



Animal Protection Index (API) 2020

Republic of Peru: ranking D

Executive summary

Since the API was first published in 2014, Peru has improved with regards to animal welfare, since a new Animal Protection and Welfare Law 30407 has been enacted in 2016. This new legislation is applicable to all domestic and wild animals in captivity. Importantly, Law 30407 recognises all vertebrates as sentient beings. Peru is regarded as progressive in certain areas of animal welfare, for instance through its national ban on the use of wild animals in circuses, as well as numerous prohibitions on mistreating animals. The use of animals for scientific research is also regulated by regional and a National Ethics Committee for Animal Welfare.

However, there is room for improvement in many domains related to animal welfare. Former legislation related to animal protection, Law 27265, provided more precise animal welfare provisions with regards to the transport and slaughter of farm animals, which have not been transposed in Law 20407. Moreover, inhumane practices such as bullfighting, cockfighting and other activities deemed culturally important are exempt from anti-cruelty provisions. Stray animals, working animals and wild animals also lack protection in Peru, especially since cruel hunting methods, such as falconry, are still authorised.

The Ministry of Agriculture and Irrigation, acting as the governing body for Law 30407, is expected to coordinate with other relevant Ministries to enact complementary regulations to Law 30407. However, no evidence of such supplementary measures was found, which limits the ability to monitor progress on animal welfare in the country.

The Government of Peru is encouraged to define animals as sentient beings in its Civil Code, following the phrasing of Law 30407. With regards to farm animals, the Government of Peru is urged to mandate humane slaughter, which notably requires unconsciousness prior to slaughter, for all animals. Law 30407 authorises the keeping of wild animals as companion animals: instead, the Government of Peru is encouraged to adopt a positive list of species, indicating which animals can be kept as companion animals, based on clear criteria including animal welfare. The Government of Peru is also urged to remove the exemptions of animal cruelty for activities deemed of cultural importance, such as bullfighting and cockfighting. The Government is highly encouraged to develop detailed legal provisions to implement welfare standards for animals used in testing, which would therefore bring Peru closer to international standards. It is recommended that the scope of application of Law 30407 is extended to include all wild animals. 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 prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	B
<p>Since the API was first published in 2014, a new Animal Protection and Welfare Law 30407¹ (norma 30407/ ley de protección y bienestar animal) entered into force on 8 January 2016 and repealed the former Law 27265 for the Protection of Domestic Animals and Wild Animals Kept in Captivity.²</p> <p>Article 1 outlines that ‘the state establishes the necessary conditions to provide protection to domestic or wild vertebrate animal species and to recognise them as sentient animals, which deserve to enjoy good treatment by human beings and live in harmony with their environment’. Article 14 is even more explicit since it recognises that ‘all species of domestic and wild vertebrate animals kept in captivity’ are ‘sentient beings’. Therefore, this article recognises that all vertebrates, to whom this law applies, are sentient.</p> <p>The remaining of Law 30407 sets guidelines for the protection of vertebrate domestic and wild animals kept in captivity from abuse and cruelty, whether those acts were caused directly or indirectly by humans. Bullfighting, cockfighting, and other activities declared of cultural importance are considered exceptions to the duty of animal protection. Similarly, animal experimentation and research done in compliance with the law are exempt from the duty of animal protection.</p> <p>However, under Peru’s Civil Code, animals have the status of ‘acquirable assets’, for instance in Article 930 stating that hunted animals and fish are ‘acquired’ by those who catch them.³ Animal owners and keepers are responsible for the damages that animals may cause unless it is proven that a third party was at fault.</p> <p><u>Analysis</u></p> <p><i>It is positive that, since this Index was first published, the main piece of legislation dedicated to animal protection, Law 30407, acknowledges animals as sentient in Articles 1 and 14. References are made throughout the legislation that animals should be protected from ‘unnecessary suffering’. However, there is a discrepancy between the provisions of Law 30407 and the Peruvian Civil Code, which treats animals as acquirable assets. This implies that animals are mere goods, to be possessed and used by humans like any other inanimate objects. The fact that the Civil Code considers animals as acquirable assets presents a structural barrier to fully recognise sentience. In fact, by being defined as assets, animals are subject to the regime of goods.</i></p>	

¹ <https://busquedas.elperuano.pe/normaslegales/ley-de-proteccion-y-bienestar-animalLey-n-30407-1331474-1/>

² <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC020621>

³ <https://landwise.resourceequity.org/record/464>



Enforcement mechanisms

There are enforcement mechanisms for breach of the provisions of Law 30407 of 2016 that arise out of the recognition of animal sentience. Notably, for the offence of directly or indirectly causing unnecessary suffering to animals, Law 30407 establishes punishment of a fine, suspension of permits, closure of facilities and/or confiscation of equipment and animals.

Key recommendations

- Peru has enshrined animal sentience into law, since the Animal Protection and Welfare Law 30407, adopted in 2016, explicitly recognises all vertebrates as sentient in Articles 1 and 14. This progressive and crucially important step towards improving animal welfare should be acclaimed. However, Peru’s Civil Code still defines animals as ‘acquirable assets’, subject to the regime of property. Therefore, the Government of Peru is encouraged to amend the Civil Code to define animals as sentient beings, in accordance with Law 30407.

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
---------	---

The Animal Protection and Welfare Law 30407 repealed the former animal protection Law repealed the former Law 27265 for the Protection of Domestic Animals and Wild Animals Kept in Captivity. Article 2 of Law 30407 establishes that the purpose of the legislation is ‘to guarantee the welfare and protection of all species of domestic or wild vertebrate animals kept in captivity’. Articles 1 and 14 underpin the many protection provisions of the law, since both articles recognise animals as sentient who can feel pain.

Article 3 further states that the law intends to ‘prevent mistreatment, cruelty, directly or indirectly caused by human beings, which causes unnecessary suffering, injury or death, as well as promoting respect for the life and welfare of animals through education. in addition, to ensure their well-being to prevent accidents to their populations and those diseases transmissible to humans’.

Article 5.1 creates a duty of care onto ‘everyone’ since it states that ‘everyone has the duty to seek the protection and welfare of animals, whatever their species, avoiding causing harm, unnecessary suffering, physical abuse that alters their normal behaviour, injury or death’. Article 5.3 lists the duty that the owner or manager of a companion animal has to fulfil, namely to provide an adequate environment; provide sufficient food adequate to the requirements of each species; protects the animal from pain, suffering, anxiety, wounds and diseases; provide specialised medical veterinary care and vaccination.

Article 5.4 specifies that ‘wild animals that are kept in captivity as pet, within an address, restaurant or



in breeding centres, are subject to the specific norm of the competent sector’.

Chapter V of Law 30407 specifies that the owners and managers of various species of animals are required to abide by different regulations, established by respective Ministries. For instance, owners and managers of:

- farm animals have to abide by protection measures established by the Ministries of Agriculture and Irrigation, Environment and Production (article 16)
- wild animals in captivity abide by protection measures established by the governing body, here the Ministry of Agriculture and Irrigation
- aquatic vertebrates in captivity abide by protection measures established by the Ministries of Production and Environment.

