



Animal Protection Index (API) 2020

Malaysia: ranking C

Executive summary

The Animal Welfare Act (2015) is a clear and comprehensive law setting the standard for good animal welfare across Malaysia. While not formally recognising animal sentience, the Animal Welfare Act (2015) and other regulations acknowledge not only that animals are able to suffer and that their mental wellbeing is also important. The National Animal Welfare Strategy aims to make Malaysia a leader in animal welfare, not just in South East Asia but across the world. Regulations such as the Malaysian Code of Practice on the Care and Use of Animals for Scientific Research (2010) provide detailed guidance on animal care and place the responsibility of that care on individuals and organisations in ownership of the animals in question. Similarly, there are total bans on some inherently cruel activities, including animal fighting and baiting, which are to be commended.

While there have been many improvements in the animal welfare legislation for Malaysia, there are some areas that need to be addressed. Hunting, while legal with a licence, is not regulated to ensure animal welfare is a consideration for all participants. Similarly, while wild animals are only allowed to be bred and kept by licence holders, there is significant illegal wildlife trade in Malaysia, including the keeping of wild animals as pets. A further concern is an inconsistency in government-led inspections of regulated facilities. For example, scientific research facilities must be inspected every six months, but there is no such inspection schedule for zoos and other captive animal venues.

Governance of animal welfare in Malaysia is held across two government ministries – the Ministry of Agriculture and Agro-based Industry and the Ministry of Natural Resources and Environment. While the Ministry of Agriculture is responsible for all animals covered by the Animal Welfare Act (2015), the Ministry of Natural Resources and Environment holds jurisdiction over all wildlife – both wild and captive-bred. Generally, animal welfare in Malaysia is overseen by the Animal Welfare Board, which was established under the Animal Welfare Act (2015). The board membership includes representatives from multiple ministries and local authorities to ensure its mandates to produce guidelines, and to promote and educate on animal welfare, are cohesive and disseminated across the country.

Since the API was first published in 2014, Malaysia has introduced new animal welfare legislation and enforcement regulations. This process included the passing of the Animal Welfare Act (2015) and supplementary regulations. The Government of Malaysia has collaborated with the OIE through the development of the National Animal Welfare Strategy, the Animal Welfare Act (2015) and supporting regulations and codes of practice.

The Government of Malaysia is encouraged to continue to develop and improve its animal welfare legislation, building on the progress made over the past several years. The Government is encouraged to align all animal welfare under one ministry to ensure good animal welfare protections for all species. The Government of Malaysia is strongly urged to ban cruel practices, such as the culling of dogs for



population and rabies control. Further legal and policy recommendations are associated with each indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>Although there is no legislation or policy that formally recognises animals as sentient beings, the Animal Welfare Act (2015)¹ enshrines in law the Five Freedoms which recognise that animals feel pain and can suffer. The definition of ‘animal’ under the Animal Welfare Act (2015) includes ‘any living creature other than a human being and includes any beast, bird, aquatic animals, reptile or insect.’ Animals protected under the Wildlife Conservation Act (2010) are explicitly excluded.</p> <p>The Wildlife Conservation Act (2010)² covers ‘any species of wild animal or wild bird, whether totally protected or protected, vertebrate or invertebrate, live or dead, mature or immature and whether or not tamed or bred in captivity.’ Under this Act, wild animals are protected from pain and suffering (where unnecessary), fear and from inappropriate housing.</p> <p>The Malaysian Code of Practice for the Care and Use of Animals for Scientific Purposes explicitly states an animal’s quality of life is based on an assessment of their physical or psychological health including a judgment about how the animal feels. Similarly, those using animals for research are required to consider the animal’s relationship to their environment as it implies a positive mental state.</p> <p><u>Analysis</u></p> <p><i>While the Government of Malaysia has not explicitly recognised sentience in legislation, the inclusion of the Five Freedoms and recognition of the ability of all animals to feel pain and suffer both physically and psychologically is to be commended. That language considering how an animal feels and their mental state is used in regulation suggests an understanding and acceptance of animal sentience even if the term is not used explicitly.</i></p> <p><i>The Government is to be congratulated for launching a National Strategic Plan for Animal Welfare 2012 to 2020 as part of its collaboration with the OIE. One of the objectives of the plan is that ‘Malaysia as a developed nation (2020) will have a caring society that is concerned with animal welfare.’³</i></p>	
Enforcement mechanisms	

¹ <http://extwprlegs1.fao.org/docs/pdf/mal176896.pdf>

² <http://extwprlegs1.fao.org/docs/pdf/mal107883.pdf>

³ <http://www.oie.int/eng/AW2012/presentations/PTT%20Session%202/2.6.%20Jamaluddin.pdf>



Cruelty towards animals protected under the Animal Welfare Act (2015) is punishable by fine of 20-100,000 ringgit and/or imprisonment of up to three years.

Cruelty towards animals protected under the Wildlife Conservation Act (2010) is punishable by a fine of 5-50,000 ringgit and/or up to one-year imprisonment.

