



Republic of South Africa

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
<p>There is legislation with partial application</p> <p>There is no formal recognition of animal sentience in legislation or policy. However section 2(1) of the Animal Protection Act 1962 refers to causing animals unnecessary suffering and includes reference to infuriating and terrifying animals. The legislation therefore shows recognition of elements of animal sentience with respect to both physical and psychological negative elements. This Act covers domestic animals and birds, and wild animals, birds and reptiles that are in captivity or under the control of humans. Therefore recognition of sentience does not extend to fish, and does not cover wild animals in their natural state.</p> <p>The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2017/18 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.¹ However the plan does not include detail on the proposed scope of changes to animal protection legislation.</p> <p>During consultation with the government we had access to a draft animal welfare strategy that the government is currently discussing. This strategy takes in consideration international principles of animal welfare and also addresses the fact that animals feel positive and negative experiences. If this strategy is approved it would mean full recognition of sentience regardless of the word "sentience" is not used throughout the document.</p>

¹ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 45)

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

The Department of Agriculture Forestry and Fisheries is responsible for implementation of the Animal Protection Act 1962. The Minister of Justice has overall responsibility for law enforcement under the Act, although the government has indicated that this is intended to be changed to the Minister of Agriculture, and enforcement activity is undertaken by the officers of the Societies for the Prevention of Cruelty to Animals and the South Africa Police Service.

Section 10 provides that the Minister may make regulations relating to: methods of confinement and accommodation for any animal, whether travelling or stationary; any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal; confiscation of animals, destruction and recovery of expenses; other implementation purposes.

However at present there is no formal body, board or group of government officials responsible for implementing the Act and its secondary regulations or for promoting measures on animal welfare in policy or legislation in the country. The government has indicated that the Veterinary Public Health and Animal Production Directorates are responsible for the administration of animal welfare, and that it is intended to create an animal welfare working group.

The involvement of SPCAs in implementing the legislation has promoted animal welfare in the country. For example, the National Council of SPCAs has assisted with the development of South African National Standards to support the Act. These include standards with respect to zoos and aquaria, transport of animals and care and use of animals for scientific purposes.²

However some traditional practices cause severe animal welfare concerns, and demonstrate a lack of recognition of animal sentience in particular areas.³

It is very encouraging to see that some of the issues of contention are planned to be addressed in an animal welfare strategy that the government is currently discussing with relevant stakeholders.

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

Section 4 of the Animals Matter Amendment Act 1993 mentions that the Minister of Justice may from time to time, with the concurrence of the Minister of State Expenditure, appropriate funds to a society for costs incurred relating to the removal, custody, disposal or destruction of an animal, but this is not a regular or formal financial arrangement. A lack of human and financial resource may therefore present barriers to progress. There are also challenges with respect to cultural attitudes to animals and the continuation of practices, such as cultural ceremonies involving animals, that can involve considerable animal suffering.⁴ The government indicates that there are constitutional implications around addressing this, and that it may best be addressed through humane education.

Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan,⁵ may present opportunities for improvement in this area. The government is encouraged to incorporate formal recognition of sentience into legislation in relation to all categories of animals.

² <http://www.nspca.co.za/page/nspca-mission-and-vision#%2FPage%2F30066%2Fforward-thinking-leader>

³ <http://za.sudeshkumar.org/2011/04/south-african-ritual-animal-slaughter.html>

⁴ <http://www.thenational.ae/news/world/africa/culture-clash-over-bull-killing-ritual>

⁵ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

Are enforcement mechanisms in place in policy and legislation?
Breach of the prohibition against causing animal suffering, in section 2 of the Animal Protection Act 1962, is punishable with fines, imprisonment, confiscation, and banning animal ownership.

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 South African government nor any of its ministries has pledged in principle support for the UDAW. <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 into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country. The government is encouraged to pledge in principle support for the UDAW as this would promote good models of animal welfare policy and help to introduce animal welfare into decision making processes for other policies.
Are there economic and societal barriers to improving this aspect of animal welfare?
The scope of existing and planned legislation on animal protection and engagement with the OIE suggests that improvement in this area may be possible.
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: C

Part 1: Verification

There is legislation with partial application

Section 2(1) of the Animal Protection Act 1962 outlines acts of cruelty that are prohibited. This is a detailed list that includes deliberate acts such as overloading, causing unnecessary suffering by confining, chaining or tethering, abandonment, and also acts of negligence such as unnecessarily denying food or water, deliberately or negligently keeping in a dirty or parasitic condition or failing to procure veterinary assistance. There is a general provision which prohibits wantonly, unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act that causes unnecessary suffering (section 2(1)(r)). Section 2(2) further provides that an owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of these acts.

However this legislation does not appear to extend to wild animals when they are not in captivity, or to fish.

The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.⁶ While the plan does not include detail on the proposed scope of changes to animal protection legislation, the scope of the revision and way in which this update would occur appears detailed in the current animal welfare strategy draft (June 2014).

Part 2: Assessment

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

It appears that the Minister of Justice has overall responsibility under the Act and that enforcement activity is undertaken by the officers of the Societies for Prevention of Cruelty to Animals and the police. Section 10 provides that the Minister may make regulations relating to: methods of confinement and accommodation for any animal, whether travelling or stationary; any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal; confiscation of animals, destruction and recovery of expenses; other implementation purposes. However there is no formal body, board or group of government officials responsible for implementing the Act and its secondary regulations or for promoting measures on animal welfare in policy or legislation in the country.

The Animals Matter Amendment Act 1993 states that the Minister of Justice may from time to time, with the agreement of the Minister of State Expenditure, give money to a society for costs incurred relating to the removal, custody, disposal or destruction of an animal, however, it is not clear whether there are human and financial resources budgeted each year for protecting animals.

It has been reported that codes, guidelines and manuals are already in existence or in the process of being developed on a number of areas such as kennels, working dogs, draught animals, working animals, breeding to address issues such as puppy farming and circus animal welfare. The government has confirmed on consultation that a number of these codes have been developed, some by the Livestock Welfare Coordinating Committee (LWCC) and some in collaboration with the SABS. The latter include standards on animals used for scientific purposes, land transport of animals and the care of animals in zoos and aquaria.