Chapter VI outlines activities prohibited on animal welfare grounds. Namely, the abandonment of animals on public roads, the use of animals in public or private entertainment shows, the possession, hunting, capture, breeding, purchase and sale for human consumption of animal species not defined as farm animals, and the fight of both domestic and wild animals (Article 22). However, the ‘supplementary provisions of the law outline that bullfighting, cockfighting and ‘other spectacles declared of cultural character by the competent authority’ are exempt from the provisions of Law 30407. There are also prohibitions on attacking farm animals (Article 23), wild animals (Article 24), aquatic vertebrates (Article 26) and companion animals (Article 27). Article 25 prohibits experiments on live animals which may cause unnecessary suffering, injury or death, unless such study is considered essential for the advancement of science.

Anyone is authorised the denounce infractions under this law; local governments, the public ministry and the national police are in charge of verifying the application of this law (article 6). Article 9 outlines that the Ministry of Agriculture and Irrigation (MINAGRI), the governing body of Law 30407, is entrusted with creating regulations complementary to the protection and welfare of farm animals, wild animals in captivity, animals used in experimentation, research, teaching, conservation and commercialisation. It will define such regulations jointly with the Ministry of the Environment regarding wildlife. Article 11 mandates the creation of regional animal welfare and protection committees.

Article 450-4 of the Criminal Code⁴ prohibits committing acts of cruelty to animals, mistreating animals or subjecting animals to manifestly excessive work. The Criminal Code does not define ‘animal’ but this provision 206-A was inserted by Law 30407, therefore suggesting that the scope of protection in that law (under Article 2) applies also to the Criminal Code. This would mean that wild animals, unless captive, are not covered by Article 450A of the Criminal Code.

The Forestry and Wildlife Law 29763⁵ which contains provisions relating to conservation, does not prohibit causing suffering to wild animals.

Analysis

There is acknowledgement of the issue of animal welfare in the country. The existing legislation and

⁴ https://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_75.pdf

⁵ <https://forestlegality.org/risk-tool/country/peru>



provisions include a duty of care by which people owning or taking care of an animal must provide minimum requirements of food and care (Article 3 of Law 27265).

Since this Index was first published, the Animal Protection and Welfare Law 30407 contributed to raise the profile of animal welfare. It is positive that the law creates a duty of care onto 'everyone', not only animal owners, to promote the welfare of animals. Article 5.3 lists in further details what the owners or managers of a companion animal have to fulfil – however, the term 'companion' is not defined. Such duties refer to the Five Freedoms and it is positive that they refer to the mental well-being of animals, since the owner or manager has to prevent the animal from suffering from 'anxiety'. It is positive that Chapter VI of Law 30407 contains prohibition of cruelty acts specific to various species.

However, Law 30407 is disappointing with regards to the treatment of wild animals. Firstly, the scope of application of this law only extends to wild animals in captivity; wild animals living in their natural environment are thus excluded from this law. Furthermore, Article 5.4 accepts the premise that wild animals can be kept as pets. These animals are subject to 'the specific norm of the competent sector', however this provision is vague and does not define what such norms are. Therefore, it appears that wild animals used as pets are left without applicable anti-cruelty legislation.

Furthermore, Law 30407 exempts bullfighting, cockfighting and any other spectacles considered culturally important from the anti-cruelty provision of the law. This represents an important loophole in protecting all animals against abuse, especially as many activities can be classified as culturally important.

Enforcement mechanisms

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing Article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. namely, this article states that anyone who commits acts of cruelty against a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years.

Key recommendations

- **Since the API was first published, the new Animal Protection and Welfare Law 30407, enacted in 2016, recognises animals as sentient and establishes a general duty of care onto everyone to seek the welfare of animals. Animal owners and managers are entrusted with fulfilling the Five Freedoms of their animals, as well as respecting more detailed regulations, enacted by the relevant Ministry.**

- However, Law 30407 only applies to domestic and wild vertebrates in captivity but does not extend its anti-cruelty provision to wild animals in their natural environment. Therefore, the Government of Peru is encouraged to amend the scope of the legislation to include all wild animals.
- Furthermore, inhumane activities such as bullfighting, cockfighting and other activities deemed of cultural importance are exempted from the anti-cruelty provision of Law 30407. As such, the Government of Peru is urged to repeal this exemption. Seeing the cruelty associated with such activities, the Government of Peru is strongly encouraged to enact a ban on the organisation and participation in bullfighting, cockfighting and any other spectacles that would be deemed culturally important but would involve the fight and potential death of animals.
- Law 30407 constitutes primary legislation for the protection of animals in Peru and is intended to be complemented with secondary legislations provided by the relevant Ministries. However, no evidence of such supplementary measures – be it legally-binding requirements or guidelines – have been found. As such, the relevant Ministries are urged to enact further detailed measures establishing welfare standards for various categories of animals addressed in this law.

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	G
<p><u>Rearing</u></p> <p>The anti-cruelty provision of Article 450A of the Criminal Code, Article 5 of Law 30407 apply to this category of animals.</p> <p>Article 5.1 of Law 30407, requiring that everyone has the duty to seek the protection and welfare of animals, through avoiding unnecessary suffering, physical abuse that alters their normal behaviours, or cause injury or death applies to farm animals.</p> <p>Article 7 creates a duty on the state, through the ‘competent sector’, to establish the ‘necessary measures’ to ensure the ‘adequate and responsible treatment of farm animals. The Ministry of Agriculture and Irrigation is in charge of enacting complementary regulations for the protection and welfare of farm animals. However, no evidence of such complementary regulation has been found.</p> <p><u>Rearing – pigs</u></p>	

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 the rearing of dairy cattle.

Transport

Article 23 of Law 30407 forbids unhealthy condition of transport for farm animals.

Slaughter

Article 16 of Law 30407 stipulates that carriers, owners and farm managers must comply with the protection measures established by the Ministries of Agriculture and Irrigation, and Environment and Production. These measures are based on 'good practices related to the breeding, transport, slaughter and individual management of farm animals.' Article 16 adds that the slaughter of animals must cause instant death or immediate animal consciousness.

Article 23 of Law 30407 is also dedicated to farm animals. It prohibits the slaughter of animals on public roads, markets and fairs.

Analysis

Former Law 27265 for the Protection of Domestic Animals and Wild Animals Kept in Captivity had numerous provisions which addressed specific animal welfare issues with regards to transport and slaughter of animals. Current Law 30407 repealed Law 27265 in 2016. However, such provisions detailing standards for humane transport and slaughter conditions are no longer included in Law 30407. This represents a step backward for animal welfare. As a result, Law 30407 only provides broad and superficial protection to farm animals.