Key recommendations

- The Government of Malaysia is encouraged to amend both the Animal Welfare Act (2015) and Wildlife Conservation Act (2010) to explicitly recognise animals as sentient beings. At a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. A formal recognition of animal sentience will underpin further animal welfare measures.

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

Ranking	B
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The Animal Welfare Act (2015) and the Wildlife Conservation Act (2010) both include animal protection provisions, prohibiting many acts of cruelty towards animals.

The Animal Welfare Act (2015) establishes the Animal Welfare Board, whose role includes monitoring establishments, education on and promotion of animal welfare and providing animal welfare advice to ministers on any matters relating to animal welfare including the prevention of trauma, pain and suffering. The Act also creates a licence system for specific activities with animals such as transportation and slaughter, as well as a network of animal welfare officers.

Section 24 of the Animal Welfare Act (2015) enshrines the Five Freedoms in law as the duty of animal owners or holders of licenses. Section 26 of the Act specifically relates to animals used in research, testing or teaching and states that any pain or distress be reduced to the minimum.

Section 29 of the Animal Welfare Act (2015) includes 21 specific acts of cruelty that are prohibited. These include causing or allowing unnecessary pain and suffering, keeping animals chained or tethered using a short or heavy chain and animal abandonment. There are a few exceptions to the animal cruelty prohibitions, but they are limited and clearly defined. The Act goes further and specifically includes a list of animal activities covered by the legislation including performing animals, animal rescue and rehabilitation and strays.



However, the Malaysian states of Sabah and Sarawak have agreed to include only 90% of the Animal Welfare Act into their state laws.⁴ No detail as to exclusions could be found at the time of writing.

The Wildlife Conservation Act (2010) under Section 38, states that cruelty to wildlife both deliberate and through neglect includes individuals that 'beats, kicks, infuriates, terrifies, tortures or declaws any wildlife.' The Act also prohibits other activities that are cruel such as using snares or poison in hunting.

There are supplementary guidelines regarding euthanasia, however, due to lack of available translation at the time of writing, these were unable to be assessed for the Animal Protection Index.

Bestiality is banned under the Penal Code.

Analysis

Malaysia's social and cultural traditions including caring for animals. Written laws on animal care date back to the 15th Century and a law concerning cruelty to animals was first introduced in 1910.⁵

The Animal Welfare Act (2015) is detailed and widely applicable to animals in Malaysia, this should be commended. While sentence is not explicitly used, the inclusion of the phrase 'prevention of trauma, pain and suffering' suggests an understanding that animals are capable of suffering both physically and mentally. Furthermore, the establishment of the Animal Welfare Board is a positive step to ensuring Malaysia continues to improve its animal welfare. Similarly, the anti-cruelty provisions included in the Wildlife Conservation Act (2010) aims to protect individual wild animals and is not just focused on the conservation of the species. Both Acts also include enforcement mechanisms throughout adding to the clarity of both.

It is concerning, however, that the Animal Welfare Act (2015) has not been enacted across the entire country. While, some states have agreed to enact most of the Act, it would be encouraging if the remaining 10% were also enshrined in law in these areas, given the strength of the Act. Similarly, it is concerning that neither the Malaysian Association of Zoological Gardens and Aquaria, nor animal welfare organisations are represented on the Animal Welfare Board, although it is recognised that animal welfare organisations are represented on the Animal Welfare Consultation Committee which provides technical advice to the Board.

Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines range from 10-100,000 ringgit and offences could result in up to three years imprisonment.

⁴ <https://www.nst.com.my/news/nation/2017/07/258472/malaysia-announces-new-animal-welfare-law-more-bite>

⁵ <http://www.oie.int/eng/AW2012/presentations/PTT%20Session%202/2.6.%20Jamaluddin.pdf>



The Wildlife Conservation Act also includes enforcement mechanisms with offences resulting in fines of up to 100,000 ringgit and/or up to five years in prison.

Conviction of bestiality could result in a prison sentence of up to twenty years, a fine or to whipping.

Key recommendations

- The Government of Malaysia has implemented legislation prohibiting deliberate acts of cruelty, animal abandonment as well as the failure to act in the case of animal cruelty. Malaysia should act as an example for other Asian countries in terms of having detailed anti-cruelty legislations.
- The Government of Malaysia is encouraged to include the Malaysian Association of Zoological Gardens and Aquaria and animal welfare organisations on the Animal Welfare Board.

Goal 2: Presence of animal welfare legislation

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

Analysis of legislation

Ranking	F
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Rearing

The Animal Welfare Act (2015) is applicable to this category of animals. This includes cruelty offences and the Five Freedoms.

The National Animal Welfare Strategy 2012-2020⁶ aimed to introduce Codes of Practice for livestock rearing and management, transportation of animals by air, land and sea and slaughter of livestock. However, at the time of writing, these Codes of Practice could not be located, and thus were unable to be assessed for the Animal Protection Index.

