



## Canada

Animal Protection Index 2014 ranking: D

### Animal Protection Index Indicators

#### Goal 1: Recognition of animal sentience and the importance of animal protection as a societal value

##### 1. Animal sentience is formally recognised in legislation and/or policy

Ranking: D

<b>Part 1: Verification</b>
<p>There is legislation with partial application</p> <p>Federal legislation recognises some aspects of animal sentience relating to pain, suffering and distress. The Criminal Code of Canada, section 445(1),(2)) includes suffering as a separate concept from pain and injury (applying to all animals and birds) and also refers to abandoning animals in distress. There is also some recognition of biological needs with section 446 making it an offence to fail to provide suitable and adequate food, water, shelter and care for domesticated animals. There are also references to animal suffering in the Health of Animals Act and the Meat Inspection Act.</p> <p>Canadian provinces and territories have their own laws to protect animals from cruelty, with variation in the extent to which they recognise elements of animal sentience, and most set basic standards of care that apply to most species. These laws vary widely in terms of which animal welfare issues are covered and the level of protection provided. This may in part be in response to high profile animal cruelty incidents that have occurred within particular provinces or territories, and the prevalence of different animal uses.</p>
<b>Part 2: Assessment</b>
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p>

Although the Criminal Code recognises that animals can suffer, there is no acknowledgement of animals' awareness and their ability to experience positive feelings. This anti-cruelty legislation dates back to 1892 and there have been no significant revisions since that time, although there is more recent and more detailed legislation at province and territory level.

There is no recognition of animal feelings or consciousness in legislation at the federal level. Federal legislation does not take account of scientific findings regarding the sentience of animals. For example, there is no federal legislation to protect farm animals during rearing. Additionally, the Criminal Code has a special section concerning cattle, horses, mules, asses, pigs, sheep and goats but omits chicken and other birds reared for food. Transport legislation also fails to recognise aspects of sentience by permitting animals to be transported for up to 52 hours for ruminants and 36 hours for monogastric animals without food, water or rest.

The degree to which province and territory laws relating to animal welfare are implemented and enforced, and who is responsible for this, varies significantly. Some province and territory laws have broader, stronger regulations to protect animals than the Criminal Code and include specific standards of care that must be adhered to. In most provinces and territories, the local Society for the Prevention of Cruelty to Animals (SPCA) enforces animal protection legislation, with additional enforcement personnel appointed by the minister in most cases involving livestock.

Province and territory prosecutions are regulatory prosecutions and as such there is a lower burden of proof. Under province and territory legislation, offenders need only be found non-compliant with regulations or negligent as a result of not taking all reasonable care to prevent harm from occurring. Under the Criminal Code intent must be proven. It may therefore be more attractive for prosecutors to pursue lesser sentences under province and territory legislation than to seek penalties under the Criminal Code.

#### Are there economic and societal barriers to improving this aspect of animal welfare?

The government's constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. This is generally addressed at a province and territory level, and the variance in animal welfare protection means that across Canada there is a lack of consistency in the level of protection offered to animals. Although the Criminal Code applies to all provinces and territories and is capable of enforcement across the country, local enforcement agencies prefer to use province and territory legislation which tends to be stronger. The Canadian Federation of Humane Societies reports that in 2000 less than 0.25% of investigations ended in successful prosecutions under the Criminal Code<sup>1</sup>.

It has been reported that there are concerns that new anti-cruelty legislation could assist animal rights groups to challenge legitimate animal use practices and endanger traditional Aboriginal hunting, fishing and trapping rights,<sup>2</sup> presenting additional barriers to improvement at both federal and province/territory levels.

#### Are enforcement mechanisms in place in policy and legislation?

Contravention of sections 445 and 446 of the Criminal Code is guilty of an offence punishable with fines and/or imprisonment. The court may also make an order prohibiting ownership, custody, control or living with an animal or bird for as long as is deemed appropriate. In the case of a second offence, this will be for a minimum of 5 years. The convicted person can also be made to

<sup>1</sup> [http://cfhs.ca/files/legal\\_analysis.pdf](http://cfhs.ca/files/legal_analysis.pdf)

<sup>2</sup> [http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills\\_ls.asp?ls=C50&Parl=38&Ses=1](http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=C50&Parl=38&Ses=1)

compensate an individual or organisation that has cared for their animal as a result of the cruelty. Enforcement mechanisms under province and territory laws vary. All provinces and territories have fines for animal cruelty offences and most have imprisonment penalties and can prohibit the offender from owning animals for an unlimited period of time. British Columbia has the toughest penalties for a provincial animal cruelty offence, with potential fines of up to \$75,000 and up to two years imprisonment.

## 2. The government has pledged in principle support for the Universal Declaration on Animal Welfare

**Ranking: B**

<b>Part 1: Verification</b>
<i>There is full government support</i>
<p>In May 2010 the Minister of Foreign Affairs confirmed that the Government of Canada is supportive, in principle, of the UDAW.</p> <p>Note: The Universal Declaration on Animal Welfare is a proposed formal international acknowledgment 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.</p>
<b>Part 2: Assessment</b>
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
<p>Recognition of the UDAW shows the government’s assimilation in policy of high international standards and objectives with regard to animal protection, which is a powerful agent to include animal welfare consideration in decision-making processes. However, although the government supports UDAW, the national regulations on animal welfare are not as comprehensive as they could be. There is no detail on protecting animals of various categories such as those used in research, wild animals and companion animals, there is no mention of how the law should be implemented across the country and the law does not recognise the sentience of all vertebrates, which are demonstrably sentient according to science.</p>
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
<p>Although there appear to be no significant financial or other barriers to improving animal welfare through support of the UDAW, there are social and cultural barriers in relation to certain categories of animals and uses of animals, for example, with respect to hunting and trapping.</p>
<i>Are enforcement mechanisms in place in policy and legislation?</i>
<p>Support for the UDAW has undertaken all the formalities within the government.</p>

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

**Ranking: B**

<b>Part 1: Verification</b>
<p><b>There is legislation</b></p> <p>Sections 444 to 447 of the Criminal Code of Canada, which is primary legislation at the federal level, make various types of animal cruelty a criminal offence. Section 445.1 prohibits anyone from wilfully causing or, being the owner, wilfully permitting to be caused unnecessary pain, suffering or injury to an animal or a bird. Section 446 prohibits causing damage or injury by wilful neglect of animals during transport, and by wilful neglect of a domestic animal or captive wild animal. Legislation in the provinces and territories generally makes it an offence to cause or permit an animal to be in distress, with variation in terms of which species are covered by the legislation and the types of activities that are exempted.</p> <p>In Ontario, the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 C. O.36) prohibits causing, or as the owner or custodian, permitting an animal to be in distress (section 11.2). There are exemptions for lawful activities relating to hunting and fishing, activities carried out in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry, or other prescribed situations. Subsidiary Regulation 60/09, the Standard of Care Regulation, creates a duty of care by requiring that animals are provided with specified basic standards of care (including space to move naturally), appropriate to each species and other relevant factors.</p> <p>In Quebec, section 55.9.2 of the Law on the Sanitary Protection of Animals (C. P-42) requires that the owner or keeper of an animal ensures that its safety and welfare is not compromised. This includes providing an environment that is suitable to its biological needs and ensuring that it is not subjected to abuse or mistreatment that could affect its health. Activities carried out in agriculture, teaching or scientific research are exempted provided they are carried out in accordance with generally recognised practice, and ritual practices prescribed by religious rules are exempted.</p> <p>In Nova Scotia, the Animal Protection Act (2008 C.33) applies to all vertebrates other than wildlife which is not in captivity. Section 21 prohibits causing, or as the owner or person in charge of an animal, permitting an animal to be in distress, with exemptions for activities carried out in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter. Section 22 creates a duty of care in relation to animals other than farm animals, including a requirement for opportunity for exercise.</p> <p>In Manitoba, the Animal Care Act (CCSM C. A84) prohibits infliction of suffering (other than for activities carried out in accordance with standards, codes of practice or generally accepted practices) and creates a duty of care for owners and keepers (sections 2 and 3).</p> <p>In British Columbia, section 9 of the Prevention of Cruelty to Animals Act (RSBC 1996 C.372) creates a duty of care for those responsible for animals to care for them, including protecting them from circumstances that are likely to cause distress. This does not apply to wildlife that is not in captivity.</p>

In Newfoundland and Labrador, section 18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) prohibits causing or, as the owner, permitting an animal to be in distress, except in the course of an accepted activity. This applies to all vertebrates including most fish.

In New Brunswick, section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) requires those who have ownership, possession or care and control of animals to provide food, water, shelter and care. This applies to all animals with a developed nervous system (General Regulation (NB Reg 2000-4)) The General Regulation gives more detail on the standard of care required.

In Yukon, section 3 of the Animal Protection Act (RSY 2002 C.6) prohibits causing or, as the owner or person in charge, permitting an animal to be in distress, except where resulting from an activity carried out in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter provided that these practices are carried out in a humane manner. This applies to mammals, birds, fish, reptiles and amphibians but not to wild animals that are not in captivity.

In Alberta, section 2 of the Animal Protection Act (RSA 2000 C. A-41) prohibits causing or, as the owner or person in charge, permitting an animal to be in distress, except where resulting from an activity carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter. This applies to all animals.

