



Republic of Kenya

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

Part 1: Verification
<i>There is legislation with partial application</i>
Animals are not formally recognised as sentient in legislation in this country, however the Prevention of Cruelty to Animals Act 1962 recognises the ability of animals to suffer, which is one of the first steps towards recognition of animal sentience.
Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
Although sentience is not fully recognised, protection from suffering is the underlying objective of relevant legislation (the Prevention of Cruelty to Animals Act 1962). The existing legislation not only acknowledges this, but also aims to prevent, not just punish, conducts by which this could be undermined.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
Although the existing recognition of the ability of animals to suffer is positive and the government has expressed desire to improve animal protection legislation ¹ , there is no allocation of a responsible authority for the development of further policy or legislation in the country, and no evidence of

¹ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008
<http://www.reconcile-ea.org/downloads/National%20Livestock%20Policy.pdf>

allocation of financial resource to develop or enact provisions on sentience.
Are enforcement mechanisms in place in policy and legislation?
There are enforcement mechanisms in the Prevention of Cruelty to Animals Act 1962, including sections 3, 4 and 13 which provide that a person guilty of an offence of cruelty to animals, fighting or baiting animals shall be liable to a fine not exceeding 3,000 shillings and/or to imprisonment not exceeding six months.

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

Ranking: G

Part 1: Verification
There is no government support
The government has not pledged in principle support for the Universal Declaration on Animal Welfare. <u>Note:</u> 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.

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
There is no support for the UDAW. Support for the UDAW would be a first step to integrating animal protection considerations into different discussions at top tables, becoming a soft law source for decision makers interested in improving animal protection in the country. The government is encouraged to pledge in principle support for the UDAW as this could help to promote good models of animal welfare policy and to introduce animal welfare into decision making processes for other policies. Government support for UDAW would be a positive step in expressing desire to improve animal protection in the country.
Are there economic and societal barriers to improving this aspect of animal welfare?
In view of policy commitments to improve animal welfare in the country and to address legislative shortcomings in this area, there may not be significant barriers to progress. ²
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.

² Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008 <http://www.reconcile-ea.org/downloads/National%20Livestock%20Policy.pdf>

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

Part 1: Verification
There is legislation
The Prevention of Cruelty to Animals Act 1962, which applies to all vertebrate animals: mammals, birds, reptiles, amphibians and fish, outlines acts which are considered cruel and are therefore prohibited. Section 3(1) details the cruelty offences, which include abandonment, failure to administer veterinary treatment, and the owner of an animal causing unnecessary suffering by omitting to do something.
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
The Prevention of Cruelty to Animals Act 1962 recognises the suffering of animals as an independent issue and addresses a detailed range of acts of cruelty, both deliberate and negligent. The Ministry of Livestock Development has delegated responsibilities related to the implementation and enforcement of this legislation to the Department of Veterinary Services. There is evidence of some governmental departments' desire to improve current standards of animal welfare in Kenya and acknowledgement that current legal and policy provisions do not adequately specify the roles for the relevant implementing institutions alongside a commitment to address this. ³ The Department of Veterinary Services is said to "directly enforce ten Acts of Parliament on behalf of the government", with animal welfare included in that mandate.
Are there economic and societal barriers to improving this aspect of animal welfare?
The framework set out in the Prevention of Cruelty to Animals Act 1962 provides evidence of human resource allocated to implement the legislation. The law provides that the Minister of Livestock Development may, after consulting with the Kenya Society for the Prevention at Cruelty to Animals, appoint authorised officers for the purposes of the Act, but there appears to be no publicly available evidence of such appointed authorities or previous engagement with this NGO. Kenya is on the 34% rank for government effectiveness and rule of law is just over 20% on the Worldwide Governance Indicator. This suggests that there may be structural barriers to improvement in this area. However, it is noted that in 2008 the government recognised in a policy paper that existing legal and policy provisions do not adequately specify the roles for relevant institutions, such as the Department of Veterinary Services, the Kenya Wildlife Service, the Kenya Veterinary Board, the Kenya Society for the Prevention of Cruelty to Animals and the Attorney General Chamber and

³ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008
<http://www.reconcile-ee.org/downloads/National%20Livestock%20Policy.pdf>

³ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008
<http://www.reconcile-ee.org/downloads/National%20Livestock%20Policy.pdf>

advised that the Prevention of Cruelty to Animals Act would be reviewed to develop supporting framework to address animal welfare issues, monitor and mitigate animal abuse, increase awareness on the importance of animal welfare, and promote training in animal welfare issues.⁴ Subsequently an Animal Welfare Policy and Legislation Ministerial Taskforce was appointed on 24 July 2012 by the Ministry of Livestock Development to review animal welfare legislation and address the challenges in the regulation and enforcement of current welfare laws. According to Gazette Notice no. 10614, the members of the taskforce were to serve for a period of one year with effect from the date of appointment.