Rearing - pigs

The Guidelines specifically related to the rearing of pigs were not found at the time of writing.

Rearing - broiler chickens

⁶[http://www.dvs.gov.my/dvs/resources/user_1/DVS%20pdf/Kebajikan%20Haiwan/Buku_Pelan_Strategik_English1_\(3\).pdf](http://www.dvs.gov.my/dvs/resources/user_1/DVS%20pdf/Kebajikan%20Haiwan/Buku_Pelan_Strategik_English1_(3).pdf)

The Guidelines specifically related to the rearing of broiler chickens were not found at the time of writing.

Rearing - egg-laying hens

The Guidelines specifically related to the rearing of egg-laying hens were not found at the time of writing.

Rearing - dairy cattle and calves

The Guidelines specifically related to the rearing of dairy cattle and calves were not found at the time of writing.

Transport

Under the Animal Welfare Act (2015) both owners and operators of modes of transport for all animals have a duty of care towards the animals. This care includes adequate, clean and sanitary facilities, sufficient food and water and no cruel restraints or confinement.

As stated above, the proposed Code of Practice for Animal Welfare (Transport of animals by land, water and sea) was not located at the time of writing and therefore is unable to be assessed for the Animal Protection Index.

Slaughter

Slaughterhouses in Malaysia must have a licence to operate under the Animal Welfare Act (2015) and poultry are required to be stunned before slaughter.

As stated above, the proposed Code of Practice for Animal Welfare (Slaughter of Livestock) was unable to be located at the time of writing and therefore is unable to be assessed for the Animal Protection Index.

Analysis

While the Animal Welfare Act (2015) provides general animal welfare protections to farm animals, it does not provide detail on specific protections for this category of animals in relation to their rearing, transportation and slaughter. As such, legislation on farm animals does not align to OIE animal welfare standards.

Under the National Animal Welfare Strategy 2012-2020, Codes of Practice detailing appropriate animal husbandry, transportation and slaughter were to be developed, however as they were not found at the time of writing, it is possible such codes of practice may align to OIE standards but are yet to be enshrined in law.

The practice of Halal slaughter without pre-stunning presents barriers to the improvement of animal welfare at slaughter. However, some improvements to welfare at slaughter can still be made within these restrictions.



Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines ranges from 10-100,000 ringgit (approximately US\$2,400 to US\$24,000) and offences could result in up to three years imprisonment.

Key recommendations

- The Government of Malaysia is strongly encouraged to continue with plans to develop, and enshrine in law, Codes of Practices regulating the rearing, transportation and slaughter of farm animals. The Government is further encouraged to ensure these Codes of Practice align with OIE animal welfare standards.
- Due to the significant animal welfare concerns associated with long distance transport, the Government of Malaysia is strongly urged to ban the export of live animals for long distances (i.e. over than eight hours) and replace this practice 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. Similarly, the Government is encouraged to ensure animals entering Malaysia through live import are sourced from areas within eight hours of travel.

4. There are laws that apply to animals in captivity

Analysis of the legislation

Ranking	C
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The Wildlife Conservation Act (2010) is applicable to this category of animals. The Act explicitly allows for the breeding and keeping of wildlife for the purposes of 'protection, management and sustainable use of wildlife.' Section 86 of the Act details acts of cruelty which align with the Five Freedoms and is applicable to animals in captivity.

Zoos

Section 10 of the Wildlife Conservation Act (2010) requires all zoos, commercial captive breeding facilities, circuses and other wildlife exhibitions to have a licence to operate. Furthermore, the Act also states that all facilities including zoos are required to have an emergency plan in place for natural disasters.



In 2012, the Malaysian Government supplemented the Wildlife Conservation Act (2010) with the Wildlife Conservation (Operation of Zoo) Regulations.⁷ The Regulations state that all animals be provided with not only the natural diet of the species but also is required to contain all necessary nutrients and provided in sufficient quantities. Furthermore, all zoos are required to employ at least one full time veterinary surgeon, provide a veterinary clinic and hospital on site and maintain records on all matters relating to animal management. The Regulations also provide minimum enclosure sizes based on species.

Section 12 of the Wildlife Conservation (Operation of Zoo) Regulations, state that euthanasia may only be conducted by a veterinary surgeon or under the surgeon's supervision. However, appropriate or humane methods of euthanasia are not mandated.

Wildlife shows within captive environments are further regulated under Section 13 and require written permission from the Director General in addition to the operating permit. Wildlife shows are only permitted if they are based in the natural behaviour of the species; do not involve force or abuse; and do not cause distress, pain or fear.

Malaysia also has a national association of zoos and aquariums which is a member of Southeast Asian Zoos and Aquariums Association.

In 2019, regulations relating to the care of wild animals in captivity were amended to introduce yearly auditing and inspections based on animal welfare, premise and personnel management.