In Saskatchewan, section 4 of the Animal Protection Act (SS 1999 C. A-21.1) prohibits causing or, as the person responsible for an animal, permitting an animal to be in distress. This applies to all animals. An animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

In Prince Edward Island, section 3 of the Companion Animal Protection Act (RSPEI 1988 C.C-14.1) prohibits wilfully causing unnecessary pain, suffering or injury, or causing or (as the owner) permitting an animal to be in distress. However this applies only to companion animals.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The relevant federal law is contained within the Criminal Code, which mainstreams this type of animal welfare issue together with other criminal offences. However the Criminal Code requires that in order for neglect of animals to be prosecuted, it must be "wilful", thus requiring proof that the cruelty was deliberate in order to take legal action, thus excluding negligent behaviour from the scope of the legislation. Province and territory legislation can also be limiting in that there are many exemptions for certain groups of animals or for some specified inhumane practices. The inconsistencies in animal welfare protection means that animals in some areas are better protected than in others.

Are there economic and societal barriers to improving this aspect of animal welfare?

The government's constitutional remit in relation to legislating on animal welfare issues at a federal level is limited, and there is variation and a lack of consistency in the level of protection offered to animals across different provinces and territories.

It is legal in Canada to take part in some practices involving animals that are considered to be inhumane or abhorrent in many other nations. For example, fur farming is legal, as is the commercial hunting of seals. The banning of these practices would be of benefit to animal welfare and prevent many thousands of animals from suffering. Legal acceptance of these practices represents a significant barrier to improving animal welfare.

Enforcement of the relevant legislation in the provinces and territories, and federally, is often the responsibility of police or officers employed specifically to enforce the law. It is not stated in legislation whether these officers are given particular training to be able to effectively identify suffering and what this would entail or whether officers need to have some knowledge of animal welfare and what constitutes cruelty prior to working in this area. Funding for non-governmental animal protection law enforcement is variable across the provinces and territories. Most province and territory SPCAs receive some government funding, but it is usually far less than what is necessary for effective enforcement and means organisations must rely on fundraising to this end; province and territory SPCAs have expressed concern about the lack of resources for their role in enforcement<sup>3</sup>, and at least one SPCA has been forced to suspend its enforcement program due to a significant decrease in government funding.<sup>4</sup>

**Are enforcement mechanisms in place in policy and legislation?**

Contravention of sections 445 and 446 of the Criminal Code is guilty of an offence punishable with fines and/or imprisonment. The court may also make an order prohibiting ownership, custody, control or living with an animal or bird for as long as is deemed appropriate. In the case of a second offence, this will be for a minimum of 5 years. The convicted person can also be made to compensate an individual or organisation that has cared for their animal as a result of the cruelty. Enforcement mechanisms under province and territory laws vary. All provinces and territories have fines for animal cruelty offences and most have imprisonment penalties and can prohibit the offender from owning animals for an unlimited period of time. British Columbia has the toughest penalties for a provincial animal cruelty offence, with potential fines of up to \$75,000 and up to two years imprisonment.

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

**Ranking: D**

<b>Part 1: Verification</b>
<b>There is legislation with partial application</b>
Part 444 of the Criminal Code provides that anyone who wilfully kills, maims, wounds, poisons or injures cattle, or wilfully places poison in such a position that it may easily be consumed by cattle, is guilty of an offence. Part 446 provides that it is an offence to cause an animal or bird to become injured when being transported by neglecting them wilfully, and it is an offence for the owner or

<sup>3</sup> <http://www.spcans.ca/news/687-20130219-2.html>

<sup>4</sup> <http://www.spcans.ca/news/687-20130219-2.html>

person in custody or control of a domestic or captive wild animal or bird to abandon it in distress or to wilfully neglect it or fail to provide suitable and adequate food, water, shelter and care for it. The Criminal Code has a special section to protect cattle, as well as horses, mules, asses, pigs, sheep and goats. This excludes some species of animals which are farmed in Canada, such as chickens.

The Health of Animals Act is the federal law that protects the welfare of animals during transport and loading. It contains measures to prevent undue suffering by prohibiting overcrowding and setting the maximum amount of time an animal can be transported before receiving food and water and being unloaded to the ground for rest. However it permits ruminants to be transported for 52 hours, and monogastric animals for 36 hours, without food, water or rest.

The Meat Inspection Act is the only other federal law that applies to the welfare of farmed animals. Relevant sections concern inspections and the slaughter of animals. The Act permits the use of electric prods, and does not require chickens and domesticated rabbits to be rendered unconscious before being suspended for slaughter.

There is no federal legislation that addresses the welfare of animals on the farm on a daily basis. The National Farm Animal Care Council produces codes of practice for the care and handling of farm animals, which detail the legal requirements that do exist and which set out recommended practices for good animal welfare. The Council is currently updating its Codes on laying hens and on chickens, turkeys and breeders.

Various province and territory agriculture and food legislation contain provisions for humane treatment of farm animals. Some have animal welfare regulations which pertain specifically to farmed animals, whereas others have an Act or regulations which are much more general or only mention certain aspects of farm animal use. There is therefore a lack of consistency in protection for farmed animals in Canada. Generally the prohibitions against causing distress apply to farmed animals, but with exemptions for accepted husbandry practices.

In Ontario, the duty of care requirements under the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 Ch O.36) are exempted in respect of activities carried out in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry (section 11.1(2)).

In Quebec, activities carried out in agriculture are exempted from the general duty of care under section 55.9.2 of the Law on the Sanitary Protection of Animals (LRQ C. P-42) provided they are carried out in accordance with generally recognised practice, and ritual practices prescribed by religious rules are also exempted.

In Nova Scotia, there are exemptions to the general cruelty prohibition under section 21 of the Animal Protection Act (2008 C.33) for activities carried out in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter. The duty of care under section 22 does not apply to farmed animals.

In Manitoba, the prohibition of infliction of suffering and the duty of care under sections 2 and 3 of the Animal Care Act (CCSM C. A84) do not apply to activities carried out in accordance with standards, codes of practice or generally accepted practice. Further detail is provided by the Animal Care Regulation (Man Reg 126/98).

In British Columbia, there is no apparent exemption from the duty of care under section 9.1 of the Prevention of Cruelty to Animals Act (RSBC 1996 C.372).

In Newfoundland and Labrador, there is an exemption from section 18 of the Animal Health and

Protection Act (SNL 2010 C. A-9.1) for distress caused in the course of an accepted activity. There are some restrictions on activities such as tail docking under the Animal Protection Regulations (NLR 35/12), and codes of practice relating to different species of farmed animals are adopted under the Animal Protection Standards Regulations (NLR 36/12).

In New Brunswick, the standard of care required by section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) is detailed in the General Regulation (NB Reg 2000-4)), by reference to codes of practice.

In Yukon, section 3 of the Animal Protection Act (RSY 2002 C.6) does not apply to distress that results from an activity carried out in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter provided that these practices are carried out in a humane manner.

In Alberta, section 2 of the Animal Protection Act (RSA 2000 C. A-41) does not apply to distress resulting from an activity carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management, husbandry or slaughter. There are requirements relating to livestock markets and transport under the Animal Protection Regulation (Alta Reg 203/2005).

In Saskatchewan, an animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management (section 4 of the Animal Protection Act (SS 1999 C. A-21.1)).

In Prince Edward Island, the Animal Protection Regulations (A-11.1) require that farmed animals are kept in accordance with the standards of care set out in species-specific codes of practice (section 4).

## Part 2: Assessment

### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The inclusion of relevant offences within the Criminal Code brings them into mainstream law enforcement. Both the Health of Animals Act and the Meat Inspection Act fall under the auspices of the Ministry of Agriculture and Agri-foods, while the Canadian Food Inspection Agency is charged with administering and enforcing them.

Although the Criminal Code does mainstream acts of animal cruelty and neglect as criminal offences, there is little specific reference to farm animal welfare, and the burden of proof is high. Farm animal welfare is better mainstreamed in some provinces and territories where there are regulations relating specifically to farmed animals, but there is no consistency in protection for farmed animals in Canada. Province and territory statutes vary and some are stronger than others, and methods for implementing and enforcing legislation vary. Some put responsibility on a Minister, as in Quebec, some have SPCA officers with powers to make inspections and seize animals, such as Ontario, whilst others have committees, boards and animal protection officers as is the case in Manitoba, whereas some put the responsibility on local police or peace officers such as Alberta. In Manitoba the Ministry of Agriculture, Food and Rural Development provides information on its website on farm animal welfare.<sup>5</sup>

<sup>5</sup> <http://www.gov.mb.ca/agriculture/animals/animal-welfare/>



#### Are there economic and societal barriers to improving this aspect of animal welfare?

The government's constitutional remit in relation to legislating on animal welfare issues at a federal level is limited, although links to human health provide more scope in relation to farm animals than for some other uses of animals.

Enforcement of the animal welfare sections of the Criminal Code relies on general law enforcement by the police. There is no mention of whether there are specialists working for the government to identify policy areas and instruments that ensure animal welfare is protected or peace officers trained in this regard. Neither is there a stipulation for a specific team to implement the animal cruelty provisions of the Criminal Code at the federal level. It appears that law enforcement is dependent on members of the public reporting instances of animal cruelty.

It appears that at province and territory level, police and public prosecutors often prefer to prosecute under province and territory legislation and some prosecutions are brought also by the non-governmental province and territory SPCAs. Enforcement by the SPCAs may encourage province and territory authorities to allocate limited resources away from animal welfare protection and so budgetary constraints could be a barrier to the improvement of farm animal welfare.

Data collection and analysis of livestock welfare enforcement is limited, as most agencies do not separate their companion animal and livestock statistics. In addition, some enforcement agencies are not able to provide any enforcement statistics as agencies generally do not keep statistics specific to animal cruelty investigations, charges and convictions.<sup>6</sup> Greater transparency may assist in removing barriers to improvement.

