Animal Protection Index (API) 2020

Federative Republic of Brazil: ranking D

Executive summary

Brazil has a long tradition of incorporating animal protection in its legislation, since the main Decree relating to animal welfare dating back to 1934. Decree 24.645 establishes protection against cruelty and ill-treatment of animals. Environmental Crimes Law 9,605 of 1998 prohibits engaging in an act of abuse for domesticated or wild animals. Since the API was first published in 2014, this law has been strengthened to make it a crime to mistreat a domesticated animal. Furthermore, painful or cruel experiments on living animals, even if conducted for educational or scientific purposes, are considered crimes when alternatives resources exist. Furthermore, legislation on the slaughter of animals was improved in 2017, when Normative Instruction No. 12 of 2017 mandated humane slaughter to be carried out only by qualified establishments and employees. In 2017 and 2018, further legislation was enacted prohibiting cruelty during the transport of live animals. With regards to companion animals, federal legislation 13,426 enacted in 2017 regulates the humane dog and cat population management, through measures such as extensive spay-and-neuter campaigns.

However, there is still room for improvement in many animal welfare areas. Notably, while Senate Bill 351 of 2015 makes a breakthrough acknowledgement that animals are no longer considered things in law, their sentient status is still not clearly defined. Moreover, there is a clear lack of nationally applicable legislation with regards to the rearing of farm animals. The worst forms of confinement, such as sow stalls, farrowing crates and cages, are not prohibited in legislation, and halal slaughter is authorised without prior stunning. Brazil's economy largely relies on its agricultural exports, and the live animal exports is inherently cruel. The use of animals for entertainment is still authorised, such as in circuses or rodeos, which causes animal cruelty. In 2017, an amendment to the Constitution specified that some sports using animals, such as rodeos and *vaquejadas*, could be exempt from cruelty consideration if considered of cultural importance. However, culture should never be an excuse for animal abuse. Furthermore, the use of animal testing for cosmetic products has not yet been banned.

Animal welfare is institutionalised in the Ministry of Agriculture, Livestock and Food Supply (MAPA) through regulations, policies and committees dedicated to the subject. The National Council for the Control of Animal Experimentation of the Ministry of Science, Technology and Innovation oversees the use of animals in science and education. The Ministry of the Environment oversees issues concerning wild animals, although animal welfare is not an institutionalised subject within this Ministry. Its division, the Brazilian Institute for Environmental and Renewable Natural Resources (IBAMA), is the relevant federal administrative agency responsible for policing and enforcing of federal environmental laws. The Ministry of Environment works throughout the country with partners, for example, with agencies such as Interpol and local police on issues such as illegal wildlife trade. However, acknowledging recent Decree 9962/2019, there may be ongoing changes at government level with regards to responsibility for animal welfare.

The Government of Brazil is urged to enshrine animal sentience in legislation, recognising that vertebrates, cephalopods and decapod crustaceans are sentient. With regards to farm animals, the Government of Brazil is urged to ban all slaughter conducted without prior stunning. Furthermore, the Government is highly encouraged to enact more detailed, species-specific legislation with regards to the rearing of farm animals, which would ban the worst forms of confinement for these animals. The Government of Brazil is furthermore highly encouraged to adopt a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns. Such a list would help with preventing the exotic pet trade, which negatively impacts wild animals. The Government of Brazil is also urged to ban fur farming, as well as the culling of stray animals. The Government of Brazil should also outlaw cruel practices which use animals for entertainment, such as circuses and rodeos. It is positive that hunting of animals is prohibited at the federal level, however, some States still allow recreational hunting. The Government of Brazil is thus highly encouraged to ban sports hunting throughout the whole country. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.

Animal Protection Index Indicators

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

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C

The Ministry of Agriculture, Livestock and Food Supply advises that the first measures for animal respect and protection were established in 1934 by Decree 24.645.[1] Article 3 of this Decree recognises some aspects of animal sentience. It recognises animals' physiological needs by providing that animals should not be overworked or kept in places where they cannot breathe properly, move or rest, or are deprived of air or light. The Decree also recognises that animals can suffer, for example in requiring that animals should be given a quick death, free of suffering. Decree 24.645 was revoked in 1991.[2] However, there is some uncertainty concerning the validity of the annulment, due to its nomenclature and the political context in which it was adopted.[3]

Legislation concerning farm and zoo animals also recognises some aspects of sentience relating to the experience of pain and suffering and the recognition of some behavioural needs. For example, Normative Instruction 3/2000[4] requires humane handling of animals to reduce stress, to avoid excitement, discomfort, pain and suffering during the slaughtering process. In 2010, the Ministry of Agriculture, Livestock and Food Supply started a revision process of Normative Instruction 03/2000. This latest version has not yet been published due to lobbying forces interested in weakening Normative Instruction 03/2000.

Normative Instruction 4/2002[5] from the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA) requires zoos to provide equipment and facilities that meet the needs of the animals housed therein to ensure their physical and psychological well-being. However, the sentience of free-living wild animals is not recognised in legislation.

A leaflet produced by the Ministry of Agriculture[6], Livestock and Food Supply on animal welfare defines animal welfare as the state of harmony of animals in relation to the environment where they

[1] http://www.abiec.com.br/img/folder-animal-welfare.pdf
[2] https://www2.camara.leg.br/legin/fed/decret/1930-1939/decreto-24645-10-julho-1934-516837-norma-pe.html
[3] http://movimentososbicho.blogspot.com/2015/02/parecer-juridico-ementa-decreto.html
[4] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/arquivos/arquivos-legislacao/in-03-de-2000.pdf
[5] http://www.normasbrasil.com.br/norma/instrucao-normativa-4-2002_74695.html
[6] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/arquivos-publicacoes-bem-estar-animal/folder-animal-welfare-in-brazil-english-version.pdf/view

live and refers to the need for good nutrition, good health, adequate handling and facilities and expression of innate behaviours of the species.

A Senate Bill would change the status of animals in the Civil Code – Bill 351/2015[7] has been approved at the Brazilian National Congress and it awaits presidential approval. At present, the Brazilian Civil Code does not have proper means to regulate legal issues for animals as it only addresses assets and persons. Animals are currently regulated as moveable assets. Bill 351/2015 adds determination in the Civil Code that animals are not considered things, admitting that animals, although they are not recognised as natural persons, are not objects or things.[8] However, there is no provision in the draft defining what the new status of animals would be.

Analysis

Although there is no formal recognition of animal sentience in legislation, humane principles regarding animals are incorporated within Brazil's Constitution. Chapter VI, Article 225(1)(VII) of the Constitution (from 1988) provides that the government must protect flora and fauna from all practices that subject animals to cruelty prohibited by law. The government therefore has authority to deal with cruelty issues involving any category of animal.[9]

In recent years, the Government has addressed the welfare needs of animals in legislation relating to the keeping of farm, zoo, circus and laboratory animals. A particular focus for resources has been the improvement of animal welfare practices in relation to transport and slaughter of animals destined for international trade because of the links between humane treatment of animals and meat quality.

Commentators on animal welfare advise that, in Brazil, as in many other South American countries, there is growing awareness of animal welfare amongst consumers, particularly in countries with agricultural export industries.[10] However, animal welfare may not receive as much emphasis as in some other countries because of other priority needs relating to human health and welfare, poverty and education.

Federal Law 11,794/08 on the creation of the National Regulatory Control Council on Animal Experimentation (CONCEA) represents a paradigm shift in the use of animals for education and research in the country. The law provides for critical analysis of the real needs of laboratory animals in experimental situations and for ethical examination by society of the justification for using animals.[11] Each research institution must have an ethical committee to operate. However, it is argued that CONCEA holds a utilitarian view on animals, which could thus go against Brazilian law that forbids the cruel treatment of animals.[12]

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[7] https://www25.senado.leg.br/web/atividade/materias/-/materia/121697

[8] https://www12.senado.leg.br/noticias/materias/2015/10/21/ccj-aprova-projeto-que-derruba-classificacao-de-animais-como-201ccoisas201d

[9] http://www.animallaw.info/nonus/administrative/adbrfeddec_24_645.htm

[10] http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200425

[11] https://www.researchgate.net/publication/23939835_Brazilian_law_for_scientific_use_of_animals

[12] https://ambitojuridico.com.br/edicoes/revista-172/tutela-juridica-dos-direitos-dos-animais-efetividade-das-normas-juridicas-a-vedacao-aos-maus-tratos/

With respect to the challenges it faces in protecting the country's environment, the Government has reported that a realistic view of the conservation and sustainable use of biodiversity must take into account numerous biological, physical, social and economic factors, as well as the relative lack of funding, and that the problems are many, complex, delicate and difficult to separate.[13] It would seem fair to apply the same analysis of challenges or potential barriers the Government faces in advancing animal protection to all categories of animals throughout the country. However, it is evident that the Government in Brazil has seized opportunities to improve farm animal welfare during transport and slaughter because of the benefits to industry and international trade. Recently the Government has also introduced modern legislation applicable to the use of animals in scientific research. There is furthermore a strong lobbying effort by some Associations and bodies to delay some Normative Instructions.

The strong commitment of several states to adopt legislation dedicated to animal welfare – although sometimes purely dedicated to health as opposed to suffering – is a sign that the country is maturing towards a stronger legislative position.

Enforcement mechanisms

There are enforcement mechanisms (fines and imprisonment) for the provisions in legislation which recognise some aspects of animal sentience, for example, the need to avoid pain and suffering and to provide for natural behaviours.