Private keeping of wild animals

The Wildlife Conservation Act (2010) explicitly allows for the breeding and keeping of wildlife for the purposes of 'protection, management and sustainable use of wildlife.' This allows wildlife to be kept as pets, albeit with a permit.

Proposed amendments to the Wildlife Conservation Act (2010) would allow wild animal breeders to operate without having to obtain a business license and to allow them to sell animals throughout the year. These amendments are aimed at reducing the taking of wildlife from the wild.

However, Malaysia is a hub for the illegal wildlife trade and keeping wildlife as pets is on the increase. As of 2019, the Malaysian Government is working to amend the Wildlife Conservation Act to further protect wildlife from becoming pets.⁸

Fur farming

There are no policies or legislation specifically related to fur farming. However, there is no evidence of a fur farming market in Malaysia.

Analysis

The Wildlife Conservation Act (2010) and the supplementary Wildlife Conservation (Operation of

⁷ https://www.academia.edu/3734451/Wildlife_Conservation_Operation_of_Zoo_Regulations_2012

⁸ <https://theaseanpost.com/article/malaysias-booming-exotic-pet-trade>



Zoo) Regulations (2012) serve as a good basis for animal welfare in captive environments in Malaysia. The legislation mandates care based on the Five Freedoms and while still allowing for animal performances, the types of performances and training of animals are regulated. However, a lack of detail regarding humane euthanasia procedures is concerning. The Government of Malaysia should be applauded for increasing the regularity of audits on zoos to ensure continued improvements in animal welfare.

While the breeding and keeping of wildlife is allowed under Malaysian law, individuals and organisations are required to have a permit to do so. Malaysia is a hub for the illegal wildlife trade and several high-profile individuals have shared pictures of their exotic pets via social media, fuelling demand in the country.⁹ This suggests current protections are not nearly enough. However, it is positive to see that the Malaysian Government has acknowledged the problem and is actively looking for a solution.¹⁰

Given the prevalence of the illegal wildlife trade, it is concerning that the Government of Malaysia is looking to relax licensing laws for the breeding of captive wild animals. While the aims of such an amendment are to be commended, the relaxation of licensing may lead to increases in infringements of the Animal Welfare Act.

Furthermore, the lack of legislation around fur farming is concerning, since fur farming is inherently cruel.

Enforcement mechanisms

The cruelty offences are punishable with a fine and/or imprisonment. Those found operating a zoo, commercial captive breeding, circus or wildlife exhibition without a permit in breach of section 66 of the Wildlife Conservation Act 2010 are subject to a more substantial punishment of a fine not exceeding 70,000 ringgit and/or imprisonment of up to three years.

Contravention of the Wildlife Conservation (Operation of Zoo) Regulations (2012) could result in a fine of up to 100,000 ringgit and/or imprisonment of up to 5 years.

Key recommendations

- The Government of Malaysia is applauded for introducing mandatory inspections of zoos and other captive animal facilities to ensure that animal welfare is maintained to the highest standard. The Government is encouraged to provide human and financial resources and engage animal welfare experts to ensure inspections continue to be completed regularly.
- The Government of Malaysia is encouraged to continue with plans to amend the Wildlife Conservation Act (2010) to provide increased protections for wildlife to stop the illegal wildlife trade in Malaysia.

⁹ <https://www.asiaone.com/malaysia/growing-trend-exotic-pets-among-malaysian-influencers>

¹⁰ <https://theaseanpost.com/article/malysias-booming-exotic-pet-trade>



- **The** Government of Malaysia is urged to develop 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.
- The Government of Malaysia is encouraged to fully ban fur farming. 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	B
<p><u>Care of companion animals</u></p> <p>The Animal Welfare Act (2015) applies to this category of animals. Under this Act, facilities including boarding, breeding, rescue and rehabilitation and animal shelters are regulated.</p> <p>While there are no policies or laws relating specifically to companion animal care, companion animals are comprehensively protected by the Animal Welfare Act (2015). The Act enshrines the Five Freedoms in law but also includes prohibitions for acts of cruelty which most often affect companion animals. This includes total bans on tail docking, declawing, animal abandonment and animal fighting.</p> <p>The Government has been proactive in running public awareness campaigns on responsible pet ownership including fifty in 2019 alone. The Government of Malaysia should be praised for such campaigns.</p> <p><u>Stray animals</u></p> <p>Under the Animal Welfare Act (2015) it is illegal to abandon ‘any animal in circumstances which the animal is likely to suffer trauma, pain or suffering by reason of relocation, starvation, thirst, injury or illness.’ This comprehensive ban is equal to a total ban on abandonment other than through official surrender of an animal to an appropriate sanctuary or shelter.</p> <p>There is some delegated authority in Malaysia and in the state of Sarawak, under the Local Authorities (Dog Licensing and Control) Bylaws 2018¹¹, free-roaming dogs can be seized and held by local authorities. If unclaimed after 48 hours, the dog shall be euthanised.</p> <p>Rabies occurs in Malaysia and, as such, there is mandatory dog licencing and vaccinations in the ‘immune-belt area’ to ensure the disease does not spread to the rest of the country.¹² Rabies vaccinations have since been made mandatory across the country.</p>	

¹¹ <https://www.pressreader.com/malaysia/the-borneo-post-sabah/20181023/281805694911093>

¹² <https://rabiesalliance.org/resource/lessons-learned-malaysia>



The Government is currently developing new Animal Welfare (Licensing) Regulations including for animal rescue and rehabilitation, for activities relating to animal pounds and shelters and for stray animal control.