#### Are enforcement mechanisms in place in policy and legislation?

Anyone who contravenes the relevant sections of the Criminal Code is guilty of an indictable offence with punishment by fines and/or imprisonment. Enforcement of the Health of Animals Act is the responsibility of Canadian Food Inspection Agency inspectors, some SPCA inspectors trained and appointed by the Agency, police officers and the British Columbia Minister of Transport.<sup>7</sup>

Compliance with the National Farm Animal Care Council's Codes of Practice is voluntary but parts of the farming industry are moving towards second-party verification. For example, the Dairy Council of Canada verifies that all dairy producers comply with the National Codes of Practice for the Care and Handling of Dairy Cattle. Province and territory regulations which contain stipulations relating to farm animals have enforcement mechanisms for these, including fines and imprisonment, and three provinces, Manitoba, Newfoundland and Labrador and Saskatchewan, have referenced the Codes of Practice in their animal protection laws.

SPCA officers can reference the Codes of Practice in court as evidence of what is considered to be an acceptable practice. This is a good first step, however, animal welfare could be improved if the Codes of Practice were fully funded and ingrained in legislation.

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

### Ranking: D

<sup>6</sup> [http://www.nfacc.ca/resources/Farm\\_Animal\\_Welfare\\_Laws\\_Canada.pdf](http://www.nfacc.ca/resources/Farm_Animal_Welfare_Laws_Canada.pdf)

<sup>7</sup> [http://www.nfacc.ca/resources/Farm\\_Animal\\_Welfare\\_Laws\\_Canada.pdf](http://www.nfacc.ca/resources/Farm_Animal_Welfare_Laws_Canada.pdf)

**Part 1: Verification****There is legislation with partial application**

Sections of the Criminal Code relate to animals in captivity; section 445.1 (c) provides that it is an offence to wilfully give poison or drugs to a captive animal that is wild by nature, and under (d) it is an offence to have any involvement in any event where captive birds are let out of traps to be shot. Section 446(b) provides that it is an offence to abandon in distress or wilfully neglect or fail to provide food, water, shelter and care for a captive animal.

There are no provisions at federal level providing more detailed regulation of animals kept in captive settings such as zoos or circuses.

Most provinces and territories make it an offence to cause or permit captive animals to be in distress. In some instances provinces and territories have regulations that define what is acceptable by establishing mandatory standards. British Columbia and Alberta have the most comprehensive zoo standards and a licensing system to phase out the possession of certain wild animals as pets.

Most provinces and territories have a licensing system that restricts the keeping of wild animals (often, but not always, limiting this to zoos rather than keeping wild animals as pets) and that sets out very basic standards to protect their welfare. These standards tend to cover basic welfare requirements such as ensuring the provision of adequate food, water, shelter and veterinary care but do not address psychological welfare such as the different needs of each species for expressing natural behaviour. Some, such as Ontario, do not have a comprehensive licensing system to restrict the proliferation of small zoos and the keeping of wild animals as pets.

Wild animals are farmed for their fur in Canada and this is covered by animal welfare codes prepared in relation to farm animals by the National Farm Animal Care Council.

In Ontario, the general cruelty prohibition and the duty of care provisions under the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 Ch O.36) and subsidiary regulations apply to this category of animals. Section 4 of Regulation 60/09 requires that wild animals kept in captivity must be provided with a daily routine that facilitates and stimulates natural movement and behaviour, and must be kept in compatible social groups. Section 5 sets requirements for enclosures, including space to hide. Section 6 requires varied daily activities and interactive furnishings for captive primates.

In Quebec, the general duty of care under section 55.9.2 of the Law on the Sanitary Protection of Animals (LRQ C. P-42) applies. Keeping wild animals in captivity is further regulated by the Regulations on captive animals, made under the Law on the Conservation and Development of Wildlife (LRQ C. C-61.1), although these contain limited welfare-related considerations.

In Nova Scotia, the general cruelty prohibition and the duty of care under sections 21 and 22 of the Animal Protection Act (2008 C.33) apply to wild animals in captivity, with exemptions for activities carried out in accordance with reasonable and generally accepted practices of animal management. Regulations relating to fur farming (Fur Industry Regulations, under the Fur Industry Act) do not contain detailed welfare-related requirements.

In Manitoba, the prohibition against infliction of suffering and the duty of care under sections 2 and 3 of the Animal Care Act (CCSM C. A84) apply, with detail provided by the Animal Care Regulation (Man Reg 126/98).

In British Columbia, the duty of care under section 9.1 of the Prevention of Cruelty to Animals Act

(RSBC 1996 C.372) applies to captive wild animals.

In Newfoundland and Labrador, the prohibition against causing or permitting distress under section 18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) does not apply in the course of an accepted activity. Regulations relating to fur farming (Fur Farming Regulations, NLR 38/12) do not contain detailed welfare-related requirements, but codes of practice relating to foxes and mink are adopted under the Animal Protection Standards Regulations (NLR 36/12).

In New Brunswick, the standard of care required by section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) is detailed by the General Regulation (NB Reg 2000-4)), including by reference to codes of practice.

In Yukon, the prohibition against causing or permitting distress under section 3 of the Animal Protection Act (RSY 2002 C.6) does not apply where the distress results from an activity carried out in accordance with reasonable and generally accepted practices of animal management and husbandry provided that these practices are carried out in a humane manner.

In Alberta, the prohibition against causing or permitting distress under section 2 of the Animal Protection Act (RSA 2000 C. A-41) does not apply where the distress results from an activity carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management or husbandry.

In Saskatchewan, under section 4 of the Animal Protection Act (SS 1999 C. A-21.1) an animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

In Prince Edward Island, the Animal Protection Regulations (A-11.1) require that farmed mink and fox are kept in accordance with the standards of care set out in codes of practice (section 4).

## Part 2: Assessment

### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Beyond the basic provisions in the Criminal Code, there is little consistency in protection for animals in captivity in Canada. Province and territory statutes vary and some are stronger than others. Wild animals including whales and cetaceans are kept in captivity in the country in a range of conditions, some of which have prompted NGO concerns about animal welfare<sup>8</sup>, and some of which involve contact with members of the public<sup>9</sup> and shows for entertainment.<sup>10</sup> Wild animals are also still kept as pets in some parts of the country.<sup>11</sup>

Methods for implementing and enforcing the province and territory legislation vary. Some regions put responsibility on a Minister, as in Quebec, some have SPCA officers with powers to make inspections and seize animals, such as Ontario, whilst others have committees, boards and animal protection officers as is the case in Manitoba, whereas some put the responsibility on local police or peace officers such as Alberta. It is positive that some province and territory governments have acknowledged, albeit to differing extents, that captive animals have particular welfare challenges

<sup>8</sup> [http://www.zoocheck.com/campaigns\\_zoos.html](http://www.zoocheck.com/campaigns_zoos.html)

<sup>9</sup> <http://www.marinelandcanada.com/attractions/arctic/>

<sup>10</sup> <http://www.vanaqua.org/experience/shows/dolphin-show>

<sup>11</sup> <http://www.zoocheck.com/exotics/Kitoverview.pdf>

and needs. Different levels of legal protection have been established throughout the Canadian provinces and territories for this category of animals.
<b>Are there economic and societal barriers to improving this aspect of animal welfare?</b>
<p>The government’s constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. This is legislated at a province and territory level, and protection for captive animals varies across province and territory laws; however, very few laws contain specific stipulations for animals kept in captive settings such as zoos or circuses or any detail pertaining to special care for wild animals in captivity.</p> <p>The cultural acceptance of farming certain species of animals for their fur also presents a barrier to improvement in this area. The inclusion of animals farmed for their fur in farm animal welfare codes prepared by the National Farm Animal Care Council, in the same way as for animals farmed for food, is indicative of this level of acceptance of fur farming and is at odds with animal welfare standards adopted by other countries.</p>
<b>Are enforcement mechanisms in place in policy and legislation?</b>
<p>Contravention of the relevant provisions of the Criminal Code is punishable with fines and/or imprisonment.</p> <p>Those provinces and territories that have regulations relating to animals in captivity or which include them in general animal cruelty legislation have enforcement mechanisms including fines and imprisonment.</p>

#### 4. c. There are laws that apply to companion animals

**Ranking: B**

<b>Part 1: Verification</b>
<b>There is legislation</b>
<p>Section 445 of the Criminal Code provides that it is an offence to wilfully kill, maim, wound, poison or injure dogs, birds or animals other than cattle without lawful excuse. It is also an offence to leave poison somewhere that it could easily be consumed by these animals. Section 445.1 provides that owners of animals must not cause or allow their animal to be subjected to unnecessary suffering and that domestic animals must not be given any poisonous drug. Section 446 provides that it is a crime for an owner to wilfully neglect a domestic animal or abandon it, or fail to provide adequate care for it.</p> <p>All provinces and territories have laws providing some degree of protection to companion animals and many have specific provisions pertaining to commercial breeding and retail facilities, kennels and catteries, tethering, cosmetic surgeries (ear cropping, tail docking, declawing), abandoned animals, inspection, removal and rehoming and general standards of care.</p> <p>In Ontario, the general cruelty prohibition and the duty of care provisions under the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 Ch O.36) and subsidiary regulations apply to this category of animals. Section 20 of the Animals for Research Act (RSO 1990 Ch A.22) permits the use in research of animals from pounds. Pounds are not permitted to destroy healthy dogs and</p>

cats unless no research facilities have made requests for animals for research purposes or destruction has been requested by the previous owner or ordered by a veterinarian. Subsidiary regulations include basic requirements relating to housing, food and water in pounds (Regulation 23), but do not contain detailed welfare considerations.