There is a form of humane slaughter requirement in Article 16, by referring to 'instant death'. However, it is not explicitly stated that animals must be stunned before being slaughtered.

The Ministry of Agriculture and Irrigation, in partnership with the Ministry of the Environment and Production, is in charge of developing supplementary measures with regards to the protection of farm animals. However, no evidence of such measure has been found. Therefore, there is no provision relating to the conditions of rearing and transport of farmed animals.

It is recommended that acknowledgement and implementation of the principles of all Five Freedoms (some of which are covered in the present law) is undertaken in order to bring Peru up to international



standards. It would also be beneficial for the Government to develop standards relating to different species of farmed animals and the specific welfare challenges faced by each species.

Enforcement mechanisms

Breach of Article 450A of the Criminal Code is punishable with a fine and the possibility of a ban on keeping animals.

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. namely, this article states that anyone who commits acts of cruelty against a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years, with 180 day fine. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years, with 150 to 360-days fine.

Key recommendations

- Since this Index was first published, the Animal Protection and Welfare Law 30407 has repealed former Law 27265, however, Law 30407 now contains less welfare provisions with regards to the rearing, transport and slaughter of farm animals. Law 30407 protects farm animals against cruel acts but does not provide precise welfare requirements according to the species of animals. The Ministry of Agriculture and Irrigation, in partnership with the Ministry for the Environment and of Production, are responsible for enacting complementary regulations with regards to the treatment of farm animals. Since no evidence of such regulations has yet been found, the Government of Peru is encouraged to enact legally binding requirements, or at the very least guidelines, which would promote the Five Freedoms of farm animals during the phases of rearing, transport and slaughter. It would also be beneficial for the Government to develop standards relating to different species of farm animals and the specific welfare challenges faced by each species.

- With regards to slaughter, Law 30407 mandates immediate death or unconsciousness, however, there is no requirement for the animal to be stunned prior to the slaughter. The Government of Peru is therefore 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.⁶ Humane halal slaughter

⁶ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

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.

- The Ministry of Agriculture and irrigation is strongly encouraged to allocate consistent human and financial resources to inspecting farms and slaughterhouse facilities, in order to detect and remedy animal abuse. The result of such inspections should be made available to the public.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E
<p>The relatively new Animal Protection and Welfare Law 30407 applies to this category of animals, since Article 2 defines the scope of application of the legislation to 'all species of domestic or wild vertebrates in captivity'.</p> <p>Article 5.1 of Law 30407, requiring that everyone has the duty to seek the protection and welfare of animals, through avoiding unnecessary suffering, physical abuse that alters their normal behaviours, or cause injury or death applies to this category of animals, since it is applicable to all species.</p> <p>Article 5.3 lists in further details the duties that animal owners and managers have towards their companion animals, namely, to provide them with:</p> <ol style="list-style-type: none"> 1. An environment appropriate to their natural habitats and minimal sanitary conditions that allow them to express the natural behaviours of their species. 2. Sufficient food that is adequate to the biological requirements of each species; 3. Protection from pain, suffering, anxiety, wounds and diseases; 4. Specialised medical-veterinary care and vaccination, if necessary. <p>All of the above are considered 'fundamental needs.'</p> <p>The term 'companion animals' is not explicitly defined but can be understood as encompassing wild animals in captivity used as pets.</p> <p>Article 8 states that local governments, with the support of animal welfare associations, will encourage the creation of temporary shelters for domestic and wild animals in a state of neglect.</p> <p>Article 17 specifically applies to wild animals in captivity, stating that the owners and managers of captive breeding establishments are responsible for complying with the protection and animal welfare measures established by the governing body. The governing body is identified in Article 9 as being</p>	



the Ministry of Agriculture and Irrigation. Article 9 also states that the Ministry of Agriculture and Irrigation is competent to regulate and define guidelines jointly with the Ministry of Environment regarding wildlife. However, no evidence of such protection measures was found.

Chapter VIII establishes that the euthanasia of a companion animal or a wild animal in captivity can only be carried out by a veterinarian, with the written consent of the owner (article 28) and that euthanasia must not cause pain or suffering (article 29).

The general anti-cruelty provision of Article 450-4 of the Criminal Code also applies to this category of animals.

Zoos

Articles 92 to 98 of Law 29763, the Forestry and Wildlife Law 29763, requires authorisation for operation of different captive animal facilities such as zoos and breeding centres. Individuals are permitted to keep registered captive-bred wild animals under Article 99. Beyond these general provisions, there are no specific welfare requirements for wild animals kept in captivity.

According to the new Animal Protection and Welfare Law 30407, the Ministry of Agriculture and Irrigation, in partnership with the Ministry of Environment, is in charge of enacting regulations regarding the keeping of wildlife in captivity. However, no such regulations have been found. Since inspections are no longer mandated in Law 30407, no evidence was found of zoos or other captive facilities being inspected.

Private keeping of wild animals

Article 5.4 of Law 30407 specifically applies to wild animals kept in captivity as pets. Article 5.4 states that such animals, kept at a private address, restaurant or breeding centre, are subject to the norm of the 'competent sector'. However, no further details are provided as to what such norms of the competent sector are.

Article 24 of Law 30407 prohibits any practice that may attempt against the protection and welfare of wild animals such as the possession of wild animals in the home, with the exception of the species authorised by the governing body; the mutilation of wild animals, with the exception of medical or surgical interventions aimed at saving life; or the training and exhibition of wild animals in public shows, for commercial and profit purposes. From this provision and Article 5.4, it is concluded that possessing a wild animal as a pet is generally prohibited, except if the species is authorised by the governing body – the Ministry of Agriculture and Irrigation – to be kept as pets. Species are evaluated as suitable for pets depending on the risk to public health, the state of conservation of the species and animal welfare criteria.

Fur farming

No legislation has been found specifically relating to fur farming.

Analysis

In addition to the general anti-cruelty provision outlined in Article 450-4 of the Criminal Code, it is



positive that Law 30407 encompasses in its scope of application wild vertebrates in captivity. Article 5.1 reiterates the general duty to promote the welfare of such animals and to avoid causing them unnecessary suffering. It is also laudable that Chapter VIII addresses euthanasia and mandates that euthanasia to be carried out by a professional veterinarian, using method that do not cause suffering. It is positive that Article 17 creates duties specific to owners and managers of wild animals; however, there is no evidence of regulations have been established by the Ministry of Agriculture and Irrigation. It is recommended that legislation is introduced addressing the housing, feeding, handling and husbandry to ensure the physiological and ethological needs of captive animals are satisfied, in order to ensure good welfare.

Furthermore, Articles 5.4 and 24 of Law 30407 show that there is only a partial prohibition on keeping wild animals as pets, since the Ministry of Agriculture and Irrigation decides which species are suitable to be kept as pets. Such a loophole in the legislation may confuse owners as to which species are allowed to be kept as companion animals and may fuel the exotic pet trade.