Analysis

While the Animal Welfare Act (2015) provides comprehensive protections for companion animals and the prevention of stray animals, supplementary legislation reduces those protections. Reports suggest both stray and licenced dogs are at risk of culling as the Malaysian Government mandates culling as a population control measure. Indeed, there are been reports of mass dog culling in response to recent rabies outbreaks, where both stray and licenced (owned and vaccinated) dogs have been killed.¹³

Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines ranges from 10-100,000 ringgit and offences could result in up to three years imprisonment.

Key recommendations

- The Government is encouraged to continue its promotion of responsible pet ownership, including the adoption of companion animals.
- The Government is strongly urged to ban culling. Culling has been scientifically proven to be ineffective in population and rabies control.
- The Government of Malaysia is strongly encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action addressing root causes of conflict between roaming dogs and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.
- The Government of Malaysia is strongly encouraged to set out clear animal welfare criteria, which animal breeders must fulfil prior to being granted the authorisation to commercially breed and trade companion animals. Furthermore, the Government of Malaysia is encouraged to provide financial and human resources for regular inspections of facilities breeding and caring for companion animals including pet shops.

¹³ https://www.vice.com/en_in/article/43jyk3/malaysian-authorities-massacre-dogs-amid-public-outcry



- The Government of Malaysia is encouraged to continue with plans to introduce new animal welfare regulations to continue to improve the lives of companion and stray animals.
- The Government of Malaysia is urged to include animal welfare organisations on the Animal Welfare Board to ensure animal welfare is the highest priority in new regulations and legislation.

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

Analysis of the legislation	
Ranking	C
<p>Both the Animal Welfare Act (2015) and the Wildlife Conservation Act (2010) are applicable to this category of animals.</p> <p><u>Animals used for entertainment</u></p> <p>The Wildlife Conservation Act (2010) regulates wild animals in captivity including in circuses and other such animal entertainment venues. All such activities are required to hold a permit to operate. Wildlife shows within captive environments are regulated under Section 13 and require written permission from the Director General in addition to the operating permit. Wildlife shows are only permitted if they are based in the natural behaviour of the species; do not involve force or abuse; and do not cause distress, pain or fear. The Wildlife Conservation (Exhibition) Regulations (2013) and the Guidelines for Handling Wildlife Exhibits (2017) prohibits wildlife performances for some animals.</p> <p>The Wildlife Conservation (Operation of Zoo) Regulations (2012) that permits wildlife shows within captive environments. These wildlife shows are further regulated under Section 13 and require written permission from the Director General in addition to the operating permit. Wildlife shows are only permitted if they are based in the natural behaviour of the species; do not involve force or abuse; and do not cause distress, pain or fear.</p> <p>Activities such as animal riding are regulated under the Animal Welfare Act (2015). Animal fighting and baiting, rodeos, some forms of shooting and any sport or activity where animals are subject to cruelty either during the sport or activity itself or in training are completely banned.</p> <p>There is supporting legislation regarding equines in competition,¹⁴ however, a translation could not be found at the time of writing.</p> <p><u>Draught animals</u></p>	

¹⁴ www.dvs.gov.my/index.php/pages/view/1408?mid=38



The Animal Welfare Act (2015) prohibits allowing any animal to be used for draught purposes that 'results in disease, infirmity, wound, sore or otherwise made unfit for work.' However, further regulations including mandatory haul limits and working conditions could not be found at the time of writing.

Analysis

Both the Animal Welfare Act (2015) and Wildlife Conservation Act (2010) provide comprehensive anti-cruelty protections for animals in entertainment. However, the Animal Welfare Act (2015) explicitly excludes wild animals from its remit but regulates performing animals. This lack of cohesion across the two main animal welfare laws can create confusion for both enforcement and individuals/organisations who care for such animals.

The Government of Malaysia is commended for its complete ban on animal fights and baiting.

The protections for draught animals are limited. While the Animal Welfare Act (2015) prohibits work that results in suffering for draught animal, the direction is vague. There are no supplementary regulations to provide clarification for enforcement and animal owners.

Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines ranges from 10-100,000 ringgit and offences could result in up to three years imprisonment.

The Wildlife Conservation Act also includes enforcement mechanisms with offences resulting in fines of up to 100,000 ringgit and/or up to five years in prison.