In Quebec, the general duty of care in section 55.9.2 of the Law on the Sanitary Protection of Animals (LRQ C. P-42) applies. Section 55.9.4.2 of the Law on the Sanitary Protection of Animals (Ch P-42) requires a permit for owning or keeping over 15 cats or dogs (excluding those under six months who are born to females in the same place). More detailed requirements are set out in subsidiary regulations on the safety and well-being of cats and dogs.

In Nova Scotia, the general cruelty prohibition and the duty of care under sections 21 and 22 of the Animal Protection Act (2008 C.33) apply to companion animals, with exemptions for activities carried out in accordance with reasonable and generally accepted practices of animal management.

Manitoba requires companion animal breeders, kennels and pet shops to be licensed (Animal Care Act, CCSM C. A84, section 25). Sections 2 and 3 of the Act prohibit the infliction of suffering (other than for activities carried out in accordance with standards, codes of practice or generally accepted practices) and create a duty of care for owners and keepers (sections 2 and 3). Further detail is provided by the Animal Care Regulation (Man Reg 126/98).

In British Columbia, the duty of care under section 9.1 of the Prevention of Cruelty to Animals Act (RSBC 1996 C.372) applies to companion animals.

In Newfoundland and Labrador, the prohibition against causing or permitting distress under section 18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) does not apply to distress caused in the course of an accepted activity. There are some restrictions on activities such as tail docking under the Animal Protection Regulations (NLR 35/12), and codes of practice relating to kennels, catteries and pet shops are adopted under the Animal Protection Standards Regulations (NLR 36/12).

In New Brunswick, the standard required by the duty of care under section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) is detailed in the General Regulation (NB Reg 2000-4)), including reference to codes of practice.

In Yukon, the prohibition against causing or permitting distress under section 3 of the Animal Protection Act (RSY 2002 C.6) does not apply where the distress results from an activity carried out in accordance with reasonable and generally accepted practices of animal management provided that these practices are carried out in a humane manner.

In Alberta, the prohibition against causing or permitting distress under section 2 of the Animal Protection Act (RSA 2000 C. A-41) does not apply where the distress results from an activity carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management or husbandry.

In Saskatchewan, under section 4 of the Animal Protection Act (SS 1999 C. A-21.1) an animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

In Prince Edward Island, section 3 of the Companion Animal Protection Act (RSPEI 1988 C.C-14.1) prohibits wilfully causing unnecessary pain, suffering or injury, or causing or (as the owner) permitting a companion animal to be in distress.

In the Northwest Territories and in Nunavut, section 4 of the Dog Acts (RSNWT 988 C. D-7; RSNWT (Nu) 1988 C. D-7) prohibits punishing or abusing a dog in a manner or to an extent that is cruel or unnecessary.

**Part 2: Assessment**

**Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?**

There is acknowledgment in legislation of some specific animal welfare challenges in this particular animal category and the existing legislation helps to mainstream the concept of welfare throughout the country.

However it is noted that the protection given under the Code arises from classification of animals as property and thus animals which are owned (rather than stray) are given priority. Stray and feral dog populations are a cause of concern in the country and fatal incidents have been reported<sup>12</sup>, as has a lack of resources and co-ordination regarding humane solutions.<sup>13</sup> It is noted that some NGOs have participated in trap-neuter-release programs for stray dogs and the government is encouraged to develop this relationship further.<sup>14</sup>

The Quebec Strategy on the Health and Well-being of Animals (2010) included the creation of a working group on the welfare of companion animals, which considered issues including the enforcement of the Criminal Code and euthanasia of stray cats and dogs.<sup>15</sup> In Prince Edward Island, the Department of Agriculture and Forestry participates in an education and information initiative aimed at improving the welfare of companion animals.<sup>16</sup>

Legislation promoting good welfare for companion animals would be helpful in making this issue a mainstream concern of society.

**Are there economic and societal barriers to improving this aspect of animal welfare?**

Lack of financial resource may be a barrier to improvement in this area, as SPCAs are relied on by province and territory governments for enforcement but may suffer from budget constraints. A lack of financial and veterinary resource has been reported to be a barrier to introduction of humane population control of stray and feral dogs and education regarding responsible pet ownership, for example, in the Northwest Territories.<sup>17</sup> There are also constitutional restrictions; the government’s constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. Collaboration between province governments and NGOs is a sign that some improvement may be possible at a province and territory level.

**Are enforcement mechanisms in place in policy and legislation?**

Contravention of relevant parts of the Criminal Code is punishable by fines and/or imprisonment. Province and territory legislation addressing the welfare of companion animals contains enforcement mechanisms such as fines, imprisonment and prohibitions on owning animals.

<sup>12</sup> <http://www.ctvnews.ca/canada/stray-dog-solution-sought-after-manitoba-girl-fatally-mauled-1.1781791>

<sup>13</sup> <http://www.castanet.net/news/Canada/116734/Battle-to-control-stray-dogs>

<sup>14</sup> <http://www.ctvnews.ca/canada/first-nations-communities-fight-to-control-stray-dog-population-1.1858539>

<sup>15</sup> <http://www.mapaq.gouv.qc.ca/fr/Productions/md/Publications/Pages/Details-Publication.aspx?guid=%7bacd9c88d-2df3-429a-9321-aa68a8e49d44%7d>

<sup>16</sup> <http://www.gov.pe.ca/agriculture/CAWI>

<sup>17</sup> <http://www.castanet.net/news/Canada/116734/Battle-to-control-stray-dogs>

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

Ranking: C

Part 1: Verification
<p>There is legislation with partial application</p> <p>The federal and province/territory general anti-cruelty provisions apply to this category of animals. Section 445.1 of the Criminal Code provides that anyone who in any manner encourages aids or assists in the fighting or baiting of animals or birds is guilty of an offence, and merely being present at the fighting or baiting of animals or birds is considered to be proof of encouraging, aiding or assisting. Section 447 provides that anyone who builds, makes, maintains or keeps a cockpit on their premises or allows someone else to do this is guilty of an offence. Some province and territory legislation has taken this further by making it an offence to train animals to fight or to receive money from animal fights. Wild animals are permitted to be used in circuses at national level, although it is noted that some areas of the country are reported to have adopted by-laws to prohibit this at local level.<sup>18</sup> Some province and territory animal cruelty laws also prohibit animal fighting and have specific provisions to protect service animals and sled dogs.</p> <p>In Ontario, the general cruelty prohibition and the duty of care provisions under the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 Ch O.36) and subsidiary regulations apply to this category of animals. Training or permitting animals to fight is prohibited under section 11.2(3) of the Act.</p> <p>In Quebec, the general duty of care under section 55.9.2 of the Law on the Sanitary Protection of Animals (LRQ C. P-42) applies.</p> <p>In Nova Scotia, the general cruelty prohibition and the duty of care under sections 21 and 22 of the Animal Protection Act (2008 C.33) apply to this category of animals, with exemptions for activities carried out in accordance with reasonable and generally accepted practices of animal management.</p> <p>In Manitoba, the Animal Care Act (CCSM C. A84) prohibits infliction of suffering (other than for activities carried out in accordance with standards, codes of practice or generally accepted practices) and creates a duty of care for owners and keepers (sections 2 and 3). Further detail is provided by the Animal Care Regulation (Man Reg 126/98), including a specific prohibition on dog fighting.</p> <p>In British Columbia, the duty of care under section 9.1 of the Prevention of Cruelty to Animals Act (RSBC 1996 C.372) applies. British Columbia has the strongest legislation to protect sled dogs with provisions to protect their psychological welfare (Sled Dog Standards of Care Regulation BC Reg 21/2012)). At a more local level, it is understood that 20 municipalities in British Columbia have also banned circuses with performing wild and exotic animals.<sup>19</sup></p> <p>In Newfoundland and Labrador, the prohibition against causing or permitting distress under section</p>

<sup>18</sup> <http://www.spca.bc.ca/welfare/campaign-issues/circuses.html>

<sup>19</sup> <http://www.spca.bc.ca/welfare/campaign-issues/circuses.html>

18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) does not apply in the course of an accepted activity. There are some additional restrictions on activities such as tail docking under the Animal Protection Regulations (NLR 35/12). Codes of practice relating to circuses and sled dogs are adopted under the Animal Protection Standards Regulations (NLR 36/12).

In New Brunswick, the standard required by the duty of care under section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) is detailed in the General Regulation (NB Reg 2000-4)), including reference to codes of practice.

In Yukon, the prohibition against causing or permitting distress under section 3 of the Animal Protection Act (RSY 2002 C.6) does not apply where the distress results from an activity carried out in accordance with reasonable and generally accepted practices of animal management provided that these practices are carried out in a humane manner.

In Alberta, the prohibition against causing or permitting distress under section 2 of the Animal Protection Act (RSA 2000 C. A-41) does not apply where the distress results from an activity carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management or husbandry.

In Saskatchewan, under section 4 of the Animal Protection Act (SS 1999 C. A-21.1) an animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

<b>Part 2: Assessment</b>
<b>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</b>
<p>There is little detail specific to the welfare of animals used for draught and recreational purposes at a federal level, and the existing restrictions on animal fighting do not make it an offence to train animals to fight or to receive money related to an animal fight, although some provinces have addressed this. There is a little more detail at province and territory level, but this is not harmonised across the country and in most provinces and territories does not contain detailed provisions relating to animals used in draught or entertainment.</p> <p>Wild animals are used in circuses and entertainment shows also take place involving captive cetaceans.<sup>20</sup> There is an active animal protection movement in the country, which campaigns against such practices.<sup>21</sup> It is reported that the Canadian Council on Animal Care is developing guidelines regarding the keeping of marine mammals in captivity,<sup>22</sup> which would be positive although it is noted that some other countries have taken action to prohibit this.</p>
<b>Are there economic and societal barriers to improving this aspect of animal welfare?</b>
<p>The government's constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. Budgetary constraints and the reliance on non-governmental province and territory organisations for enforcement may also provide a barrier to improvement in this area.</p> <p>The rejection of the use of wild animals in circuses in some parts of the country suggests that some improvement may be possible in relation to the use of animals for recreational purposes.</p>

<sup>20</sup> <http://www.vanaqua.org/experience/shows/dolphin-show>

<sup>21</sup> For example [http://www.zoocheck.com/campaigns\\_circuses.html](http://www.zoocheck.com/campaigns_circuses.html)

<sup>22</sup> [http://www.ccac.ca/en\\_/standards/guidelines/underdevelopment](http://www.ccac.ca/en_/standards/guidelines/underdevelopment)



#### Are enforcement mechanisms in place in policy and legislation?

Contravention of the relevant parts of the Criminal Code is punishable with fines and/or imprisonment. Relevant province and territory legislation contains enforcement mechanisms including fines and imprisonment.