This action suggests that improvement should be possible, but some time has passed since this action was taken.

Are enforcement mechanisms in place in policy and legislation?

The Prevention of Cruelty to Animals Act 1962 sets out penalties for breaches, including fines and imprisonment.

Sections 3, 4 and 13 provide that a person guilty of an offence of cruelty to animals, fighting or baiting animals or performing experiments on animals without a licence shall be liable to a fine not exceeding 3,000 shillings or to imprisonment not exceeding six months, or to both a fine and imprisonment.

Sections 7, 8, 9 and 10 provide that a person guilty of an offence of hunting of injured captive animals, cruel slaughter, cruel training or banned public exhibition of animals shall be liable to a fine not exceeding 2,000 shillings and/or to imprisonment not exceeding three months.

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

Ranking: C

Part 1: Verification

There is legislation with partial application

Cruelty offences outlined in section 3 of the Prevention of Cruelty to Animals Act 1962 apply to animals used in farming. Section 8 of this Act makes it an offence to slaughter animals in a cruel manner, including causing unnecessary suffering or slaughtering animals in sight of other animals. The Prevention of Cruelty to Animals (Transport of Animals) Regulations 1984 contain requirements on the humane transport of animals, including provisions on safe unloading and loading, overcrowding, vehicle construction and care during transport.

Part 2: Assessment

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

⁴ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008 <http://www.reconcile-qa.org/downloads/National%20Livestock%20Policy.pdf>

<p>The inclusion in legislation of a prohibition on slaughtering animals in sight of other animals shows an understanding of the different ways an animal’s welfare can be negatively impacted, including psychological distress. However despite this, the legal provisions on the transport and slaughter of animals do not go far enough in the protection of animals used in farming. The Department of Veterinary Services, responsible for the implementation of this legislation, is advised to produce secondary legislation or complementary guidelines on other specific welfare issues, including housing, husbandry and breeding standards.</p> <p>There is currently a lack of detailed provisions related to modern farming production systems that are used in Kenya, including broiler hen and beef cattle farming. Inclusion of the Five Freedoms within existing legislation would help to provide a logical framework for the analysis of animal welfare in livestock production systems, allowing for effective improvement of current welfare issues in the industry.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p>
<p>Section 8 of the Prevention of Cruelty to Animals Act 1962 contains an exemption to the prohibition on slaughter causing unnecessary suffering, which allows such slaughter provided that it is done by religious methods for private consumption and outside a slaughterhouse. This would indicate that there are some cultural barriers to improvement in this area.</p> <p>The lack of mandatory education or training of those involved in the industry presents a further barrier to improving animal welfare for farm animals, as does the lack of capacity to monitor and minimise cruelty to animals.⁵ Without humane education and enforcement, it will be difficult to progress farming methods towards transposition of good international standards.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>Breach of the anti-cruelty provisions in section 3 of the Prevention of Cruelty to Animals Act 1962 is punishable with a fine and/or imprisonment of up to six months. Breach of the prohibition on cruel slaughter in section 8 of that Act is punishable with a fine and/or imprisonment of up to three months. Penalties for breaching provisions of the Prevention of Cruelty to Animals (Transport of Animals) Regulations 1984 include a fine not exceeding 3,000 shillings and/or imprisonment for a term not exceeding six months.</p>

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

Ranking: D

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p>
<p>Cruelty offences outlined in section 3 of the Prevention of Cruelty to Animals Act 1962 are applicable to animals in captivity. Section 7 refers specifically to captive animals that are set free for the purpose of hunting or coursing. Under this section it is an offence to liberate an exhausted or injured animal, or liberate an animal in a place exposing it to immediate attack by another animal.</p>

⁵ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008 <http://www.reconcile-ea.org/downloads/National%20Livestock%20Policy.pdf>

The Prevention of Cruelty to Animals (Transport of Animals) Regulations 1984 can also be applied to the transport of captive animals, and includes provisions on care during transport. Section 48 of the Wildlife (Conservation and Management) Act 1976 provides that it is an offence to keep in captivity any live protected animal, game animal or game bird without authorisation by way of a permit. There does not appear to be legislation dealing specifically with the detailed welfare considerations of keeping animals in captivity.

Part 2: Assessment

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

Although there is some existing animal protection legislation applicable to animals in captivity, the government is encouraged to introduce specific legislation for animals in various captive settings, with guidelines on housing and husbandry. Acknowledgement of the specific welfare issues faced by animals in captivity is necessary to enable the welfare of this category of animals to become a mainstream concern of society.