Key recommendations

- The Government of Malaysia is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, animal races, rides on animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- The Government of Malaysia is encouraged to amend the Animal Welfare Act (2015) and the Wildlife Conservation Act (2010) to ensure alignment to safeguard protections for wild animals in entertainment and remove confusion.
- The Government of Malaysia is strongly encouraged to adopt specific regulations to address **the welfare of working animals, aligned with the OIE's animal welfare standards**, where possible. Regulations should also address animals such as working dogs.



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

Analysis of the legislation	
Ranking	C
<p>Animals in scientific research are protected under the Animal Welfare Act (2015). The Act mandates that all animals in research, testing and teaching have their physical, health and behavioural needs taken care of. Similarly, it also states that animals shall receive, 'where practical, treatment that alleviates any unreasonable or unnecessary pain or distress when animal are ill or injured' and that pain and distress is reduced to the minimum possible.</p> <p>Animals in scientific research are further regulated through the Malaysian Code of Practice for the Care and Use of Animals for Scientific Purposes (2010).¹⁵ This Code of Practice was adapted from the Australian Code of Practice for the care and use of animals for scientific purposes.¹⁶ The Malaysian Code of Practice (2010) states its purpose as ensuring 'the ethical and humane care and use of animals'. The Code of Practice also states that it is the responsibility of researchers and institutions to ensure the welfare of animals is always considered, to promote the development and use of techniques that replace the use of animals, to minimize the number of animals used and to refine methods and procedures to avoid pain or distress in animals. Institutional Animal Care and Use Committees are required under the Code of Practice to adhere to the Three Rs principles - Replacement, Reduction and Refinement. The Three Rs principles are clearly defined within the Code of Practice and promote needs consideration on a species-by-species basis.</p> <p>Under the Malaysian Code of Practice (2010), an animal's mental state, their physical and psychological health and how the animal feels are all required to be considered. Similarly, the code of practice provides clear definitions for animal welfare, animal wellbeing and distress.</p> <p>Institutional Animal Care and Use Committees are held responsible to some degree for the animals under their institutions care. They are required to approve guidelines for the care of animals that are used and to monitor the acquisition, transportation, production, housing, care, use and fate of animals. Part of their responsibility includes physical inspections of animal care facilities every 6 months, including satellite facilities.</p> <p>The Malaysian Code of Practice (2010) is clear in respect to animal welfare during experiments. Anaesthesia and analgesia are mandatory for almost all procedures, and Section 3.4.4 lists potential behaviour and physiological changes that may indicate pain or distress in animals. Furthermore, for experiments regarding animal behaviour modification severe deprivation of food, water, social interaction, and sensory stimuli are banned. When an animal is required to be euthanised, it must be done using humane methods, avoiding pain and distress, being reliable and producing rapid loss of consciousness.</p>	

¹⁵ <https://fist.ump.edu.my/images/IACUC%20UMP/Code%20of%20Practice.%20-%20Proposed%20for%20Malaysia.pdf>

¹⁶ <https://www.nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes>



The Malaysian Code of Practice (2010) sets out clear standards for care, housing, environmental enrichment and food and water for all animals used in scientific research. This includes spatial requirements for many species used in research.

Finally, the Malaysian Code of Practice (2010) also separately details requirements for wild animal species, including both 'free-living' and wild captured. The Code of Practice is applicable to observational studies in the wild as well as laboratory-based research. Studies on wildlife require additional permissions from the Department of Wildlife, Ministry of Natural Resources and Environment and the Institutional Animal Care and Use Committee. It is mandated that animals should not be taken from the wild unless animals bred in captivity are unavailable or unsuitable. Capture methods should minimise distress, and the animal's wellbeing must be protected; this includes limiting how long animals remain in traps, protection from the elements, and consideration of impact on social structures or dependent young. There are extra considerations stated for non-human primates, including the importance of social interaction.

There is no ban on testing cosmetics and its ingredients on animals in Malaysia.

Analysis

The Animal Welfare Act (2015) is explicit in its application to animals in scientific research. This mandates the application of the Five Freedoms and prohibits various acts of cruelty.

The Malaysian Code of Practice on the Care and Use of Animals for Scientific Purposes (2012) is clear, detailed and extensive. It provides guidance on various animal care and husbandry issues and is definitive in its recognition of the importance of an animal's physical, psychological and social needs. It is positive that this Code of Practice includes the Three Rs principles - Replacement, Reduction, Refinement.

However, there are several concerns, namely that testing of cosmetics and its ingredients is permitted, as is the capture of animals from the wild for scientific research.

Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines range from 10-100,000 ringgit and offences could result in up to three years imprisonment.

However, the Malaysian Code of Practice for the Care and Use of Animals for Scientific Purposes (2010) does not contain any enforcement mechanism.

Key recommendations

- The Government of Malaysia is strongly urged to ban the testing of cosmetic products and their ingredients on animals.