#### 4. e. There are laws that apply to animals used for scientific research

#### Ranking: D

##### Part 1: Verification

#### There is legislation with partial application

Animals used in research are covered by the general stipulations in the Criminal Code regarding suffering, but there are no specific regulations at federal level regarding this use of animals and the Criminal Code refers only to “unnecessary” pain, suffering and injury.

The Canadian Council on Animal Care (CCAC) is an independent organisation made up of representatives from 25 organisations from a number of backgrounds such as science, industry, animal welfare, education and the veterinary profession. It publishes standards in the form of guidelines and policy statements regarding the treatment and care of animals used in research in academic and related institutional settings. These have some significance in the use of animals in research; eight Canadian provinces; Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan have incorporated reference to CCAC standards into legislation.

In Ontario, the Animals for Research Act (RSO 1990 Ch A.22) regulates the use of non-human vertebrates in research and teaching, exempting this category of animals from the duty of care provisions under the Ontario Society for the Prevention of Cruelty to Animals Act (section 11(2) RSO 1990 Ch O.36)). The general prohibition of cruelty under the Ontario Society for the Prevention of Cruelty to Animals Act does apply to this category of animals. Registration and licensing is required by the Animals for Research Act, which also sets requirements for the use of anaesthetics and analgesics (section 16). Research facilities are required to establish animal care committees responsible for reviewing project proposals and standards of care (section 17). Subsidiary regulations (Regulations 23 and 24) include very basic requirements on space (generally requiring only that animals be able to stand up, turn round and lie down), food and water, but do not include detailed welfare considerations.

In Quebec, activities carried out in teaching or scientific research are exempted from the general duty of care under section 55.9.2 of the Law on the Sanitary Protection of Animals (LRQ C. P-42) provided they are carried out in accordance with generally recognised practice.

In Manitoba, the prohibition of infliction of suffering, and the duty of care, under sections 2 and 3 of the Animal Care Act (CCSM C. A84) do not apply to activities carried out in accordance with standards, codes of practice or generally accepted practices. Further detail is provided by the Animal Care Regulation (Man Reg 126/98).

In British Columbia, the duty of care under section 9.1 of the Prevention of Cruelty to Animals Act

(RSBC 1996 C.372) applies to this category of animals.

In Newfoundland and Labrador, the prohibition against causing or permitting distress under section 18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) does not apply in the course of an accepted activity. Codes of practice relating to the use of animals in research and testing are adopted under the Animal Protection Standards Regulations (NLR 36/12).

In New Brunswick, the standard required by the duty of care under section 18 of the Society for the Prevention of Cruelty to Animals Act (RSNB 1973 C.S-12) is detailed by the General Regulation (NB Reg 2000-4)), including reference to codes of practice.

In Yukon, the prohibition against causing or permitting distress under section 3 of the Animal Protection Act (RSY 2002 C.6) does not apply to activities carried out in accordance with reasonable and generally accepted practices of animal management provided that these practices are carried out in a humane manner.

In Alberta, the prohibition against causing or permitting distress under section 2 of the Animal Protection Act (RSA 2000 C. A-41) does not apply to activities carried out in accordance with regulations or with reasonable and generally accepted practices of animal care, management or husbandry. Those using animals for research purposes are required to comply with CCAC documents incorporated by the Animal Protection Regulation (Alta Reg 203/2005).

In Saskatchewan, under section 4 of the Animal Protection Act (SS 1999 C. A-21.1) an animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

In Prince Edward Island, the Animal Protection Regulations (A-11.1) require that animals used in research are kept in accordance with the CCAC guide (section 5).

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Canadian Council on Animal Care (CCAC) is an autonomous and independent body, which was created to oversee the ethical use of animals in science in Canada. It is a non-profit organisation financed primarily by the Canadian Institutes of Health Research (CIHR) and the Natural Sciences and Engineering Research Council of Canada (NSERC), with additional contributions from federal science-based departments and agencies and private institutions participating in its programs. It is governed by a Council of representatives from 22 national organisations and up to three limited term member organisations. The CCAC sets standards and produces information and reports for public dissemination. The CCAC also develops and makes available educational opportunities and reference materials to support the training and educational needs of animal users.

Animal Care Committees, which are set up in each participating institution, are responsible for ensuring that the CCAC standards are adhered to. However these are not required to include representatives of animal protection organisations.

Although it is practical to refer to a specific body of industry standards, the government is encouraged to introduce specific regulation and to refer to the existing industry standards as a complementary measure of protection. There is no federal legislation making reference to the

principles of the Three Rs in the use of animals in research. It is also noted that the government has not yet acted to prevent the testing of cosmetics on animals, unlike some other countries,<sup>23</sup> which appears to be out of step with Canadian public opinion on this issue.<sup>24</sup> For example, a 2012 opinion poll found that 88 percent of Canadians sampled agreed that testing new cosmetic products is not worth the animals' pain and suffering, and that 81 percent would support a national ban on animal testing of cosmetics and their ingredients.<sup>25</sup>

#### Are there economic and societal barriers to improving this aspect of animal welfare?

Guidance for animal care and use is important to regulate the conduct of appropriate animal-based science and to protect the welfare of animals used in science. However, the Canadian Council on Animal Care (CCAC) is not an official regulatory body or part of the government. This area relies on industry regulation and the CCAC standards are not referenced in enforceable legislation. Legislation on the use of animals in science at federal level and harmonised legislation across provinces and territories would assist in improving protection of the welfare of these animals. Reliance on industry regulation and the lack of allocated funds for this area of animal welfare protection may provide a practical barrier to improvement in this area. It does not appear that the government regards this issue as a priority, and the government's limited constitutional remit in relation to legislating on animal welfare issues at a federal level presents a barrier.

#### Are enforcement mechanisms in place in policy and legislation?

The Canadian Council on Animal Care (CCAC) does not have enforcement powers. Administrators, veterinarians and researchers in the institutions where experiments with animals take place are responsible for ensuring compliance with the guidelines and senior administrators must report any non-compliance. Post-approval monitoring mechanisms should be in place once the relevant Animal Care Committee approves research through assessment visits and follow-ups, and through training and discussion sessions on post-approval monitoring at CCAC workshops.

There are mechanisms for enforcement of relevant province and territory legislation (including for enforcement of the CCAC standards in the eight provinces that have referenced the standards within regulations).

Where the use of animals extends beyond causing "necessary" pain, suffering or injury this could be enforced under the Criminal Code.

## 4. f. There are laws that apply to wild animals

### Ranking: D

#### Part 1: Verification

#### There is legislation with partial application

There are no provisions giving specific detail on non-captive wild animals in the Criminal Code. However, wild animals are protected by a number of other laws in Canada, although these

<sup>23</sup> [http://cfhs.ca/research/cosmetic\\_testing/](http://cfhs.ca/research/cosmetic_testing/)

<sup>24</sup> [http://www.huffingtonpost.ca/rebeccaaldworth/animal-testing-canada\\_b\\_4987771.html](http://www.huffingtonpost.ca/rebeccaaldworth/animal-testing-canada_b_4987771.html)

<sup>25</sup> [http://www.hsi.org/world/canada/work/endanimaltesting/be\\_cruelty\\_free/bcf\\_canada\\_poll\\_data.pdf](http://www.hsi.org/world/canada/work/endanimaltesting/be_cruelty_free/bcf_canada_poll_data.pdf)

concentrate on trade and conservation rather than the welfare of individual animals.

The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act protects wild animals and prohibits the trade in them or their parts unless a permit is granted for this by the Minister.

The Canada Wildlife Act applies to all animals wild by nature and their habitats and allows ministers to make regulations to protect them. Province and territory governments are required to work with the Minister in implementing the Canada Wildlife Act.

The Species at Risk Act exists to protect wildlife species at risk in Canada and recover struggling populations.

The principle protections in most province and territory animal cruelty laws apply to wild animals but exempt activities such as hunting, trapping and fishing as these are considered "acceptable" practices so long as they are carried out in accordance with the applicable regulations.

In Ontario, wild animals are generally covered by the general cruelty prohibition and the duty of care provisions under the Ontario Society for the Prevention of Cruelty to Animals Act (RSO 1990 Ch O.36), although lawful activities relating to hunting and fishing are exempted from this protection. In Nova Scotia, the general prohibition against causing distress does not apply to wildlife that is not in captivity (Animal Protection Act (2008 C.33)).

In Manitoba, the Animal Care Act (CCSM C. A84) prohibits infliction of suffering, other than for activities carried out in accordance with standards, codes of practice or generally accepted practices, including hunting and fishing (section 2).

In British Columbia and in Yukon, the Prevention of Cruelty to Animals Act (RSBC 1996 C.372) and Animal Protection Act (RSY 2002 C.6) do not apply to wild animals that are not in captivity.

