



# Animal Protection Index (API) 2020

## Bolivarian Republic of Venezuela: ranking E

### Executive summary

Law 29,228 of 2010 on the Protection of Free and Captive Domestic Fauna is the main piece of animal welfare legislation in Venezuela. It provides a definition of animal welfare and lists various acts which constitute animal cruelty. This law prohibits causing deliberate cruelty to animals, as well as a failure to act in case of animal cruelty. Moreover, it creates a duty of care onto animal owners. This law furthermore bans dog fighting. With regards to wild animals, Law 29,289 of 1970 on the Protection of Wildlife forbids some of the cruellest forms of hunting, such as using poison or explosives.

However, there is room for improvement in many domains related to animal welfare. Notably, Law 39,338 is only applicable to domesticated animals, and it is unclear whether this law applies to captive wild animals. Fur farming is still allowed in Venezuela. Furthermore, the culling of stray animals is authorised in legislation. Overall, there is a lack of species-specific regulations for farm animals, draught animals and animals used in scientific research.

Law 39,338 grants responsibility for animal welfare to municipal authorities. Each municipal authority is entrusted to create a centre for the rescue and recovery of domesticated animals. Law 29,289 on the Protection of Wildlife gives responsibility to the Ministry of People Power for the Environment to implement this specific legislation. Overall responsibility for animal welfare does not seem to have been allocated to one specific Ministry.

The Government of Venezuela is urged to enact a comprehensive animal welfare legislative act that would enshrine animal sentience, and would forbid animal cruelty towards all animals, including wild animals. Further animal welfare provisions will stem from this recognition of animal sentience. In particular, the Government of Venezuela is urged to ban the worst forms of confinement for animals reared in farming, and to mandate humane slaughter for all animal species. In addition, the Government of Venezuela is strongly encouraged to fully ban fur farming, which is inherently cruel and causes pain, distress and suffering to animals. The Government of Venezuela is urged to outlaw the culling of stray animal populations, and to implement spay-and-neuter campaigns as a tool to control stray animal populations. The Government of Venezuela is also strongly encouraged to ban the use of all animals for entertainment, in circuses for instance. Overall, the Government of Venezuela is strongly encouraged to align its current legislation with OIE standards. Responsibility for animal welfare should be allocated to a Ministry, and a specific government body shall enact and assess the implementation of animal protection legislation. Such a government body should include representatives from animal welfare organisations. 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	E
<p>The country's norms on animal protection do not refer to sentience. There is a reference in Article 3 of the Law for the Protection of Free and Captive Domestic Fauna 2010<sup>1</sup> (No. 39,338) to actions causing suffering to domesticated animals, which shows recognition of one of the elements of animal sentience in relation to a restricted group of animals.</p> <p><i>Analysis</i></p> <p><i>The Government has not yet incorporated current practical experience and scientific knowledge regarding animal sentience into the country's legislation. One step that is missing in the improvement of animal protection in the country is a lack of recognition of one of the main scientific arguments for animal welfare. As such, decision-making processes on other areas are not able to take into consideration this issue, making it difficult to make animal welfare a mainstream concern in the country. The Government is encouraged to incorporate a full recognition of animal sentience into legislation and policy.</i></p>	
Enforcement mechanisms	
<p>There are fines for breach of the prohibition on causing suffering to domesticated animals in Article 3 of the Law for the Protection of Free and Captive Domestic Fauna 2010.</p>	
Key recommendations	
<ul style="list-style-type: none"><li>• <b>Given the extensive body of scientific evidence proving that animals are sentient, the Government of Venezuela is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.</b></li></ul>	