Whilst the general cruelty provisions prevent certain acts of cruelty, legislation outlining minimum standards for facilities such as zoos and private collections would be beneficial so as to ensure that animals are kept in a way that satisfies their physiological and ethological needs.

There is no evidence of a restriction on the creation of private zoos, such as the requirement of a permit to hold wild animals in captivity, other than protected animals or game animals. In order to effectively tackle the welfare issues associated with keeping wild animals in captivity, the government of Kenya is encouraged to develop further the existing legislation to include restrictions on keeping wild animals in captivity. This would enable close monitoring of the welfare standards in such establishments and allow for government intervention when standards are not met.

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

In light of the government's stated intention to improve animal welfare in the country and to address legislative shortcomings there may not be significant barriers to progress; however it is noted that this statement was made in 2008.⁶

Are enforcement mechanisms in place in policy and legislation?

Breach of the anti-cruelty provisions in section 3 of the Prevention of Cruelty to Animals Act 1962 is punishable with a fine and/or imprisonment of up to six months. Breach of the prohibition on hunting a released animal in section 7 of that Act is punishable with a fine and/or imprisonment of up to three months.

Penalties for breaching provisions in the Prevention of Cruelty to Animals (Transport of Animals) Regulations 1984 include a fine not exceeding 3,000 shillings and/or imprisonment for a term not exceeding six months.

Contravening the Wildlife (Conservation and Management) Act 1976 includes a fine of 5,000 shillings and/or imprisonment for up to six months.

⁶ Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008 <http://www.reconcile-qa.org/downloads/National%20Livestock%20Policy.pdf>

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

Ranking: D

Part 1: Verification
There is legislation with partial application
<p>Companion animals are covered by the cruelty offences outlined in Section 3 of the Prevention of Cruelty to Animals Act 1962, and owners who permit acts of cruelty to their animals are guilty of cruelty offences.</p> <p>Section 25 of the Prevention of Cruelty to Animals Act 1962 empowers authorities to humanely destroy a diseased or severely injured animal without the owner's consent where it would be cruel to keep it alive.</p> <p>The protection of companion animals under this Act is subject to the operation of the Rabies Act 1967, which permits authorised personnel within a rabies control area to "shoot or otherwise destroy" any stray cat or dog found in a public place, or which is suspected of being infected with rabies. Humane killing methods are not necessitated in the legislation, and the use of poison is allowed in the case of an outbreak or suspected outbreak of rabies (section 7(1)), although authorities are advised in section 7(2) to take precautions to prevent injuries to persons and animals other than diseased animals or those suspected of being disease when laying poisons.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>Government recommendations on spaying and neutering would more adequately protect the welfare of companion animals in Kenya, and would be more closely aligned with international standards on the subject matter.</p> <p>The Act contains some important provisions that have the potential to effectively enable welfare issues relating to companion animals to be brought to the attention of the public. The Department of Veterinary Services, responsible for enforcing this legislation, is encouraged to promote animal welfare as a societal value through implementation methods.</p> <p>The permitted use of poison under the Rabies Act 1967 is inhumane, and preventing healthy animals from ingesting such poisons is challenging, so indiscriminate poisoning is likely to occur. It is recommended that, where the Kenyan government deem culling necessary, humane killing methods are prescribed in legislation. In addition it should be noted that the World Organisation for Animal Health (OIE) accepts a policy of animal vaccination as the only solution for rabies control.⁷ The government is encouraged to develop humane methods of stray population control, such as trap-neuter-return and vaccination, in controlling the spread of rabies. Many countries have succeeded in dramatically reducing or even eradicating canine and human rabies through such vaccination programs.⁸</p>
Are there economic and societal barriers to improving this aspect of animal welfare?

⁷<http://www.oie.int/animal-health-in-the-world/rabiesportal/prevention-and-control/>

⁸ <http://www.ncbi.nlm.nih.gov/pubmed/18634477>

The inclusion in legislation of inhumane methods of disease control suggests that there are barriers to improvement in this area. Improvement of the welfare of this category of animals does not appear to be a priority for government at present.
Are enforcement mechanisms in place in policy and legislation?
Breach of the anti-cruelty provisions in section 3 of the Prevention of Cruelty to Animals Act 1962 is punishable with a fine and/or imprisonment of up to six months.