⁶ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

<p>It is worth mentioning that the current draft of the animal welfare strategy acknowledges that the existence of multiple codes of practice creates a fragmented approach. As such, one of the objectives of the strategy is to bring all these regulations together so that implementation is straightforward. The government is encouraged to support this stance and continue working on the development of the animal welfare strategy.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p> <p>Although there is legislation to prevent animal cruelty, it is not clear whether there are human and financial resources set aside for this purpose. It has also been reported that enforcement by public authorities is ineffective or non-existent and that in general, capacity is limited for several reasons ranging from a lack of resources, training, attitudes and inadequate penalties.⁷</p> <p>There are also challenges with respect to cultural attitudes to animals and the continuation of practices that involve considerable animal suffering.⁸ Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan⁹ and the development of the animal welfare strategy may present opportunities for improvement in this area.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p> <p>Anyone found guilty of acts which cause an animal to suffer under section 2 of the Animal Protection Act 1962 is liable to a fine and/or imprisonment for up to a year.</p> <p>Organising animal fighting is punishable by a fine or imprisonment for up to two years.</p> <p>The court also has powers to order destruction of an animal if it would be cruel to keep it alive, confiscation, and prohibition on animal ownership for a specified period.</p> <p>The court may also award damages if a convicted person's actions have led to expenses being incurred by another person in caring for an animal, up to R5,000.</p> <p>Section 2(9) of the Animal Protection Act 1962 provides that any person who wilfully obstructs, hinders or resists an officer from the Societies for the Prevention of Cruelty to Animals, conceals any animal, or on demand fails to give his name and address to such officer, shall be guilty of an offence and liable on conviction to the penalties.</p>

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

Ranking: C

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p> <p>The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 apply to farmed animals. Particularly relevant examples of prohibited conduct are confinement that causes suffering, unnecessarily denying food or water, and deliberately or negligently keeping an animal in a dirty or</p>

⁷ <http://www.oie.int/doc/ged/d11112.pdf>

⁸ <http://www.thenational.ae/news/world/africa/culture-clash-over-bull-killing-ritual>

⁹ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

parasitic condition.

The Livestock Welfare Coordinating Committee has the capacity to deal with production and game animal issues in farming. It is managed by the South African Meat Industry Company. Codes drafted by the Committee can be adopted and reviewed under the current legislation.¹⁰

The Meat Safety Act 2000¹¹ contains a section on Essential National Standards, with subsections (h) to (l) applicable to farm animal welfare, providing for humane handling and requiring that only healthy animals are slaughtered for human consumption.

There appears to be no detailed legislation protecting the welfare of farm animals in transport and at slaughter. The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.¹² However the plan does not include detail on the proposed scope of changes to animal protection legislation, although an earlier legislation review by the South African Veterinary Foundation suggests that codes of conduct may be produced on relevant issues including management practices, slaughter, transport and farm animal care and treatment organisations and inspectors.¹³

As previously reported, the potential implementation of an animal welfare strategy could strengthen these norms and bring together a number of OIE guidelines and principles into a unified body.

Part 2: Assessment

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

The anti-cruelty provisions of the Animal Protection Act 1962 are wide-reaching and give examples of prohibited conduct in section 2(1), some of which apply to farm animals. However, although these give some protection, they are not sufficiently detailed in prescribing good standards of welfare for farm animals, in issues such as housing, transport and slaughter. Although the Meat Safety Act 2000 does contain provisions to regulate slaughter, there are inadequate welfare considerations in these.

It has been reported that provincial animal welfare regulations are not well harmonised, such as those concerned with hygiene and disease risk and regional codes of conduct on transportation¹⁴. Producers societies together with animal protection NGOs have drawn up voluntary codes of practice for transport and for specific species of farmed animals (for example, for pigs¹⁵ and for broilers,¹⁶), which include stunning and slaughter provisions. These are based on the Five Freedoms and have detailed provisions on issues such as space allowance. Manuals and guidelines relating to some species appear on the website of the Department of Agriculture, Fisheries and Forestry.¹⁷

¹⁰http://www.capetown.gov.za/en/CityHealth/Documentation/Documents/Animal_Care_Policy_for_SA_Dept_of_Agriculture_Draft.pdf

¹¹ <http://www.nda.agric.za/doaDev/sideMenu/APIS/doc/MEATSAFETY.pdf>

¹² <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

¹³ <http://www.savf.org.za/Documents/Animal%20Care%20Legislation%20Review.pdf> (page 6)

¹⁴ <http://www.oie.int/doc/ged/d11112.pdf>

¹⁵ <http://www.nspca.co.za/ClientData/10072/Uploads/codes/code%20pig%20welfare.pdf>

¹⁶ http://www.sapoultry.co.za/information_code_of_practice_broilers.php

¹⁷ <http://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Animal-Production/Services/Infopacks>

However, it is noted that the use of close confinement systems of animal production are widespread in the country, for example, the battery cage and the dry sow stall and there are calls for legislation to be updated so as to be more relevant to the welfare of farm animals.¹⁸

Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan,¹⁹ may present opportunities for improvement in this area.

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

The existence of voluntary detailed codes based on the Five Freedoms is positive and suggests that legislative change may be possible. However there are still significant barriers to improvement. Part 7 of the Meat Safety Act 2000 provides that animals may only be slaughtered at official abattoirs, but makes exemptions for slaughter for own consumption or for cultural or religious purposes. Cultural barriers are therefore hindering progress, specifically with respect to informal slaughter, ritual slaughter and sales of farmed animals at live (wet) markets in informal settlements. It has also been reported that government may not fulfil its responsibilities with regard to oversight of small-scale farming and informal slaughter.²⁰

It has been reported that livestock is regularly exported by sea to Mauritius where animals may be slaughtered in very poor welfare conditions, and that this activity is promoted by the government in order to earn foreign currency.²¹ This suggests a financial barrier to improvement. The different national standards, voluntary codes, guidelines and manuals might be confusing to producers and may therefore present a barrier to progress in improving welfare. It would be useful for the government to work with a range of stakeholders to update legislation and develop legally binding detailed provisions addressing current welfare concerns.

Are enforcement mechanisms in place in policy and legislation?

Breach of the anti-cruelty provisions of section 2 of the Animal Protection Act 1962 is punishable with fines, imprisonment, confiscation, and banning animal ownership. The Meat Safety Act 2000 outlines offences and penalties for contravening the act such as fines and imprisonment, and makes provision for the inspection of abattoirs.