Importantly, former Law 27265 required owners, administrators and managers of animal facilities, including circuses, zoos and places of exhibition of animals to be inspected by the competent authorities and accredited animal protection institutions (Article 8). However, such inspection duty does not appear in the new Law 30407. This represents a step backwards as inspections are crucial in unveiling animal abuse.

Enforcement mechanisms

Breach of Article 450A of the Criminal Code is punishable with a fine and the possibility of a ban on keeping animals.

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. namely, this article states that anyone who commits acts of cruelty against a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years, with 180 day fine. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years, with 150 to 360-days fine.

However, since no legislation has been found on the private keeping of animals used in fur farming, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- **The Animal Protection and Welfare Law 30407 has replaced Law 27265 and provides limited protection to captive wild animals. Beyond the basic anti-cruelty provision of the law, the**

governing body – being the Ministry of Agriculture and Irrigation in partnership with the Ministry of the Environment – are expected to provide supplementary guidelines. No evidence of such guidelines has been found. As a result, the Government of Peru is encouraged to enact legislation, or at the very least guidelines, specifying the conditions under which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of the individual animals.

- Furthermore, while former legislation 27265 mandated regular inspections in zoos or other places exhibiting wild animals, this provision has been removed in the new Law 30407. As such, the Government of Peru is urged to re-establish the inspection requirement of all zoos and other captive facilities in Law 30407. Results of such inspections should be made publicly available.
- Article 5.4 and 24 of Law 30407 authorise wild animals to be kept as pets, provided authorisation from the governing body – the Ministry of Agriculture and Irrigation, in partnership with the Ministry of the Environment. Seeing the scientific evidence showing that the welfare needs of wild animals cannot be met when kept as pets, the Government of Peru is encouraged to amend both Articles and to enact a ban on keeping wild animals as companion animals. Additionally, the Government of Peru is encouraged to adopt a positive list of species, indicating which animals can be kept as companion animals, based on clear criteria including animal welfare.
- The Government of Peru is urged to implement a total ban on fur farming.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	D
<p><u>Care of companion animals</u></p> <p>The general anti-cruelty provision of Article 450-4 of the Criminal Code applies to this category of animals.</p> <p>In addition, the Animal Protection and Welfare Law 30407 applies to this category of animals, since Article 2 defines the scope of application of the legislation to ‘all species of domestic or wild vertebrates in captivity’. Article 5.1 of Law 30407, requiring that everyone has the duty to seek the protection and welfare of animals, through avoiding unnecessary suffering, physical abuse that alters their normal behaviours, or cause injury or death applies to this category of animals, since it is applicable to all species.</p>	

Article 5.3 lists in further details the duties that animal owners and managers have towards their companion animals, namely, to provide them with:

1. An environment appropriate to their natural habitats and minimal sanitary conditions that allow them to express the natural behaviours of their species.
2. Sufficient food that is adequate to the biological requirements of each species;
3. Protection from pain, suffering, anxiety, wounds and diseases;
4. Specialised medical-veterinary care and vaccination, if necessary.

All of the above are considered 'fundamental needs.'

Article 7 creates a duty for the state, through the competent sector, to establish measures for the protection of companion animals, in order to 'guarantee their life, health and live in harmony with the environment'.

Article 8 states that local governments, with the support of animal welfare associations, will encourage the creation of temporary shelters for domestic and wild animals in a state of neglect.

Article 21 specifically addresses the welfare of pets, stating that owners, managers, breeders and any public or private entity who maintains domestic and wild animals are responsible for complying with animal protection measures established by the Ministry of Health in coordination with the Ministry of the Environment. This provision also applies to 'security services, training services, the national police of Peru, the armed forces, the general corps of volunteer firefighters of Peru and municipalities.' It is specified that these measures are based on 'good practices related to adoption, breeding, trade, transport, quarantine and tenure approved by the competent sectors as appropriate'. However, there is no additional information as to where to find such good practices.

Article 22 prohibits the abandonment of animals on public roads, and the fights of both domestic and wild animals in private or public places.

Article 27 prohibits attacks against pets specifically. More precisely, Article 27 forbids the surgical amputations or surgeries considered unnecessary (it is assumed that this provision refers to tail-docking, declaw operations for instance); the training, promotion and organisation of fights between animals; the breeding and use of companion animals for human consumption; the commercial use of products and by-products obtained from pets and the indiscriminate exploitation for commercial purposes, which affects the welfare of pets; the raising of a great number of animals.

Chapter VIII establishes that the euthanasia of a companion animal can only be carried out by a veterinarian, with the written consent of the owner (article 28) and that euthanasia must not cause pain or suffering (article 29).

Article 5.4 specifies that wild animals kept in 'breeding centres' are subject to the 'specific norm of the competent sector'. However, no mention of welfare requirements for breeders to operate.

Stray animals

No legislation has been found specifically relating to stray animals.



Analysis

In addition to the general anti-cruelty provision outlined in Article 450-4 of the Criminal Code, it is positive that Law 30407 addresses the welfare of companion animals. Article 5.1 reiterates the general duty to promote the welfare of such animals and to avoid causing them unnecessary suffering.

Overall, Law 30407 provides numerous animal protection provisions for companion animals. It is positive that Article 5.3 explicitly lists the duties of companion animals' owners. These duties relate to the Five Freedoms. Furthermore, these duties address the physical and mental well-being of animals, since a provision relates to protecting animals from anxiety. Furthermore, pet owners, keepers, breeders or anyone in charge of companion animals must abide by protection measures created by the Ministry of Health and of the Environment. However, no evidence of such guidelines was found.

It is positive that inhumane acts such as the abandonment and the organisation of animal fights is banned. It is also laudable that Chapter VIII addresses euthanasia and mandates that euthanasia to be carried out by a professional veterinarian, using method that do not cause suffering.

Article 7 makes it a government duty to create more detailed measures to protect animals. This shows that the Government of Peru accepts responsibility for improving animal welfare. Similarly, Article 8 of Law 30407 reflects government willingness in helping companion animals through the creation of temporary shelters.

By contrast to the numerous provisions related to the care of companion animals, no legislation or government guideline has been found in relation to the treatment of stray animals in Peru, despite it being an issue in the country.⁷ Law 30407 acknowledges that protection of companion animals needs to include elements of responsible care by animal owners and guardians. Connecting this idea with schemes on controlling animal population humanely would be valuable for making the concept of animal welfare a mainstream concern of society. There is currently no legislation restricting inhumane methods of controlling stray populations.

Enforcement mechanisms

Breach of Article 450A of the Criminal Code is punishable with a fine and the possibility of a ban on keeping animals.