In Newfoundland and Labrador, section 18 of the Animal Health and Protection Act (SNL 2010 C. A-9.1) prohibits causing an animal to be in distress, except in the course of an accepted activity.

In Alberta, the prohibition against causing distress under section 2 of the Animal Protection Act (RSA 2000 C. A-4.1) applies to wild animals, except for activities carried out in accordance with regulations or with reasonable and generally accepted practices of hunting, fishing, trapping and pest control.

In Saskatchewan, the prohibition against causing an animal to be in distress under section 4 of the Animal Protection Act (SS 1999 C. A-21.1) applies to wild animals. An animal is not considered to be in distress if it is handled in a manner consistent with a prescribed standard, code of conduct or procedure or in accordance with generally accepted practices of animal management.

Most provinces and territories also have separate legislation to protect wildlife but the primary purpose is conservation of groups or species rather than protection of the welfare of individuals. However, some aspects of the legislation and regulations do address animal welfare concerns, such as province and territory bans on hunting bears in the spring to prevent orphan cubs, some restrictions on the use of bait and dogs when hunting, bans on penned hunts and bans on inhumane traps such as snares.

**Part 2: Assessment**

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

There is substantial legislation and government activity protecting various species of wild animals

from a conservation point of view. However, this legislation does not specifically address the welfare of individual wild animals beyond the prohibition on cruelty in the Criminal Code. The Canada Wildlife Act assigns power at a high level to the Minister and the province and territory government to create protection measures for wild animals and gives the Minister the power to make regulations. However the Act is primarily concerned with conservation rather than with the welfare of individuals. Funding to implement the Act and human resources to undertake the work are both mentioned in the Act. Part 11 states that wildlife officers and analysts may be appointed by the Minister for the purposes of the Act who have the same powers as peace officers. The Species at Risk Act protects listed wildlife species and creates the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) which assesses species at risk and identifies threats to them. It also creates the Canadian Endangered Species Conservation Council which consists of the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of the Environment, and the ministers of the government of a province or a territory who are responsible for the conservation and management of a wildlife species in that province or territory. This Council provides general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans; and coordinate the activities of the various governments represented on the Council relating to the protection of species at risk. This puts wildlife protection at the highest government level and demonstrates that this is an issue of importance.

#### Are there economic and societal barriers to improving this aspect of animal welfare?

The relevant legislation in this area is generally focused on conservation rather than on individual animal welfare. There are governmental bodies specifically responsible for the implementation and enforcement of this legislation, so if this could be extended to include protecting the welfare of individual animals this could form part of the remit of those bodies. However, there are significant barriers to improving the welfare of wild animals. For example, the government has opposed international animal protection measures such as the European Union ban on the leghold trap<sup>26</sup> and the European Union import ban on seal products<sup>27</sup>. The government's support of seal hunting, including permitted killing methods which are specified under the Marine Mammal Regulations (SOR/93-56), is a further example of a barrier to improvement. Hunting and trapping of wild animals is popular in many parts of the country, and concerns regarding protecting traditional aboriginal hunting and fishing rights may also present barriers to improvement in this area.

#### Are enforcement mechanisms in place in policy and legislation?

Contravening the Wild Animals and Plant Protection and Regulation of International and Interprovincial Trade Act is punishable with fines and/or imprisonment. Wildlife officers and analysts under the Canada Wildlife Act have the power to carry out inspections of premises where they believe there are any activities that are against the Act, with offences punishable with fines and/or imprisonment. The Species at Risk Act contains a stewardship action plan which the Minister may establish to create incentives and other measures to support voluntary stewardship actions taken by any government in Canada, organization or person. A copy of the stewardship action plan must be included in the public registry. The Act also gives a competent minister the power to designate any

<sup>26</sup> [http://ec.europa.eu/environment/biodiversity/animal\\_welfare/hts/index\\_en.htm](http://ec.europa.eu/environment/biodiversity/animal_welfare/hts/index_en.htm)

<sup>27</sup> <http://www.ctvnews.ca/canada/canada-loses-wto-appeal-eu-seal-products-ban-upheld-1.1833331>

person to act as an enforcement officer for the purposes of the Act, with the power to carry out inspections. Offences are punishable with fines and/or imprisonment.  
 There are enforcement mechanisms for the anti-cruelty provisions of the Criminal Code.  
 Enforcement mechanisms for relevant legislation at province and territory level include fines and imprisonment.

## Goal 2: Presence of effective governance structures and systems

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

Ranking: D

<b>Part 1: Verification</b>
There is legislation with partial application
<p>The government’s constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. Province and territory animal welfare legislation puts responsibility at ministerial level in the majority of cases.</p> <p>At federal level, the animal welfare provisions of the Criminal Code do not establish a specific body with responsibility for development of policy on animal welfare. The government relies on implementation and more detailed regulation and enforcement taking place at a province and territory level.</p> <p>At province and territory level some government have established specific bodies or units within relevant ministries to address animal welfare issues. For example, in Ontario, the Ministry of Agriculture, Food and Rural Affairs has established an Animal Health and Welfare Branch. The Ministry advises that the two units within the Branch are responsible for issues including developing policy on animal welfare and working with stakeholders towards the adoption of animal health and welfare best management practices.</p>

<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>Although cruelty to animals is prohibited under the Criminal Code, it is noted that this has not been significantly updated since 1892.</p> <p>Implementation occurs at a province and territory level. The majority of the province and territory legislation is the responsibility of a commissioner or minister, with powers to make relevant secondary legislation, and powers of enforcement are typically given to Societies for the Prevention of Cruelty to Animals (SPCAs), which are primarily funded by public donations. Police officers or specific officer</p>

positions created by the legislation can also enforce province and territory laws pertaining to animal welfare.

There is, however, no obvious accountability or method for tracking progress in terms of animal welfare improvement.

It is reported that there have been a number of attempts to update anti-cruelty legislation but these have failed as the issue of animal protection appears to be controversial,<sup>28</sup> and improvements to the law have in some instances been opposed by animal use industries.<sup>29</sup>

**Are there economic and societal barriers to improving this aspect of animal welfare?**

There are constitutional restrictions to the remit of the federal government on animal welfare issues. Most regulated animal welfare issues such as animal husbandry practices, zoos, circuses, hunting, trapping, fishing, pet stores and dog breeding fall under the remit of the province and territory governments. Currently some federal legislation such as the Species at Risk Act requires province and territory governments to work with the federal minister on issues related to animal welfare. It would be beneficial for the government to work to coordinate animal welfare legislation at a central level, with reporting requirements and resources allocated. This could assist with harmonisation of legislation.

It appears that the federal government does not currently work with the provinces and territories in improving animal welfare. The example of the federal government Agriculture and Agri-Food Department’s coordination of the “Growing Forward” and “Growing Forward 2” policy frameworks relating to agriculture represents a potential structure which could be used to introduce farm animal welfare issues into consideration by provinces and territories.<sup>30</sup>

**Are enforcement mechanisms in place in policy and legislation?**

Responsibility of province and territory ministers is mandated by legislation.

### Goal 3: Implementation of animal protection standards

#### 6. The government is actively engaged with the OIE to improve animal welfare internationally, regionally and nationally

**Ranking: D**

**Part 1: Verification**

There is policy

<sup>28</sup> [http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills\\_ls.asp?ls=C50&Parl=38&Ses=1](http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=C50&Parl=38&Ses=1)

<sup>29</sup> [http://cfhs.ca/law/history\\_of\\_the\\_amendments/](http://cfhs.ca/law/history_of_the_amendments/)

<sup>30</sup> <http://www.agr.gc.ca/eng/about-us/key-departmental-initiatives/growing-forward-2/?id=1294780620963>

The government is engaged with the OIE in reporting instances of disease outbreak<sup>31</sup> and simulation exercises<sup>32</sup>. Canada has also contributed 2 million Canadian dollars to the OIE World Animal Health and Welfare Fund.<sup>33</sup> The Canadian Government appoints a delegate to the OIE who is responsible for co-ordinating comment on the relevant OIE actions, standards and codes of practice. Through this forum the Canadian Government makes submissions on the evolution of animal health and welfare standards. The Canadian Food Inspection Agency is currently consulting on the OIE standard-setting process<sup>34</sup>.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

In terms of application of the OIE's guiding principles and standards in Canada, some of these are present and therefore operating to introduce animal welfare standards into legislation on a province and territory basis. There is also some acknowledgment at province and territory level of the important role played by the OIE; for example, in Quebec.<sup>35</sup>

Canada has not yet requested participation in an OIE Performance Veterinary Service report, which could potentially strengthen animal welfare in the veterinary service.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is limited evidence of strategic planning by government to improve animal welfare standards, and there are constitutional restrictions on the role of the federal government in relation to animal welfare. However the existing scope of interaction with the OIE suggests that some improvement may be possible.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

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

Ranking: D

### Part 1: Verification

<sup>31</sup> <http://www.oie.int/en/for-the-media/press-releases/detail/article/oie-comments-on-the-findings-of-ah1n1-in-pigs-in-canada/>

<sup>32</sup> <http://www.oie.int/en/animal-health-in-the-world/the-world-animal-health-information-system/simulation-exercises/detail/article/simulation-exercise-foot-and-mouth-disease-in-canada/>

<sup>33</sup> <http://www.oie.int/en/for-the-media/press-releases/detail/article/oie-receives-a-canadian-2-million-contribution-from-canada-for-animal-health-activities/>

<sup>34</sup> <http://www.inspection.gc.ca/animals/cvo-international-standards/consultations/eng/1328650676649/1328651177130>

<sup>35</sup> [http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002\\_brochure\\_web.pdf](http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002_brochure_web.pdf) (at page 6);

<http://www.mapaq.gouv.qc.ca/fr/Productions/santeanimale/securitebienetre/Pages/securitebienetre.aspx>



### There is legislation with partial application

At federal level there is very limited animal welfare legislation. The current federal level legislation does not cover the OIE's standards on transporting animals, slaughter, stray dog population control, killing of animals for disease control purposes or the use of animals in research. Although there is more detail at province and territory level, there is much disparity across the provinces and territories in terms of content and scope of relevant legislation.