However, the umbrella legislation, the Agriculture Policy Law, is also relevant to this Indicator. This law does not include sanctions for the breach of Normative Instructions which focus on farms.

Key recommendations

- **Building upon** the current legislation, which recognises that animals can suffer, the Government of Brazil is strongly encouraged to publicly recognise animals as sentient beings and to enshrine animal sentience in the law. The current Senate Bill 351/2015 is a step forward acknowledging animal sentience, however the scope of this legislation appears limited since there is no definition of the status that animals would have in the law, other than not being considered moveable assets, as is currently the case. At a minimum, all vertebrates, cephalopods and decapod crustaceans should be recognised as sentient in legislation.

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

Analysis of the legislation

[13] https://www.cbd.int/doc/world/br/br-nr-01-p1-en.pdf

Ranking	C

Article 225(1)(VII) of Brazil's Constitution (1988) provides that the Government must protect flora and fauna from all practices that subject animals to cruelty prohibited by law. The Government therefore has authority to deal with cruelty issues involving any category of animal.

Basic legislation in Brazil includes Decree 24.645/1934 from 1934, which establishes protection against cruelty and ill treatment for animals, especially working animals. Article 3 of the 1934 Decree prohibits various conducts including abandoning a sick, injured or mutilated animal; failing to provide an animal with all that is necessary, including veterinary assistance; and denying a quick death, free of suffering, to an animal whose death is necessary, whether or not the animal is destined for consumption.

Article 32 of the 1998 Environmental Crimes Law 9,605/98[14] (Regulating criminal and administrative penalties relating to behaviour and activities harmful to the environment) was amended in 2015 and prohibits engaging in an act of abuse or mistreatment, or injuring or mutilating wild, domestic or domesticated animals, native or exotic, including circumstances where cruelty is carried out for as experimentation for educational or scientific purposes. Article 37, however, provides an exception where these actions are carried out under conditions of need, to satisfy the hunger of the agent or his family; to protect works, orchards and flocks from the predatory or destructive actions of animals, provided that this is legal and expressly authorised by the authorities with jurisdiction; or by reason of the animal(s) being harmful. Definitions of abuse and mistreatment are given by Decree 24.645, among which: confining an animal in a cruel manner; overworking an animal; to wound, injury or mutilate an animal; to cause an animal to fight with another; to train an animal by means of physical punishment. Article 32 outlined that the mistreatment of domesticated animals used to be considered a simple offense, while it is now considered a crime, as well as abuse of exotic or native animals. Prior to the 2015 amendment, there was no clear provisions regarding animal experiments. Today, painful or cruel experiments on living animals, even for didactic or scientific purposes, are considered crimes when alternative resources exist (Article 32 §1).

In 2012, the Penal Code was amended to increase penalties and include new criminal offenses have been created in case of animal abuse. Following these changes, the penalty for ill-treatment was raised from one to four years for maltreatment, and up to six years if there is a permanent injury or death of the animal. Omission of relief, inadequate transportation and abandonment will also have penalties from one to four years.[15]

Complementary to federal law, several states promulgated secondary legislation for animal protection. For example, in the state of Maranhão, Law No. 10.169 of 2014 provides for animal protection within the territory; aiming at harmonising the socio-economic development with environmental presentation, by seeking balance in animal population, decreasing the rate of abandoned and badly treated animals.[16] In the state of Pernambuco, Law 15.226 of 2014 which

[14] http://www.planalto.gov.br/ccivil_03/LEIS/L9605.htm
[15] http://movimentocnm.blogspot.com/2014/01/o-que-mudou.html
[16] http://extwprlegs1.fao.org/docs/pdf/bra139603.pdf

creates the State Code on Animal Protection, establishes requirements and standards to preserve animal health conditions for wild, exotic, native and domestic animals, including those used for scientific purposes.[17] Law 4.236 of 2018 – amending law 982 of 2001 – of the state of Rondônia, provides Animal Health Protection.[18] Law 8.366 of 2017 on the creation of an Animal Protection Code within the State of Sergipe; such code prohibits offending physically or psychologically animals, subjecting them to any type of experience, practice or activity causing them suffering or harm, unacceptable conditions of existence with reference to the Five Freedoms.[19]

Various legislative proposals would enhance the protection granted to animals. The Senate Bill 631/2015 [20]proposes the Animal Statute, of which the objectives include combating ill-treatment and all forms of violence, cruelty and neglect towards animal species, recognising them as sentient beings.[21] Article 4 states that all animals in the national territory shall be protected by the State and have the right to exist in a context of biological and environmental balance, according to the diversity of species, races and individuals. However, the provisions of the legislative proposal only cover animals of the species classified in the phylum Chordata, subphylum Vertebrata, excluding all non-vertebrate animals from its scope of discrimination. Therefore, its purpose of ensuring and protecting the life and welfare of animals throughout the national territory, set forth in Article 1, would be restricted to a certain group of animals. Importantly, Article 7 defines animal abuse as one or several of the following scenarios: forcing animals to perform movements contrary to their nature; exploiting animals for sport or work; abandoning animals; submit animals to training, events, circuses, advertising, filming or exhibitions that cause pain, suffering or damage; subject an animal to situations of risk of pain, suffering or damage to another animal; train animals so that they develop aggressive behaviours; inappropriately feeding animals; using a device for the application of electrical discharges in animal to hinder the animal's movements or force the animal to move, causing considerable pain, suffering or damage. At the time of writing, Bill 631/2015 has not yet been approved, and is still being processed at the Brazilian National Congress.[22]

Another Senate Bill 650/2015[23] promotes the protection and defence of animal welfare and creates the National System for the Protection and Defence of Animal Welfare (Sistema Nacional de Proteção e Defesa do Bem-Estar dos Animais, Sinapra) and the National Council for the Protection and Defence of Animal Welfare (Conselho Nacional de Proteção e Defesa do Bem-Estar dos Animais, Conapra).[24] It presents a wording similar to that of Senate Bill 631/2015, regarding its objectives, provision on animal rights and animal species covered by the legislation (only phylum Chordata, subphylum Vertebrata).

Since the API was first published in 2014, several legislative changes have taken place or are

[17] http://extwprlegs1.fao.org/docs/html/bra135706.htm
[18] http://extwprlegs1.fao.org/docs/pdf/bra175187.pdf
[19] http://extwprlegs1.fao.org/docs/pdf/bra174470.pdf
[20] https://legis.senado.leg.br/sdleg-getter/documento?dm=2916840&ts=1553283742389&disposition=inline
[21] https://docplayer.com.br/78875988-Legal-status-of-animals-and-proposals-for-amendments-in-congress-in-the-brazilian-national-congress.html
[22] https://www25.senado.leg.br/web/atividade/materias/-/materia/123276
[23] https://www25.senado.leg.br/web/atividade/materias/-/materia/123360
[24] https://www25.senado.leg.br/web/atividade/materias/-/materia/123360

ongoing. Following constitutional amendments of June 2017, paragraph 7 was amended to Article 225 of the Federal Constitution, which determined that sports that use animals are not considered cruel, under specified conditions, notably when they are 'cultural manifestations.' Brazil's Penal Code continues to be reviewed and the debate concerning appropriate penalties for cruelty and abuse of animals is ongoing.[25] Furthermore, amendments to Environmental Crimes Law 9,605 has been put forth to increase the penalty for animal abuse and establish financial punishment for commercial establishments that compete for this practice.[26] However, at the time of writing, this legislation is still being discussed.[27]

Analysis

The combined legislation of 1934 and 1998 put into place some basic protections for animals concerning acts of cruelty, abuse and neglect. However, the law is not comprehensive and the exemptions under the 1998 Act are potentially wide-reaching, making enforcement difficult.

In this respect, the lack of comprehensive, up-to-date basic animal protection legislation representing modern animal welfare concepts and principles is a barrier to improving animal welfare. The current situation regarding the law is a barrier to progress, as it is not enabling credible action to be taken against individuals committing acts of cruelty. Furthermore, there is no clear duty of care created for animal owners onto their animals.

Several organisations have been campaigning for stricter penalties for cruelty and abuse of animals in the country. These organisations have also opposed proposals to weaken penalties and to decriminalise acts of cruelty and abuse committed against animals, which are being considered as part of a review of the country's Penal Code. Such organisations include, for example, World Animal Protection.[28]

The Government made efforts on many fronts and works in partnership with others to raise awareness and improve animal welfare both internationally and nationally, for example, with the OIE, European Union and the Food and Agriculture Organisation of the United Nations. The website of the Ministry of Agriculture, Livestock and Food Supply details many workshops and events concerning animal welfare.[29] A historic moment for animal protection in Brazil occurred in

1997 when the Supreme Court ruled in favour of a ban on the Farra do Boi, a traditional fiesta involving the torture and killing of dozens of bulls/oxen in communities in the southern state of Santa Catarina.[30] The Supreme Court found that 'although it is the duty of the State to guarantee to all people the expression of cultural rights, cultural expressions have to conform to the constitutional rule of the article 225, which forbid any practice that submits animals to cruelty. Therefore, the event called "the

[25] https://www25.senado.leg.br/web/atividade/materias/-/materia/106404

[26] https://www2.camara.leg.br/camaranoticias/noticias/DIREITOS-HUMANOS/572014-PROJETO-ELEVA-PENA-PARA-CRIME-DE-MAUS-TRATOS-A-ANIMAIS.html

[27] https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2189670

[28] http://e-activist.com/ea-campaign/clientcampaign.do?ea.client.id=24&ea.campaign.id=5827

[29] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/eventos-bem-estar-animal

[30] https://www.animallaw.info/intro/brazil

Oxen Festival" violates the aforementioned constitutional rule.'