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. namely, this article states that anyone who commits acts of cruelty against

⁷ https://www.huffpost.com/entry/stray-cats-and-dogs-in-peru_b_5056072?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZWNVc2lhm9yZy8&guce_referrer_sig=AQAANn2msOBphDr74OYB0N1xYz_x62wDSnEFyyf9U0nNJZZU9H16izQeDPKTOKZyi-HIRI_TuyRhz4liQhghFzZggL3RXM17f3JaH6qdy6pD4fOwlvQLGnLuE42yCVHyx4RYDpR2SiM524pIPDKZO4bWicMYNdfeE6sGLTgOZHddG

a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years, with 180 days fine. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years, with 150 to 360 days fine.

However, since no legislation has been found on stray animals, there are no enforcement mechanisms associated to this category of animals.

Key recommendations

- The Animal Protection and Welfare Law 30407 has replaced Law 27265 and provides protection to companion animals. In addition to forbidding cruelty acts towards companion animals, the law explicitly lists duties of pet owners, which correspond to the Five Freedoms. In addition, owners, keepers, breeders or any entity in charge of animals is mandated to abide by the protection measures decided by the Ministry of Health, in partnership with the Ministry of the Environment. However, no evidence of such supplementary guidelines has been found. Therefore, the Government of Peru is encouraged to enact more precise legislation or guidelines, specifying the conditions under which companion animals may be bred and sold.
- Peru should be applauded for enacting a ban on companion animal fights. This provision of Article 22 of Law 30407 contrasts with the exemption for bullfighting, cockfighting and other animal spectacles considered of cultural importance. To improve consistency and to prevent cruel practices, the Government of Peru is urged to repeal the supplementary provisions of Law 30407, which exempts bullfighting and cockfighting from the scope of application of the law. Seeing the cruelty associated with such activities, the Government of Peru is encouraged to enact a ban on the organisation and participation in bullfighting, cockfighting and any other spectacles that would be deemed culturally important but would involve the fight and potential death of animals.
- There is no legislation relating to stray animals in Peru. Therefore, the Government of Peru is urged to promote humane stray animal population management as the only way forward, which relies on neutering campaigns. Instead of being culled, stray animals should be placed in rehoming centres where their Five Freedoms are assured. Healthy animals should not be put down and euthanasia should be done only to relieve suffering and should be carried out by accredited veterinarians, in the way that causes the least amount of suffering as possible.
- The Government of Peru is encouraged to engage with the International Companion Animal Management (ICAM) coalition⁸ to learn about and implement their cat and dog population management methodology. The methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to

⁸ <https://www.icam-coalition.org/>

governments to manage dogs humanely as well as to help communities to live in harmony with dogs.

- The Government of Peru is encouraged to promote responsible pet ownership, including promoting the adoption over the purchase of companion animals. Additionally, the Government of Peru is encouraged to develop a positive list of species who can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.

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

Analysis of the legislation	
Ranking	D
<p>The anti-cruelty provision of Article 450A of the Criminal Code applies to this category of animals.</p> <p>The relatively new Animal Protection and Welfare Law 30407 also applies to this category of animals, since Article 2 defines the scope of application of the legislation to ‘all species of domestic or wild vertebrates in captivity’.</p> <p>Article 5.1 of Law 30407, requiring that everyone has the duty to seek the protection and welfare of animals, through avoiding unnecessary suffering, physical abuse that alters their normal behaviours, or cause injury or death applies to this category of animals, since it is applicable to all species.</p> <p><u>Animals used for entertainment</u></p> <p>With regards to animals used for entertainment purposes, Article 22 of Law Article 22 forbids ‘the use of animals in public or private entertainment shows where animals are forced or conditioned to perform activities that are not compatible with their natural behaviour or their physical integrity and well-being are affected’. However, the Article carries on by stating that animal exhibitions can still be held in ‘conditioned places that comply with safety measures to prevent accidents to people and animals’; and when authorised by the competent sectors, except for protected species.</p> <p>Article 26 prohibits the holding and training of aquatic vertebrates for the purpose of entertainment shows, ‘except those that have environmental education purposes.’</p> <p>Article 22 also prohibits fights of both domestic and wild animals in private or public places. However, the ‘supplementary provisions of the law outline that bullfighting, cockfighting and ‘other spectacles declared of cultural character by the competent authority’ are exempt from the provisions of Law 30407.</p> <p>Moreover, since numerous animals used for entertainment are wild species, Article 17 is also relevant to this category of animals. Article 17 specifically applies to wild animals in captivity, stating that the</p>	



owners and managers of captive breeding establishments are responsible for complying with the protection and animal welfare measures established by the governing body. The governing body is identified in Article 9 as being the Ministry of Agriculture and Irrigation. Article 9 also states that the Ministry of Agriculture and Irrigation is competent to regulate and define guidelines jointly with the Ministry of Environment regarding wildlife. However, no evidence of such protection measures was found.

Peru also enacted a ban on the use of wild animals in circuses in 2011.⁹

Draught animals

Article 450A of the Criminal Code includes a prohibition on making an animal do clearly excessive work. Apart from this provision, no legislation has been found specifically relating to draught animals.

Analysis

The inclusion of subjecting animals to excessive amounts of work as a form of abuse in the Criminal Code is significant. It could be useful for the Government to develop more detailed guidance on caring for working animals, such as load and hour restrictions. In fact, Law 30407 does not address the welfare of working animals, beyond the general anti-cruelty provision of Article 5.1.

It is positive that Peru has enacted a ban on the use of wild animals in circuses since 2011, following a campaign by animal protection organisations. A local ban on the use of all animals in circuses has been enacted in Magdalena del Mar. Law 30407 went beyond since it forbids the use of animals in public or private entertainment generally, rather than solely focusing on circuses. This provision is also applicable to all animals, rather than only wild animals. However, the exhibition of animals is still authorised, provided it is considered safe and when it does not use protected wild species. Similarly, shows with marine mammals are authorised as long as they have an alleged 'environmental education purpose'. Science has proven that marine mammals cannot thrive in captivity, and that marine parks often use the false argument of calling shows 'educational'.¹⁰ Seeing that the welfare of marine mammals is compromised for alleged educational purposes, Law 30407 is not effective at mainstreaming their welfare.

Moreover, it is positive that Article 22 prohibits fights against wild and domestic animals. However, the positive impact of this provision is hampered by the exemptions for bullfighting, cockfighting and other shows of cultural importance.

Animal protection campaigners have also succeeded in ending some cruel traditions, for example, an annual cat race and cat feast held during the festival of Curruñao in the San Luis has been suspended since 2013.¹¹

Enforcement mechanisms

⁹ http://www.adinternational.org/animals_in_entertainment/go.php?id=2213

¹⁰ https://www.worldanimalprotection.us/sites/default/files/media/us_files/cammic_us.pdf

¹¹ <http://www.theguardian.com/world/2013/oct/18/peru-judge-suspends-cat-race-feast>

Breach of Article 450A of the Criminal Code is punishable with a fine and the possibility of a ban on keeping animals.

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. namely, this article states that anyone who commits acts of cruelty against a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years, with 180 day fine. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years, with 150 to 360-days fine.