## Part 2: Assessment

### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Laws across Canada's provinces and territories vary; a first step to incorporating the OIE's standards into policy and legislation across the country could be to work on harmonised application of the standards and guiding principles.

### Are there economic and societal barriers to improving this aspect of animal welfare?

Financial and other barriers may vary across the provinces and territories, and some have more scope for improvement to meet the OIE's standards than do others. The lack of a central government body responsible for the improvement of animal welfare standards may act as a resource barrier to improvement, and the government's constitutional remit in relation to legislating on animal welfare issues at a federal level is limited. Socio-cultural attitudes towards animals may also act as barriers to government prioritisation of animal protection despite its international commitments. In Quebec, the strategic goals in the government's Strategy on the Health and Well-being of Animals include the aim that enterprises rearing animals will respect the OIE's standards,<sup>36</sup> demonstrating that there may be possibility of improvement at a regional level.

### Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms for those of the OIE's standards that are covered by province and territory legislation.

## 8. The government publishes reports on progress towards goals set to monitor and improve standards of animal welfare

### Ranking: F

## Part 1: Verification

### Policy is being discussed or developed

At a national level, there is no apparent evidence of the government reporting on progress towards achieving higher standards of animal welfare.

In Quebec, the Strategy on the Health and Wellbeing of Animals identifies indicators to be developed to measure progress towards objectives.<sup>37</sup> In Manitoba the Ministry of Agriculture, Food and Rural Development provides annual statistics relating to enforcement of the Animal Care Act.<sup>38</sup>

<sup>36</sup> [http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002\\_brochure\\_web.pdf](http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002_brochure_web.pdf) (at page 14, strategic result 4.2)

<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
There is no apparent evidence of any goals set at a national level to monitor and improve standards of animal welfare or any reports which are published relating to this. In Quebec the Ministry of Agriculture, Fisheries and Food produced a brief report on government action taken in 2012 and 2013 under the Strategy on the Health and Well-being of Animals. <sup>39</sup>
Are there economic and societal barriers to improving this aspect of animal welfare?
The constitutional restriction on the government's remit on animal welfare issues at a federal level presents a significant barrier to improving animal welfare through the publishing of reports on progress. The government is encouraged to review the extent to which this can be undertaken, and province and territory governments are encouraged to develop clear strategies against which progress can be recorded.
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.

## Goal 4: Provision of humane education

### 9. Animal care and protection are included in the national education system

**Ranking: E**

<b>Part 1: Verification</b>
Policy is being discussed or developed
School curriculum setting is a province and territory responsibility in Canada. There is no apparent evidence of government endorsed humane education programmes or of the inclusion of humane education in the school curriculum. Programmes do exist which are permitted to be run by NGOs in schools and adapted to different aspects of the curriculum, such as that by Zoocheck Canada. <sup>40</sup> The British Columbia SPCA has also developed an animal welfare certificate program with Thompson River University <sup>41</sup> . The Canadian

<sup>37</sup> [http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002\\_brochure\\_web.pdf](http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002_brochure_web.pdf) (at page 15 and Annex III)

<sup>38</sup> <http://www.gov.mb.ca/agriculture/animals/animal-welfare/hip-2014.html>

<sup>39</sup> [http://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/Santeanimale/Bien-et-reanimal/Plan%20action\\_Accessible\\_V1.pdf](http://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/Santeanimale/Bien-et-reanimal/Plan%20action_Accessible_V1.pdf)

<sup>40</sup> <http://www.keepitwildeducation.com/>

<sup>41</sup> <http://www.tru.ca/science/programs/distance/awcp.html>

Federation of Humane Societies has created a humane education kit which contains resources for teaching children from school grades 3-8 on a variety of animal welfare issues<sup>42</sup>. In Prince Edward Island, the Department of Agriculture and Forestry participates in an education and information initiative aimed at improving the welfare of companion animals.<sup>43</sup> At university level, Canada has three centres for the study of animal welfare: University of British Columbia, University of Guelph and University of Prince Edward Island. These centres carry out research and education related to animal welfare and train graduate students in conducting animal welfare research. Other colleges also offer programmes which have animal welfare courses<sup>44</sup>, but these are not always compulsory and some veterinary courses offer no training in animal welfare. There are undergraduate animal law courses offered at seven Canadian law schools including the University of Toronto and University of Ottawa.<sup>45 46</sup>

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

There is currently no legislation in Canada which makes humane education a part of the curriculum in each jurisdiction. However, there are active animal protection organisations in the country that endeavour to raise awareness of animal welfare and the need for greater animal protection. There is some public education effort at province and territory level. For example, in Ontario the Veterinary Services Unit within the Animal Health and Welfare Branch of the Ministry of Agriculture, Food and Rural Affairs provides workshops, education and training for stakeholders,<sup>47</sup> and in Quebec the Ministry of Agriculture, Fisheries and Food participates with relevant stakeholders in an association for the well-being of animals, which carries out education and information work.<sup>48</sup>

Are there economic and societal barriers to improving this aspect of animal welfare?

The government permits the involvement of NGOs in animal welfare education programmes in schools and thus there appears to be no significant barrier other than funding and the de-centralised structure of education in the country. Incorporating humane education into the curriculum in Canada may help to disseminate consideration of animal welfare into society and promote compassion and pro-social behaviour amongst young people, potentially improving animal welfare in the country.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

## Goal 5: Communication and awareness

<sup>42</sup> [http://cfhs.ca/info/educational\\_curriculum/](http://cfhs.ca/info/educational_curriculum/)

<sup>43</sup> <http://www.gov.pe.ca/agriculture/CAWI>

<sup>44</sup> <http://www.cfavm.ca/15494.html>

<sup>45</sup> <http://aldf.org/resources/law-professionalLaw-studentresources/law-studentssaldf-chapters/animalLaw-courses/>

<sup>46</sup> <http://www.law.utoronto.ca/course/introduction-animals-and-law-0>

<sup>47</sup> [http://www.omafra.gov.on.ca/english/food/inspection/ahwb\\_structure.htm](http://www.omafra.gov.on.ca/english/food/inspection/ahwb_structure.htm)

<sup>48</sup> <http://www.animaquebec.com/anima-quebec-reorientes-ses-activites-vers-leducation-et-linformation>

## 10. The government works with others to improve animal protection by consulting and engaging relevant stakeholders, including NGOs

Ranking: D

<b>Part 1: Verification</b>
<b>There is legislation with partial application</b>
<p>The majority of animal protection legislation in Canada gives some responsibility for enforcement and implementation to an NGO such as the province or territory Society for the Prevention of Cruelty to Animals (SPCA).</p> <p>The Canadian Food Inspection Agency (CFIA), which has some remit regarding animal welfare (for example, in the transport of farm animals), carries out consultations with stakeholders on the design, implementation and evaluation of policy and legislation.<sup>49</sup> CFIA is however, primarily concerned with the regulation of animal products from a human consumer perspective. Animal welfare issues are considered but this is not a primary function of most consultation. CFIA also takes part in a number of working groups which have membership from government, and stakeholders such as NGOs. One of these is the Federal/Provincial Animal Welfare Working Group which is responsible for delivering animal care programs at the federal, provincial and territorial levels.<sup>50</sup></p> <p>A consultation was launched in 1999 by the government to obtain opinion on what changes were needed to the Criminal Code. This eventually resulted in an update to the penalties in the animal cruelty section of the Code in 2008<sup>51</sup>.</p> <p>The Canadian Federation of Humane Societies (CFHS) is a founding member of the Canadian Council on Animal Care (CCAC), which is made up of 25 organisations from a number of backgrounds such as science, industry, animal welfare, education and the veterinary profession. Part of the CFHS remit is to work within the law and in cooperation with government, scientific, and industry bodies to achieve practical and positive solutions to pressing animal welfare issues. However, although the CFHS has input into the CCAC, this is not mandated by federal legislation, and the work of the CCAC is primarily adhered to on a voluntary basis by scientists conducting research with animals, with enforcement possibilities also in the eight provinces which have incorporated the CCAC standards into regulations.</p> <p>Some province and territory legislation has reporting requirements to government ministries from the NGOs involved in enforcement.</p> <p>There is also some engagement on specific initiatives at province and territory level. For example, in Ontario the Veterinary Service Unit within the Animal Health and Welfare Branch of the Ministry of Agriculture, Food and Rural Affairs works with stakeholders such as the Ontario SPCA.<sup>52</sup> In Quebec,</p>

<sup>49</sup> <http://www.inspection.gc.ca/about-the>

[cfia/accountability/consultations/eng/1330977431764/1330977617771](http://www.inspection.gc.ca/accountability/consultations/eng/1330977431764/1330977617771)

<sup>50</sup> <http://www.inspection.gc.ca/animals/terrestrial-animals/humane-transport/stakeholder-organizations/eng/1363722745096/1363723259948>

<sup>51</sup> [http://cfhs.ca/law/history\\_of\\_the\\_amendments/](http://cfhs.ca/law/history_of_the_amendments/)

<sup>52</sup> [http://www.omafra.gov.on.ca/english/food/inspection/ahwb\\_structure.htm](http://www.omafra.gov.on.ca/english/food/inspection/ahwb_structure.htm)

the Strategy for the Health and Well-being of Animals (2010) acknowledges that increased engagement with stakeholders can improve animal welfare, although it is noted that the working group for the strategy did not include NGO representation.<sup>53</sup> Following the development of the Strategy, a working group relating to companion animal welfare included representatives from a wide range of stakeholders including NGOs.<sup>54</sup>

As at the date of publication of this report, in Nova Scotia the government is currently seeking public consultation on draft standards of care for cats and dogs.<sup>55</sup>

In Prince Edward Island, the Department of Agriculture and Forestry participates with relevant stakeholders including representatives from NGOs in an education and information initiative aimed at improving the welfare of companion animals.<sup>56</sup>

The Animal Health Unit of the Ministry of Agriculture in Saskatchewan is part of an animal welfare network which includes other relevant stakeholders.<sup>57</sup>

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Canadian NGOs are given the chance to input when the government holds consultations and if they are on relevant working groups or committees, but this is voluntary and does not often take place. However, there are examples of stakeholders working together, for example, with respect to the development of a proposed National Farm Animal Welfare System for Canada<sup>58</sup> and the involvement of the Canadian Federation of Humane Societies in the National Farm Animal Care Council.<sup>59</sup> There are also examples of engagement in relation to specific initiatives at province and territory level.