<sup>1</sup> <http://extwprlegs1.fao.org/docs/pdf/ven92190.pdf>



## 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	D
<p>The Venezuelan Government produced the Law for the Protection of Free and Captive Domestic Fauna (No. 39,338) in January 2010. Under Article 3, a definition of welfare includes that animals be kept in conditions 'free of abuse, abandonment, harm, cruelty or suffering'. Article 66 defines acts of cruelty as those that cause the animal pain or suffering, or affect the animal's health, those which neglect hygiene, housing and transport conditions, killing using a method that causes prolonged agony, and mutilations that are not done out of necessity by a veterinarian. Therefore, this list of cruelty acts encompasses deliberate acts of cruelty and failure to act. However, this legislation applies only to domesticated animals (Article 5).</p> <p>In particular, Article 3 specifies that the wellbeing of domestic fauna is understood as 'those actions that guarantee the physical and psychological integrity of domestic animals according to their requirements, in conditions that do not involve abuse, neglect, damage, cruelty or suffering'.</p> <p>Article 6 mandates that euthanasia must be 'painless' and done by a veterinarian. Article 32 lays out anti-cruelty provisions since every animal owner is prohibited from: abandoning live or dead animals on public roads; abuse animals, physically assault them or subject them to any other practice that causes them suffering, harm or death; practice mutilations; use animals as a target; castrate them without having been previously anesthetized; keep them in overcrowded conditions.</p> <p>Furthermore, the law establishes some responsibilities on owners and keepers of companion animals. Article 18 provides that animal owners shall provide protection in terms of care, food, hygiene, in addition to avoiding the generation of risks or damages to third parties by the animal.</p> <p><b>Analysis</b></p> <p><i>The law establishes that its objectives are the 'protection, control and welfare' of domestic animals. Protection is defined as entailing 'actions and measures to regulate property, possession, management, use and commercialisation' of animals, which is a narrow scope. Welfare measures following international standards are absent from this definition: for instance, no provision incorporating the Five Freedoms can be found in the law. Although the wording of the law is positive in prohibiting cruel acts, there is very little elaboration and definition of this. Notably, the law does not seem to encompass psychological distress. Furthermore, the law only applies to domesticated animals, which is a narrow scope of application.</i></p>	
Enforcement mechanisms	



Law No. 39,338 provides for responsible authorities for enforcing this legislation, which in practical terms would be the Mayor’s office for each municipality. Law 39,338 includes a series of provisions describing conducts and sanctions, divided into three groups, and then a list of complementary sanctions. Conducts are described as mild, serious and very serious, and for each category maximum fines are specified. In addition, the complementary sanctions have a scope that covers administrative penalties, such as cancelling a licence or closing a trading unit, and also some sanctions such as confiscation of animals. Pre-emptive measures under Article 67 include seizure and access to buildings.

**Key recommendations**

- **The Government of Venezuela is encouraged to include a definition of animal welfare in legislation, which should be in line with the one from the OIE and explicitly promoting the Five Freedoms.**
- **Recognising that animals can suffer physically and psychologically; the Government of Venezuela is encouraged to prohibit acts which would cause psychological distress to animals.**
- **The Government of Venezuela is furthermore encouraged to expand the scope of application of Law No. 39,338, so that all animal species are protected by anti-cruelty provisions, rather than only domesticated animals as is the case at present.**

**Goal 2: Presence of animal welfare legislations**

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

**Analysis of legislation**

<b>Ranking</b>	<b>G</b>
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Rearing

The general anti cruelty provisions in Law 39,338 apply to this category of animals. There are also specific references to animals used in farming in Law 39,339, since they are referred to as animals for human consumption. Article 44 states that the use of domestic animals for human consumption will be regulated by municipal regulations. The Government is encouraged to comment on the welfare-related content of any such regulations that have been made.

In addition, the Decree No. 6,129<sup>2</sup> of 2008 creates a Comprehensive Agricultural Health Law, which focuses on the health of farm animals, rather than their welfare.

#### 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

There is some legislation specifically related to the cattle industry. The Law for the Protection of Cattle Industry was passed in July 1997 and introduces criminal offences to the Venezuelan penal system. However, there are no regulations in this law that refer to animal welfare, as the law focuses on theft and criminal activities associated with fraud and illegal trade in livestock.

#### Transport

No legislation has been found specifically relating to the transport of farm animals.

#### Slaughter

Article 9 specifies that animals should have some time to rest before slaughter and refers to municipal rules on slaughtering. However, no evidence of such regulations has been found.