Key recommendations

- It is laudable that Peru has banned the use of wild animals in circuses since 2011 and introduced a more general provision in Law 30407 banning the use of animals in public or private entertainment. However, the exhibition of non-protected species is still authorised. The Government of Peru would benefit from an outright ban on the use of all animals in circuses and other public performances, at zoos for instance.
- Following its ban on the use of wild animals in circuses, the Government of Peru is urged to amend Article 26 of Law 30407, which still allows shows with marine mammals. The Government is strongly encouraged to ban the keeping, breeding and display marine mammals in captivity for recreational purposes.
- Moreover, it is remarkable that Law 30407 prohibits fights between wild or domestic animals. However, inhumane activities such as bullfighting, cockfighting and other activities deemed of cultural importance are exempted from the anti-cruelty provision of Law 30407. As such, the Government of Peru is urged to repeal this exemption. Seeing the cruelty associated with such activities, the Government of Peru is encouraged to enact a ban on the organisation and participation in bullfighting, cockfighting and any other spectacles that would be deemed culturally important but would involve the fight and potential death of animals.
- There is no specific article in Law 30407 or government guidelines mandating welfare standards for draught animals, beyond the Criminal Code's provision stating that animals should not be overworked. In that regard, the Government of Peru is encouraged to publish precise requirements with regards to working hours and conditions of animals used for draught, as well as mandating adequate husbandry, food and water requirements.



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

Analysis of the legislation	
Ranking	C
<p>The anti-cruelty provision of Article 450A of the Criminal Code applies to this category of animals.</p> <p>The general anti-cruelty provision of Article 5.1 of Law 30407 also applies to this category of animals.</p> <p>Several provisions in Law 30407 specifically refer to animals used for scientific experiments. Article 25 prohibits all experiments with live animals which may cause ‘unnecessary suffering, injury or death’ unless such experiments ‘are essential for the study and advancement of science and that the results of the experiment cannot be obtained through other procedures, or that the procedures cannot be substituted by cell or tissue culture, computerised methods, videos or other procedures’. Experiments using animals are only allowed for specific goals, including teaching at primary and secondary levels, and technical education institutes.</p> <p>The Ministry of Agriculture and Irrigation is in charge of deciding of animal welfare measures for animals used in experiments, research and teaching, based on ‘good management practices’ (Article 19). This can be done in partnership with the Ministry of Health when human health is at risk. No evidence of such guideline has been found.</p> <p>Chapter VIII establishes that the euthanasia of a companion animal or a wild animal in captivity can only be carried out by a veterinarian, with the written consent of the owner (article 28) and that euthanasia must not cause pain or suffering (article 29). It remains unclear whether this Chapter also applies to domestic animals used for research.</p> <p>Article 19 mandates the creation of an Animal Welfare Ethics Committee to protect animals in each facility that uses animals. These Committees must set procedures for the prevention of unnecessary suffering, setting animal welfare parameters based on ‘internationally accepted criteria’ (Article 20). These Committees report to the National Ethics Committee for Animal Welfare, which verifies that the standards developed by the local Committees abide by animal welfare legislation (Article 20).</p> <p>The National Ethics Committee for Animal Welfare is made of several representatives from various Ministries. Namely, it is made up of six members: a representative of the National Forestry and Wildlife Authority of the Ministry of Agriculture and Irrigation, a representative of the Ministry of the Environment, a representative of the National Authority on Agrarian Health, a representative of the National Council of Science, Technology and Technological Innovation (CONCYTEC), a representative of the veterinary medical college of Peru and a representative of the college of biologists of Peru.</p> <p>There is no ban on cosmetic animal testing in Peru.</p> <p><u>Analysis</u></p> <p><i>Law 30407 incorporates one of the Three Rs principles in relation to animal testing (Replacement, Reduction, Refinement), since Article 25 forbids experiments on live animals if another non-animal</i></p>	



method is available. This corresponds to the principle of Replacement. However, the other two Principles are not included in legislation. The fact that animal testing can be used at many levels of education, including primary and secondary levels, does not help to mainstream welfare concerns for these animals.

Moreover, the Ministry of Agriculture and Irrigation is expected through Article 19 to establish precise animal welfare measures. No evidence of such measures, be it mandatory secondary legislation or guidelines, has been found, which suggests that the welfare of animals used in experiments is not a priority.

Furthermore, it is positive that an Animal Welfare Ethics Committee is required at each facility that uses animals. Furthermore, the National Ethics Committee oversees the standards of care and the policies of such local Committees. This ensure that animal welfare standards can get disseminated across the country.

By mandating the creation of local Animal Welfare Ethics Committee and the National Ethics Committee, the Government is willing to allocate human resources to evaluating criteria used for justifying animal research. However, there is no commitment in Law 30407 or in other policy to fund alternatives to animal testing.

Enforcement mechanisms

Breach of Article 450A of the Criminal Code is punishable with a fine and the possibility of a ban on keeping animals.

Chapter VIII of Law 30407 addresses infringements and sanctions. Article 30 of Law 30407 outlines the administrative sanctions associated with violations of the law. Sanctions include fines; suspension of experiments and research; partial or total, temporary or permanent, closure of the facility where the activity takes place; and confiscation; suspension or cancellation of permits.

Furthermore, the Animal Protection and Welfare Law 30407 amends the Criminal Code by introducing Article 206-A, which adds a provision on abandonment and acts of cruelty against domestic and wild animals. Namely, this article states that anyone who commits acts of cruelty against a domestic animal or a wild animal, or abandons them, is punished with imprisonment of not more than three years, with 180 day fine. If the animal dies as a consequence of abandonment or cruelty, the person found responsible will be imprisoned for minimum three and not more than five years, with 150 to 360-days fine.

Key recommendations

- **Law 30407 addresses the welfare of animals used in experiments, through prohibiting animal experiments for which there is a non-animal alternative method. This corresponds to the Replacement Principles of the Three Rs (Replacement, Reduction, Refinement). However, the Principles of reduction and refinement are absent from Peru's legislation. Therefore, the**



Government of Peru is encouraged to amend Article 25 of Law 30407 to include the principles of Reduction and Refinement.

