of Livestock, Agriculture and Fisheries. COTRYBA is in charge of advising the executive branch on animal welfare, as well as monitoring compliance with Law 18471. Since the API was first published in 2014, Decree 204/2017 assigned more specific responsibilities to COTRYBA, namely, to regulate: public shows with animals; the possession of potentially dangerous dogs; the reproduction, breeding and marketing of pets; and shelter requirements. Departmental Commissions have also been created. The National Commission of Animal Experimentation (CNEA) is in charge of regulating the use of animals in research.**

However, not all animal welfare issues are covered by the above-mentioned entities. As such, the Government of Uruguay is 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 overall Uruguayan policies and strategies on animal welfare in line with international standards; this committee should include representatives from animal welfare organisations.

- **Furthermore, the Government of Uruguay is encouraged to allocate consistent funding to the**

³⁴ <https://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/conahoba+recibio-mas-de-1000-denuncias-desde-su-reglamentacion>

³⁵ <https://web.archive.org/web/20191222120645/http://www.mgap.gub.uy/taxonomy/term/24>



COTRYBA and other Departmental Commissions working on animal welfare.

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	D
<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.³⁶</p> <p>Article 9(A) of Law 18471 mandates that every animal holder should maintain the animal ‘in proper physical and sanitary conditions, providing accommodation, food and shelter in suitable conditions according to their species, according to the regulations established by the World Organisation Animal Health (OIE) and the guidelines of the World Society for the Protection of Animals’ [now, World Animal Protection]. The OIE standards are also referenced in Decree 204/2017, since it defines the responsible tenure of animals according to the Five Freedoms of the OIE.</p> <p>In regulatory terms, the Government of Uruguay has developed legislation covering most of the OIE’s animal welfare standards, but further specificity is needed to reach the overall level advised by the OIE. Examples of this can be found in legislation on stray dog population control, animals used in research, key aspects of the standards on transport of farm animals. Furthermore, the lack of regulations for animals used for draught, shows that OIE standards are not fully incorporated in Uruguayan legislation.</p> <p>In partnership with the government of Chile, Uruguay has established an OIE Collaborating Centre for Animal Welfare Research, the only centre of its kind in South America, which is actively promoting animal welfare within the region.</p> <p>Analysis</p> <p><i>The Government of Uruguay has demonstrated a good track record in producing policy and legislation covering some of the OIE’s standards and in basing policy production on guidance provided by the OIE. This has facilitated the Government’s own discussions on animal welfare and on animal health, with clear links showing how the development of one is crucial to achieve higher standards in the other. The Government is encouraged to continue along this positive route.</i></p>	

³⁶ <http://www.oie.int/infographic/StandardsAW/index.html>



The main obstacle for the promotion of animal welfare policy and legislation is the lack of financial resources. This remains the main obstacle for the full incorporation of the OIE's standards and guiding principles into policy and legislation in the country.

Enforcement mechanisms

The majority of the OIE's animal welfare standards are covered in enforceable legislation.

Key recommendations

- **At present, OIE animal welfare standards are partially implemented in Uruguay's legislation. In particular, working animals are not covered by Uruguayan animal protection legislation. Therefore, the Government of Uruguay is strongly encouraged to enact mandatory guidelines for these species, in accordance with the animal welfare standards detailed in the OIE's Terrestrial Animal Health Code.**
- **Furthermore, the Government of Uruguay is strongly encouraged to promote a more thorough application of the Three Rs principles, notably through the work of the Ethics Committee on the Use of Animals.**
- **It is positive that the Law 18471 and its implementing Decree 204/2017 uses the OIE standards for guidance to follow. The Government of Uruguay is encouraged to further implement the OIE animal welfare standards in the country's legislation.**

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

Analysis of the legislation

The Government of Uruguay has not pledged in principle support for the Universal Declaration on Animal Welfare.

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

Analysis

Following standards on support for the UDAW by neighbouring countries in the region, support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country.



Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- **The Government of Uruguay 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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