- The Government is urged to ban taking animals from the wild for the purpose of scientific research.
- The Government of Malaysia is encouraged to mandate the rehoming of animals used in research, testing or teaching.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	D
<p>The Wildlife Conservation Act (2010) is relevant to this category of animals, although from a welfare point of view, there are some contradictions in this legislation. Hunting is permitted under licence, although there are some welfare-related restrictions, such as a prohibition on the use of snares and use of poison (section 29). Section 86 prohibits cruelty to wildlife, but the use of birdlime (adhesive) is permitted, with approval from the Director for Wildlife and National Parks, when birds are damaging crops (section 53).</p> <p>The Wildlife Conservation Act (2010) authorises wildlife officers to enforce the Act, and gives them powers including confiscation, search and seizure, and inspection (Part 8 of the Act).</p> <p>Several species including Javan and Sumatran Rhino, Tigers and Clouded Leopards are not allowed to be hunted under any circumstances.</p> <p>While the definition of 'animal' under the Animal Welfare Act (2015) includes 'any living creature other than a human being and includes any beast, bird, aquatic animals, reptile or insect,' but this does not include wildlife due to protections under the Wildlife Conservation Act (2010).</p> <p><u>Analysis</u></p> <p><i>There is some level of protection for Malaysian wildlife, however there is room for improvement. Most protection is for entire species of animals from a conservation point of view rather than considering the welfare of individual animals. The prohibition on the use of snares is a positive step in avoiding cruel hunting practices. An improvement in minimum standards of welfare for all wild animals targeted by man could help to promote the protection of wild animals to become a mainstream concern of society. The requirement of obtaining a permit for entry to, and the prohibition on activities within, wildlife reserves (sections 48 and 49 of the Wildlife Conservation Act 2010) may assist in creating mainstream community concern for the preservation of wildlife within these sanctuaries.</i></p> <p><i>The Government appears willing to provide both human and financial resources to improving welfare in this field, particularly for animals that are endangered and protected, but further clarity is needed to understand the legal status of other animals in this category. There appears to be cross-over between</i></p>	



the Animal Welfare Act (2015) and the Wildlife Conservation Act (2010), and thus it is unclear which animals fall under which jurisdiction.

Enforcement mechanisms

Section 89 of the Wildlife Conservation Act 2010 states that offences under the Act will be deemed a sizeable offence (capable of arrest without warrant) for the purposes of the Criminal Procedure Code. The Director General may authorise any officer to exercise the powers of enforcement under this Act (section 90).

The Wildlife Conservation Act also includes enforcement mechanisms with offences resulting in fines of up to 100,000 ringgit and/or up to five years in prison.

Key recommendations

- The Government of Malaysia is encouraged to ban any form of hunting that does not directly support subsistence i.e. **for feeding oneself and one’s family and not for commercial gain.** Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to prohibit the cruellest hunting methods.
- The Government is encouraged to collaborate with animal welfare organisations in order to **define and implement humane alternatives to the eradication of animals considered as ‘pests.’**
- The Government of Malaysia is encouraged, at a minimum, to implement a revised hunting permit licence, which would be delivered after successful completion of a test by which applicants would be required to show their knowledge of hunting methods where animal **suffering can be minimised. Hunters’ knowledge of species should also be assessed,** so that their activities do not undermine conservation efforts.

Goal 3: Establishment of supportive government bodies

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	B
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Responsibility for animal welfare falls between the Ministry of Agriculture & Agro-based Industry and the Ministry of Natural Resource and Environment.

The Animal Welfare Act (2015) established the Animal Welfare Board whose role includes monitoring establishments, education on and promotion of animal welfare and providing animal welfare advice to ministers on any matters relating to animal welfare including the prevention of trauma, pain and suffering. The Act also establishes a licence system for specific activities with animals such as transportation and slaughter, as well as a network of animal welfare officers. While the Animal Welfare Board is made up of representatives from a number of government ministries and departments, there is a lack of animal welfare expertise included.

Since 2012, the Government of Malaysia has been working under the guise of the National Animal Welfare Strategy 2012-2020. Since 2014 and the last iteration of the Animal Protection Index, the Government has produced, as outlined in the Animal Welfare Strategy, many of its proposed objectives. From 2018-2020, the strategy has entered the consolidation phase which involves many reviews and improvements to recently introduced and implemented legislation and regulations. At the time of writing, the review process was underway and thus conclusions and future improvements were unable to be assessed for the Animal Protection Index.

Analysis

Both the Animal Welfare Act (2015) and Wildlife Conservation Act (2010) as well as supplementary legislation firmly places responsibility for enforcement of animal welfare law and promotion of good animal welfare more generally on the Government. While there is duty of care for individual animals placed on owners and licence holders; the education, training and adherence to the law of animal owners and licence holders is down to the Government at national, state and local levels. The Animal Welfare Board is named as responsible for the administration, enforcement and implementation of the Animal Welfare Act (2015).