#### Analysis

*Law 39,338 does very little to address issues in relation with animals used in farming. There are no indications that its production was informed by international standards, as most of the internationally identified issues, with regards to the welfare of this category of animals, do not appear regulated. For instance, no legislation has been found limiting the confinement of farm animals in cages.*

*In addition, the framework for this law is the 'use of animals', which does not imply consideration for the needs of individual animals. The law seems to rely upon a conception according to which protection of animals is mostly based on health regulations to prevent human disease, and no evidence of welfare promotion can be found in this law.*

*Municipal authorities have the power to produce regulations on slaughter and rearing, but no implied powers or processes connect such regulations with legislative or policy attempts to improve welfare standards in the country. This creates an artificial structural barrier for the introduction of national*

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<sup>2</sup> <http://extwprlegs1.fao.org/docs/pdf/ven83245.pdf>



*animal welfare legislation, in that it relies on municipal authorities to produce their own regulations. Complementary legislation, such as Decree No. 6,129, does not have the objective to promote animal welfare but is rather focused on animal health.*

### Enforcement mechanisms

Law 39,338 includes a series of provisions describing conducts and sanctions, divided into three groups, and then a list of complementary sanctions. Conducts are described as mild, serious and very serious, and for each category maximum fines are specified. In addition, the complementary sanctions have a scope that covers administrative penalties, including cancelling a licence or closing a trading unit, and also sanctions including confiscation of animals. These enforcement mechanisms relate to the general anti-cruelty provisions.

There is no evidence of mechanisms for the enforcement of the provisions which touch upon welfare issues (Articles 9 and 44).

### Key recommendations

- **The Government of Venezuela is urged to enact legislation detailing specific welfare requirements for farm animals during the phases of rearing, transport and slaughter. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.**
- **In addition, the Government of Venezuela 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 maximum 30 kg/m<sup>2</sup> or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**
- **The Government of Venezuela is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.<sup>3</sup> Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.**
- **Legislation regarding the transport of animals shall protect their Five Freedoms. Due to the significant animal welfare concerns associated with long distance transport, the Government of**

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

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

#### 4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	F
<p>The provisions of Law No. 39,338, including the general anti cruelty provisions, apply only to domesticated animals (Article 5). It is not clear whether this is intended to include wild animals that are kept in captivity, however, since Law No. 39,338 does not contain any provisions dedicated specifically to animal welfare issues of captive animals, one can assume that this legislation only applies to domesticated animals.</p> <p><u>Zoos</u></p> <p>Animals in the wild are covered by the Law for the Protection of Wildlife (Law 29,289<sup>4</sup>), which excludes tamed wild animals kept in captivity (Article 2, Number 2). However, Article 75 of Law 29,289 specifically relates to the establishment of zoos; it mandates that anyone willing to establish a zoo or any other type of installation that involves the confinement of native, exotic or aquatic animals, must request an authorisation from the Ministry of the Environment. This request must contain various information relating to the location, plan of the site and its facilities, as well as 'origin of animals and procedures for their maintenance'.</p> <p>There is evidence of existing regulations for zoos in the framework of the National Foundation of Zoological Parks and Aquariums (FUNPZA), created by the Government in 1991.<sup>5</sup> The Government is encouraged to clarify the legal status of these framework regulations.</p> <p><u>Private keeping of wild animals</u></p> <p>No legislation has been found specifically relating to the private keeping of wild animals.</p> <p><u>Fur farming</u></p> <p>No legislation has been found specifically relating to fur farming.</p>	

<sup>4</sup> <https://venezuela.justia.com/federales/leyes/ley-de-proteccion-de-la-fauna-silvestre/gdoc/>

<sup>5</sup> <http://funpza.minec.gob.ve/>

### Analysis

*The health and welfare of captive wild animals, and the control over the keeping of such animals, is not currently subject to detailed regulation in Venezuela. From Law 29,289, it is unclear which animal welfare criteria must be fulfilled for a zoo to be authorised by the Minister.*

*However, the existing legislation could act as a baseline from which it will be possible to build up further structures for animal protection in the future. It is also important that the Government continues supporting the production of regulations for zoos and private collections, as a direct avenue to enhance welfare conditions for captive animals. There is a significant opportunity to produce secondary legislation, guidance and policies by which the existing provisions could be complemented, helping Venezuelan citizens to understand and prevent cases of abuse in their system.*

*However, it is regrettable that the country does not have specific regulations limiting the keeping of wild animals in private homes. Fur farming should be forbidden, as it is inherently cruel to animals.*

### Enforcement mechanisms

There are enforcement mechanisms (administrative penalties and fines) relating to the general anti-cruelty provisions in Law 39,338, but it is not clear whether this law applies to wild animals kept in captivity. The Government is encouraged to confirm this.