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

Ranking: B

Part 1: Verification
There is legislation
<p>Anti-cruelty provisions in section 3 of the Prevention of Cruelty to Animals Act 1962 are applicable to animals used for draught or recreational purposes.</p> <p>Section 4 of the Act prohibits causing, promoting or assisting the fighting or baiting of an animal.</p> <p>Section 9 of the Act prohibits the infliction of pain or terror during training of animals for exhibition. It is a criminal offence to excessively use whips or goads, or training appliances that apply heat or electric shocks to the animal.</p> <p>Section 10 prohibits specified public performances involving animals. Many activities connected with rodeos are criminal offences, including throwing or casting ropes on unbroken or untrained animals, riding, wrestling or fighting untrained animals and riding an animal using an appliance to stimulate the intention of throwing the rider.</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The legislation recognises a number of threats to the welfare of draught animals and animals used in entertainment. In order to make the welfare of these animals of mainstream concern in Kenya, communication from the government is encouraged to promote and implement the legislation on animals in this category.</p> <p>There are a number of programmes in the country run by NGOs in association with local authorities to promote the welfare of working animals. For example, by the NGO the Brooke in partnership with the Kenya Network for Dissemination of Agricultural Technologies, Practical Action, Vétérinaires Sans Frontières – Belgium, Farming Systems Kenya, Animal Welfare and Public Health, and the Kenya Veterinary Association.⁹ The government has also introduced a National Donkey Day at the</p>

⁹ <http://www.thebrooke.org/our-work/our-countries2/kenya>

instigation of a Member of Parliament, which provides a focal point for promotion of animal welfare messages. ¹⁰
Are there economic and societal barriers to improving this aspect of animal welfare?
It is not clear how the Department of Veterinary Services enforces and delivers animal protection measures outlined in the Act. The apparent lack of implementation of current legislation in this area suggests that there are barriers to improvement. However, there are a number of projects in the country undertaken by NGOs to promote welfare of draught animals and it is noted that the National Donkey Day has received government support ¹¹ and it may be that further progress is possible.
Are enforcement mechanisms in place in policy and legislation?
Breach of the anti-cruelty provisions and the prohibition on fighting or baiting animals is punishable with a fine and/or imprisonment of up to six months (sections 3 and 4, Prevention of Cruelty to Animals Act 1962). Breach of the prohibitions on cruel training and banned public exhibition of animals is punishable with a fine and/or imprisonment of up to three months (sections 9 and 10, Prevention of Cruelty to Animals Act 1962). Section 32 of the Act gives the police power to seize animals or vehicles. An officer may detain or seize an animal that appears to be unfit for work due to disease, injury or ill-treatment (as outlined in section 3). A person found working an animal deemed unfit to work may have that animal seized or detained and be liable for the costs of any necessary veterinary treatment.

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

Ranking: C

Part 1: Verification
There is legislation with partial application
Part III (sections 13 to 23) of the Prevention of Cruelty to Animals Act 1962, 'Control of Experiments', provides various restrictions on animal experimentation. Experiments referred to in the legislation include "any experiment performed on an animal and calculated to give pain, but does not include an operation". Under this legislation it is a criminal offence for anyone without a licence to perform an experiment on an animal. Anaesthetic must be used (section 15) unless to do so would frustrate the purpose of the experiment, in which case a special permit is needed (section 18). Purposes of experiments are restricted under this legislation. The licence holder must justify its research as including one of the following aims: advancement of human or animal health; discovery of new scientific knowledge; or testing of an earlier discovery. Persons performing experiments are required to comply with the anti-cruelty provisions of section 3 of the Prevention of Cruelty to Animals Act 1962 except where to do so would frustrate the purpose of the experiment (section 3(4)(f)).

¹⁰ <http://www.kendat.org>

¹¹ http://www.thebrooke.org/__data/assets/pdf_file/0010/50968/BROOKE_heavy_burden.pdf

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The legislation concerning animals used in scientific research recognises animal welfare as a key issue to the industry.</p> <p>The Permanent Secretary of the Ministry for Livestock Development is responsible for granting experimental licences. Guidance and codes of practice are envisaged by the Act, enabling the relevant institutions to incorporate animal welfare policies into practice.</p> <p>The current lack of requirements for protocol review by an animal ethics committee presents an obstacle to the improvement of animal welfare. The use of animals in experimentation carries with it an ethical responsibility to ensure their welfare and moral justification of their use. Appointment of such an ethics committee by the government is recommended in order to scrutinise justification for the experiments proposed by licence holders.</p> <p>The existing legislation provides a good starting point for regulation of this use of animals and the government is encouraged to develop these provisions further in line with the Three Rs principles.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The scope of existing legislation suggests that there are relatively low barriers to improvement in this area.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>Under section 13 of the Prevention of Cruelty to Animals Act 1962, a person, other than a licensee, who performs an experiment, is guilty of an offence and liable to a fine not exceeding 3,000 shillings or to a term of imprisonment not exceeding six months or to both. A person who performs an experiment other than in accordance with the terms of his licence is guilty of an offence and liable to a fine of up to 2,000 shillings and/or up to three months imprisonment (section 14).</p>