- It is positive that each facility using animals for research is supervised by an Animal Welfare Ethics Committee, which itself is under the supervision of the National Ethics Committee. This National Ethics Committee should be given the power to suspend the activities of establishments which do not respect animal welfare criteria. This Committee is also encouraged to mainstream the Three Rs and to continue to work with stakeholders to address animal welfare issues in scientific research in line with international standards.
- The Ministry of Agriculture and Irrigation, in partnership with the Ministry of Health, is urged to develop detailed legal provisions to implement welfare standards for animals used in testing. This would bring Peru closer to international standards. Furthermore, the Government of Peru is encouraged to allocate financial and human resources to developing alternatives to animal testing.
- The Government of Peru is urged to ban the testing of cosmetics and their ingredients on animals.
- The Government of Peru is also encouraged to apply the Three Rs principles to education, particularly for primary and secondary education for which there are many alternatives to the use of animals.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	F
<p>Article 450-4 of the Criminal Code prohibits committing acts of cruelty to animals, mistreating animals or subjecting animals to manifestly excessive work. The Criminal Code does not define 'animal' but this provision 206-A was inserted by Law 30407, therefore suggesting that the scope of protection in that law (under Article 2) applies also to the Criminal Code. This would mean that wild animals, unless captive, are not covered by Article 450A of the Criminal Code.</p> <p>The relatively new Animal Protection and Welfare Law 30407 only applies to wild animals in captivity. Hence, wild animals are not included in the anti-cruelty provision of the law. However, Articles 24 and 26 of Law 30407 specifically prohibit attacks on wild animals. Article 24 forbids the trade of wildlife specimen or products derived from wildlife, which do not have a legal origin. In addition, the Peruvian Government adopted a 10-year strategy to combat wildlife trafficking</p>	



in 2017.¹² This strategy is being implemented through an Action Plan 2017-2022.¹³ Furthermore, Article 26 prohibits the hunting, capture and sale of marine mammals and turtles, as well as the hunting or capture of mammals and reptiles of inland waters, except when the practice has been pre-emptively authorised.

The Forestry and Wildlife Law 29763 focuses on conservation. It applies to undomesticated animal species, native or exotic, living freely in the country. Articles 102-105 of this law are related to hunting activities. Article 102 defines subsistence hunting. Article 103 allows each forestry and wildlife authority to elaborate and approve the regional commercial hunting calendar, according to the species, distribution, quantity and commercial value. This calendar shall be based on scientific information obtained from population studies.

Regional forestry and wildlife authorities also establish quotas of wild meat available on the market. The commercialisation of meat from wild species is authorised only if it comes from specific management areas.

Article 104 regulates sport hunting, specifying that any hunter needs a licence and authorisation by the regional forest authority. The authorisation is specific to a region. The regional forestry and wildlife authority establishes sport hunting calendars and quotas according to population statistics. Article 105 authorises falconry with birds of prey bred in captivity or whose capture has been authorised by the National Forest and Wildlife Service (Servicio Nacional Forestal y de Fauna Silvestre, SERFOR).

Law 29763 does not contain any welfare provisions to protect individual animals from being caused suffering.

Analysis

Wild animals, unless in captivity, are excluded from the protection of Law 30407 and it appears that they are also excluded from the protection of Article 206-A of the Criminal Code. It is positive that the hunting of marine mammals and turtles is banned (Article 26 of Law 30407) as compared to the hunting of land mammals, which is still authorised with a hunting licence.

Furthermore, the main piece of legislation relating to wildlife, Law 29763, is focused on conservation but does not address the welfare of individual animals. It is noted that the law does not contain any welfare provisions relating to hunting activities, for example, restrictions on hunting weapons used, snares or other cruel hunting practices. Furthermore, Article 105 still allows falconry to be practiced, provided that the birds are bred in captivity or that their capture from the wild has been authorised by the National Forest and Wildlife Service. The fact that wild captures are still authorised by a government department reflects that the welfare of wild animals is not a mainstream concern either for government or for society. It is slightly positive that hunters require a licence to hunt, however, there is no explanation given as to how hunters are able to acquire such a licence.

¹² <https://www.fws.gov/international/articles/peru-approves-10-year-cwt-strategy.html>

¹³ <http://www.serfor.gob.pe/noticias/peru-cuenta-con-estrategia-para-reducir-el-trafico-ilegal-de-fauna-silvestre-al-2027>



Article 104 of Forestry and Wildlife Law regulates sport hunting 'in order to optimise their ecological and socioeconomic benefits'. The framing of sport hunting as having 'benefits' is detrimental to animal welfare.

The country is the focus of considerable illegal poaching and trade in wildlife, presenting huge challenges for the Government and enforcement authorities as well as causing considerable animal suffering. For instance, in April 2017, Peruvian law enforcement officials rescued 29 Galapagos tortoises from being smuggled.¹⁴ The National Forest and Wildlife Service (SERFOR) acknowledges on its website that the illicit trade in species is the second threat to the extinction of Peru's species, after the loss of habitat.¹⁵ The fact that the Government has created a 10-year strategy and is investing resources in controlling borders is an encouraging sign that there is a willingness from the Government to better protect wild animals. However, there appears to be barriers to improving the welfare of wild animals, since the commercial trade in wild meat is allowed.

Enforcement mechanisms

There are no welfare-related legislative measures with enforcement mechanisms relating to free-living wild animals.

Article 145 of the Forestry and Wildlife Law mandates the National Forest and Wildlife Service with overseeing sanctions related to violations of this law. Regional forest and wildlife authorities control hunting regionally.

Key recommendations

- **At present, wild animals are excluded from the anti-cruelty provisions of Law 30407. There is a clear lack of protection for wild animals in Peru. Thus, the Government of Peru is encouraged to amend Law 30407, in order to extend its scope of application to wild animals.**
- **The Government of Peru 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 - following the example set out by Article 26 of Law 30407 banning the killing or capture of marine mammals and turtles. 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 the very least, the Government of Peru is urged to add humane killing provisions to Law 26763, which regulates hunting. At present, there are no provisions detailing what hunting methods can be used. This suggests that cruel forms of hunting, such as trapping, baiting and dog hunting, are allowed. Furthermore, the Government of Peru is encouraged to enact a total ban on falconry.**

¹⁴ <https://www.fws.gov/international/articles/endangered-galapagos-tortoises-rescued-from-trafficking-in-Peru.html>

¹⁵ <http://www.serfor.gob.pe/noticias/peru-cuenta-con-estrategia-para-reducir-el-trafico-ilegal-de-fauna-silvestre-al-2027>

- It is positive that the Government of Peru has decided on a national strategy to combat wildlife trafficking. The Government is urged to continue allocating financial and human resources for the implementation of this strategy.

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	C
<p>The Animal Protection and Welfare Law 30407 establishes governmental responsibilities for animal welfare. Article 7 creates a general duty for the states, through the 'competent sector', to establish the necessary measures for the protection of companion animals, an 'adequate and responsible treatment' of farm animals, as well as the conservation and sustainable use of wildlife.</p> <p>Beyond this general provision, Article 9.1 establishes the Ministry of Agriculture and Irrigation as governing body of the law, in charge of creating complementary regulations for the welfare of farm animals, wild animals in captivity and animals used for research. In addition, Article 9.2 lists the respective competencies of different Ministries. Namely, the Ministry of Production and the Ministry of the Environment are in charge of aquatic vertebrates kept in captivity and used for research; the Ministry of Health when human health is at risk; the Ministry of the Environment on issues related to biodiversity; the Ministry of Education on the teaching of environmental care, respect, protection and animal welfare.</p> <p>Application of this law is monitored by the competent sector of the executive power, the national and regional governments (Article 10). Local governments grant licences for establishments whose economic activity is related to the possession, commercialisation and transportation of animals, except with regards to wild animals.</p> <p>In addition, Article 11 establishes regional Animal Welfare and Protection Committees, headed by the regional governor and made of the provincial mayor or their representative, a representative of an animal protection association and a representative of the professional college of biologists, doctors and veterinarians. Such regional Committees issue technical reports and reports on their activities; propose ordinance for compliance with protection measures; collect and publish data on the non-responsible possession of companion animals or animals used for research.</p>	



The National Ethics Committee for Animal Welfare, in charge of evaluating compliance with legal provisions relating to animals used in science, is also made of several representatives from various Ministries.