However, since no legislation has been found on the private keeping of wild animals or on animals used in fur farming, there are no enforcement mechanisms associated to these categories of animals.

### Key recommendations

- **The Government of Venezuela is highly encouraged to produce detailed legislation specifying the conditions by which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. The Government of Venezuela should mandate regular inspections to be carried out at zoos. Results of such inspections should be made publicly available.**
- **The Government of Venezuela is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.**
- **Additionally, the Government of Venezuela 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.**



## 5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	D
<p><u>Care of companion animals</u></p> <p>Law No.39,338 focuses on the protection of companion animals, in particular the protection of dogs.</p> <p>Article 3 specifies that the well-being of domestic fauna is understood as ‘those actions that guarantee the physical and psychological integrity of domestic animals according to their requirements, in conditions that do not involve abuse, neglect, damage, cruelty or suffering’.</p> <p>Article 6 mandates that euthanasia must be ‘painless’ and done by a veterinarian. Article 32 lays out anti-cruelty provisions since every animal owner is prohibited from: abandoning live or dead animals on public roads; abuse animals, physically assault them or subject them to any other practice that causes them suffering, harm or death; practice mutilations; use animals as a target; castrate them without having been previously anesthetized; keep them in overcrowded conditions. In addition to these anti-cruelty measures, several articles in the law address specific problems or situations that aim to prevent particular forms of abuse towards companion animals. For instance, Article 16 bans dog fighting.</p> <p>Furthermore, the law establishes some responsibilities on owners and keepers of companion animals. Article 18 provides that animal owners shall provide protection in terms of care, food, hygiene, in addition to avoiding the generation of risks or damages to third parties by the animal.</p> <p>The law also includes some measures to prevent illegal trade in domestic animals, including requiring registration of pets (Article 21) and specific care activities by citizens undertaking such activities (e.g. avoiding disorder in the neighbourhood in Article 23). Every commercial breeder of companion animals must be registered within the municipal authority (Article 49). However, there is no mention of specific animal welfare criteria that commercial breeders must abide by.</p> <p><u>Stray animals</u></p> <p>Law No. 39,338 contains some provisions relating to the treatment of stray animals. Notably, Article 12 allows for municipal authority to take control of abandoned animals. Article 13 establishes control measures in situations considered ‘critical’ such as threat to public health, to the integrity of people or their property. In such circumstances, the municipal authority, in coordination with the Ministries of Popular Power, with competence in sanitary and animal health, may sterilise or euthanise the animal.</p> <p><u>Analysis</u></p> <p><i>It is positive that Law No. 39,338 establishes a clear duty of care onto animal owners towards their animal. Companion animals are protected from cruelty in law, which includes abandonment. It is also positive that dog fights are prohibited.</i></p>	

*Although the establishment of duties and responsibilities of care and maintenance are at the core of the minimum standards to promote animal welfare for this category of animals, there are issues that currently prevent adequate animal welfare promotion. Notably, though it is positive that commercial breeders must be registered, there is no clear animal welfare criteria that breeders must fulfil to be able to commercially breed and trade companion animals. Article 48 of Law No. 39,338 makes it easy for anyone to engage in the trade of domestic animals.*

*Furthermore, the Government allows for the culling of stray animals as a mean of animal population control. The Government is encouraged to develop humane methods of stray population control, for example a trap-neuter-return, as an alternative to killing.*

*Industry analysis of the pet market in the country reports that the work of NGOs, with respect to developing a more solid framework in the country for animal protection and welfare, is likely to achieve improvements in the way pets are perceived, not only as possessions but also as family members.<sup>6</sup>*

### Enforcement mechanisms

Law No. 39,338 includes a series of provisions describing conducts and sanctions, divided into three groups, and then a list of complementary sanctions. Conducts are described as mild, serious and very serious and for each category maximum fines are specified. In addition, the complementary sanctions have a scope that covers administrative penalties, such as cancelling a licence or closing a trading unit, and also sanctions such as euthanasia of animals and indefinite confiscation of animals. There are no additional enforcement mechanisms in the law derived from the special administrative procedures.