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

Ranking: B

Part 1: Verification
There is legislation
<p>Section 3 of the Prevention of Cruelty to Animals Act 1962 prohibits deliberate acts of cruelty towards animals, including hunting, killing or destroying an animal in a manner likely to cause the animal more suffering than necessary. However section 3(4) provides that nothing in the chapter applies to the coursing or hunting of any captive animal, subject to section 7 (which provides that it is an offence for animals that are liberated for the purpose of hunting or coursing to be liberated in an exhausted or injured state, or to be liberated in a place exposing them to immediate attack by another animal). This exclusion leaves a large number of animals potentially outside the protection of existing legislation.</p> <p>Section 6 makes it an offence to use a net, snare or other capturing device designed to cause</p>

unnecessary suffering. Failure to inspect any set traps regularly (at least once a day) is a criminal offence.

No further specifications for hunting and killing methods are provided. To guarantee the welfare of animals in captivity, as a minimum, inclusion of specifications for humane killing methods to be used are recommended.

Part IV of the Wildlife (Conservation and Management) Act 1976 outlines controls of hunting. Section 23 provides that a person may legally hunt a game animal if in possession of an issued hunting licence. They must also be a professional hunter, be accompanied by a professional hunter or be endorsed by the Director of the Kenya Wildlife Service.

Section 32 states that it is an offence to injure a protected animal or game animal without endeavouring to kill or recover the animal at the earliest opportunity, and to report the incident to the Kenya Wildlife Service if it is not killed or recovered within 24 hours.

Under section 33 of this Act, it is an offence to cause unnecessary suffering to any protected or game animal under any circumstances, or to be found in possession of a maimed or mutilated animal of this category.

Section 45 makes it an offence to export any live protected or game animal without an export permit, or through anywhere other than a customs port of entry.

Part 2: Assessment
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p> <p>It is positive that wild animals have not been excluded from the main animal protection provisions under the Prevention of Cruelty to Animals Act 1962 (subject to some exceptions). This means that the welfare of individual animals can be considered as well as the conservation value of entire species.</p> <p>The Kenya Wildlife Service is charged with conserving and managing Kenya’s wildlife under the Wildlife (Conservation and Management) Act 1976. The Service has a number of functions, including promotion of sustainable conservation, advising the Cabinet Department on wildlife policy, strategy and legislation, and undertaking enforcement activities to implement the Act effectively (including anti-poaching and wildlife protection activities).</p> <p>The legislation is predominantly concerned with wildlife conservation, however, acknowledgement of welfare issues is clear through the prohibition of causing or permitting suffering during hunting activities. Extending the interests of the Animal Protection Department of the Kenya Wildlife Service to incorporate animal welfare protection could prove to be effective in making the welfare of wild animals a concern of society.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p> <p>The Kenya Welfare Service is allocated financial resources for discharging its various responsibilities associated with the management and conservation of wildlife, including enforcement activities under the Wildlife (Conservation and Management) Act 1976. However there is no evidence of welfare protection in this Act referring to animals that are not listed as protected or game species. The exclusion of these animals from protection shows that barriers to improving the welfare of wild animals remain.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>

Breach of the anti-cruelty provisions in section 3 of the Prevention of Cruelty to Animals Act 1962 is punishable with a fine and/or imprisonment of up to six months. Breach of the prohibition on hunting a released animal in section 7 of that Act is punishable with a fine and/or imprisonment of up to three months. Any person convicted of an offence under section 6 (using a trap that causes unnecessary suffering) shall be liable to a fine not exceeding 500 shillings.

Any person who fails to comply with the provisions of section 32 of the Wildlife (Conservation and Management) Act 1976 shall be liable to a fine not exceeding 10,000 shillings or to imprisonment for a term not exceeding two years, if the animal in question is a dangerous animal. In all other cases, the person shall be liable to a fine not exceeding 2,000 shillings or imprisonment for a term not exceeding one year, or both.

Any person who contravenes section 33 is liable to a fine not exceeding 5000 shillings, or imprisonment for a term not exceeding 18 months, or both.

