



Republic of Korea

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: C

Part 1: Verification
<i>There is legislation with partial application</i>
<p>Whilst legislation does not mention sentience explicitly, the components of sentience are recognised by the Animal Protection Act. The stated purpose of the Act is to promote the protection of the lives, safety, and welfare of animals and to promote the emotional development of people so as to respect the lives of animals by providing for matters necessary to prevent cruelty to animals and to protect and manage animals appropriately (Article 1). Article 3 states that in raising, caring for and protecting animals, each person shall endeavour to observe stated principles which encompass the Five Freedoms. This therefore includes recognition of animals' capacity for discomfort, pain, fear and distress, and of the importance of ensuring that animals can express normal behaviour.</p> <p>However the Act does not cover all animals, defining "animals" as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink (Article 2), therefore this recognition of sentience applies only to this restricted list of species.</p>
Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
The limited definition of "animal" within Article 2 of the Animal Protection Act excludes many animals,

including some wild animals such as bears and lynx.
 Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including animal welfare, prevention of cruelty and rescue and the protection of animals.
 Article 4 of the Act requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years.
 Article 40 of the Act requires that the Minister for Food, Agriculture, Forestry and Fisheries, a Mayor or Do (province) Governor or the head of a Si (city), Gun (town) or Gu (district) will designate a public official as an animal guardian to prevent cruelty to animals and perform administrative duties regarding animal protection.
 The government is encouraged to build on the existing provisions to extend this recognition of sentience and legal protection to all species of animals which are demonstrably sentient.

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

The structure of the legislation creates a barrier to improvement in the context of recognition of sentience, as it provides for Presidential Decrees to be made to specify individual species of animals which will be covered by the Animal Protection Act (Article 2).
 There are exemptions to the anti-cruelty provisions in the Animal Protection Act including for traditional games (Article 8(2)(3)), which demonstrates that there may be some socio-cultural barriers to improving animal welfare.
 However the introduction of recent (2011) updates to the Act which, inter alia, include the principles of the Five Freedoms and detailed provisions on animal welfare on farms, suggest that further improvement may be achievable and the government is to be congratulated on the updating of the Act.

Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms for breaches of the legal provisions which arise out of the recognition of animal sentience in Article 3 of the Animal Protection Act, including fines and imprisonment with labour depending on the offence (Articles 46 and 47).

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

Ranking: F

Part 1: Verification

There is no government support

Neither the government nor any of its ministries have pledged in principle support for the UDAW.
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.

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 can have a significant role in making the concept of animal welfare a mainstream concern in society. The government is encouraged to pledge in principle support for the UDAW as this would help to promote good models of animal welfare policy and to introduce animal welfare into decision making processes for other policies.
Are there economic and societal barriers to improving this aspect of animal welfare?
Considering the scope of the country's existing animal welfare legislation and policy, it appears that there are no significant barriers to the government pledging in principle support for the UDAW.
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator.

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: D

Part 1: Verification
There is legislation with partial application
<p>The stated purpose of the Animal Protection Act is to promote the protection of the lives, safety, and welfare of animals and to promote the emotional development of people so as to respect the lives of animals by providing for matters necessary to prevent cruelty to animals and to protect and manage animals appropriately (Article 1).</p> <p>Article 8 prohibits specified conducts that constitute cruelty to animals. Article 8(1) prohibits killing an animal by any cruel method including hanging, in public or in the presence of another animal of the same species, or without a justifiable ground specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries.</p> <p>Article 8(2) prohibits specified abusive acts of cruelty including inflicting injury with a tool or drug, hurting the body of a live animal, collecting body fluid from a live animal, inflicting injury for the purpose of entertainment, or otherwise inflicting injury without a justifiable ground specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. There are exemptions for activities specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as prevention or treatment of disease, experimentation, or folk games.</p> <p>Article 8(3) prohibits capturing and selling or killing abandoned animals and Article 8(4) prohibits abandonment by owners or keepers of animals.</p> <p>Article 7 of the Act creates a duty of care, requiring that owners and keepers of animals provide appropriate feed and water and endeavour to ensure that the animal exercises, rests and sleeps adequately. Article 3 also requires that in keeping, caring for and protecting animals, everyone should endeavour to observe the principles of the Five Freedoms.</p> <p>However the provisions of the Act do not cover all animals, defining "animals" as vertebrates</p>

specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink. Therefore this definition limits the scope of application of the Act. Article 8 of the Wildlife Protection and Management Act prohibits killing wild animals by cruel methods such as the use of poison; causing pain or inflicting wounds after capturing animals; and collecting or installing any device in the body of wild animals to collect blood, gallbladder, internal organs or parts of the living body of wild animals. The Act does not define "wild animal" so it is not clear whether this applies to all wild animals, to a restricted category such as vertebrates, and to birds or fish.