Laws making engagement with relevant stakeholders including NGOs compulsory would be potentially beneficial for animal welfare as these stakeholders could bring their knowledge and expertise to advise government on policy and legislation related to animal welfare and could reflect the views of civil society.

Are there economic and societal barriers to improving this aspect of animal welfare?

The major barrier here appears to be structural; the government does not have a central body specifically responsible for working to improve animal welfare and for consulting with other stakeholders. Additionally, it appears that there are socio-cultural barriers to prioritisation of animal welfare in the country considering that basic anti-cruelty laws have not been significantly updated since the 19<sup>th</sup> Century when the first animal protection organisations emerged in the country.<sup>60</sup>

Are enforcement mechanisms in place in policy and legislation?

<sup>53</sup> [http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002\\_brochure\\_web.pdf](http://www.mapaq.gouv.qc.ca/fr/Publications/MAG1002_brochure_web.pdf) (at page 15 and Annex I)

<sup>54</sup> <http://www.mapaq.gouv.qc.ca/fr/Publications/RapportAnimauxcompagnie.pdf> (Annex 1)

<sup>55</sup> <http://novascotia.ca/agri/animal-protection-act/>

<sup>56</sup> <http://www.gov.pe.ca/agriculture/CAWI>

<sup>57</sup> <http://www.agriculture.gov.sk.ca/Default.aspx?DN=4c3ccf93-f055-425a-adff-7d83f7d6cb21>

<sup>58</sup> [http://www.ahwcouncil.ca/pdfs/animal-welfare-statement/NFAHWC%20animal%20welfare%20vision\\_cover%20page\\_2012.pdf](http://www.ahwcouncil.ca/pdfs/animal-welfare-statement/NFAHWC%20animal%20welfare%20vision_cover%20page_2012.pdf)

<sup>59</sup> [http://cfhs.ca/farm/codes\\_of\\_practice/](http://cfhs.ca/farm/codes_of_practice/)

<sup>60</sup> [http://www.sPCA.com/?page\\_id=49&lang=en](http://www.sPCA.com/?page_id=49&lang=en)

There are no enforcement mechanisms relevant to this indicator.

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## Canada: Socioeconomic information

### Politics

Where not otherwise noted, information for this section has been sourced from the Economist Intelligence Unit's (EIU) country profiles.

### Government type

Constitutional monarchy

### Capital

Ottawa

### International law organisation<sup>61 62</sup>

Accepts ICJ and ICC jurisdiction

### Suffrage<sup>63</sup>

18

### Legal system

Common Law (excluding Quebec)<sup>64</sup>

### Executive branch

Head of state: Queen Elizabeth II

Prime minister: Stephen Harper

### Judicial branch<sup>65</sup>

<sup>61</sup>

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&midsg\\_no=XVIII-10&chapter=18&lang=en#11](http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&midsg_no=XVIII-10&chapter=18&lang=en#11)

<sup>62</sup> [http://www.icj-](http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3)

[cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3](http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3)

<sup>63</sup> [http://aceproject.org/epic-](http://aceproject.org/epic-en/CDTable?question=VR001#g)

[en/CDTable?question=VR001#g](http://aceproject.org/epic-en/CDTable?question=VR001#g)

<sup>64</sup> [http://www.juriglobe.ca/eng/sysjuri/class-](http://www.juriglobe.ca/eng/sysjuri/class-poli/common-law.php)

[poli/common-law.php](http://www.juriglobe.ca/eng/sysjuri/class-poli/common-law.php)

<sup>65</sup>

<http://www.nyulawglobal.org/globalex/Canada1.htm>

There are three levels of court in Canada, the provincial or federal appeal court, the trial court and the Supreme Court of Canada. The Supreme Court of Canada is the highest appellate court in Canada and sits 7 or 9 judges. All judges are appointed by the government and serve until the age of 75.

### Legislative branch

Canada has a federal parliament consisting of a House of Commons with 308 members and an upper house Senate with 105 members. Elections take place every four years approximately.

### Political parties

Conservative Party, New Democratic Party, Liberal Party

### Economics

Where not otherwise noted, information for this section has been sourced from the World Bank.

BMI downgraded their forecast to a modest real GDP growth rate of 2.1% for 2014 from 2.3%<sup>66</sup>. As the US recovers, it is expected that exports will grow, and in fact, BMI contends that the "ongoing theme for the Canadian economy is 'rebalancing', i.e. moving away from private consumption driven growth towards exports<sup>67</sup>. Currently nearly 75% of exports go to the US and for 2014, it is

<sup>66</sup> <http://www.businessmonitor.com/canada##>

<sup>67</sup> <http://www.businessmonitor.com/canada##>

expected that exports of commodities, “such as metals and forestry products” will make considerable gains<sup>68</sup>. Domestically, household debt and house prices were at record highs in August 2013<sup>69</sup>, however, it is expected that households will save more in 2014, increasing disposable income and household confidence<sup>70</sup>. Longer term, the real GDP growth rate forecast by the EIU will be 2.4% a year for the period 2013-30<sup>71</sup>. Going forward, the EIU predicts that as the US growth slows, the emerging markets and China “will play a bigger role in driving growth” in Canada<sup>72</sup>.

#### Main trading partners (2012)<sup>73</sup>

##### Import

US - 50.6%  
China - 11.0%  
Mexico - 5.5%

##### Export

US - 74.5%  
China - 4.3%  
UK - 4.1%

#### Commodities (2012)<sup>74</sup>

##### Import

Consumer goods - 19.6%  
Motor vehicles & parts - 17.5%  
Electronic & electrical equipment - 11.7%

##### Export

Energy products - 22.7%  
Motor vehicles & parts - 14.8%  
Metal & mineral products - 11.8%

#### GDP (current USD, 2012)

\$1,821,424,139,311

#### GDP per capita, PPP (2012)

\$42,533

#### Labour force, total (2012)

19,202,267

#### Currency

Canadian dollar

#### Equivalence to 1 USD

1.0444

#### Central government debt, total, (% of GDP, 2011)

52.5

#### Manufacturing, value added (% of GDP, 2012)

12 (2008)

#### Agriculture, value added (% of GDP, 2012)

2 (2008)

#### Industry, value added (% of GDP, 2012)

32 (2008)

<sup>68</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Canada>

<sup>69</sup> <http://country.eiu.com/article.aspx?articleid=721449856&Country=Canada&topic=Summary&subtopic=Fact+sheet>

<sup>70</sup> <http://country.eiu.com/article.aspx?articleid=721449856&Country=Canada&topic=Summary&subtopic=Fact+sheet>

<sup>71</sup> <http://country.eiu.com/article.aspx?articleid=2001000584&Country=Canada&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

<sup>72</sup> <http://country.eiu.com/article.aspx?articleid=2001000584&Country=Canada&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

<sup>73</sup> <http://country.eiu.com/article.aspx?articleid=721449856&Country=Canada&topic=Summary&subtopic=Fact+sheet>

<sup>74</sup> <http://country.eiu.com/article.aspx?articleid=721449856&Country=Canada&topic=Summary&subtopic=Fact+sheet>



Exports of goods and services (% of GDP, 2012)  
30 (2011)

Imports of goods and services (% of GDP, 2012)  
32 (2011)

Services, etc., value added (% of GDP) (2012)  
66 (2008)

Unemployment rate, (% , 2011)  
7.4

Education expenditure (% of GDP, 2012)  
5.5 (2010)

Adjusted savings: Education expenditure USD (2011)  
76,394,962,555

Population growth, annual % (2012)  
1.1

Population: ages 0-14 (% of total) (2012)  
16

Population: ages 15-64 (% of total) (2012)  
69

Population: ages 65 and over (% of total) (2012)  
15

Population living in rural areas (% of total) (2012)  
19

Population living in urban areas (% of total) (2012)  
81

## Society

Where not otherwise noted, information for this section has been sourced from the World Bank.

Total population (2012)  
34,880,491

### Religion<sup>75</sup>

Christian (69.0%), Unaffiliated (23.7%), Muslim (2.1%), Hindu (1.4%), Folk religions (1.2%), Jewish (1.0%), Other religions (0.9%), Buddhist (0.8%)

### Languages

English only (67.6%), French only (13.3%), English and French (17.4%), other languages (1.7%)<sup>76</sup>

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<sup>75</sup> <http://features.pewforum.org/grl/population-percentage.php>

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<sup>76</sup><http://country.eiu.com/article.aspx?articleid=1610985145&Country=Canada&topic=Summary&subtopic=Basic+data>