On 22nd January 2012, there was a day of action under the banner "No More Cruelty" that took place in more than 150 cities in Brazil during which thousands of people reportedly took to the streets calling for "proper and effective punishment for those who commit cruelty and mistreatment of animals". They also protested weakening existing penalties for such acts.[31] However, seeing the 2017 constitutional amendments, rodeos are now protected as being part of the cultural patrimony, which is concerning for animal welfare.

Enforcement mechanisms

Decree 24.645/34, which is now replaced by Decree 9,662 of 2019, and Brazil's Constitution place all animals under the protection of the State for wild animals. Companion animals are considered private property. Local authorities should therefore feel obliged to enforce the law if incidences of cruelty and abuse are brought to their attention.

Offences under the 1934 law are considered as misdemeanours incurring fines. Penalties under Article 32 of Law 9,605/98 are more serious. The penalty for engaging in an act of abuse or mistreatment is imprisonment of three months to one year and a fine. The penalty shall be increased by one-sixth to one-third in the event of the death of the animal. Senate Bill 631/2015 is intended to increase the imprisonment penalty in case of animal abuse. In addition, the Penal Code was updated in 2012 and increased the penalty for cruelty from one to four years, and up to six years if the animal is killed. However, it is reported that often the imprisonment penalties applied are substituted for community services or temporary restriction of rights.[32]

Key recommendations

- The Government of Brazil has enacted basic anti-cruelty animal legislation in its Constitution and its Environmental Crimes law. While this effort is significant, these legislative instruments are limited in effect since they do not define which authorities are expected to condemn perpetrators of animal abuses. There are also exceptions to the 1998 Environmental Crimes law. The Government of Brazil is therefore strongly encouraged to produce more detailed legislation with regards to animal cruelty. Such legislation should include a clear duty of care onto animal owners, who would have to ensure the physical and psychological wellbeing of animals under their care. Penalties for a failure to act, which causes animal cruelty, should also be applied.

- The Government of Brazil is strongly encouraged to adopt Bill 631/2015, which provides an in-depth definition of animal abuse, and increases the imprisonment penalty in cases of animal abuse.

[31] https://www.academia.edu/3821723/_Essay_No_More_Cruelty_An_overview_of_the_new_welfarist_protests_in_Brazil_-_2013_

[32] https://www.animallaw.info/article/overview-brazils-legal-structure-animal-issues

Goal 2: Presence of animal welfare legislations

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

Analysis of legislation	
Ranking	D

Rearing

Specific and up to date legislation to protect farm animals during rearing, transportation and slaughter has been drafted. However, most of them have not been issued for enforcement. In particular, Normative Instructions do not have enforcement mechanisms.

Decree No. 30,691 of 1952 on the Regulation of Industrial and Health Inspection of Animal Products mandates that the industrial facility is held accountable for promoting the welfare of animals from arrival until the time they are slaughtered. The Decree also defines penalties for those who do not comply with this and other requirements.

Instruction No. 56[33], dated 6th November 2008, establishes general procedures of Good Practice Guidelines for the Welfare of Animal Production and Economic Interest relating to farm animal rearing systems and transportation. Article 3 outlines general principles for animal welfare including management through basic knowledge of animal behaviour; appropriate diet; properly designed production systems for different species to ensure the possibility of rest and animal welfare; appropriate handling and transport; and avoiding unnecessary suffering.[34]

Article 4 of Instruction No. 56 on 6th November 2008 on Good Practice Guidelines for Farming (Productive) Animals and Animals of Economic Interest provides for the production of Manuals of Good Practice with recommendations for specific procedures for each animal species. The Ministry of Agriculture, Livestock and Food Supply has developed a number of these manuals, including on humane slaughter of cattle, pigs and poultry and on animal transport.[35]

From information provided by the Government of Brazil to World Animal Protection, the Ministry of Agriculture, Livestock and Food Supply's (MAPA) agenda includes constituted processes and proposals for legislation on good practices and animal welfare on systems for raising poultry, laying birds and pigs; humane slaughter of various species and terrestrial transport. These proposals are also among the National Action Plan for the Prevention and Control of Antimicrobial Resistance in Agriculture (PAN-BR AGO). [36] The Secretariat for Innovation, Rural Development and Irrigation (SDI) has also

[33] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/arquivos/arquivos-legislacao/in-56-de-2008.pdf/view

[34] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/boas-praticas-e-bem-estar-animal-1

[35] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/publicacoes-bem-estar-animal

[36] http://www.agricultura.gov.br/assuntos/insumos-agropecuarios/insumos-pecuarios/programas-especiais/resistencia-antimicrobianos/pan-br-agro

developed training material for members of state secretaries in good practices of animal handling and transport.

Rearing – pigs

No legislation has been found specifically relating to the rearing of pigs.

Rearing – broiler chickens

No legislation has been found specifically relating to the rearing of broiler chickens.

Rearing – egg-laying hens

No legislation has been found specifically relating to the rearing of egg-laying hens.

Rearing – dairy cattle and calves

No legislation has been found specifically relating to calves. With regards to dairy cattle, in 2019, Normative IN 06 of 03/04/19 passed, which establishes establish good practice in Dairy tournaments.[37] Article 3 mandates that every dairy tournament shall be under the responsibility of a veterinarian registered with the Regional Council of Veterinary Medicine (CRMV) of the State. Article 4 states that the person responsible for the dairy tournament shall promote animal welfare and check the anima's health. It is prohibited to administer medicines and to use substances or any chemical or physical agent capable of altering, effectively or potentially, the performance of the animals in the dairy tournament, as stated in Article 6.

Transport

Decree 5,741 of 2006[38] governs the movement of animals. Documentation is required for movement of animals with information on the destination, health of the animal and purpose of the transport. However, there is no specific animal welfare provisions.

The Ministry has also invested resources into developing partnerships with IGOs, INGOs and NGOs to promote studies, workshops and programmes to improve farm animal welfare.[39] With regards to live animal transport, Ordinance No. 575 of 2012 established a working group to propose standardisation of animal road transport aiming at road safety and welfare, consequently reducing the economic losses to the production chain. From this working group, Resolution 675/2017[40] on vehicles for transporting live animals (VTAV) was published by CONTRAN, the transport body in Brazil. This Resolution mandates that live animal transport shall be maintained as to avoid unnecessary suffering and injury, as well as to minimise agitation of animals (Article 3). However, most of the Resolution focuses on technical requirements (e.g. truck structure). The Ministry of Agriculture (MAPA)

[37] http://www.in.gov.br/web/dou/-/instru%C3%87%C3%83o-normativa-n%C2%BA-6-de-3-de-abril-de-2019-85668418

[38] http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Decreto/D5741.htm

[39] http://ec.europa.eu/dgs/health_consumer/information_sources/docs/ahw/workshop_fao_ec_agenda_en.pdf

[40] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/arquivos/arquivos-legislacao/DOUde26.06.2017RESOLUON675CONTRANTransportedeanimais.pdf

was expected to publish more detailed regulations, specifically focusing on animal welfare. However, after two public consultations, no new Regulation has been published at the time of writing.

In 2018, the Normative Instruction No 46 of 2018[41] established minimum standards for the live transport of cattle, buffalo, sheep and goats, intended for slaughter (immediate or fattening) or for breeding. Article 9 provides that the live exports shall follow the OIE guidelines for transportation of terrestrial animals.

Slaughter

Normative Instruction No. 03 of 2000 on Technical Regulation of Stunning Methods for Humane Slaughter of Meat Animals regulates pre-slaughter handling and humane slaughter from the time animals arrive at a facility until they are slaughtered. All handling of animals must be performed with a minimum of excitement and discomfort. The law forbids all use of aggressive instruments and the causing of reactions of distress. However, this legislation is undergoing a review process since 2010. World Animal Protection is part of the Committee reviewing the legislation.

Normative Instruction No. 12 of 2017, regulates the accreditation of entities for training in humane slaughter.[42] This Normative Instruction mandates that anyone in charge of the commercial slaughtering of animals should receive appropriate training. The goal of this Normative Instruction is to accredit organisations so they can teach humane slaughter courses and, in this way, maintain the quality control of the education, with a suitable training and distribution of teaching aids. The accreditation of the organisations regarding humane slaughter is a requirement of the European Union.

Decree 9013/2017 provides for the regulation of the industrial and sanitary inspection of products of animal origin, instituted by Law No. 1,283, of 18th December 1950, and by Law No. 7,889, dated 23rd November 1989.[43]

With regards to halal slaughter, Decree 9013/2017 states that the slaughter of animals is allowed in accordance with religious precepts, provided that their products are destined totally or partially to consumption by religious community that requires them or to international trade with countries that make this demand. This Decree is particularly important, considering that Brazil is the largest producer and exporter of halal meat.

Analysis

The Government of Brazil lacks harmonised federal legislation for numerous species of farm animals, detailing the conditions in which they can be reared. In particular, Brazil has not banned the worst forms of confinement for animals, such as farrowing crates and stalls for pigs, or cages for egg-laying hens. The Normative Instruction on Dairy Tournaments provides minimum protection to the animals as it focuses more on health and productivity, rather than on the welfare of animals. Some guidelines on Good Practices have been published, however, this is not sufficient in comparison to legislation. The

[41] http://www.lex.com.br/legis_27696511_INSTRUCAO_NORMATIVA_N_46_DE_28_DE_AGOSTO_DE_2018.aspx

[42] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/arquivos/arquivos-legislacao/IN1217BemEstarTreinamento.pdf

[43] http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/decreto/D9013.htm

Government of Brazil should be acknowledged for having worked with NGOs to create a Resolution around live animal transport. However, the trade in live animals for slaughter cannot be cruelty-free, and the practice should be replaced by a meat trade only. With regards to animal slaughter, the legislation mandating humane slaughter is under at the time of writing under review.