However, given the split jurisdiction for animal protections between two government ministries, there is the possibility for confusion or for groups of animals to not be provided sufficient animal welfare provisions. For example, while the Animal Welfare Act (2015) provides regulations for animals in performances, wildlife are not protected under this Act. Given that wildlife often suffer horrendously through being forced to 'perform', it is difficult to assign responsibility for their welfare to one or other government ministries.

The Government of Malaysia should be commended for its commitment to improving animal welfare. While there are improvements to be made, the financial and human resources set in place by the National Animal Welfare Strategy 2012-2020 as well as the introduction of new legislation across several industries for improvement shows a strong political will for good animal welfare across the country.

Enforcement mechanisms

The Animal Welfare Board is responsible for ensuring the enforcement of animal welfare legislation and there is a delegated authority to appropriate ministries at state level.



Key recommendations

- The Government of Malaysia is encouraged to align all animal welfare legislation and supplementary regulations under one government ministry to ensure all animals are protected in a unified manner.
- The Government of Malaysia is strongly encouraged to continue on the path set out by the National Animal Welfare Strategy through 2020 and beyond. **The Government’s commitment** to animal welfare is to be commended and held up as an example to other countries.

Goal 4: Support 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
<p>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.¹⁷</p> <p>Some of the OIE’s animal welfare standards appear to have been adopted in Malaysian legislation, for example the inclusion of the Five Freedoms in the Animal Welfare Act (2015). Those responsible for animals are required to fulfil the needs of the animal for a suitable environment and diet, to be able to exhibit normal behaviour patterns, to be housed with or apart from other animals and to be protected from pain, suffering, injury and disease (section 24).</p> <p>The regulations regarding dog population management, specifically dog culling, are not necessarily aligned with OIE standards on animal welfare. While the OIE accepts that euthanasia of strays may be required, it is a last resort for animals that cannot be rehomed. Adoption and rehoming should be prioritised according to OIE standards.</p> <p>Unfortunately, due to lack of available translation, many supplementary regulations, for example in relation to transport and slaughter, have been unable to be assessed for their alignment with OIE animal welfare standards.</p> <p>The Malaysian Department of Veterinary Services commented in a presentation available on the OIE’s website that, with respect to the OIE standards, most air animal transports are in compliance with OIE</p>	

¹⁷ <http://www.oie.int/infographic/StandardsAW/index.html>



standards and that animal welfare standards during transport by land have improved tremendously over the years.¹⁸

The Government has a good level of engagement with the OIE regionally. Under RAWWS (the OIE's Regional Animal Welfare Strategy, which involves countries from Asia, the Far East and Oceania), Malaysia has launched a National Animal Welfare Strategic Plan for 2012 to 2020, including expenditure of up to 80 million ringgit in order to improve welfare.¹⁹

Analysis

While the Malaysian Government has made strides to align animal welfare legislation and regulations with OIE animal welfare standards, this has not been consistent. Many regulations introduced before the Animal Welfare Act (2015) and the National Animal Welfare Strategy are yet to be aligned with OIE standards and the Government's ambitions for animal welfare in Malaysia.

Enforcement mechanisms

The Animal Welfare Act (2015) includes multiple enforcement mechanisms, depending on offence committed. Anyone found guilty of committing an offence under the Animal Welfare Act may be barred from holding a licence for animal activities for up to five years or may be barred from owning or keeping animals. Fines range from 10-100,000 ringgit and offences could result in up to three years imprisonment.

Key recommendations

- At present, OIE standards are only **partially implemented in Malaysia's legislation**. In particular, standards for farm animals and stray animals are not fully aligned to OIE animal welfare standards. Therefore, the Government of Malaysia is strongly encouraged to enact **mandatory guidelines for these species, in accordance with the OIE's animal welfare standards and guidelines**.

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

Analysis of the legislation

The King of Malaysia and the Malaysian Ministry for Agriculture pledged support in principle for the Universal Declaration on Animal Welfare in September 2008.

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

¹⁸ <http://www.oie.int/eng/AW2012/presentations/PTT%20Session%202/2.6.%20Jamaluddin.pdf>

¹⁹ <http://www.australiananimalwelfare.com.au/content/international-context>



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

Analysis

Malaysia's support of the UDAW is reflected in the Animal Welfare Act (2015), as this incorporates principles from the UDAW. This support means that the government can use the document to guide future decision-making processes regarding animal welfare in Malaysia. While animal sentience has not yet been recognised formally in legislation, the principles of the Five Freedoms are recognised throughout current legislation.

The UDAW requires that all appropriate steps shall be taken by states to prevent cruelty to animals and prevent their suffering (at point 3). The dramatic increase in severity for penalties for animal cruelty from the Animals Act (1953) to the Animal Welfare Act (2015) shows that the government is seeking to provide a stronger incentive to protect animals through enforcement and penalties for non-compliance.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- Malaysia has provided full government support to UDAW, through a declaration from the King of Malaysia and the Ministry of Agriculture. Malaysia should act as an example for other countries to pledge support in principle to UDAW.

Last edited: 28 February 2019

Publication: March 2020