Part 2: Assessment

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

Article 40 of the Act requires that the Minister for Food, Agriculture, Forestry and Fisheries, a Mayor or Do (province) Governor or the head of a Si (city), Gun (town) or Gu (district) will designate a public official as an animal guardian to prevent cruelty to animals and perform administrative duties regarding animal protection.

Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including animal welfare, prevention of cruelty and rescue and the protection of animals.

Article 4 of the Act requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years.

Animal protection organisations are active in the country and are working to raise awareness of animal welfare issues in a number of areas.¹

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

The structure of the legislation creates a barrier to improvement in protecting animals from suffering, as it provides for Presidential Decrees to be made to specify individual species of animals which will be covered by the Animal Protection Act (Article 2).

There are also exemptions to the anti-cruelty provisions in the Animal Protection Act including for traditional games (Article 8(2)(3)) which suggest that there may be some socio-cultural barriers to improving animal welfare.

The introduction of recent (2011) updates to the Act suggests that further improvement may be achievable. These changes include the incorporation of the principles of the Five Freedoms into a duty of care, changing the language for some elements of that duty from a requirement to "endeavour" to a strict liability requirement, introducing imprisonment as a penalty for some offences, and including detailed provisions on animal welfare on farms. It is also positive that a previous exemption under the Act for hunting in accordance with relevant legislation (Article 18 of the Act in 2007) has been removed.

However, there are considerable challenges with respect to preventing the suffering of wild animals in captivity, because legislation does not appear to provide them with any of the Five Freedoms. For example, bears kept for their gall bladders, which can suffer very poor welfare in barren cages on bear farms.

Are enforcement mechanisms in place in policy and legislation?

¹ <http://www.worldanimal.net/component/wandirs/results?country=198&fanda=0>

There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act. Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). Breach of Article 8(4) (abandonment) is punishable with a fine of up to one million won (Article 47). There appear to be no enforcement mechanisms for breach of the duty of care under Articles 3 and 6.

It is noted that the Act does not contain powers to ban people from owning animals if they have been convicted of cruelty or to impose higher penalties on repeat offenders, which could act as a stronger deterrent.

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
<p>The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink.</p> <p>The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals.</p> <p>Article 12 describes the procedure for registration of “animals subject to registration”. These animals must be registered with the Mayor or Governor of the capitol city, metropolitan cities, or province, when deemed necessary for those animals’ protection and for prevention of abandonment.</p> <p>In relation to transport, Article 9 provides that a person specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries shall endeavour to provide animals in transit with adequate food and water and not surprise or injure animals by starting or stopping suddenly. The vehicle must be built to protect animals from injury and minimise suffering caused by rapid change of temperature or difficulty in breathing. Old, young, pregnant or animals with offspring that are suckling should be segregated or have other necessary measures taken to prevent them being hurt by others and the Minister of Food, Agriculture, Forestry and Fisheries has powers to establish further guidelines. This applies only to the specified list of species in Article 2.</p> <p>In relation to slaughter, Article 10 provides that when an animal is killed pursuant to the Livestock Products Sanitary Control Act or the Act on the Prevention of Contagious Animal Diseases their suffering shall be minimised by using a method specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries, such as gas stunning or electrical stunning. This applies only to the specified list of species in Article 2.</p> <p>Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including the certification of animal welfare livestock farms and policies on animal welfare livestock farming, and</p>

Article 4 requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years, to include matters regarding the expansion of animal welfare livestock farming and animal welfare livestock farms.

Part 2: Assessment

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

The government has introduced financial support for welfare improvements in farming. Article 29 of the Act provides for certification of farms as “animal welfare livestock farms” if they are managed in a way specified by Ordinance that enables animals to live an ordinary life, while not interfering with their natural behaviour. The Minister for Food, Agriculture, Forestry and Fisheries can then provide support to such farms including the cost of improving facilities for promoting the welfare of animals. The government has produced animal welfare standards for guidance.² It is positive that the government has taken steps towards recognising international trends and has introduced an animal welfare certification programme for farms. However, the country permits intensive forms of pig and poultry production involving the most extreme forms of close confinement systems, such as the battery cage for laying hens.