The Government has invested in various projects aimed at improving animal welfare within the country. Projects featured on its website include development of good management practices for beef cattle, training courses for drivers transporting pigs and poultry, humane slaughter training programmes and animal welfare workshops on animal welfare in dairy production.[44]

The Government has invested considerable attention and resource in improving farm animal welfare, particularly in relation to transport and slaughter of animals destined for international trade. Animal welfare has become recognised as important because of the links between humane treatment of animals and meat quality, as well as due to the animal welfare requirements of importing countries, notably in the European Union.[45] *Moreover, there is a Memorandum of Understanding between the Ministry of Agriculture (MAPA) and the European Union.*

The Ministry of Agriculture, Livestock and Food Supply published in 2013 'actions that ensure animal welfare', including partnership with World Animal Protection, to provide courses and training in animal welfare and humane slaughter of cattle, pigs and poultry based on an agreement signed in 2008 and an agreement with the European Union to co-operate on animal welfare. The Ministry of Agriculture, Livestock and Food Supply's website draws attention on events, seminars and meetings which aim at sharing good practices on animal welfare in themes connected to animals used in farming. These events occurred throughout the years and are testimony of the commitment of Brazil to animal welfare in this area.[46] *Until 2018, the Minister of Agriculture was encouraging stakeholders to improve animal welfare, and has signed a Memorandum of Understanding with ABCS (Pig Association) to deliver pig welfare trainings and to develop numerous guidelines on animal welfare. These are useful guidelines for producers; however, they do not translate into legislation.*

However, the Government has taken advantage of opportunities to establish projects to improve animal welfare at slaughter and during transport because of the benefits for meat quality arising from good animal welfare. The government also strives to meet the animal welfare expectations of trading partners. Farming plays a major role in Brazil's economy: beef, poultry and pork are very important export products, and this gives hope that the government will continue in the positive direction that it has set.

A lack of political will and corporate interests are the main challenges that prevent improvements in animal welfare in Brazil. In particular, some producer associations (such as ABPA, ABEG), CNA (Confederação Nacional da Agricultura) and some food industries (mainly Coops) work against

[44] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/projetos
[45] http://www.brazil.org.uk/press/pressreleases_files/20110630.html
[46] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/eventos-bem-estar-animal

animal welfare. Such lobbying activities create barriers towards the work of MAPA to improve animal welfare.

In Brazil, as in many South American countries, the socio-economic and cultural situation is characterised by high poverty indexes and people are reported to be more concerned about food safety and a fair price for meat than about maintaining animal welfare standards.[47] However, as an exporting country there is increasing awareness of animal welfare in Brazil among consumers as well as among people working throughout the meat chain.[48]

The Food and Veterinary Organisation (FVO) of the European Union has carried out veterinary inspections in Brazil with farm animal welfare issues being included. In its most recent audits, the EU FVO highlighted various problems within the Brazilian livestock sector. In its 2015 audit, the FVO found that official controls at establishment level were in general satisfactory in relation to general and specific hygiene requirements, traceability, labelling and identification marking. The FVO audit team noted some deficiencies in relation to sampling of meat products for microbiological criteria. The FVO found that the list of establishments processing meat was not kept up to date.[49] In 2016, the FVO highlighted issues with horsemeat not meeting the EU food safety standards. In 2017, the FVO found many issues, so much so that they may compromise the reliability of export certification of products from Brazil to the EU. Notably, not all poultry meat slaughterhouses were under the supervision of official veterinarians. In addition, the FVO found some conflict of interest between staff employed at the facility while at the same time performing controls of procedures. The report found that Brazilian authorities cannot guarantee that meat products exported to the EU have been produced in accordance with EU requirements.[50] In 2018, the FVO found that there are some substances authorised in cattle which cannot be used in food-producing animals in the EU.[51]

Enforcement mechanisms

There are specific penalties in other legislation. For example, the Government monitors animal welfare during transport and slaughter, particularly with respect to animals intended for export. The Ministry of Agriculture, Livestock and Food Supply advises that states and municipalities have full autonomy regarding enforcement of legislation and management of practices.

The Federal Inspection Service is responsible for verifying that slaughterhouses are applying the law and carries out random inspections and review of records.

Establishments breaching humane slaughter practices described in Instruction No. 03 of 2000 risk sanctions ranging from fines to suspension of slaughter. In event of breaches of the legislation the Ministry of Agriculture, Livestock and Food Supply works with Secretaries of State and Municipal Agriculture authorities, the National System of Sanitary Surveillance and the National System of

[47] C.B. Gallo and T.A. Tadich, South America in: *Long Distance Transport and Welfare of Animals.* Edited: Appleby, M.C., Cussen, V.A., Garcés, L., Lambert, L.A. and Turner, J. CAB International, WSPA, 2008: https://epdf.tips/long-distance-transport-and-welfare-of-farm-animals.html

[48] Idem

[49] http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3502

[50] http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3874

[51] http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=4053

Consumer Protection, and with prosecuting authorities at state and federal levels. However, not all Normative Instructions create any sanctions, hence they do not all have the power of law. For instance, Normative Instruction 12 of 2017 does not support sanctions but has more of an orientation character. However, this seems to work well in Brazil: even though this Normative Instruction does not have a punitive character, the food industry and producers still consider that they must abide by this Normative Instruction.

Key recommendations

• The Government of Brazil is urged to enact legislation detailing specific welfare requirements for the rearing of farm animals. Such requirements should be legally binding and species-specific. Regular inspections should be carried out with a special focus on animal welfare.

• In addition, the Government of Brazil is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum 30 kg/m^2 or lower.

• The Government of Brazil is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.[52] Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

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

4. There are laws that apply to animals in captivity

Analysis of the legislation

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

Ranking	C

The general protection under Decree 24.645/1934 applies to this category of animals.

Zoos

The Brazilian Institute for the Environment and Natural Renewable Resources (Instituto Brasileiro do Meio Ambiente e Recursos Naturais Renováveis), a division of the Ministry of Environment, regulates zoos according to Law No. 7,173[53] of 14th December 1983. Normative Instruction No. 04 of 04 March 2002 was issued to set more detailed provisions. It outlines requirements for three categories of zoos and covers some animal welfare issues including requiring that zoos provide equipment and facilities that meet the needs of the animals housed therein. Minimum parameters regarding enclosure requirements are included to ensure the physical and psychological well-being of animals.

Private keeping of wild animals

Administrative Act No. 108 of 6th October 1994 addresses what individuals need to do to become 'official wildlife keepers.' Individuals wishing to keep large wild animals in their homes, for example, bears, lions, and primates, among other species, must register with the Brazilian Institute for the Environment and Natural Renewable Resources under Administrative Act No. 108 of 6th October 1994. Registration requirements include provision of details of the animal enclosures and production of an annual report. Such animal keepers must also have the assistance of at least one veterinarian.

Moreover, Brazil has been evaluating the implementation of a Positive List for native wild animals whom can be kept as pets for over 10 years, through CONAMA Resolution No. 394/2007. Initially, 60 species native species were in discussion, and in 2018 the number of native species proposed was elevated to 400. Furthermore, States such as Parana,[54] Rio de Janeiro,[55] and Alagoas[56] have their own Positive Lists.

Fur farming

No national legislation has been found specifically relating to fur farming. However, at the municipal level, the city of São Paulo has banned all fur production in 2014, and furthermore outlawed the importation and sale of all fur items in 2015.[57]

Analysis

It is positive that zoological facilities must be registered and must abide by animal welfare criteria to operate. While, in theory, legislation provides for the needs of wild animals in zoos to be met, in practice many zoos in the country do not provide conditions that are appropriate. For example, in 2013 a zoo in the city of Taboão da Serra, outside of São Paulo, Brazil was the focus of protests

[53] http://www.planalto.gov.br/ccivil_03/LEIS/1980-1988/L7173.htm
[54] http://www.iap.pr.gov.br/arquivos/File/Fauna/173_2015.pdf
[55] http://www.inea.rj.gov.br/cs/groups/public/documents/document/zwew/mtm5/~edisp/inea0139154.pdf
[56] https://www.legisweb.com.br/legislacao/?id=332586
[57] https://www.furfreealliance.com/sao-paolo-bans-import-and-sales-of-fur/

following animal deaths alleged to be the result of starvation, neglect and squalid conditions. Video footage from the zoo shows animals kept in barren cells and enclosures.[58]

Wild Welfare, an NGO that works internationally to improve animal welfare in zoos, advises that Brazil has 120 zoological institutions open to the public, holding approximately 50,000 animals.[59] *Wild Welfare reports that, as at 2014, many of these zoos are of 'very poor quality'.*

Currently the Brazilian Society of Zoos and Aquariums (AZAB) is developing international partnerships, including with Wild Welfare, aimed at improving zoos in the country to achieve efficient management, high ethical standards and the best animal welfare practices. AZAB has around 70 zoo and aquarium members. Since 2014, AZAB has been committed to the establishment and implementation of a welfare certification programme, which consists of a series of welfare standards that all members must follow to attain AZAB membership. As of 2018, Wild Welfare has supported the assessment of 21 AZAB zoos and aquariums as part of their welfare programme.