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: B

Part 1: Verification
<p style="color: #e67e22;">There is legislation</p> <p>The Department of Veterinary Services, a sub-department of the Ministry of Livestock Development, is responsible for animal welfare. The department aims to prevent and control animal diseases to safeguard human health, improve animal welfare, increase livestock productivity and facilitate domestic and international trade.</p> <p>The Kenya Wildlife Service is responsible for wildlife conservation. Its functions include promoting sustainable conservation, advising the Cabinet Department on wildlife policy, strategy and legislation, and undertaking enforcement activities to implement effectively the Wildlife (Conservation and Management) Act 1976 (including anti-poaching and wildlife protection activities).</p> <p>An Animal Welfare Policy and Legislation Ministerial Taskforce was appointed on 24 July 2012 by the Ministry of Livestock Development for the development of animal welfare policy and legislation in Kenya. The taskforce was appointed to review animal welfare legislation and address the challenges in the regulation and enforcement of current welfare laws. According to Gazette Notice no. 10614, the members of the taskforce were to serve for a period of one year with effect from the date of appointment. However there do not appear to have been any subsequent revisions to animal welfare legislation or relevant publications indicating developments or progress with their objectives.</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>Animal welfare is an independent issue, recognised by legislation as a subject of government management and regulation. Although the Department of Veterinary Services is responsible at a governmental level for implementation of the Prevention of Cruelty to Animals Act 1962, there are no other officials mentioned as having involvement from other ministries. The formation of the Animal Welfare Policy and Legislation Ministerial Taskforce indicates some desire from the government to revise animal welfare policy and legislation to bring it in line with good international status. However, there is a lack of evidence of further activity of the taskforce since its formation. The government is encouraged to progress the work of the taskforce and to continue with these positive aims to raise societal awareness levels of the importance of animal welfare protection.</p> <p>Expansion of communication of the Department of Veterinary Services would likewise help to raise awareness of animal welfare issues in Kenya. Cooperation between the Department of Veterinary Services and the Kenya Wildlife Service would help to demonstrate that animal welfare is a cross-cutting issue in government policy.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The administrative framework for improving animal welfare is comprehensive, with responsibilities for enforcement clearly outlined in the regulations. Financial resources are allocated to the administrative framework responsible for wildlife, however, evidence of financial resources allocated to the Department of Veterinary Services has not been found. The establishment of a dedicated taskforce is commendable but it appears that there is little impetus for continuing with this work and there is no evidence of any strategic outcomes from the work of the taskforce to date.</p>
Are enforcement mechanisms in place in policy and legislation?
The responsibilities of relevant government bodies are set out in 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
<p>Following an agreement signed in 2009 between the government and the OIE, the OIE Sub-Regional Representation for Eastern and the Horn of Africa was established in Nairobi. However there appears to be no publicly available evidence of commitment to engage with the OIE to</p>

improve animal welfare.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
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The government has adopted legislation that brings national law into alignment with the majority of the OIE's animal welfare standards. Further efforts to develop the legislation and engage with the OIE to improve animal welfare would demonstrate the will of the government to achieve animal welfare standards in line with other countries, and a commitment to improving animal welfare generally in the country.
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Are there economic and societal barriers to improving this aspect of animal welfare?
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No evidence was found according to which the government has allocated budget or a department to interact with OIE on issues regarding animal welfare improvement. However the scope of existing engagement suggests that some improvement should be possible.

Are enforcement mechanisms in place in policy and legislation?
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There are no relevant enforcement mechanisms.

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

Ranking: C

Part 1: Verification

There is legislation with partial application

The majority of the content of the OIE's guiding principles for animal welfare are covered in Kenyan legislation, albeit without specific reference to the OIE. Provisions related to the transport of animals are contained in the Prevention of Cruelty to Animals (Transport of Animals) Regulations 1984. Section 8 of the Prevention of Cruelty to Animals Act 1962 includes requirements for the humane slaughter of animals for human consumption. Part III (sections 13-23) of the Prevention of Cruelty to Animals Act 1962 restricts the use of animals in research and education. Killing of animals for disease control and control of stray populations are covered in the Rabies Act 1967. However, the Act is lacking in animal welfare provisions regarding killing methods and actively encourages the use of poison.
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The current legislation does not include specific regulations for beef cattle and broiler chicken production systems.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
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The OIE guiding principles for animal welfare emphasise the importance of the Three Rs during animal-based research.
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A lack of provisions related to modern production systems, including broiler hen and beef cattle, similarly inhibits improvement. Inclusion of the 'Five Freedoms' in existing legislation would help to provide a logical framework for the analysis of animal welfare issues in livestock production systems, allowing for effective improvement of current welfare issues in the industry.

The existing legislation has the potential to be effective to raise awareness of animal welfare across the majority of categories included in the OIE animal welfare guiding principles; however, as outlined in previous indicators, promotion and implementation of the legislation by governmental bodies is lacking.