The codes of practice are voluntary and do not have legislative enforcement mechanisms.

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

Ranking: D

Part 1: Verification

There is legislation with partial application

The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 apply to wild animals

¹⁸ <http://www.engineeringnews.co.za/article/stronger-regulation-of-livestock-treatment-needed-2013-03-08>

¹⁹ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

²⁰ <http://www.oie.int/doc/ged/D2302.PDF>

²¹ <http://www.oie.int/doc/ged/D2302.PDF>; <http://www.bdlive.co.za/business/trade/2013/09/09/outcry-fails-to-halt-sas-live-animal-exports-to-mauritius>

that are kept in captivity. Particularly relevant examples of prohibited conduct are ill-treating, goading or terrifying an animal and confining an animal in a way that causes suffering. Provisions from the Performing Animal Welfare Act (1935) are also applicable to animals in this category.

The National Council of SPCAs has developed South African National Standards on Zoo and Aquarium Practice that include animal welfare requirements in addition to providing an inspection service to major zoos in the country. It is understood that these are voluntary standards.²² The South African National Standard on crocodiles in captivity lays down requirements for the humane treatment of crocodiles for the purposes of breeding, rearing, transportation, translocation, slaughtering and exhibition by crocodile keepers or any other party keeping crocodiles. It also covers environmental conditions for the breeding, rearing, transportation, slaughtering and exhibition of crocodiles in captivity, risks associated with crocodile farming, activities related to exhibition, and the health and safety of employees. This is a voluntary code of practice without enforcement mechanisms.

There does not appear to be separate binding legislation specifically dealing with the welfare of animals kept in captive settings such as zoos.

The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.²³ While the plan does not include detail on the proposed scope of changes to animal protection legislation, relevant information on this appear in the current draft of the animal welfare strategy.

Part 2: Assessment

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

The anti-cruelty provisions are wide-reaching and give examples of prohibited conduct in section 2(1) of the Animal Protection Act 1962, some of which apply to animals kept in captivity. However, although these give some protection, they are not sufficiently detailed in prescribing good standards of welfare for animals kept in captivity, in issues such as housing and the ability to show natural behaviours.

A number of practices take place in South Africa involving captive wild animals that may raise animal welfare concerns. For example, wild animals are often farmed for meat and "canned hunting" has become popular. South Africa's wildlife management outside of national parks is commercially focused, and the game management industry now comprises a number of sub-sectors. Game or wildlife "farming" refers to an agricultural system in which wild animal species are maintained in order to harvest by-products such as meat or skins in a domesticated or semi-domesticated manner by being enclosed in relatively small areas and provided with regular supplementary feeding and water. "Game ranching" takes place on large privately owned or communal areas, either fenced or unfenced, that are extensively managed in order to utilise wildlife products through hunting, sales and tourism. Trophy hunting or "canned hunting" is a controversial industry, reportedly exploiting animals and their welfare for profit, and currently legal in South Africa.²⁴

In spite of this, the government has reported in consultation that guidelines for the welfare of captive

²² <https://law.resource.org/pub/za/ibr/za.sans.10379.2005.html>

²³ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

²⁴ <http://www.express.co.uk/news/world/393270/Tourists-lured-to-South-Africa-to-take-part-in-shameful-trophy-hunts>

wild animals are being drafted – starting with captive elephants and a research project is developing a scientific assessment protocol to determine the welfare status of such undertakings. These guidelines will be used as a model to develop similar guidelines for other activities. This would include captive lion and other animal breeding facilities.
Are there economic and societal barriers to improving this aspect of animal welfare?
It appears that there are barriers with respect to improving the welfare of wild animals held in captivity whether in zoos, circuses or to provide targets for canned hunters. This may stem from a socio-cultural attitude that regards animals as resources for exploitation. Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries’ current strategic plan, ²⁵ and the current draft of the animal welfare strategy may present opportunities for improvement in this area.
Are enforcement mechanisms in place in policy and legislation?
Breach of the anti-cruelty provisions of section 2 of the Animal Protection Act 1962 is punishable with fines, imprisonment, confiscation, and banning animal ownership. The standards are voluntary and do not have legislative enforcement mechanisms.

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

Ranking: C

Part 1: Verification
There is legislation with partial application
The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 apply to companion animals. Particularly relevant examples of prohibited conduct are illtreating, neglecting, cruelly beating, goading or terrifying an animal, confining an animal in a way that causes suffering, deliberately or negligently keeping an animal in a dirty or parasitic condition, and abandoning an animal deliberately or without reasonable cause (whether permanently or not) in circumstances likely to cause unnecessary suffering. Section 2A of the Act prohibits activities involved with dog fighting. Dogs used for safeguarding are protected by the Performing Animals Protection Act 1935. Anyone wishing to keep an animal for performing or a dog for safeguarding must register it with the local magistrate once a year and obtain a license. Under section 2(a) of the Performing Animals Protection Act 1935, this license may be granted if “the magistrate is satisfied that such a person is a fit and proper person”. Secondary regulations, the Performing Animals Protection Act Regulations 1993, strengthen the Act by adding additional licensing requirements such as a report from the district commissioner of the police district in which the applicant resides regarding fitness to be a licensee and also involving local animal welfare organisations in the assessment of whether the applicant is suitable to be a licensee. During our consultation, the government has confirmed that amendments to the Performance Animal Protection Act are under consideration, upon which this situation might be rectified by establishing a structure for a chief licensing officer who will be Government official and either a veterinarian or an

²⁵ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

animal scientist

The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.²⁶ As with other areas, the plan does not include detail on the proposed scope of changes to animal protection legislation but this is covered extensively by the animal welfare strategy draft which is currently considered by the government.

Finally, there appears to be no legislation regarding stray population control, but the government has confirmed during consultation that provisions are currently considered under a National Pounds Bill, which is expected to continue its Parliamentary process in the forthcoming months.

Part 2: Assessment

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

The anti-cruelty provisions give examples of prohibited conduct in section 2(1) of the Animal Protection Act 1962, most of which are highly relevant to companion animals.

The Performing Animals Protection Act 1935, together with secondary regulations, sets out provisions for licencing for keeping guard dogs.