### Key recommendations

- **The Government of Venezuela is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective. The Government of Venezuela should also implement education programmes on dog bite prevention.**
- **The Government of Venezuela 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 Venezuela should promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.**

<sup>6</sup> <http://www.euromonitor.com/pet-care-in-venezuela/report>



• In the current legislation, animal breeders simply have to register to engage in the commercial breeding and trade of companion animals. The Government of Venezuela is thus strongly encouraged to set out clear animal welfare criteria, which animal breeders must fulfil prior to being granted the authorisation to commercially breed and trade companion animals.

## 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 provisions of Law No. 39,338, including the general anti cruelty provisions, apply only to domesticated animals (Article 5). It is not clear whether this includes wild animals trained and kept in captivity. Nonetheless, some articles in Law No. 39,338 specifically relate to the use of animals for entertainment. Article 14 and 15 establish some general provisions for animals used in recreational activities (including sports), exhibitions and for shows or performances. These mandates are quite open and require regulation by municipal authorities. In the case of animals used in performances, there is a requirement that they should be kept in cages big enough to move and should not be harassed in their performances. Article 16 specifically prohibits dog fighting. Article 17 lays out that the municipal authority is responsible for supervising the conditions to which animals living in 'circuses and fairs' are exposed. These municipal authorities are able to adopt 'necessary precautionary measures' in order to protect animal welfare.</p> <p>Article 53 of the Criminal Law on the Environment (Law 39,913<sup>7</sup>) establishes it is a criminal offence to keep exotic aquatic animals in cages or enclosed environments, and introduces some offences relating to biodiversity. Law 39,913 could effectively outlaw the keeping of marine mammals in captivity, for instance used by marine parks for shows, however, it is not explicitly stated which animals are considered 'exotic'.</p> <p><u>Draught animals</u></p> <p>No legislation has been found specifically relating to animals used for draught.</p> <p><u>Analysis</u></p> <p><i>The existing provisions in Law No. 39,338 are limited in scope. Other than a space requirement, there is no evidence of legislation placing limitations or restrictions on the use of animals in circuses or other forms of public performance. It is positive that dog fighting is explicitly banned in legislation, however other forms of animal fights are not outlawed and continue to be popular, such as bullfighting.<sup>8</sup> The</i></p>	

<sup>7</sup> <http://derechos.org.ve/pw/wp-content/uploads/Ley-Penal-del-Ambiente2.pdf>

<sup>8</sup> <http://venezuelanalysis.com/analysis/9878>

*standards that the legislation sets do not encourage animal welfare measures but rather provide some management rules on the use of animals as a commodity. There is remission to municipal authorities for regulation of the conditions in which animals live, but there is no evidence in legislation that this is required to be done.*

*In addition, animals used for draught and other forms of work are absent from legal protection. The current legislative framework is therefore not effective to make the welfare of this category of animals a mainstream concern of society.*

### Enforcement mechanisms

Law 39,338 includes a series of provisions describing conducts and sanctions, divided into three groups, and then a list of complementary sanctions. Conducts are described as mild, serious and very serious and for each category maximum fines are specified. In addition, the complementary sanctions have a scope that covers administrative penalties, such as cancelling a licence or closing a trading unit, and also sanctions such as confiscation of animals. There are no additional enforcement mechanisms in the law derived from the special administrative procedures, and remission to municipal authority regulation means that there is discretion from municipal authorities to regulate in this area, thus potentially making enforcement difficult.