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

Despite positive changes to the legislation, it appears that the country still lags behind good international standards of animal welfare in some areas, including humane emergency killing of animals following disease outbreaks.³ It may be that socio-cultural attitudes to animals present barriers to progress. The introduction of recent (2011) updates to the Act suggests that further improvement should be achievable. These changes include the incorporation of the principles of the Five Freedoms into a duty of care, changing the language for some elements of that duty from a requirement to “endeavour” to a strict liability requirement, introducing imprisonment as a penalty for some offences, and including detailed provisions on animal welfare certification on farms.

Are enforcement mechanisms in place in policy and legislation?

There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act. Breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). There appear to be no enforcement mechanisms for breach of the duty of care under Articles 3 and 6 or for the provisions relating to transport and slaughter under Articles 10 and 11. Fraud relating to certification as an animal welfare livestock farm is punishable with a fine of up to five million won (Article 46(2)).

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

Ranking: C

²http://www.fao.org/fileadmin/user_upload/animalwelfare/1.10_Sang%20Hyug%20Lee_Animal%20Welfare.pdf

³ <http://news.sky.com/story/829627/south-korea-buries-one-million-pigs-alive>

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

The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink.

The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals.

It therefore appears that, from this category of animals, this protection may cover only foxes and mink.

Article 5 of the Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including matters regarding the welfare of animals and the prevention of cruelty to animals, and Article 4 requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years. However the scope of these provisions is also limited to the list of protected species in Article 2 of the Act.

The Wildlife Protection and Management Act provides some basic legal protection to wild animals kept in captivity. Article 8 prohibits killing wild animals by cruel methods; causing pain or inflicting wounds after capturing animals; and collecting or installing any device in the body of wild animals to collect blood, gallbladder, internal organs or parts of the living body of wild animals. There are no provisions for keeping animals in welfare-positive environments that promote their natural behaviour.

Part 2: Assessment**Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?**

Dependent on the species, captive animals may require specialised care or may not survive in a captive setting, particularly when taken from the wild. Animal welfare may be severely compromised by captivity. More detailed legislation is required to ensure that the physiological and ethological needs of animals in captivity are satisfied.

It is clear that many species of wild animals that are not covered by the Animal Protection Act are kept in captivity in zoos in the country, including great apes, elephants and cetaceans.⁴ In relation to these animals there are no legal provisions requiring consideration of their welfare requirements, including the need for space for movement and natural behaviour.

There are international reports of wild animals in the country suffering in poor conditions in zoos and circuses.⁵

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

It appears that social and cultural attitudes towards animals may present significant barriers to progress regarding development of policy and legislation to promote the welfare of captive animals, and implementation and enforcement of existing legislation. The continued farming of wild animals for fur and other purposes presents significant barriers to improvement of animal welfare. Financial

⁴ http://grandpark.seoul.go.kr/Eng/html/jungle/0201_zoo.jsp

⁵ http://www.adinternational.org/media_centre/go.php?id=3521&si=12

barriers also appear to be an issue. For example, the government and the bear farming industry have been in negotiation for some time regarding agreement of a process to end the industry.⁶ However, the government has demonstrated a will to act on animal welfare issues, for example, with respect to updating of legislation and the ongoing discussions regarding the ending of the bear bile industry, and it may be that further progress can be made.

Are enforcement mechanisms in place in policy and legislation?

In relation only to foxes and mink and any other species designated by Ordinance under Article 2 of the Animal Protection Act, there are powers for officials to carry out inspections under Article 39 of the Act and breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). Contravention of the anti-cruelty provisions in Article 8 of the Wildlife Protection and Management Act is punishable with imprisonment of up to a year or a fine of up to five million won (Article 70).

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

Ranking: D

Part 1: Verification

There is legislation with partial application

The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink.

The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals.

It therefore appears that, from this category of animals, this protection covers only dogs, cats and rabbits.

Article 14 contains measures for stray and abandoned animals. If a Mayor or Do (province) Governor discovers a stray or abandoned animal he is required to rescue the animal and take measures to protect it. Animals must be kept for at least seven days, with notice given to the public.

Under Article 21, animals can then be sold or donated to a zoo, animal lover or NGO.

Article 32 requires those who intend to engage in business including the sale of specified animals such as dogs, cats and rabbits to meet standards prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. It is not clear whether any such standards include welfare considerations.