There is a rising dog population in South Africa with 37% of households reported to keep companion animals in 2011.²⁷ It would be appropriate to develop guidance or secondary legislation specific to the welfare needs of this category of animals.

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

A lack of financial resources and understanding of animals on the part of those owning or responsible for the care of companion animals represents a barrier to improvement. However, some animal protection organisations are involved in running programmes to assist animal owners in poor areas, for example, Community Led Animal Welfare,²⁸ which suggests that improvement may be possible. Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan,²⁹ may also present opportunities for improvement in this area.

Are enforcement mechanisms in place in policy and legislation?

Breach of the anti-cruelty provisions of section 2 of the Animal Protection Act 1962 is punishable with fines, imprisonment, confiscation, and banning animal ownership.

Part 4 of the Performing Animals Protection Act 1935 gives powers of entry and inspection to the police, with fines of up to 4000 rand or imprisonment for up to a year for obstruction of these duties.

Contravention of the requirements of the Act is also punishable with a fine of up to 4000 rand or imprisonment for up to a year, and a repeat offender may also have their license suspended for up to a year.

²⁶ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

²⁷ <http://www.oie.int/doc/ged/d11112.pdf>

²⁸ <http://www.claw-sa.org/about.html>

²⁹ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

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

Ranking: C

Part 1: Verification
<p>There is legislation</p> <p>The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 apply to draught animals and to animals used for recreational purposes. Particularly relevant examples of prohibited conduct in section 2(1) are overloading, overdriving, ill-treating, neglecting, cruelly beating, goading or terrifying an animal, tethering an animal in a way that causes suffering, deliberately or negligently keeping an animal in a dirty or parasitic condition, or using equipment which causes or will cause injury. Section 2A of the Act prohibits activities involved with dog fighting, including training, keeping, trading or breeding dogs for fighting, organising fights for financial gain or for amusement, and being present at a fight as a spectator.</p> <p>The Performing Animals Protection Act 1935 regulates keeping animals for performance purposes. Animals which are kept captive to be used in entertainment and dogs used for safeguarding are protected by the Performing Animals Protection Act 1935, which regulates the exhibition and training of performing animals and the use of guard dogs. Anyone wishing to keep an animal for performing or a dog for safeguarding must register it with the local magistrate once a year and obtain a license, which mentions the type of training and number of animals the person owns. Under section 2(a) of the Performing Animals Protection Act 1935, this license may be granted if "the magistrate is satisfied that such a person is a fit and proper person". Secondary regulations, the Performing Animals Protection Act Regulations 1993, strengthen the Act by adding additional licensing requirements such as a report from the district commissioner of the police district in which the applicant resides regarding fitness to be a licensee and also involving local animal welfare organisations in the assessment of whether the applicant is suitable to be a licensee and whether the animals in question are suitable for performing. The Directorate of Animal and Aquaculture Production has produced guidelines on animal traction, which recommends breeds that are suitable for draught work, how to care for them, the equipment to use and how to fit this properly to avoid injury. It also encourages humane training methods and discourages beating and losing one's temper with an animal. This is a positive step towards improving draught animal welfare, although these guidelines are non-binding and some details appear to legitimise the use of certain species or breeds under poor welfare conditions. For example, mules are recommended as they can "work on poor quality feed, under hard conditions up to an age of 35 years".</p> <p>The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.³⁰ In relation to draught animals, working animals, animals used for sport and recreational activities and performing animals, it is expected that the animal welfare strategy defines the legislative approach to new regulations in this area. The government has confirmed during consultation that changes to be approved to the Performing Animal Protection Act will improve the</p>

³⁰ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

inspection and licensing procedure for working animals used for exhibitions, circuses and others.

Part 2: Assessment

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

The anti-cruelty provisions give examples of prohibited conduct in section 2(1), some of which apply specifically to animals used for draught or recreational purposes.

The secondary legislation and licencing procedure under the Performing Animals Protection Act 1935 gives more detailed protection to animals used for performance purposes. Although it is positive that this is regulated, there are significant welfare issues connected with the use of wild animals for performances and it would therefore be preferable to see a general ban on the use of such as is occurring in a number of other countries. Circuses in South Africa continue to use wild animals such as tigers and lions³¹ whereas a number of other countries have acted to ban the use of wild animals in circuses on animal welfare grounds.

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

The current legislation on performing animals may serve to legitimise some use of animals in this industry, with resulting welfare problems.

However proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan³² and the Animal Welfare Strategy may present opportunities for improvement in this area. Further commitment in changes to the Performing Animal Protection Act have the potential to be useful in improving conditions of improvement of legislation for animals under this category.

Are enforcement mechanisms in place in policy and legislation?

Breach of the anti-cruelty provisions of section 2 of the Animal Protection Act 1962 is punishable with fines, imprisonment, confiscation, and banning animal ownership.

Part 4 of the Performing Animals Protection Act 1935 gives powers of entry and inspection to the police, with fines of up to 4000 rand or imprisonment for up to a year for obstruction of these duties. Contravention of the requirements of the Act is also punishable with a fine of up to 4000 rand or imprisonment for up to a year, and a repeat offender may also have their license suspended for up to a year.

The guidelines produced on the use of draught animals are non-binding and do not have a legislative enforcement mechanism.

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

Ranking: D

Part 1: Verification

There is legislation with partial application

³¹ For example <http://www.mclarencircus.co.za/our-beautiful-animals-3/>

³² <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 appear to apply to animals used in scientific research, although none of the examples of prohibited conduct are specific to this category of animals. There appears to be no specific legislation addressing the welfare needs of animals used for scientific research, making the current legislation insufficient for the protection of this category of animals.

The South African National Standard for the care and use of animals for scientific purposes (SANS 10386:2008) is a non-binding standard. However, it has been reported to have been adopted by key institutions desirous of acting in accordance with international standards.³³ This standard encompasses all aspects of the care and use of animals for medicine, biology, agriculture, veterinary and other animal science as well as industry and teaching and includes all sentient vertebrate animals, eggs, fetuses and embryos and higher invertebrates such as cephalopods and decapods.³⁴

The South African Medical Research Council first published guidelines on ethical considerations for the use of animals in research in 1979, with most recent revision in 2004. These aim to sensitise biomedical scientists, research institutions, Animal Ethics Committees (AECs) and animal care staff, to the interests and welfare of research animals. These are also guidelines without binding legal status. The National Health Act states that all animal research that could impact on human health requires ethical approval from a research ethics committee in South Africa that is registered with the National Health Research Ethics Council. This provides some protection, but only for research that could impact on human health.