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

### Key recommendations

- **The Government of Venezuela is strongly encouraged to clarify and expand the scope of application of law No. 39,338, to include wild animals kept in captivity for entertainment purposes.**
- **The Government of Venezuela 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 animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses and the use of all animals in fights, including bullfights. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**
- **Furthermore, the Government of Venezuela 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 which may impair their welfare must be treated promptly and, if necessary, they 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	D
<p>The provisions of Law 39,338, including the general anti cruelty provisions, apply only to domesticated animals (Article 5). This appears to include domestic animals used in scientific research, as Articles 52 to 55 relate to the use of domestic animals for scientific research. It therefore appears that the protection of this law does not apply to the use of wild animals (whether or not tamed) in research.</p> <p>Article 52 allows for the use of live animals for research in centres destined for research and specifically authorised by the competent authority, when the research is necessary for the study and advancement of science in the matter of diagnosis, prevention or treatment of diseases that affect the human being or other living beings. Article 53 allows for the use of animals in research in various educational settings, including universities, when there are no other available methods that would allow obtaining the same results. This refers to one of the Three Rs principles, namely Replacement. Article 54 mandates that euthanasia must be practiced 'without pain' in situation where the physical conditions of animals have been irreversibly affected, or where the death of the animal is 'unavoidable'. Article 55 mandates that only those with adequate professional training may perform experiments on animals.</p> <p><b>Analysis</b></p> <p><i>The current regulations legitimise activities using animals in research without providing welfare-related restrictions on this use. It is positive that legislation has enshrined the principle of Replacement; however, there are no indications of species that can or cannot be used in research. Research on live animals is permitted even by basic education institutions. Likewise, the practice of vivisection is permitted with no restriction whatsoever apart from the qualifications of the person undertaking it. The Government is encouraged to follow regional and international trends, including the Three Rs principles, in order to effect policy and legislative changes. There is also no evidence of financial resources invested in the development of alternative research methods, which do not rely on the use of animals.</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms (administrative penalties and fines) relating to the general anti-cruelty provisions in Law 39,338. These apply to domestic animals used in research, but it is not clear whether this law applies to wild animals used for scientific research. In addition, as the provisions specifically relating to animals used in research fall in a different title within the law, there is lack of clarity on whether these animals are covered by the same mechanisms.</p>	
Key recommendations	

- The Government of Venezuela is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.
- The Government of Venezuela is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- Moreover, the Government of Venezuela is strongly encouraged to create a national centre consisting of multiple stakeholders, including animal protection organisations, to promote the Three Rs principles and to develop alternatives to animal experimentation.
- Furthermore, the Government of Venezuela 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 provisions of Law 39,338, including the general anti cruelty provisions, do not apply to wild animals (Article 5).</p> <p>In 1970, the Government produced the Law for the Protection of Wildlife (Law 29,289), and some environmental crimes relating to animals can be found in the Criminal Law of the Environment, produced in 2012 (Law 39,913). Both laws address issues focused more on species conservation than on individual animal protection and include several general environmental provisions.</p> <p>Hunting is allowed for people authorised by the Ministry of People Power for the Environment. The authorisation is granted depending on the purpose of hunting: hunting for sport or recreation; hunting for commercial purposes; hunting for scientific purposes; or hunting to control ‘harmful’ animals. The legislation forbids to cruelly make the animals suffer; hunting animals using automotive vehicles, aerial shooting or water sources; hunting animals through the spread of forest fires; hunting animals when they are in their nest; exercise the hunt at night or with artificial light; hunting using poison or explosives. It is forbidden to hunt in national parks, wildlife refuges, sanctuaries, near residential areas, on public roads or in other areas closed to hunting. It is prohibited to hunt rare species of animals.</p>	



The Ministry of Popular Power for the Environment is responsible for ensuring compliance with the Wildlife Protection Law, alongside other institutions such as the National Park Institute (INPARQUE), the Bolivarian National Guard, the Bolivarian National Army, the Bolivarian National Navy and other municipal and state institutions and authorities.

### Analysis

*Law 29,289 creates a comprehensive framework in which wild animals can be protected, although the basis for this is the protection of groups or species of animals rather than the protection of the welfare of individuals. It is positive that some of the cruellest hunting techniques, such as hunting with poison, explosives, or through the spread of wildfires, is forbidden in legislation. Moreover, it is forbidden to hunt rare species.*

*Though the legislation includes restrictions on hunting, it also establishes the conditions under which citizens can 'use' the resource of wild animals, which creates a negative structure for animal welfare promotion. The legislation prohibits some forms of capture (particularly in Law 39,913) and protection extends to commercialisation of specimens and sub-products, which is positive for wild animal protection. However, it is estimated that Venezuela is losing 900,000 animals per year to the illegal wildlife trade.<sup>9</sup>*

### Enforcement mechanisms

Article 11 of Law 29,289 gives responsibility of this issue to the Ministry of Agriculture and Breeding and establishes a summary criminal procedure to enforce the law. In addition, there are fines and other pecuniary sanctions which facilitate the access to financial resources informing the implementation of the legislation. Recent criminal environmental legislation also has the general resource of the criminal branch of power for implementing provisions protecting wild animals.