Part 2: Assessment

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

It is widely reported that dogs continue to be farmed for meat and consumed in the country.⁷ Reports

⁶ <http://www.dailymail.co.uk/news/article-2552841/Too-weak-left-die-rusty-cages-bears-born-bred-killed-BILE-cruel-industry-closer-death.html>

<p>suggest that over two million dogs are consumed every year and that pet dogs may be stolen and sold into the trade and killed in brutal ways, in contravention of the anti-cruelty provisions of the Animal Protection Act.⁸ The government is encouraged to take action to address these issues.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p>
<p>It appears that there are significant cultural barriers to progress in improving companion animal welfare in the country, in particular in relation to the trade in dog meat.⁹</p> <p>The structure of the legislation also creates a barrier to improvement in protecting companion animals, as it provides for Presidential Decrees to be made to specify individual species of animals which will be covered by the Animal Protection Act (Article 2), and at present it appears that many companion animals, such as birds, are excluded from this protection.</p> <p>However, in recent years there has been an increase in the keeping of cats and dogs as companion animals, indicating that there is a growing number of stakeholders with an interest in the welfare of pets and thus potential for improving the welfare of this category of animals.¹⁰</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>In relation only to dogs, cats and rabbits and any other species designated by Ordinance under Article 2 of the Animal Protection Act, there are powers for officials to carry out inspections under Article 39 of the Act, and breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). There appear to be no enforcement mechanisms relating to the duty of care provisions in Articles 3 and 7.</p> <p>There appears to be no power to ban people from owning animals if they have been convicted of cruelty, or to impose stronger penalties on repeat offenders, which could help to act as a stronger deterrent.</p>

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

Ranking: D

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p>
<p>The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink.</p> <p>The duty of care under Articles 3 and 7, and the anti-cruelty provisions of Article 8, apply to the specified species within this category of animals.</p> <p>It therefore appears that, from this category of animals, this protection covers only cattle and horses</p>

⁷ <http://www.koreananimals.org/animals/dogs.htm>

⁸ <https://awionline.org/content/south-korean-dog-meat>

⁹ <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-4560.2009.01616.x/abstract>

¹⁰ <http://www.euromonitor.com/pet-care-in-south-korea/report>

for draught purposes, and any of the listed species if used for recreational purposes. The Wildlife Protection and Management Act provides some basic legal protection to wild animals used for recreational purposes. Article 8 prohibits killing wild animals by cruel methods and causing pain or inflicting wounds after capturing animals. However, there are no provisions for keeping animals in welfare-positive environments that promote their natural behaviour, and beyond this prohibition there are no apparent restrictions on activities that can be undertaken with animals.

Part 2: Assessment

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

Whilst the legislation offers some protection to cattle used for draught purposes in the country, there is little protection for animals used in circuses, although it is clear that many species of wild animals are involved in performances in zoos and circuses in the country, including cetaceans.¹¹ In 2014 an international campaign was launched for the government to improve legislation following revelations of cruelty in the country's Monkey School where monkeys are trained to perform.¹²

There are international reports of wild animals in the country suffering in poor conditions in zoos and circuses.¹³

The government is encouraged to introduce, implement and enforce relevant legislation and policy protecting this category of animals.

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

The structure of the Animal Protection Act creates a barrier to improvement in relation to this category of animals, as it provides for Presidential Decrees to be made to specify individual species of animals which will be covered by the Animal Protection Act (Article 2), and at present it appears that many animals that may be used in entertainment are excluded from this protection. Social and cultural attitudes towards animals also present barriers to progress.

Are enforcement mechanisms in place in policy and legislation?

In relation only to species listed and designated by Ordinance under Article 2 of the Animal Protection Act, there are powers for officials to carry out inspections under Article 39 of the Act, and breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). There appear to be no enforcement mechanisms relating to the duty of care provisions in Articles 3 and 7.

Contravention of the anti-cruelty provisions in Article 8 of the Wildlife Protection and Management Act is punishable with imprisonment of up to a year or a fine of up to five million won (Article 70).

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

Ranking: B

¹¹ http://grandpark.seoul.go.kr/Eng/html/jungle/0206_show.jsp

¹² http://www.ad-international.org/media_centre/go.php?id=3521&si=12

¹³ http://www.ad-international.org/media_centre/go.php?id=3521&si=12

Part 1: Verification**There is legislation**

The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink.