However, it should be noted that only 70 of the 120 are members of the Brazilian Society of Zoos and Aquariums and that much work still remains to be done to improve the situation of animals in Brazil's zoos. Being part of AZAB's does not translate in the application of high welfare standards. Over half of the zoos in the country are public institutions funded by municipalities, there may be a lack of resources to improving animal welfare, especially as most zoos are not permitted to charge entry fees (as reported by Wild Welfare).[60]

In Brazil, there is a difference between a private keeper (there is legislation to determine whether a person can hold an animal, but no legislative requirements with regards to welfare) and an official wildlife keeper, allowed by the Administrative Act No. 108 of 1994, which contains a few welfare elements. However, the welfare of wild animals can never be optimum in captivity. Permitting the rearing and breeding of wild animals for commercial purposes fuels the exotic pet trade. The Positive Lists of Brazil should focus on which domestic animals can be kept as companion animals, rather than listing wild species.

Enforcement mechanisms

The Brazilian Institute for the Environment and Natural Renewable Resources may close or remove animals from any zoo if the requirements of Normative Instruction No. 4 are not met and as referred to previously there is evidence of such action being taken. The Institute may also issue warnings and fines. Zoos are required to keep a logbook and to make it available for inspection.

Private keepers of wild animals must file an annual report and may be subject to inspections and have their permission to keep animals removed or cancelled at any time if they are found to be in breach of any requirements.

[58] https://www.thedodo.com/brazil-zoo-on-lockdown-as-prot-372497501.html
[59] http://wildwelfare.org/portfolio/animal-welfare-in-brazilian-zoos/
[60] https://wildwelfare.org/portfolio/animal-welfare-in-brazilian-zoos/

Key recommendations
• The Government of Brazil is encouraged to implement a regular monitoring of the country's zoological facilities. Where animal welfare standards are not met, the Government should mandate the closure of the zoo and the release of the animals in a nature reserve or their rehoming in an animal sanctuary, if it is not possible for the animals to be released into a nature reserve. Zoos should be regularly inspected, and the results of such inspections should be made publicly available. • The Government of Brazil is strongly encouraged to develop a national Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns. The welfare of wild animals cannot be met when kept as companion animals by private owners. Therefore, Positive Lists should focus on domestic animals whom can be kept as companions. • Additionally, the Government of Brazil is urged to ban fur farming throughout the country. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	C

Care of companion animals

The general protection under Decree 24.645/1934 applies to this category of animals.

Article 32 of the 1998 Environmental Crimes Law 9,605/98 also provides some basic protection for companion animals in Brazil. This Article prohibits engaging in an act of abuse or mistreatment, or injuring or mutilating wild, domestic or domesticated animals, native or exotic, including circumstances where cruelty is carried out for as experimentation for educational or scientific purposes. Article 32 was amended in 2015. It used to consider mistreatment of domesticated animals a simple offense, while it is now considered a crime, as well as abuse of exotic or native animals. Article 37, however, provides an exception where these actions are carried out under conditions of need, to satisfy the hunger of the agent or his family; to protect works, orchards and flocks from the predatory or destructive actions of animals, provided that this is legal and expressly authorised by the authorities with jurisdiction; or by reason of the animal(s) being harmful.

Stray animals

Municipalities are responsible for public health issues involving domestic animals, including dog

population management and dangerous animals under Law No. 5,027 of 14 June 1966.

In 2008, São Paulo state became the first Brazilian state to enact a law banning the killing of stray dogs and cat as a population control practice. São Paulo State Law No. 12.916 concerning stray dogs and cats provides for animal control agencies to work with NGOs and other organisations on humane population control, to establish adoption centres, and to promote responsible pet ownership. The law also calls for spaying and neutering of community dogs. In 2001, São Paulo also introduced a municipal law No. 13.131 requiring the identification and registration of dogs and cats and including positive responsibilities for pet owners.

Three States and many municipalities prohibit the euthanasia of healthy dogs and cats. In order to control stray animal populations, these municipalities are reported to be implementing humane methods of population control through neutering campaigns with promotion of responsible ownership and adoption.[61]

Since the API was first published in 2014, federal Law No. 13,426/17. enacted on 30th March 2017, regulates the population control of dogs and cats through spay-and-neuter campaigns, followed by an impact analysis.[62] Article 2 specifies that the number of animals to be sterilised will be decided by location, according to the need to reduce the population growth rate to satisfactory levels. In addition to spay-and-neuter campaigns, educational initiatives will be put in place, in order to promote responsible pet ownership (Article 3).

According to Brazilian Civil Code, domestic animals are considered personal property. They can be an object of commercial transaction and economic use. Because domestic animals keep their status as property, if they were abandoned, they would be considered *res nullius* and could be appropriated by anyone, including animal control agencies.[63]

Analysis

It is positive that the mistreatment of companion animals has been elevated from being a simple offense, to being considered a crime. However, there is no clear duty of care for animal owners towards their pets.

With regards to stray animal populations, federal Law No. 13,426/17 is positive for animal welfare, as it encourages spay-and-neuter campaigns as an effective method of animal population control. The increasing popularity of companion animals in Brazil and increased public interest in high profile animal cruelty cases suggests that, despite resource barriers, it may be possible for progress to be made to improve the welfare of companion animals in the country, including via the introduction of comprehensive federal legislation. The main reason for the low welfare of companion animals is considered to be the lack of responsible pet ownership (including irresponsible acquisition,

[61] http://icfaw.org/Documents/Supporting%20the%20implementation.pdf
[62] https://presrepublica.jusbrasil.com.br/legislacao/445043821/lei-13426-17
[63] https://www.animallaw.info/article/overview-brazils-legal-structure-animal-issues

abandonment, lack of veterinary care). Law 13,426 may help in promoting responsible pet ownership, as it is intended to have educational programmes.

Over the past few decades, dogs and cats have become increasingly popular in the country. As of the end of 2013, there were approximately 106 million companion animals in Brazil, making it the fourth largest population of pets in the world and the second largest population of dogs and cats.[64] In recent years, the foreign trade of pets from Brazil has been growing at an impressive rate with exports accounting to 231 billion USD (including pet food).[65] It is estimated that Brazil has 52,2 million dogs and 22,1 million cats domiciliated and a population of 30 million stray cats and dogs.

The country has very large numbers of stray and 'community' animals. Centres for the Control of Zoonoses in Brazilian cities and specific secretariats have responsibility for dealing with animal diseases and are required to control dog and cat populations. This has led to inhumane killing of stray animals in many areas. Animal protection organisations have run campaigns against the cruel catch and kill methods used by these centres.[66] In some States, legislation provides for humane killing of stray animals but, in other States, inhumane practices are still used.

Shortly prior to the 2014 football World Cup organised in Brazil, there were reports of stray dogs being removed and killed by the Brazilian authorities.[67] Brazil suffered from negative media reports and criticism from animal welfare organisations. As a result, the city of Rio took action to repair its reputation by rescuing more than 900 stray animals from the streets in 2015.[68]

Ahead of the 2016 Olympic Games in Rio, the Organising Committee of the Olympic and Paralympic Games partnered with World Animal Protection, in order to ensure the safety of visitors as well as of stray animals. Notably, World Animal Protection trained Olympic operational teams to correctly handle animals, offered guidelines on responsible pet ownership to the communities of Rio de Janeiro and organised adoption campaigns for dogs and cats in partnership with Special Secretariat for the Defense of Animals (SEPDA).[69]

Enforcement mechanisms

Penalties for acts of abuse or mistreatment, or injuring or mutilating wild, domestic or domesticated animals, native or exotic under the 1998 Federal environmental crimes Law 9,605/98 are detention of three months to one year, and a fine. The penalties are increased by one-sixth to one-third in the event of the death of the animal.

Under the Environmental Crimes Law 9,605/98, in the case of harm or loss of a domestic animal, a private party can sue the violator to recover damage for that loss or injury.

[64] https://thebrazilbusiness.com/article/the-brazilian-pet-market
[65] https://thebrazilbusiness.com/article/the-brazilian-pet-market
[66] http:www.apasfa.org
[67] https://www.express.co.uk/news/world/482151/Stray-dogs-killed-Brazilian-World-Cup-clean-up-campaigners-claim
[68] https://iheartdogs.com/brazil-cares-for-strays-rio-summer-olympics/
[69] https://www.worldanimalprotection.org/news/our-partnership-organising-committee-olympic-games-rio-2016

Key recommendations
• As a popular tourist destination, it appears key for the Brazilian Government to project a humane image. The Government of Brazil is thus urged to introduce a federal legislation banning the culling of stray animals. The Government of Brazil is strongly encouraged to promote humane stray animal population management, which relies on promoting responsible ownership, mass vaccinations and reproduction control programmes. Culling has been proven to be ineffective and should therefore be banned. Federal Law No. 13,426 already promotes spay-and-neuter campaigns, and the Government is encouraged to roll out its implementation throughout the country by allocating sufficient funding for these neutering campaigns. • The Government of Brazil is strongly encouraged to issue guidelines on responsible pet ownership and disseminate such information to communities of pet owners. Such guidelines should promote the adoption over the purchase of pets, in order to help prevent indiscriminate breeding and reduce pet overpopulation.

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

Analysis of the legislation	
Ranking	F

Animals used for entertainment

The general protection under Decree 24.645/1934 applies to this category of animals. This includes a prohibition on using animals for fighting.