The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill and so does the animal welfare strategy.³⁵

Part 2: Assessment

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

The South African standard for the care and use of animals for scientific purposes aims to establish uniform minimum national standards for animal care and use, based on international standards and is intended to be attached to the Animal Protection Act 1962 as a point of reference and to form the basis of any future legislation. In the meantime it cannot be legally enforced. However, it has been reported that the establishment of this standard has had a major impact on improving the standards of laboratory animal care and use in South Africa.³⁶

The South African Medical Research Council first published guidelines on ethical considerations for the use of animals in research in 1979, with most recent revision in 2004³⁷. These aim to sensitise biomedical scientists, research institutions, Animal Ethics Committees (AECs) and animal care staff, to

³³ Mohr, B. (2013) The Current Status of Laboratory Animal Ethics in South Africa, ATLA 41, P48-P51 http://altweb.jhsph.edu/pubs/journals/atla/41_1/41_4Mohr-Discussion.pdf

³⁴ Mohr, B. (2013) The Current Status of Laboratory Animal Ethics in South Africa, ATLA 41, P48-P51 http://altweb.jhsph.edu/pubs/journals/atla/41_1/41_4Mohr-Discussion.pdf

³⁵ <http://www.daff.gov.za/doiDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

³⁶ Mohr, B. (2013) The Current Status of Laboratory Animal Ethics in South Africa, ATLA 41, P48-P51 http://altweb.jhsph.edu/pubs/journals/atla/41_1/41_4Mohr-Discussion.pdf

³⁷ <http://www.mrc.ac.za/ethics/ethicsbook3.pdf>

the interests and welfare of research animals. These are also guidelines without binding legal status. Every experiment that uses sentient animals for research, testing or educational purposes is to be subjected to a formal process of ethical review by an ethics committee appointed by the Board of the Medical Research Council. The guidelines specify that every institution using animals must have a research ethics committee, as well as specified particular protocols for all the various species used. The membership of each Ethical Committee for Research on Animals is comprised of people with varying backgrounds and includes a person from an animal welfare organisation (with the Societies for the Prevention of Cruelty to Animals represented on 33 research ethics committees countrywide) a vet and an independent person with no background in animal experimentation, as well as a person from the facility and some with experience of using animals in experiments. The Animal Ethics Committee is a positive step towards making the welfare of these animals a concern amongst the scientific community, however, it has no power to prevent animal experiments and there is no enforcement of its recommendations. If applications do not comply with ethical considerations for humane animal experimentation, the committee can propose amendments but these are not legally binding and adherence to the recommendations is voluntary. Committees are decentralised, and each institution's committee operates according to its own policies.

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

The lack of a national approach to the issue makes improving animal welfare for this category of animals challenging. No formal reporting requirements exist for collecting data on national statistics for animal experiments in South Africa,³⁸ making it difficult for the government to measure progress with respect to the important concept of the Three Rs in accordance with international standards. There is currently no legal requirement to have ethical approval for research or teaching that involves animals in South Africa unless this could impact on human health, presenting a further barrier to progress.

The government is encouraged to introduce national legislation based on the Three Rs in line with good international practice. Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan,³⁹ may present opportunities for improvement in this area.

Are enforcement mechanisms in place in policy and legislation?

The Animal Protection Act is said to be applicable to animals in this category. The government has expressed that "the problem is that the monitoring of such animals is difficult if the organisations involved are not members of SAALA and if they do not have ethics committees." This would still mean that mechanisms of enforcement of the Animal Protection Act are applicable, despite having severe difficulties in their implementation. The guidelines and standards in this area are non-binding and do not have a legislative enforcement mechanism.

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

³⁸ Mohr, B. (2013) The Current Status of Laboratory Animal Ethics in South Africa, ATLA 41, P48-P51
http://altweb.jhsph.edu/pubs/journals/atla/41_1/41_4Mohr-Discussion.pdf

³⁹ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

Ranking: C

Part 1: Verification
There is legislation with partial application
<p>The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 apply to wild animals, birds and reptiles only when they are in captivity or under control of any person. Particularly relevant examples of prohibited conduct are: laying poison without taking reasonable precautions to prevent injury being caused to animals (with an exception for the destruction of vermin or marauding domestic animals); laying traps for the purpose of capturing or destroying any animal the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease; having laid a trap, failing to inspect and clear it at least once a day; and selling traps without a permit to anyone other than a farmer.</p> <p>Section 24 of the South African Constitution (Act 108 of 1996) notes the human right to have the environment protected in ways that ensure conservation and sustainable use.⁴⁰</p> <p>The country is a party to CITES and regulations under the National Environmental Management: Biodiversity Act 2004 implement CITES requirements regarding endangered and threatened species.⁴¹</p> <p>Hunting is regulated at the province level with each of the nine provinces having its own hunting regulations. Hunters must be in possession of a permit at all times in all provinces while they hunt and transport game meat. In some cases and provinces, hunters must also have a hunting licence. Some provinces have different licences for different categories of animal.⁴² Some restrictions exist regarding certain species and methods of hunting, but it appears possible to obtain permits exempting the holder from these restrictions.⁴³ Hunting and fishing in those areas which were formerly part of the Transvaal province was controlled by the Division of Nature Conservation of the Transvaal Provincial Administration through the Transvaal Nature Conservation Ordinance, No 12 of 1983. As part of the transitional arrangements the individual provinces enacted laws in which the continued validity of this ordinance within the boundaries of the new province was preserved. This Ordinance classifies wild animals into a two distinct groups, "wild animals" and "game". The further subdivision of these two groups dictates the level of protection provided to them.</p> <p>The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.⁴⁴ Details on the scope of this revision appear in the current draft of the animal welfare strategy.</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The anti-cruelty provisions of section 2(1) of the Animal Protection Act 1962 contain some provisions specifically addressing wild animal welfare by regulating the use of poison and traps. However</p>

⁴⁰https://www.environment.gov.za/sites/default/files/docs/nationalbiodiversit_stractandactionplan.pdf

⁴¹ https://www.environment.gov.za/legislation/international_agreements/sapartytocites

⁴² <http://www.sahunters.co.za/attachments/article/249/Hunting%20licences%20in%20provinces%202013.pdf>

⁴³ http://www.shingelani.co.za/downloads/SA_Government_TOPS_Regulations_Revised_July_10.pdf

⁴⁴ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

these still permit the widespread use of poison and traps subject to compliance with conditions that are not onerous.