Article 4 of the Laboratory Animal Act also extends the protection of the Animal Protection Act to the use of all vertebrates in research, except where otherwise prescribed by the Laboratory Animal Act. Therefore the duty of care under Articles 3 and 7 of the Animal Protection Act, and the anti-cruelty provisions of Article 8, apply to this category of animals.

Specific provisions of the Animal Protection Act relate to experiments with animals. These provide that the enhancement of welfare of humankind and the dignity of lives of animals must be taken into consideration; that alternative methods shall be taken into consideration; that animals less sensitive to pain should be used where an experiment involves pain; and that anaesthetics should be used (Article 23). Lost or abandoned animals and animals which have served humans (such as guide dogs) must not be used (Article 24).

Article 25 states that an Animal Experimentation Ethics Committee must be created in facilities where experiments take place for the protection and ethical treatment of animals. Membership of this Committee must include a veterinarian, someone with experience in animal protection expert recommended by an NGO, and other persons as specified by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries (Article 27).

Under the Laboratory Animal Act, Article 6 requires preferential consideration of matters, which can substitute animal testing. Article 6 also requires education of those engaged in animal testing. The Act requires registration for facilities carrying out research on animals (Article 12).

Part 2: Assessment**Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?**

It is positive that the legislation extends the protection of the Animal Protection Act to all vertebrates used in experiments.

The legislation also requires that there is preferential consideration of alternative methods. It would be beneficial for this to be extended beyond a requirement to consider the use of alternatives, to a requirement that alternative methods are used wherever feasible.

A 2013 opinion poll shows that 7 out of 10 members of the public support an end to cosmetic testing on animals and senior members of the government have indicated support on this issue.¹⁴ In 2013 the Ministry of Food and Drug Safety announced a policy proposal to formally recognise non-animal test results for assuring the safety of sunscreens, anti-wrinkle creams and other “functional” cosmetics, initiating a consultation on this issue, although it is not clear what progress has been made since then.¹⁵

There is no evidence of training schemes or codes for people undertaking research with animals to educate them in animal welfare or animal sentience, to better protect animal welfare.

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

¹⁴ http://www.hsi.org/news/press_releases/2013/03/bcfw_korea_poll_031113.html

¹⁵ http://www.hsi.org/news/press_releases/2013/12/korea-cosmetics-testing-proposal-121313.html

<p>It appears that the government wishes to make progress on the issue of the use of animals in research in line with international trends on the issue.</p> <p>It is unclear whether there is any government funding for the committees or whether the members are remunerated.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>There are powers for officials to carry out inspections under Article 39 of the Animal Protection Act, and breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). There appear to be no enforcement mechanisms relating to the duty of care provisions in Articles 3 and 7.</p> <p>Conducting experiments in violation of Article 24 of the Animal Protection Act is punishable with a fine of up to 500,000 won (Article 46), and there is a higher fine of up to one million won for the head of a research facility that carries out experiments without deliberation by the Animal Experimentation Ethics Committee (Article 47).</p> <p>Breach of the provisions of the Laboratory Animal Act is punishable with fines of up to one million won (Article 33).</p>

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

Ranking: B

<p>Part 1: Verification</p>
<p>There is legislation</p>
<p>The protection of the Animal Protection Act applies only to specified species of animals, defined in Article 2 as vertebrates specified by Presidential Decree such as cattle, horses, pigs, dogs, cats, rabbits, chickens, ducks, goats, sheep, deer, foxes and mink. Therefore in relation to this category of animals, the duty of care under Articles 3 (including preservation of natural habitats) and 7 of the Animal Protection Act, and the anti-cruelty provisions of Article 8, appear to apply only to deer, rabbits, foxes and mink.</p> <p>The country became a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1993. In 1994 the Law Concerning the Protection of Wildlife and Game, administered by the Ministry of Environment, was revised to include legal provisions to control trade in CITES-listed fauna and flora.¹⁶</p> <p>Hunting is permitted with licences and these are only issued after the applicant has passed a training course (Article 47-2).</p>

<p>Part 2: Assessment</p>
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p>

¹⁶ <http://www.state.gov/documents/organization/182921.pdf>

Traditional medicine utilising wild animals continues to be popular in the country, presenting a threat to animal welfare and to species.¹⁷ Illegal trade in endangered species occurs in the country in contravention of CITES, in both Appendix 1 and Appendix 2 species.^{18 19} For example, there is international concern regarding bear bile tourism to China.^{20 21} It appears that there is a need for government action regarding public awareness-raising regarding wild animal welfare and illegal wildlife trade.