Article 32 of the 1998 Environmental Crimes Law 9,605/98 provides general protection for animals used for draught and recreation purposes as it prohibits 'practice abuse, mistreatment, injury or mutilate wild, domestic or domesticated animals, native or exotic'.

The country has banned cruel activities such as cockfighting, bird fighting and dog fighting. In 1997, the Supreme Court ruled in favour of a ban on the Farra do Boi, a traditional fiesta involving the torture and killing of dozens of bulls and oxen in communities in the southern state of Santa Catarina.[70] The Supreme Court found that, although it is the duty of the State to guarantee to all people the expression of cultural rights, cultural expressions have to conform to the constitutional rule of the Article 225, which forbid any practice that submits animals to cruelty. Therefore, the event called "the Oxen Festival" violates the aforementioned constitutional rule".

[70] http://www.animallaw.info/topics/tabbed_nonus/spbrazil.htm

In 2002, the Brazilian Federal Congress passed Law N.10,519[71] to regulate rodeos, requiring a veterinarian at rodeo and prohibiting the use of electric prods, or similar devices with potential to injure animals.

In 2006, federal Law No. 7,291, 2006[72] provides for the registration of circuses before the Federal Government and the use of animals of Brazilian and exotic wildlife in circus activity.

It is understood that the use of marine mammals in entertainment has been prohibited since 1991.[73]

State level legislation also provides a legal framework for animals used for recreational purposes. For instance, in January 2014, Minas Gerais became the tenth state to ban circuses using animals with the introduction of Law 21,159 of 2014[74]. Bans on the use of wild animals in circuses also exist in over thirty cities in the states of São Paulo, Santa Catarina, Rio Grande do Sul, Pernambuco and Rio de Janeiro, amongst others, but there is no federal legislation.[75] Law No. 2.459 of the state of Acre regulates the animal protection, welfare and sanitary requirements in animal fair, including exhibitions and rodeos.

Draught animals

Decree 24.645/1934 includes a limit of six hours of work before animals must be given food and water.

Analysis

Article 32 of the Environmental Crimes Law encompasses a wide array of animal species; however, it is phrased in general terms and does not give a precise definition of which authorities are able to assess whether there has been a case of abuse or mistreatment. This broad and vague phrasing is a barrier to ensure that animal welfare standards are met.

Regarding animals used for recreational purposes, Brazil should be acclaimed for outlawing animal fights, as well as the keeping of marine mammals in captivity. Brazil also succeeded in outlawing a cruel, yet culturally important tradition at the Farra do Boi, thus showing that animal protection trumps outdated cultural practices. The Government of Brazil should apply the same logic to rodeos.

With regards to wild animals used in circuses, there has been a long-running NGO campaign in Brazil concerning the conditions in which animals are kept and treated.[76] In 2008, footage entered the public domain showing abuse, confinement and deprivation in some of the country's circuses, highlighting a campaign by a coalition of Brazilian and international animal protection groups calling for the country

[71] http://www.planalto.gov.br/ccivil_03/leis/2002/L10519.htm
[72] https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=329678
[73] Mooney, J. 1998. Captive Cetaceans: A Handbook for Campaigners, Whale & Dolphin Conservation Society, UK http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.297.3959&rep=rep1&type=pdf page 74
[74] https://www.legisweb.com.br/legislacao/?id=264699
[75] http://www.ad-international.org/animals_in_entertainment/go.php?id=1406&ssi=10
[76] http://www.apasfa.org/futuro/right.shtml

to ban animal circuses.[77] The slow progress in taking action regarding the use of wild animals in circuses also demonstrates that this is not a government priority.

With regards to animals used for draught, the apparent lack of government interest in improving the welfare of working animals is a barrier to improving animal welfare. In 2011, a report for the United Nations Food and Agriculture Organisation advised that, despite the contribution to society made by such working animals, there is little or no training offered in schools, colleges and universities relating to animal traction technologies.[78]

Equine animals are used to transport loads in Brazil; donkeys are important in some areas for small-scale rural transport and mules are also used for transport and pulling carts and some ploughing. Some cities have regulated the use of such animals by prohibiting movement in urban areas and by limiting the number of hours they can work but unfortunately abuse and neglect is still widespread.

In addition, the rise in the donkey population, amounting to 1 million as of April 2018, led the Brazilian government to build several slaughterhouses, with the intention to export donkey meat to China.[79] This development illustrates a lack of regard for animal protection, as priority is given to the economic benefit derived from animal-based products.

Enforcement mechanisms

Penalties for breaches of legislation relating to rodeos include fines and suspension of activities. There are penalties relating to Article 32 of the 1998 Environmental Crime legislation.

Key recommendations

- Following the examples of various cities, the Government of Brazil is urged to ban the use of all animals in circuses at the federal level. At a minimum, the use of wild animals in circuses should be prohibited.

- Similarly, the Government of Brazil is urged to outlaw rodeo events, since cultural traditions should never be an excuse for animal cruelty.

- The Government of Brazil is urged to adopt further detailed federal legislation specifically addressing the treatment of animals used in draught. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition which may impair their welfare must be treated promptly and, if necessary, they must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

[77] http://www.ad-international.org/animals_in_entertainment/go.php?id=1405&ssi=10
[78] Starkey, P., Livestock for traction and transport: world trends, key issues and policy implications, FAO, 2011 http://www.healingharvestforestfoundation.org/uploads/1/7/0/8/17089550/livestock-for-traction.pdf
[79] https://rtfitchauthor.com/2018/04/09/brazil-debates-fate-of-millions-of-idled-donkeys/

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

Analysis of the legislation	
Ranking	C

Article 32 of the Environmental Crimes law includes a general prohibition on the 'abuse, mistreatment, injury or mutilation' of animals, which entails a penalty of imprisonment (from three months to a year) and a fine. Sub-paragraph 1 of Article 32 specifically relates to animals used in experiments as it states that 'whoever carries out painful or cruel experiments with live animals even for teaching or scientific purposes, incurs in the same penalties, whenever there are alternative means'.

In addition, the first specific federal legislation concerning the use of animals in scientific research was introduced in 2008.[80] Law No. 11,794/08[81] sets requirements for the keeping and use of animals in education and scientific research and provides for the creation of a National Animal Control and Experimentation Committee and institutional Ethical Committees on Animal Use. Articles 14 and 15 provide for the replacement and reduction of the use of animals, and the refinement of research, in line with the principles of the Three Rs.

The law is supported by Decree No. 6.899 of 15 July 2009[82], which defines the composition of the National Council for the Control of Animal Experimentation (CONCEA), establishes rules for its operation, and creates a Register of Institutions for Scientific Use of Animals. The National Council was launched in 2009 and its bylaws were established in under Ordinance 263/10. The Register was also established in 2010 by the Ministry of Science and Technology and in 2011 the Register established accreditation procedures for institutions involved in research and teaching. However, through Decree No. 9,759, all National Councils have been disbanded.[83]

In 2014, São Paulo became the first state to ban the testing of cosmetics on animals. In that same year, the state of Mato Grosso also banned the use of animals for the development, experiment and test of cosmetic products. In June 2014, the Chamber of Deputies passed Bill 70/2014 to ban animal testing for cosmetics in the entire country. However, at the time of writing, this law has to be evaluated by the Senate to become effective.[84] In 2015, Senator Cristovam Buarque proposed an amendment to Bill 70/2014 to include a prohibition on new animal testing of any cosmetic ingredients within three years of the law's publication.[85] The sale of cosmetics subject to new animal testing would also be banned within three years, preventing companies from buying new ingredients in other countries that have been tested on animals. At the time of writing, the amendment is still under review by the Senate.

Analysis

[80] http://www.ncbi.nlm.nih.gov/pubmed/2060254
[81] https://presrepublica.jusbrasil.com.br/legislacao/93064/lei-11794-08
[82] http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Decreto/D6899.htm
[83] http://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/71137350
[84] https://www.camara.leg.br/proposicoesWeb/fichadetramitacao;jsessionid=F8099D8A70085CA57D3B11001C9EFB09.node2?idProposicao=597587
[85] https://www.cosmeticsbusiness.com/news/article_page/Brazils_new_animal_testing_bill_faces_reform/112303

It is positive that Law No. 11,794 incorporates the Three Rs – Replacement, Reduction, Refinement. However, animal experimentation remains largely practised in Brazilian veterinary and medical schools, especially as many animal control agencies donate stray animals to veterinary and medical schools. It is also positive that each research institution must have an ethical committee to operate.

At the time of promulgation of laws and regulations dedicated to animals used for scientific purposes, the Government gave signs to be progressing considerably. However, since 2014, no further changes and improvements were given to these laws and regulations. The responsibilities of the National Council for the Control of Animal Experimentation (CONCEA) are to formulate and enforce compliance with the rules concerning the humanitarian use of animals and to maintain records of teaching and research procedures, which should serve to promote concern over the welfare of research animals. The Council has supported the creation of the National Network of Alternative Methods and the Brazilian Centre for the Validation of Alternative Methods. CONCEA is currently active in Brazil.[86]

The ban on cosmetics testing in São Paulo appears to have had a positive effect on animal welfare because the state hosts more than 700 of the 2,300 cosmetics companies in the country, which is more than any other state in Brazil.[87] *It is also positive that the Chamber of Deputies passed Bill 70/2014 to forbid the testing of cosmetic products throughout the country. The Bill is now under review by the Senate. However, this will not be entirely comprehensive as it will not ban the testing of ingredients with unknown effects, nor will it prohibit Brazilian companies carrying out testing abroad and immediately selling the resulting products in Brazil.*

The Government faces challenges in improving animal welfare for animals used in scientific research and education because of the scale of such research in the country and the fact that the relevant legislation is relatively new.