Article 145 of the Forestry and Wildlife Law 29763 mandates the National Forest and Wildlife Service with overseeing the law relating to wildlife, although this law does not at present include welfare considerations.

Analysis

Animal welfare is an independent issue, recognised by legislation as such for government management and regulation. Law 30407 seems to reflect a high level of political commitment to implement and monitor animal welfare in the country. In fact, Article 7 creates a duty onto the state to protect companion animals. Article 9 establishes the Ministry of Agriculture and Irrigation as the governing body of the Animal Protection and Welfare Law 30407, in charge of enacting secondary legislations to complement the general anti-cruelty provisions of the law. The Ministry of Agriculture and Irrigation has to work with other relevant Ministries for different species – for instance, with the Ministry of Health when human health is at risk. It is also positive that various regional animal welfare committees, alongside a committee at national level responsible for the welfare of animals used in experiments.

However, although there are powers to make the regulations mentioned above, there is no publicly available evidence that these powers have resulted in strong welfare policies protecting animals. In fact, since this Index was first published and Law 30407 has been enacted, no evidence of secondary legislation or supplementary guidelines on animal protection have been found.

In addition, there is no evidence that a line of budget covers the mandate or that there are financial resources available to introduce relevant policies.

It is recommended that the Government create a cross-departmental committee or board to bring animal welfare policy and legislation in line with international good practice and to raise societal awareness of the issue in Peru. The existing model of the National Committee for the Protection of Animals (as mandated by Article 14 of Law 27265 in relation to the use of animals in scientific research) could provide a useful tool in this regard, as this Committee does involve members of several different government Ministries.

Enforcement mechanisms

The powers of relevant government bodies are set out in primary legislation, which corresponds to Law 30407. However, in most instances, these do not extend to mandates to take action.

Key recommendations

• The Government of Peru has allocated responsibility for animal welfare primarily to the Ministry of Agriculture and Irrigation, in cooperation with other Ministries. The national, regional and local governments have the responsibility of monitoring the application of Law 30407. Furthermore, Law 30407 establishes regional Animal Protection and Welfare Committees, in charge of issuing reports on animal protection and collect data on animal abuse.



However, there is no national body dedicated to animal welfare. As such, the Government of Peru is encouraged to create a multi-stakeholder committee at the national level, made of all relevant actors with a stake in animal welfare (e.g. representative from Government, the private sector, animal welfare organisations, scientists) to decide on a national strategy on animal welfare, and measure progress against this strategy.

- Moreover, the Government of Peru is encouraged to commit to regularly fund regional Animal Protection and Welfare Committees, as well as the potential national committee dedicated to animal welfare, in order to ensure the enforcement and improvement of animal welfare standards.

Goal 4: Support for 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	E
<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.¹⁶</p> <p>Peru’s legislation does not incorporate all OIE’s standards. In particular, the current legislation does not address the welfare of working animals, stray dog populations or the rearing of farm animals. Furthermore, legislation does not reach the level of detail set out in the OIE’s standards for the transport and slaughter of farm animals. Furthermore, the use of animals in research is restricted in Peru’s legislation, but does not incorporate the Three Rs Principles as detailed in the OIE standards.</p> <p><u>Analysis</u></p> <p><i>Although animal welfare is seen as an independent issue in Peruvian legislation, especially seeing the recent adoption of Law 30407, only a few of the OIE’s guiding principles for animal welfare are covered. At present, it does not appear that Peru’s Government is seeking to transpose more of the OIE’s animal welfare standards into legislation, which could help to promote the concept of animal welfare in the country.</i></p> <p><i>The OIE’s guiding principles and standards for animal welfare emphasise the importance of the Three Rs in relation to animal-based research. The current legislation refers to one of the Three Rs</i></p>	

¹⁶ <http://www.oie.int/infographic/StandardsAW/index.html>



(Replacement); however, no evidence has been found indicating that the Government intends to incorporate the other two pillars of this principle into legislation.

The Five Freedoms are an important concept for animal welfare included in the OIE's guidelines. Inclusion of further OIE standards, including the concepts of the Five Freedoms and Three Rs, could help to bring legally enforceable animal welfare standards in Peru to an international level.

Law 30407 establishes the Ministry of Agriculture and Irrigation as the governing body of the law. Various Ministries are entrusted to create secondary legislations in addition to Law 30407, which suggests that full transposition of the OIE standards and guiding principles should be possible. The Government is encouraged to clarify and introduce further elements of an allocated budget for this purpose. It may be that a lack of human and financial resource is a barrier to progress.

Enforcement mechanisms

There are administrative enforcement mechanisms (fines, closure, revocation of permits) in relation to those of the OIE's standards that are covered by current legislative content.

Key recommendations

- At present, OIE standards are only partially implemented in Peru's legislation. In particular, standards for working animals, stray animals, and rearing of farm animals are not covered by current animal protection legislation. Therefore, the Government of Peru is strongly encouraged to enact mandatory guidelines for these species, in accordance with the OIE's Terrestrial Animal Health Code.
- Furthermore, the Government of Peru is encouraged to promote a more thorough application of the Three Rs principles, notably through the work of the National Ethics Committee for Animal Welfare.
- The Government of Peru is encouraged to continuously incorporate OIE animal welfare standards in the country's legislation.

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

Analysis of the legislation

Peru pledged full government support in principle for the Universal Declaration on Animal Welfare in 2010, through a letter from the Ministry of Foreign Affairs.

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



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

Analysis

The UDAW is currently the only international instrument that creates a soft law commitment for countries to acknowledge and respect animal sentience and to work towards ending cruelty and protecting the needs of animals. The Government has expressed full formal support for the UDAW, thus helping to incorporate animal welfare into policy discussions. However, this support for the UDAW has not yet been transposed into legal protection for animals to the level envisaged by the UDAW. The Animal Protection and Welfare Law 30407 is a first step towards implementing the provisions of UDAW into national legislation, since Article 1 and Article 14 recognise all vertebrates as sentient. However, Law 30407 falls short of protecting animals used in farming, stray animals, working animals and animals used for cruel sports.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

• The Government of Peru has pledged full government support in principle to UDAW. As such, Peru is an example for other countries to follow to champion UDAW at the national and international levels.

Last edited: 10 September 2019

Publication: March 2020