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

Cultural attitudes to animals as resources or sources of traditional medicine present a significant barrier to progress on animal welfare for wild animals. However there are some positive provisions in existing legislation; the government is encouraged to build on these and to increase enforcement efforts.

Are enforcement mechanisms in place in policy and legislation?

In relation only to species listed and designated by Ordinance under Article 2 of the Animal Protection Act, breach of the anti-cruelty provisions in Articles 8(1) to 8(3) is punishable with imprisonment with labour for up to one year or by a fine of up to ten million won (Article 46). Contravention of the anti-cruelty provisions in Article 8 of the Wildlife Protection and Management Act is punishable with imprisonment of up to a year or a fine of up to five million won (Article 70).

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

There is legislation

Article 5 of the Animal Protection Act establishes an Animal Welfare Committee within the Ministry for Food, Agriculture, Forestry and Fisheries to provide advice to the Ministry on issues including animal welfare, prevention of cruelty and rescue and the protection of animals. Article 4 of the Act requires the government to formulate and implement a comprehensive plan for the welfare of animals once every five years.

Article 40 of the Act requires that the Minister for Food, Agriculture, Forestry and Fisheries, a Mayor or Do (province) Governor or the head of a Si (city), Gun (town) or Gu (district) will designate a

¹⁷ <http://www.state.gov/documents/organization/182921.pdf>

¹⁸ <http://www.state.gov/documents/organization/182921.pdf>

¹⁹ <http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214Wildlife.pdf>

²⁰ <http://www.state.gov/documents/organization/182921.pdf>

²¹ http://www.koreatimes.co.kr/www/news/people/2013/09/178_142269.html

public official as an animal guardian to prevent cruelty to animals and perform administrative duties regarding animal protection.

In relation to animals used in research, the Korea Food and Drug Administration is required to formulate and promote policies concerning the use of laboratory animals and concerning the development and approval of alternative methods which do not use animals (Article 5 Laboratory Animal Act). The Administration is also responsible for registration and supervision of research facilities (Articles 8 and 11).

In relation to wild animals, the Minister of Environment is required to formulate a master plan for the protection of wildlife every five years; however this is in the context of protection of wildlife and conservation of natural habitats and it is not clear whether welfare considerations are included in this remit.

Part 2: Assessment

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

Although there is no single government body with overall responsibility for the welfare of all categories of animals, responsibilities are allocated in the relevant legislation and there are requirements for plans to be produced and updated to track progress.

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

The Animal Protection Act was updated in 2011 and the government has recognised that concern for animals is an international trend²², which is encouraging. There appear to be no significant barriers to improvement in the context of allocation of responsibility within government. The government is invited to concentrate efforts on enforcement of existing legislation and production of policy guidance.

Are enforcement mechanisms in place in policy and legislation?

The responsibilities of relevant government bodies are set out in primary 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: F

Part 1: Verification

Policy is being discussed or developed

²²http://www.fao.org/fileadmin/user_upload/animalwelfare/1.10_Sang%20Hyug%20Lee_Animal%20Welfare.pdf

There is some evidence of active engagement between the OIE and the government. The Director of the General Animal Health Division of the Ministry of Agriculture, Food and Rural Affairs of the Republic of Korea, informs the OIE about activities such as field simulation exercises on disease control. The OIE organised a regional seminar for OIE National Focal points on Animal Welfare, which was held in Seoul in late August 2013, but it is unclear whether the government has actively engaged with OIE in any further way.

Part 2: Assessment

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

Participation in the OIE's Regional Commission for Asia Pacific offers an opportunity to improve animal welfare nationally and regionally, but the government does not seem to have appointed an animal welfare focal point.²³

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

Through incorporating the OIE's principles and standards in areas such as agriculture and health, animal welfare could be introduced into other governmental strategies which would further help to improve animal welfare in the country. However, the current level of engagement is focused on animal health and it may be that resource issues or a lack of prioritisation of animal welfare within government are acting as barriers to progress. The government does recognise the role of the OIE in the area of animal health, which suggests that increased engagement 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

There is legislation with partial application

The government does not seem to have formally transposed the OIE's standards or guiding principles for animal welfare into policy and legislation. Existing regulations cover some issues established in the OIE guiding principles and animal welfare standards including transport of animals, slaughter of animals and animals in research but further development is recommended.