Enforcement mechanisms

There are penalties under Article 32 of the Environmental Crimes Law 9,605/98 including imprisonment of three months to one year and fines. Also, if the animal dies from the vivisection, the penalty applied is increased.

There is a chapter on penalties in the specific Law 11,794/08. Penalties for any institution or research centre conducting cosmetic testing on animals in Sao Paulo state include a fine of $435,000 per animal. The fines will be doubled for repeat offenders and establishments may also be closed temporarily or permanently. Workers found violating the law also face fines.

Key recommendations

- The Government of Brazil has progressed towards banning animal testing for cosmetic products, since Bill 70/2014 was adopted by the Chamber of Deputies and is now under review by the Senate. The Government of Brazil is thus strongly encouraged to fully adopt Bill 70/2014

[86] https://www.mctic.gov.br/mctic/opencms/institucional/concea/paginas/calendario_2019.html
[87] http://www.hsi.org/news/press_releases/2014/01/saopaulo-cosmetics-testing-ban-012414.html

as soon as possible, with the inclusion of banning the testing of cosmetic ingredients on animals.

• Article 32 of the Environmental Crimes law has a general phrasing. The Government of Brazil is thus encouraged to enact further detailed legislation defining abuses for animals used in scientific research. In addition, the Government of Brazil is encouraged to promote the Three Rs principles – Replacement, Reduction, Refinement – through the National Council for the Control of Animal Experimentation (CONCEA). It is essential that CONCEA does not get disbanded.

• Additionally, the Government of Brazil is strongly encouraged to fund alternatives to animal research.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	B

Chapter VI, Article 225(1)(VII) of Brazil's Constitution from 1988 provides that the Government must protect the flora and fauna from all practices that subject animals to cruelty prohibited by law.

Native wild animals have protection under Law 5,197 of 3rd January 1967,[88] which stipulates that animals of any species, in any phase of their development, that live naturally free and out of captivity and constitute native fauna, as well as their nests, shelters, and natural breeding habitats, are government property. This law prohibits their use, chasing, destruction, hunting or capture.

Though forbidden at the federal level, hunting wild animals may be permitted at the state level only for sporting purposes, provided that the state conducts preliminary studies relating to:
i) the feasibility of the activity;
ii) whether the targeted species is endangered;
iii) whether the activity has a detrimental environmental impact and can be monitored.
At the time of writing, the State of Rio Grande Do Sul is the only state allowing hunting for sporting purposes.[89] Since 2013, hunting the European wild boar was permitted for purposes of population control as it is considered an invasive species.[90] The commercialisation of products and objects involving the hunt, pursuit, destruction or harvest of wild animals is also prohibited.

Each hunter is required to have a hunting licence specific to a limited geographical region, issued by the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) or by the state's Secretariat of Environment. If the individual intends to hunt using firearms, they must obtain ownership rights for the firearm from the Federal police. A special hunting licence, with the purpose of collecting

[88] http://www.planalto.gov.br/ccivil_03/leis/L5197.htm
[89] https://thebrazilbusiness.com/article/hunting-in-brazil
[90] https://thebrazilbusiness.com/article/7-brazilian-unique-laws

material for scientific purposes, can be granted to scientists. This licence is jointly issued by IBAMA and the Supervisory Board of Artistic and Scientific Expeditions in Brazil. Hunting for subsistence is permitted, which applies especially to the lifestyle of indigenous populations in Brazil.

Law 9,605/98 concerns crimes against the environment and includes the protection of wild animals. Article 32 includes general protection against abuse and mistreatment, with some exemptions. Article 29 provides that killing, chasing, hunting, catching or using native or migrating wildlife species without obtaining the proper permission, license, or authorisation from the competent authority incurs penalties. The unauthorised breeding of wild animals is also prohibited.

Decree 6,514 of 22nd July 2008 lists violations against fauna, the respective administrative sanctions, and the corresponding federal administrative procedures.

Laws 7,643/87 and 9,605/98 prohibit the hunting of whales and dolphins in Brazilian waters. Violation of the law incurs a penalty of two to five years' imprisonment, a fine, and the confiscation of the vessel involved.

Ordinance No. 117 of 15th October 1997 requires registration with the Brazilian Institute for the Environment and Natural Renewable Resources (IBAMA) by entities wishing to participate in businesses related to the processing of animals, parts, products and by-products. Permission may be granted for many species, including protected species in certain circumstances. Article 10 provides that live animals of Brazilian wildlife may be sold by commercial breeders, zoos duly registered with the Institute and legal persons to initiate commercial or conservation activities, including regarding the keeping of such animals as pets subject to various provisions including requirements of the Convention on International Trade in Endangered Species (CITES).

Analysis

Brazil is the most biodiverse country in the world, with more than 56,000 described species of plants, 1,700 species of birds, 695 amphibians, 578 mammals, and 651 reptiles as of 2014.[91] *Protection of the environment and biodiversity is at the heart of the country's constitution and Brazil is a member of most major conservation related conventions such as CITES and the Convention on Biological Diversity.*

The Ministry of Environment advises that, because of its magnitude, the management and conservation of Brazil's biological diversity is no easy task.[92] *There is huge investment of resources and a vast array of organisations devoted to this task. For example, the Ministry reports that there are thousands of organisations working at national and international levels to safeguard the country's environment, including its wildlife.*

The long-standing federal legislation prohibiting hunting should be acknowledged as positive for animal protection. However, the political scenario is changing and tending to favour sport hunting in

[91] https://rainforests.mongabay.com/20brazil.htm
[92] http://www.cbd.int/doc/world/br/br-nr-01-p9-en.pdf

Brazil. There are well-articulated hunting groups in the country, and the gun industry financed Bolsonaro's presidential election in 2018.

Moreover, the country is a major target for wildlife smugglers and the government and partner organisations attempt to prevent illegal wildlife trading. There are many examples of action being taken against the illegal wildlife trade on the website of the Brazilian Institute for the Environment and Natural Renewable Resources, including for example, operations with Interpol to seize animals and birds.[93] Many animals kept in zoos in Brazil have been confiscated from the illegal wildlife trade. According to government estimates from 2012, nearly 12 million wild animals are seized from illegal trade every year in Brazil.[94] According to surveys by the Brazilian Institute for the Environment and Renewable Resources (IBAMA), 15% of the global trafficking of wild animals – accounting for a total of about 10 billion animals each year – originates from Brazil.[95] This represents a barrier to improvement in this area.

In addition, Brazil has numerous Wild Animal Screening Centres (Cetas) responsible for the management of wild animals received through inspections, rescue or donated by individuals. Cetas are in charge of rehabilitating wild animals and releasing them back in the wild as often as possible. From 2006 to 2016, Cetas have returned to nature more than 200,000 animals.[96] Animals are released in Wild Animal Release Areas (ASAS), which must be registered to IBAMA, so that the agency is able to monitor wild animal populations.

Brazil is a member of the Buenos Aires Group (BAG), the coalition of Latin American and Caribbean members of the International Whaling Commission (IWC), opposed to the resumption of commercial whaling and led efforts to retain the ban on commercial whaling at the International Whaling Commission in 2010.[97] In 2008, Brazil declared its entire coastline a whale and dolphin sanctuary. In January 2019, following Japan's announcement to withdraw from the International Whaling Commission, Brazil and other BAG countries urged Japan to renew its commitments, or at the very least to continue cooperating with the international community.[98]

In its first national report for the Convention on Biological Diversity in the 1990s, the Government reported that a realistic view of the conservation and sustainable use of biodiversity must take into account numerous biological, physical, social and economic factors, as well as the relative lack of funding, and that the problems are many, complex, delicate and difficult to separate.[99] It would seem

[93] http://www.insightcrime.org/news-briefs/brazil-cracks-down-on-animal-trafficking
[94] https://www.smithsonianmag.com/travel/wildlife-trafficking-149079896/
[95] https://www.anda.jor.br/2017/11/brasil-responde-por-15-do-trafico-de-animais-silvestres-do-mundo/
[96] http://www.ibama.gov.br/fauna-silvestre/cetas/o-que-sao-os-cetas
[97] http://www.wspa-international.org/latestnews/2010/latin-American-bloc-opposes-lifting-ban-commercial-whaling.aspx
[98] https://cancilleria.gob.ar/en/announcements/news/japanese-government-announces-withdrawal-international-whaling-commission
[99] First national report for the Convention on Biological Diversity, Brazil accessed at: http://www.cbd.int/doc/world/br/br-nr-01-p9-en.pdf

fair to apply the same analysis to challenges the government faces today in protecting Brazil's wildlife from exploitation and poor welfare consequences.

Poverty is a serious factor with respect to exploitation of wildlife, and indeed hunger provides cause for exemption under Article 32 of the 1998 Environmental Crimes law 9,605/98. In this respect, the broad scope of exemptions may be a barrier to improving the welfare of this category of animals. The government advised in its fourth report on the Convention of Biological Diversity in 2010 that over 10 million people in Brazil live with income lower than US$300 per month, and a significant portion of these live in rural areas, where dependence on ecosystems is higher.[100]

Enforcement mechanisms

Offences under the Brazilian Fauna Law No. 5,197 of January 3, 1967 are punishable by up to five years in prison.

Decree No. 6,514 of July 22, 2008 includes penalties, for example, fines varying from R$500,00 (US$250.00) to R$5.000,00 (US$2,500.00).