### Key recommendations

**• The Government of Venezuela 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 a minimum, the Government of Venezuela is strongly encouraged to forbid the cruellest hunting methods.**

<sup>9</sup> <https://news.mongabay.com/2015/10/trafficked-tropical-animals-the-ghost-exports-of-venezuela/>





### 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	E
<p>Law 39,338 has created a network of authorities in charge of implementing animal protection (Chapter I). Article 34 provides for municipal authorities (headed by the Mayor of each municipality or city) to implement the law, thus decentralising power from the executive branch into the regions. The law requires a public management unit for each municipality, which in turn is said to have the authority to enact the provisions. Article 35 establishes that each municipal authority will create a centre for the rescue and recovery of domestic fauna. This centre will have qualified personnel, and the functions and organisational structure of this centre will be established in the regulations issued for this purpose. No evidence of such regulation has been found.</p> <p>Law 29,289 on the Protection of Wildlife gives responsibility to the Ministry of People Power for the Environment for the implementation of the legislation.</p> <p><u>Analysis</u></p> <p><i>From Law 39,338, it is not clear which Ministry is responsible for animal welfare in Venezuela. This law creates a new organ within the municipal power structure to address the issue of animal protection, thus effectively taking responsibility away from central government for control and management of the execution and implementation of the legal provisions. In addition, it creates a series of controls and tasks in these authorities for which there is no evidence of strategic planning in terms of its enactment and implementation. Although the legislation shows a comprehensive list of expected qualifications of the people potentially working for municipal units, it provides no guidance on the way in which these positions might be filled or the financial resource to sustain them. Article 35 of Law 39,338 refers to regulations that will be introduced to address resource issues (human and financial) for these units, but there is no evidence that these regulations have been produced.</i></p>	
Enforcement mechanisms	
<p>Responsibilities of relevant government bodies are set out in legislation.</p>	
Key recommendations	
<ul style="list-style-type: none"> <li>• Law 39,338 grants responsibility for animal welfare to municipal authorities, however, responsibility for animal welfare is not clearly allocated at the national level. Thus, the Government of Venezuela is urged to assign responsibility for animal welfare to a Ministry. This Ministry should be responsible for enacting animal welfare legislation and for monitoring the</li> </ul>	





implementation of animal welfare standards.

- In addition, the Government of Venezuela is strongly encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.

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

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

Analysis of the legislation	
Ranking	G
<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.<sup>10</sup></p> <p>There is no evidence that the OIE's animal welfare standards or OIE's guiding principles on animal welfare standards have inspired legislative production. Where relevant topics are addressed by legislation, that legislation does not meet the content of the OIE's standards - for example, with regards to regulations on animals used for scientific experimentation.</p> <p><u>Analysis</u></p> <p><i>The OIE's animal welfare standards are one of the main tools available to introduce animal welfare measures and are universally accepted by countries around the world. The Government is encouraged to produce policy and legislation covering the OIE's animal welfare standards and principles.</i></p> <p><i>Although there is no evidence that the Government of Venezuela intends to produce policy and legislation in accordance with the OIE's guiding principles and standards on animal welfare, the Government does have some level of engagement with the OIE on animal health issues which suggests that it may be possible to improve matters in this area.</i></p>	
Enforcement mechanisms	
<p>There are no enforcement mechanisms relevant to this indicator.</p>	
Key recommendations	

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



- The Government of Venezuela is strongly encouraged to implement the OIE's animal welfare standards and principles within policy and legislation.

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

### Analysis of the legislation

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

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

#### Analysis

*Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a source of inspiration for decision makers interested in improving animal protection in the country.*

### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

### Key recommendations

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

Last edited: 6 November 2019

Publication: March 2020