Part 2: Assessment

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

²³ <http://www.rr-asia.oie.int/about-us/focal-points/animal-welfare/>

The Animal Protection Act covers some areas in the OIE’s animal welfare standards such as transportation of animals and animals in research. Increased engagement with the OIE would be highly beneficial.
Are there economic and societal barriers to improving this aspect of animal welfare?
Full transposition of the OIE’s standards and guiding principles into legislation has not yet taken place. However action has been taken on some issues and the introduction of recent (2011) updates to the Animal Protection Act suggests that further improvement should be achievable. These changes include the incorporation of the principles of the Five Freedoms into a duty of care, changing the language for some elements of that duty from a requirement to “endeavour” to a strict liability requirement, introducing imprisonment as a penalty for some offences, and including detailed provisions on animal welfare on farms.
Are enforcement mechanisms in place in policy and legislation?
There are enforcement mechanisms relating to those of the OIE’s standards that are covered by the content of the Animal Protection Act.

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

Ranking: G

Part 1: Verification
There is no policy or legislation
There is no evidence of policy or legislation that suggests the government captures, analyses and produces publicly available information on the progress of animal welfare improvement in the country.

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
Maintaining comprehensive systems of animals in their different categories is a useful tool that can add transparency to the government’s management and procurement of animal protection and animal welfare. Providing such tools could help discussions on animal welfare to be held at a high government level. The government is also encouraged to publish the details of the five year plans required by the Animal Protection Act and the Wildlife Protection and Management Act and to track progress against these plans.
Are there economic and societal barriers to improving this aspect of animal welfare?
There is no evidence that the government has allocated budget or human resource to producing comprehensive monitoring and reporting systems in the country. However the legal requirement to produce five year plans may provide an opportunity to extend to tracking and reporting on progress.
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: D

Part 1: Verification
There is legislation with partial application
<p>Moral education is one of nine elements of the primary curriculum that includes protecting animals and plants. In elementary school, children are taught morals over four “life areas”. In the third grade, as part of the “personal life” section, they learn about issues including protecting animals and plants. The major objectives of primary education, as stated in a 1996 background report by the Ministry of Education, are “to improve basic abilities, skills and attitudes; to develop language ability and civic morality needed to live in society; to increase the spirit of cooperation; to foster basic arithmetic skills and scientific observation skills; and to promote the understanding of healthy life and the harmonious development of body and mind.”²⁴</p> <p>There is an Asia-Pacific Network for Moral Education that has a conference each year. In 2009, the conference was hosted by the Republic of Korea and held in Seoul.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>Moral education is a separate subject matter, and the animal protection part of this is taught only in the third grade. To improve animal welfare, it could be beneficial to introduce an element of animal related education in all stages of the curriculum and integrate moral education into the curriculum, rather than separating it into one subject.</p> <p>The resources that make reference to moral education date from 1996 and before. It is therefore unclear whether moral education is still a part of the education system.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>Socio-cultural attitudes to animals in the country appear to present significant barriers to progress, for example, with respect to the use of animals in traditional medicine and also the dog meat trade. Addressing such attitudes presents challenges for humane education in the country.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>It is unclear whether moral education is a mandatory part of the curriculum.</p>

²⁴ Education in Korea 1995-1996, Seoul: Ministry of Education.

Goal 5: Communication and awareness

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

Ranking: B

Part 1: Verification
There is legislation
<p>Under Article 4(3) of the Animal Protection Act the state and local governments may encourage NGOs specified by Presidential Decree to initiate animal protection campaigns and other related activities and may provide support for such campaigns or activities. .</p> <p>Article 15 provides for the recognition of organisations as animal shelters.</p> <p>Article 21 states that, when an animal has been abandoned, the Mayor or County Magistrate can donate or sell the animal to an NGO specified by Presidential Decree.</p> <p>Article 27 describes the make-up of the Animal Experimentation Ethics Committee and states that there must be one person on each Committee who has knowledge and experience in animal protection and who meets prescribed standards.</p> <p>Article 4 of the Wildlife Protection and Management Act requires the government to cooperate with relevant international organisations in the development of policy on the protection of wildlife.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The inclusion in legislation of mechanisms to conduct animal protection campaigns and to support public and civic organisations has potential to improve animal welfare.</p> <p>There is some evidence of the government working with relevant stakeholders to address animal welfare issues, for example, with respect to ending bear bile farming²⁵.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>There are not considered to be any barriers to the government working with others to improve animal welfare, particularly given the reference to animal protection campaigns in the legislation and the positive recent changes to the Animal Protection Act in 2011.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>The requirements to involve relevant stakeholders are set out in primary legislation.</p>