The Constitution provides for any Brazilian citizen to bring a lawsuit against private individuals, corporations, or governmental entities for engaging in conducts that damage the environment (Citizen Suits Law No. 4.717/65).

The Environmental Crimes Law No. 9.605/98 includes penalties of imprisonment for six months to one year, and/or a fine. The penalty is increased in certain circumstances. However, there are exceptions to this law. For example, it is not considered a crime to kill an animal for reasons of hunger or to protect crops or herds.

Animals recovered from violations of the law may be released or be given to zoos or foundations or similar entities.

Key recommendations

- The 1967 ban on hunting is a significant long-standing legislation that prohibits hunting, thus positive for wild animal protection. However, some State legislation still authorises recreational hunting. As such, the Government of Brazil is urged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself or one's family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all efforts should be made to reduce the time to death of animals killed in these hunts.

- The Wild Animal Screening Centres (Cetas) are an example of a governmental initiative encouraging the rescue, rehabilitation and release of wildlife into approved Wild Animal

[100] Fourth national report for the Convention on Biological Diversity, Brazil accessed at: http://www.cbd.int/doc/world/br/br-nr-04-en.pdf

Release Areas (ASAS). Brazil should champion the establishment of such centres in other South American countries with rich wildlife biodiversity.

Goal 3: Presence of effective governance structures and systems

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

Analysis of the legislation	
Ranking	D

Responsibility for improving animal protection has been assigned by the Government to relevant Ministries. According to Decree 8,852 of 2016, attributions on the welfare of animals used for production are responsibility of the Ministry of Agriculture, Livestock and Food Supply (MAPA). This responsibility is shared between the Agricultural Defence Secretariats for what concerns inspections, and by the Social Mobility Secretariat of the Rural Producer and Cooperativism in the case of development. Both secretariats work jointly on the standardisation of animal welfare.[101]

Resources have been assigned by MAPA to promote animal welfare. For example, one project highlighted on its website was aimed at improving the welfare of cattle during transport under Project Notice 40/2008, for which the amount of resources assigned was reportedly R$9,980,000.[102]

From information provided by the Government of Brazil to World Animal Protection, MAPA is seeking to reactivate the Permanent Technical Committee on Animal Welfare (CTBEA), as MAPA understands that animal welfare is a cross-cutting theme, involving various administrative units of the Ministry) and essential for the viability of the production chains.

Furthermore, MAPA's sectors have constant dialogue with the Productive Chain Sector Chambers, which are the fora established by MAPA to dialogue with the productive sector. The normative proposals are built by working groups involving representatives of the interested sectors. MAPA also has a work plan that seeks to meet the priorities of supply chains and focus on those that present the greatest challenges for animal welfare.[103]

[101] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/conceito; http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal

[102] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/projetos

[103] http://www.agricultura.gov.br/noticias/com-r-225-59-bilhoes-plano-safra-2019-2020-e-lancado

The National Council for the Control of Animal Experimentation (CONCEA) of the Ministry of Science, Technology and Innovation oversees the issue of animal experimentation. However, at the time of writing, it is unsure whether this Council still exists.

The Ministry of the Environment oversees issues concerning wild animals and its division, the Brazilian Institute for Environmental and Renewable Natural Resources (IBAMA), is the relevant federal administrative agency responsible for policing and enforcing of federal environmental laws.[104] The Ministry of Environment works throughout the country with partners, for example, with agencies such as Interpol and local police on issues such as illegal wildlife trade. However, seeing recent Decree 9962/2019, there might be ongoing changes at government level with regards to responsibility for animal welfare.

Analysis

Although individual responsibilities within the Government regarding aspects of animal protection are clear, the Government has not put into place an overall strategy for improving animal welfare. Additionally, the Government has not appointed an individual with overall responsibility for improving animal welfare nationally. The lack of resources at different levels of government and in municipalities may be a barrier to improving animal welfare. These resources would include the availability of trained personnel and funding.

However, with the election of Jair Bolsonaro as President of Brazil in October 2018, it is likely that resources and responsibilities for animal welfare at government level will be decreased. During his electoral campaign, Bolsonaro stated that he wanted to scrap the Ministry of Environment, to combine it with the Ministry of Agriculture.[105] Animal welfare is currently handled by various Ministries. Animal welfare is institutionalised in the Ministry of Agriculture, Livestock and Food Supply (MAPA) through regulations, policies and committees dedicated to the subject. The Ministry of the Environment oversees issues concerning wild animals, although animal welfare is not an institutionalised subject within this Ministry.

Enforcement mechanisms

The responsibilities of the relevant government bodies are mandated in legislation.

Key recommendations

- The Government of Brazil is strongly encouraged to develop an overall strategy that identifies priorities for action and sets goals by which progress can be measured. The Government of Brazil is encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining the well-being of animals and to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.

[104] http://www.ibama.gov.br

[105] https://www.eurogroupforanimals.org/how-brazilian-elections-could-have-tremendous-impact-on-animals

- **Furthermore, the Government of Brazil is urged** to allocate consistent financial resources to ensure that higher standards of animal welfare are achieved and maintained.

Goal 4: Promotion of international animal welfare standards

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

Analysis of the legislation	
Ranking	D

The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.[106]

The Ministry of Agriculture, Livestock and Food Supply states that Brazil 'understands, knows and applies the OIE recommendations aim to protect national agriculture, favour the image of producers, generate credibility to the official veterinary service and directly benefit animals. It is necessary to be aware of these recommendations'.[107] Chapter 7 of the OIE's Terrestrial Animal Health Code is entitled 'Animal Welfare' and contains guiding principles for animal welfare with eleven animal welfare standards that have been agreed by the OIE's 182 member countries, including Brazil. However, some of the standards remain to be implemented, such as national humane stray dog population control and humane rearing of animals in accordance with the OIE's animal welfare standards.

Some aspects of Brazilian animal protection legislation encompass the basic concept of the Five Freedoms. For example, Normative Instruction 3/2000 requires humane handling of animals during slaughter to reduce stress, to avoid excitement, discomfort, pain and suffering and Normative Instruction 4 of 04 March 2002 requires zoos to provide equipment and facilities 'that meet the needs of the animals housed' so as to ensure the 'physical and psychological well-being' of animals.

The Government has based legislation on animal experimentation upon the principles of the Three Rs in federal legislation 11794/2000.

Analysis

The Government has introduced legislation in an effort to fulfil its commitments to the OIE's guiding principles and animal welfare standards. However, the government has not adopted a comprehensive approach towards the guiding principles and all of the existing animal welfare standards. The government has prioritised issues relating to animal transport and slaughter.

[106] http://www.oie.int/infographic/StandardsAW/index.html

[107] http://www.agricultura.gov.br/assuntos/boas-praticas-e-bem-estar-animal/recomendacoes-da-organizacao-mundial-de-saude-animal

The government promotes the work of the OIE and draws attention to its animal welfare standards. For example, in its summary of the country's animal welfare legislation on its website, the Ministry of Agriculture, Livestock and Food Supply provides various links to the OIE guidelines.[108,109]

The Government has taken action, for example, with respect to humane slaughter and transport legislation and seeking to promote good welfare in beef cattle production systems. However, there is more work to do in some areas, for example, regarding national humane stray dog population control and humane rearing of animals in accordance with the OIE's animal welfare standards. The Government has invested in resources to produce good practice manuals in several areas relevant to the OIE's standards.

A lack of dedicated resources for animal protection issues other than for the prioritised issues of transport and slaughter of animals destined for international trade may be a barrier to improving animal welfare in line with the OIE's standards. Correct enforcement of the law is also an issue.

Enforcement mechanisms

There are some enforcement mechanisms regarding working with partners on animal protection, for example, with respect to requirements for the composition of ethical committees regarding animal experimentation.

Key recommendations

- The Government of Brazil is encouraged to fully implement the OIE standards and principles, in particular those regarding humane dog management population and the humane rearing of farm animals.

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

Analysis of the legislation

The UDAW has received in principle support from two government ministries. In October 2008, the Ministry of Agriculture pledged its support, followed in May 2009 by support from the Ministry of Environment.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression

[108] http://www.agricultura.gov.br/assuntos/sanidade-animal-e-vegetal/saude-animal/arquivos-endesa/05.12/bloco-bem-estar-animal/5-diretrizes-da-oie-para-o-bem-estar-animal-patricia-pozzetti.pdf/view
[109] http://www.agricultura.gov.br/assuntos/sustentabilidade/bem-estar-animal/recomendacoes-oie

of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

It is positive that two Ministers have pledged government support to UDAW. However, the support of the Ministries of Agriculture and the Environment for the UDAW does not appear to feature within their current work programmes. The content of the UDAW and its principles is not mentioned on the websites of these organisations. Upon signing the pledge for the Ministry of Environment, the Minister at that time, Carlos Minc, said that he felt compelled to support the campaign both as a concerned citizen with an interest in animal welfare and as a Minister responsible for the protection of Brazil's rich diversity of wildlife.[110] The lack of dissemination of information about the UDAW to members of the public and lack of incorporation within the work programmes of the relevant ministries show that this support is not currently effective.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- Brazil has provided government support to UDAW, through a declaration from the Ministry of Agriculture in 2008, followed by a declaration from the Ministry of Environment in 2009. Brazil should thus act as an example for other countries to pledge support in principle to UDAW.

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[110] http://www.wspa.org.uk/latestnews/2009/Ministerial_support_boosts_animal_welfare_in_Brazil.aspx