Wild animals are viewed as resources for sustainable use. Hunting in the country is regarded as a valuable economic activity and the government has expressed its commitment to building close ties with the hunting industry.⁴⁵ Hunting legislation permits a wide range of methods including methods that raise serious animal welfare concerns, for example, bow hunting and hunting of leopards with hounds.

Trophy hunters from around the world visit South Africa, an issue that has led to international concern as some governments act to ban trophy imports as part of efforts to combat the illegal wildlife trade and to protect endangered species.⁴⁶

The government advises that the country has a large contingent of law enforcement officers, special units for threatened species and Environmental Management Inspectors to work on nature conservation.⁴⁷ These agencies work in close collaboration with the South African Police Service. Additionally, the South African customs authorities (Department of Finance) and the Department of Agriculture assist in work against the illegal wildlife trade.⁴⁸

The government has confirmed during consultation that a Predator Management Forum (PMF) has been established to deal with these issues – this forum includes the DEA, DAFF, Provincial wildlife authorities and all the major producer organisations affected by predation. DAFF has been giving more humane and effective control by supporting a scientific assessment of the situation.

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

The government regards hunting as a financially valuable tourist activity in South Africa,⁴⁹ which provides a strong financial barrier to animal welfare improvements.

The country's constitution embeds the concept of wild animals as resources for sustainable use rather than as sentient beings with intrinsic value, representing further barriers to progress.

There may be further socio-cultural barriers to introducing measures to provide for the welfare of wild animals, particularly wild animals that are targets of hunting activities.

Proposals for new legislation on animal welfare and animal protection, as mentioned in the Department of Agriculture, Forestry and Fisheries' current strategic plan,⁵⁰ may present opportunities for improvement in this area.

Are enforcement mechanisms in place in policy and legislation?

Breach of the anti-cruelty provisions of section 2 of the Animal Protection Act 1962 is punishable with fines, imprisonment, confiscation, and banning animal ownership.

Contravention of the Nature Conservation Ordinance is punishable with fines and imprisonment.

Enforcement measures under the National Environmental Management: Biodiversity Act 2004 include fines and imprisonment of up to ten years.

⁴⁵ https://www.environment.gov.za/speech/molewa_firsthuntingindaba_opening

⁴⁶ <http://www.thetimes.co.uk/tto/news/world/australia-newzealand/article4136886.ece>

⁴⁷ https://www.environment.gov.za/legislation/international_agreements/sapartytocites

⁴⁸ https://www.environment.gov.za/legislation/international_agreements/sapartytocites

⁴⁹ https://www.environment.gov.za/speech/molewa_firsthuntingindaba_opening

⁵⁰ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

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: C

Part 1: Verification
There is legislation
<p>The welfare of animals in South Africa is primarily regulated by two Acts, the Animals Protection Act 1962 and the Performing Animals Protection Act 1935, with responsibility for implementation of the two Acts vested in the Department of Agriculture, Forestry and Fisheries in 1997.</p> <p>The National Environmental Management: Biodiversity Act 2004 mandates that the Department for Environmental Affairs and Tourism is the responsible authority for implementation.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.⁵¹ The plan does not include detail on the proposed scope of changes to animal protection legislation, but this is covered by the current draft of the animal welfare strategy.</p> <p>The Minister of Justice and the Department of Agriculture, Forestry and Fisheries has authority for the current Animal Protection Act and the Ministry of Agriculture, Forestry and Fisheries is able to make regulations under it. However, implementation and enforcement is devolved to the Societies for the Prevention of Cruelty to Animals and police forces in the provinces.</p> <p>The government is encouraged to proceed with development of the new Animal Welfare Bill.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>It is very encouraging that the Department of Agriculture, Forestry and Fisheries has included updating of animal protection legislation within its strategic plan. The process presents an opportunity to introduce legislation to improve the welfare of many categories of animal within the country. However, it may be that socio-cultural attitudes and traditional practices will present barriers to improving animal welfare during this process, as it occurs with societal acceptance of hunting. Regardless of the above, close work with OIE help to close this gap.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>The Department of Agriculture, Forestry and Fisheries is responsible under the legislation for implementation of the relevant legal provisions; however this is mostly in the form of powers given to make secondary regulations rather than mandates to carry out specific tasks.</p>

⁵¹ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

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: C

Part 1: Verification
There is legislation with partial application
<p>South Africa is part of the Southern African Development Community, an inter-governmental organisation with a 2003 collaborative agreement with the OIE to cooperate in the field of animal health⁵². Following the Second Global Conference on Animal Welfare in 2008 and the Workshop for OIE National Animal Welfare Focal Points for Africa in 2010, the OIE Sub-Regional Representation for Southern Africa proposed to develop a sub-regional strategy to support implementation of the OIE's animal welfare standards. The Southern African Regional Animal Welfare Strategy is in development and the process adopted should enable full participation and consultation with the OIE member countries and key stakeholders taking account of Southern African needs and priorities.</p> <p>The OIE Sub-Regional Representation for Southern Africa states that it is committed to lead the development and coordination of this strategy with support from animal welfare and development experts, including the OIE Collaborating Centres.⁵³</p> <p>Furthermore, a current draft of the animal welfare strategy for the country relies heavily on transposing and developing the OIE standards into a comprehensive review of codes and legislation. The government has confirmed that this draft is being reviewed by the OIE.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>As improving animal health is one aspect of improving animal welfare, it is clear that steps are being made to this end. There is also a suggestion that the updates to animal protection legislation which are proposed by the Department of Agriculture, Forestry and Fisheries' strategic plan⁵⁴ may include some incorporation of the OIE's animal welfare standards.⁵⁵ Further efforts to develop animal protection legislation which appear outlined in the current draft of the animal welfare strategy</p>

⁵² <http://www.oie.int/about-us/key-texts/cooperation-agreements/agreement-with-the-southern-african-development-community-sadc/>

⁵³ <http://www.oie.int/doc/ged/D11112.PDF>

⁵⁴ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

⁵⁵ <http://www.savf.org.za/Documents/Animal%20Care%20Legislation%20Review.pdf>

incorporate guidelines, principles and standards of the OIE, which is a great example of engagement with the organisation.
Are there economic and societal barriers to improving this aspect of animal welfare?
Given the government’s increasing engagement with the OIE, there appear to be no significant barriers to further progress in this area.
Are enforcement mechanisms in place in policy and legislation?
There is acknowledgement of voluntary engagement with the organisation in the elaboration of the animal welfare strategy.