Publication: November 2014

²⁵ <http://animalrightskorea.org/news-articles/korean-government-will-end-bear-farming.html>

Republic of Korea: 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

Seoul

International law organisation^{26 27}

Not submitted an ICJ jurisdiction declaration; accepts ICC jurisdiction

Suffrage²⁸

19

Legal system

Mixed legal system of European civil law and Anglo-American law system²⁹

Executive branch

President: Park Geun-hye

Prime minister: Chung Hong-won

Judicial branch

The highest judicial authority in the country is the Supreme Court followed by the High Court and Patent Court³⁰. The Supreme Court is composed of a Chief Justice and 13 other Justices³¹. They are appointed by the President and serve a term of six years³².

Legislative branch

The Republic of Korea has a unicameral system. The Kuk Hoe, the National Assembly, consists of 300 members elected for a term of four years.

Political parties

Saenuri Party, Democratic Party, Progressive Justice Party

Economics

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

Toward the end of 2013, Korea's GDP and economy managed a slight recovery, although due to economic weakness in Europe, exports have suffered, reducing economic momentum³³. The minimum wage is

²⁶

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

²⁷ [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)

²⁸ [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)

²⁹

http://www.nyulawglobal.org/globalex/South_Korea1.htm#_Sources_of_Law

³⁰

<http://eng.scourt.go.kr/eng/judiciary/introduction.jsp>

³¹ <http://eng.scourt.go.kr/eng/judiciary/judges.jsp>

³² <http://eng.scourt.go.kr/eng/judiciary/judges.jsp>

³³ <http://coface.com/Economic-Studies-and-Country-Risks/Korea-Republic-of>

due to increase by 7% in 2014³⁴, and with private consumption being a major driver of growth in the economy, this might have a positive impact. However, household debt has increased which may weigh the economy down going into 2014³⁵. In the long term, the EIU forecasts that real GDP growth will be above 3% on average for the period 2012-2030³⁶.

Main trading partners (2012)³⁷

Import

China - 15.5%
Japan - 12.4%
US - 8.4%

Export

China - 24.3%
US - 10.7%
Japan - 7.0%

Commodities (2012)³⁸

Imports

Petroleum and petroleum products - 35.8%
Electrical machinery, apparatus and appliances - 24.6%
Iron and steel - 10.9%

Exports

Machinery and transport equipment - 52.5%
Manufactured goods - 13.8%
Chemicals and related products - 11.2%

³⁴ <http://coface.com/Economic-Studies-and-Country-Risks/Korea-Republic-of>

³⁵ <http://www.businessmonitor.com/node/5091##>

³⁶ <http://country.eiu.com/article.aspx?articleid=950559279&Country=South%20Korea&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

³⁷ <http://country.eiu.com/article.aspx?articleid=231445007&Country=South%20Korea&topic=Summary&subtopic=Fact%20sheet>

³⁸ <http://country.eiu.com/article.aspx?articleid=231445007&Country=South%20Korea&topic=Summary&subtopic=Fact%20sheet>

GDP (current USD, 2012)

\$1,129,598,184,552

GDP per capita, PPP (2012)

\$30,801

Labour force, total (2012)

25,254,095

Currency

Won

Equivalence to 1 USD

1,118.76

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

NA

Manufacturing, value added (% of GDP, 2012)

31 (2011)

Agriculture, value added (% of GDP, 2012)

3 (2011)

Industry, value added (% of GDP, 2012)

39 (2011)

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

57

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

53

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

58 (2011)

Unemployment rate, (% , 2011)

3.4

Education expenditure (% of GDP, 2012)
5 (2009)

Adjusted savings: Education expenditure
USD (2011)
47,189,739,416

Population living in rural areas (% of total)
(2012)
17

Population living in urban areas (% of total)
(2012)
83

Society

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

Total population (2012)
50,004,000

Religion³⁹

Unaffiliated (46.4%), Christian (29.4%),
Buddhist (22.9%), Folk religions (0.8%),
Muslim (0.2%), Other religions (0.2%)

Languages

Korean⁴⁰

Population growth, annual % (2012)
0.5

Population: ages 0-14 (% of total) (2012)
15

Population: ages 15-64 (% of total) (2012)
73

Population: ages 65 and over (% of total)
(2012)
12

³⁹ <http://features.pewforum.org/grl/population-percentage.php>

⁴⁰ <http://country.eiu.com/article.aspx?articleid=1700941154&Country=South%20Korea&topic=Summary&subtopic=Basic+data>