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

The existing legislation, as well as the appointment of the Animal Welfare Policy and Legislation Ministerial Taskforce in 2012, demonstrates the government's desire to improve the legally enforceable animal welfare standards to a good international standard. The relevant authorities are in place to improve animal welfare in Kenya, and full transposition of the OIE standards and guiding principles should be possible.

Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms (fines and imprisonment) for those of the OIE's standards which are incorporated in legislation.

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

Ranking: D

Part 1: Verification

There is policy

A report published in 2008 by the Ministry of Livestock Development, the ministry responsible for animal welfare in Kenya, contained a section on Animal Welfare Services, which outlines the overall constraints of current animal welfare policy, and a number of proposed interventions.¹² It stated that the existing legal and policy provisions do not adequately specify the roles for the relevant governmental institutions (including the Department of Veterinary Services), and that there is inadequate training in animal welfare and supervision. Interventions proposed for overcoming the constraints included a review of the current legislation, the Prevention of Cruelty to Animals Act 1962, promotion of training in animal welfare issues and establishment of animal welfare centres. An Animal Welfare Policy and Legislation Ministerial Taskforce was appointed on 24 July 2012 by the Ministry of Livestock Development to review animal welfare legislation and address the challenges in the regulation and enforcement of current welfare laws. According to Gazette Notice no. 10614, the members of the taskforce were to serve for a period of one year with effect from the date of appointment. However there do not appear to have been any subsequent revisions to animal

¹² Ministry of Livestock Development (2008) Nation Livestock Policy, Session paper no. 2 of 2008
file:///C:/Users/TEMP/Downloads/national%20livestock%20policy%20(2).pdf

welfare legislation or relevant publications indicating developments or progress with their objectives.

Part 2: Assessment

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

The 2008 report on National Livestock Policy effectively outlines the desired interventions for improving animal welfare protection in the country. Regularly publishing reports on progress and monitoring animal welfare standards would allow progress to be measured effectively and frequently. Subsequent publications would be necessary to assess any progress made with the goals outlined within the report and set future goals.

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

The apparent lack of action since the appointment of the 2012 taskforce suggests that there are barriers to improvement.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

Goal 4: Provision of humane education

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

Ranking: G

Part 1: Verification

Policy is being discussed or developed

There appears to be no publicly available evidence of the inclusion of animal care and protection in the curriculum of compulsory education.

There is currently only one veterinary faculty in Kenya and animal welfare is taught at this. An animal welfare training course is also taught at the Animal Health and Industry Training Institutes (AHITI), located in Kabete, Ndonga and Nyahuru.

Animal welfare is also taught in some schools by NGOs in Kenya but this is not part of the official curriculum.

Part 2: Assessment

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

Formalisation of animal welfare components in a country's education system is one of the most powerful ways to make the concept of animal welfare a concern of mainstream society. This is particularly important for communities that rely on animals for their livelihoods. In the case of Kenya,

there is no evidence of formal education plans or curricula with animal welfare content in compulsory education. It is recommended that measures are taken to mandate the presence of animal protection issues in the national curriculum.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
Financial and cultural constraints in provision of education may represent significant barriers to improvement in this area.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
There is no evidence of existing policy or legislation relevant to this indicator.

Goal 5: Communication and awareness

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

Ranking: D

Part 1: Verification
<i>There is legislation with partial application</i>
<p>The Prevention of Cruelty to Animals Act 1962 provides that the Minister of Livestock Development may consult with the Kenya Society for the Protection and Care of Animals before appointing authorised officers for the purposes of the Act.</p> <p>The National Livestock Policy 2008 lists the OIE as a stakeholder in the livestock industry; however no evidence of engagement between the OIE and the Ministry of Livestock Development has been found.</p> <p>The first international Pan African Animal Welfare Alliance Conference was held in Nairobi in September 2013. The Alliance works to unite animal welfare organisations across Africa to enable collective work on policies, legislation and practices to improve animal welfare. The Alliance currently has 19 member organisations. The conference was attended by a number of Kenyan government officials, who committed to addressing the shortcomings in animal welfare in Kenya, and stated that a review of the Prevention of Cruelty to Animals Act 1962 was underway.</p>

Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
<p>The suggested inclusion of the Kenya Society for the Protection and Care of Animals and the OIE in the legislation development process shows that the government acknowledges the importance of engaging with relevant stakeholders to improve the quality of policy and legislation. However, there is a lack of evidence of such engagement taking place in practice.</p>

More recently, the government has demonstrated efforts to engage with various national animal welfare NGOs through attendance at the Pan African Animal Welfare Alliance Conference. Continued communication with the Alliance is encouraged, and should assist in making animal welfare a societal concern.