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
<p>The South African Veterinary Foundation has previously worked with the Department of Agriculture, Forestry and Fisheries to review and develop legislation on animal care and use legislation. To align the process with good international norms and standards, it was suggested that this should include reference to the OIE’s guiding principles.⁵⁶ The strategic plan of the Department of Agriculture, Forestry and Fisheries for 2013/14 to 2016/17 includes mention of updating animal protection legislation with a new Animal Welfare and Protection Bill.⁵⁷ However the plan does not include detail on the proposed scope of changes to animal protection legislation.</p> <p>The current main legislation for animal protection, the Animal Protection Act 1962 and the Performing Animals Protection Act 1935, does not include the OIE’s guiding principles and animal welfare standards.</p> <p>The DAFF has adopted the revised OIE definition of animal welfare, supports the OIE terrestrial code on animal welfare including the five basic freedoms, the guiding principles, and scientific and ethical basis for any policy and guidelines. This is included in the current draft of the animal welfare strategy.</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>South Africa has an OIE Animal Welfare Focal Point; however, the country would benefit from having its animal welfare structures strengthened, modern legislation enacted and enforcement mechanisms established to strengthen OIE animal welfare standards. The Department of Agriculture,</p>

⁵⁶ <http://www.savf.org.za/Documents/Animal%20Care%20Legislation%20Review.pdf>

⁵⁷ <http://www.daff.gov.za/daaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf> (page 31)

Forestry and Fisheries' current strategic plan includes reference to an Animal Welfare and Protection Bill under development ⁵⁸ and, as mentioned before, plans on the current draft of the animal welfare strategy indicate considerations on this matter have been taken on board. The country is taking huge steps towards modernisation of legal structures on animal welfare and we encourage the government to continue working towards this aim.
Are there economic and societal barriers to improving this aspect of animal welfare?
The Department of Agriculture, Forestry and Fisheries' 2013/14 to 2016/17 strategic plan mentions the country's World Trade Organisation and sanitary/phytosanitary commitments, and the government's intention to update animal protection legislation presents an opportunity to meet the country's commitments to the OIE on issues of animal welfare. However, it may be that socio-cultural attitudes will present barriers progress on key issues such as humane slaughter.
Are enforcement mechanisms in place in policy and legislation?
While no enforcement mechanisms appear formally in place, the government has express commitments to work on this issue through the structure of plans and strategies, currently in discussion, which creates a form of binding engagement with OIE and international standards.

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 partial legislation
The Department of Agriculture, Forestry and Fisheries produces an annual report which is made publicly available on its website. The government has confirmed the report includes some animal welfare issues, but there is no evidence of the government capturing progress on animal welfare independently. The OIE Sub-Regional Representation for Southern Africa publishes reports on progress, and the Department of Agriculture, Forestry and Fisheries reports to the OIE on animal diseases ⁵⁹ .
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
There is lack of clarity on the way that information is captured, analysed and formalised in reporting structures relating to animal welfare. While the government itself confirmed during consultation that issues on animal welfare are included in the reports, sample reports from 2013-2014 periods show progress limited to revision of legislative sources.

⁵⁸ <http://www.daff.gov.za/doaDev/topMenu/DAFF%20Strategic%20Plan%202013.pdf>

⁵⁹ http://www.oie.int/wahis_2/public/wahid.php/Reviewreport/Review?page_refer=MapFullEventReport&reportid=14387

Are there economic and societal barriers to improving this aspect of animal welfare?
There do not appear to be structural or resource barriers to improvement in this area. As a matter of fact, the government does have some reporting structures in place which suggests that it may be possible to extend these to include more specific information on animal welfare improvement. The government has informed in consultation that the animal welfare strategy and future changes on the Performance Animal Protection Act might improve these structures.
Are enforcement mechanisms in place in policy and legislation?
There is no legislation relevant to this indicator, but the government is willing to review further commitments to reporting in policy and legislation that is reviewed currently.

Goal 4: Provision of humane education

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

Ranking: F

Part 1: Verification
There is no policy or legislation
There is no legislation to make inclusion of animal care and protection mandatory in the national education system. Some activities are carried out in schools on humane education and animal welfare by NGOs. ⁶⁰ Humane education and animal welfare education has been implemented at school level by the Humane Education Trust of South Africa ⁶¹ . Animal welfare is included in veterinary school curricula. ⁶²

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
At present there is no legislation or clear policy requiring that humane education must be part of the curriculum in South Africa. Lack of regulation on humane education means that not every child will receive this element in their education and that there is no legislation binding the government to ensure that humane education is delivered. Legislation or policy commitments introducing this as a compulsory part of the national curriculum would demonstrate a long term commitment and recognition that humane education is important and should be a permanent and mandatory part of the curriculum with resources for

⁶⁰ <http://www.claw-sa.org/projects6.html>

⁶¹ <http://humane-education.org.za/>

⁶² <http://www.oie.int/doc/ged/d11112.pdf>

training, materials and implementation.
Are there economic and societal barriers to improving this aspect of animal welfare?
Although there may be financial barriers to improvement, the current National Curriculum for Grades R-9 includes requirements for education about environmental issues, and the interim policy for early childhood development includes encouraging in children respect for and protection of the natural environment, ⁶³ which may provide some scope for the introduction of humane education. ⁶⁴
Are enforcement mechanisms in place in policy and legislation?
There are no enforcement mechanisms 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: B