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

Despite the existence of mandates in the legislation for engagement with stakeholders, the current lack of evidence of such engagement suggests that there are barriers to improving animal welfare through this engagement.

Stakeholder engagement is encouraged as stakeholders, including NGOs, may be able to assist the government in developing legislation or provide valuable advice.

Are enforcement mechanisms in place in policy and legislation?

The existing legislation allows consultation to take place but does not require it to be done, therefore there are no enforcement mechanisms relevant to this indicator.

Publication: November 2014

Republic of Kenya: 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

Republic

Capital

Nairobi

International law organisation^{13 14}

Accepts ICJ and ICC jurisdiction

Suffrage¹⁵

18

Legal system

English common law and a new constitution coming into force in 2013

Executive branch

President: Uhuru Kenyatta

Vice-president: William Ruto

Judicial branch¹⁶

¹³ <http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3>

¹⁴ http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&mtdsg_no=XVIII-10&chapter=18&lang=en#11

¹⁵ <http://aceproject.org/epic-en/CDTable?question=VR001#g>

¹⁶ http://www.nyulawglobal.org/globalex/Kenya1.htm#_The_Judiciary

The Supreme Court – presided over by Judges of Appeal who are appointed by the President.

Other superior courts: The Court of Appeal, the High Court

Subordinate Courts: Kadhi's Courts, The Children's Court, tribunals, rent tribunals, the public procurement tribunal

Legislative branch

Lower house: National Assembly, with 349 seats, and the upper house, Senate with 67 seats

Political parties¹⁷

Orange Democratic Movement (ODM)

Party of National Unity (PNU)

Economics

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

In 2014, Kenya's economy is forecast to grow by 6.1%, its' fastest rate of expansion in GDP since 2007¹⁸. Currently, providing inflation doesn't increase, the main driver of growth is private consumption, accounting for 79% of GDP¹⁹. Kenya is pushing ahead with

¹⁷ <http://country.eiu.com/article.aspx?articleid=1709532355&Country=Kenya&topic=Summary&subtopic=Political+forces+at+a+glance>

¹⁸ <http://www.businessmonitor.com/kenya##>

¹⁹ <http://coface.com/Economic-Studies-and-Country-Risks/Kenya>

a range of economic reforms, for example, privatisation and deregulation, with a view to boosting growth, amongst other things²⁰. Although reliance on imported good will continue, the economic growth of other countries in the region will give Kenya access to larger markets for its exports, as demand increases from these states²¹.

Main trading partners (2012)²²

Import

China -20.7%

India - 15.3%

UAE - 9.5%

Exports

Uganda - 10.5%

Tanzania - 10.2%

Netherlands - 7.1%

Commodities (2011)²³

Imports

Industrial supplies - 29.2%

Machinery and other capital equipment - 17.6%

Transport equipment - 11.6%

Exports

Tea - 19.9%

Horticultural products - 16.2

Coffee - 3.8%

GDP (current USD, 2012)

\$37,338,072,592

²⁰<http://country.eiu.com/article.aspx?articleid=1981063182&Country=Kenya&topic=Summary&subtopic=Fact+sheet>

²¹ <http://www.businessmonitor.com/kenya##>

²²<http://country.eiu.com/article.aspx?articleid=1981063182&Country=Kenya&topic=Summary&subtopic=Fact+sheet>

²³<http://country.eiu.com/article.aspx?articleid=1981063182&Country=Kenya&topic=Summary&subtopic=Fact+sheet>

GDP per capita, PPP (2012)

\$1,761

Labour force, total (2012)

16,099,382

Currency

Shilling

Equivalence to 1 USD

87.4202

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

NA

Manufacturing, value added (% of GDP, 2012)

11

Agriculture, value added (% of GDP, 2012)

27

Industry, value added (% of GDP, 2012)

17

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

27

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

44

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

55

Unemployment rate, (% , 2011)

NA

Education expenditure (% of GDP, 2012)

6.7 (2010)

Adjusted savings: Education expenditure
USD (2011)
1,989,403,248

Society

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

Total population (2012)
43,178,141

Religion
Christian (80%), Muslim (10%), other (10%)

Languages
English, Kiswahili, 40+ other ethnic languages

Population growth, annual % (2012)
2.7

Population: ages 0-14 (% of total) (2012)
42

Population: ages 15-64 (% of total) (2012)
55

Population: ages 65 and over (% of total) (2012)
3

Population living in rural areas (% of total) (2012)
76

Population living in urban areas (% of total) (2012)
24