Part 1: Verification
There legislation with partial application
<p>The Societies for the Prevention of Cruelty to Animals Act 1993 has application to the Societies for the Prevention of Cruelty to Animals (SPCA). The Act consolidates the SPCAs under the NSPCA but has no application to any other animal welfare Societies. This is confused by the reference in the current Animal Protection Act to Societies for the Prevention of Cruelty to animals in the Act but this refers to any Society - not specifically to the SPCA. This will be rectified in the new legislation by removing any reference to SPCA and replacing this with Animal Welfare Society (AWS) with SPCA having a corresponding meaning</p> <p>The legislation states that the Societies are responsible for preventing cruelty to animals and carrying out their duties as stated in the Animal Protection Act. The government works closely with them and the Board must report to the Minister of Agriculture on the Societies' activities and finances annually. Section 8 of the Animal Protection Act 1962 describes the role of Society officers and gives them authority to inspect premises, seize animals and arrest people suspected of committing an offence. The Societies for the Prevention of Cruelty to Animals are the only organisations formally involved in the current animal protection legislation in South Africa.</p> <p>The government has confirmed that this covers work done by a number of societies and that in fact, with the legislative background created on these provisions, there are extensive periods of consultation. There are additional dedicated working groups which create structures of engagement during legislative production.</p>

⁶³ <http://www.education.gov.za/LinkClick.aspx?fileticket=BY857uQmmO0%3d&tabid=390&mid=1125>

⁶⁴ <http://www.education.gov.za/LinkClick.aspx?fileticket=JU1Y7NGqqmk%3d&tabid=390&mid=1125>

Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
The current animal protection legislation includes measures for mandatory consultation with stakeholders such as NGOs on policy review or development. The government has confirmed during consultation that this is a process that is required for general legislation, which includes examples of consultation with relevant stakeholders for animal protection norms.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
The inclusion in primary legislation of the responsibility of Societies working for animals to enforce legislation indicates that there are low barriers to the government working with others to improve animal welfare.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
The requirements to engage with the Societies for the Prevention of Cruelty to Animals are set out in primary legislation.

Publication: November 2014

Republic of South Africa: 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

Federal state

Capital

Pretoria, Cape Town, Bloemfontein

International law organisation^{65 66}

has not submitted an ICJ jurisdiction declaration; accepts ICC jurisdiction

Suffrage⁶⁷

18

Legal system

Based on Roman-Dutch law and a 1996 constitution

Executive branch

President: Jacob Zuma

Deputy president: Kgalema Motlanthe

Judicial branch⁶⁸

The highest court in the land is the Constitutional Court; the highest court in South Africa is the Supreme Court of Appeal, except in constitutional matters, where the Constitutional Court takes precedence.

Legislative branch⁶⁹

South Africa has a bicameral parliament consisting of the National Assembly with 400 seats, and the National Council of Provinces with 90 seats. Elections take place every five years.

Political parties

African National Congress (ANC)

Democratic Alliance (DA)

Congress of the People (Cope)

Economics

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

Although, South Africa experienced a downturn in 2012, the mining and extractive industries expanded at the beginning of 2013⁷⁰. The main driver of the economy is

⁶⁵

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

⁶⁶ <http://www.icj>

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

⁶⁷ <http://aceproject.org/epic-en/CDTable?question=VR001#g>

⁶⁸

http://www.nyulawglobal.org/globalex/South_Africa1.htm#structureofthecourts

⁶⁹ <http://country.eiu.com/article.aspx?articleid=1841347768&Country=South%20Africa&topic=Summary&subtopic=Political+structure>

⁷⁰ <http://coface.com/Economic-Studies-and-Country-Risks/South-Africa>

consumption, constituting 66% of GDP⁷¹. The EIU predicts growth will average out at 3.7% a year in the period 2013-20⁷². At the end of 2012, unemployment was still high remaining at above 25%⁷³.

Major trading partners (2012)⁷⁴

Import

China - 15.4%

Germany 10.8%

Saudi Arabia - 8.3%

Export

China - 10.4%

US - 7.4%

Japan - 5.3%

Commodities (2012)⁷⁵

Imports

Petrochemicals - 13.0%

Equipment components for cars - 7.5%

Motor cars and other components - 5.5%

Exports

Platinum - 13.0%

Gold - 9.0%

Coal - 9.0%

GDP (current USD, 2012)

\$384,312,674,446

⁷¹ <http://coface.com/Economic-Studies-and-Country-Risks/South-Africa>

⁷²

<http://country.eiu.com/article.aspx?articleid=790888063&Country=South%20Africa&topic=Economy&subtopic=Longterm+outlook&subsubtopic=Summary>

⁷³

<http://www.africaneconomicoutlook.org/en/countries/southern-africa/south-africa/>

⁷⁴ <http://country.eiu.com/article.aspx?articleid=1061348290&Country=South%20Africa&topic=Summary&subtopic=Fact+sheet>

⁷⁵ <http://country.eiu.com/article.aspx?articleid=1061348290&Country=South%20Africa&topic=Summary&subtopic=Fact+sheet>

GDP per capita, PPP (2012)

\$11,440

Labour force, total (2012)

18,624,602

Currency

Rand

Equivalence to 1 USD

10.2527

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

NA

Manufacturing, value added (% of GDP, 2012)

12

Agriculture, value added (% of GDP, 2012)

3

Industry, value added (% of GDP, 2012)

28

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

28

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

31

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

69

Unemployment rate, (% , 2011)

24.7

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

6

Adjusted savings: Education expenditure
USD (2011)
21,685,907,752

Population living in rural areas (% of total)
(2012)
38

Society

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

Population living in urban areas (% of total)
(2012)
62

Total population (2012)
51,189,307

Religion⁷⁶

Christian (81.2%), Unaffiliated (14.9%), Muslim (1.7%), Hindu (1.1%), Folk religions (0.4%), Buddhist (0.2%), Jewish (0.1%), Other religions (0.3%)

Languages

Official languages: Afrikaans, English, IsiNdebele, Sepedi, Sesotho, Swazi, Xitsonga, Setswana, Tshivenda, IsiXhosa and IsiZulu⁷⁷

Population growth, annual % (2012)
1.2

Population: ages 0-14 (% of total) (2012)
30

Population: ages 15-64 (% of total) (2012)
65

Population: ages 65 and over (% of total)
(2012)
5

⁷⁶ <http://features.pewforum.org/grl/population-percentage.php>

⁷⁷ <http://country.eiu.com/article.aspx?articleid=300951214&Country=South%20Africa&topic=Summary&subtopic=Basic+data>

