

Prevention of Cruelty to Animals Law of the PRC

(Experts' Draft Proposal)



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Animal Guardians Consulting Ltd
Royal Society for the Prevention of Cruelty of Animals*

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On the Submission of an Experts' Proposal to the Standing Committee of the National People's Congress to Pass a 'Prevention of Cruelty to Animals Law'

Standing Committee of the National People's Congress:

China currently has the *Wildlife Protection Law*, the *Animal Epidemic Prevention Law*, the *Livestock Husbandry Law*, the *Pig Slaughter Regulations*, the *Laboratory Animal Management Regulations* and other specific laws and regulations addressing animal protection and management. The objectives of these laws have failed to embody the Chinese people's moral tradition of compassion towards living things which has been consolidated and developed over several thousand years, and have not reflected China's entering into or signing up to international conventions and declarations requiring us to protect the inherent value of living things. This makes it difficult to punish acts such as abandonment of or cruelty towards animals which jeopardise public order, to the detriment of social harmony and stability. Chinese legislation does not fully reflect the requirements of international animal welfare standards as they apply to trade, making it difficult for China to overcome the animal welfare trade barrier established by developed Western countries.

Passing a *Prevention of Cruelty to Animals Law of the PRC* is essential in the following six respects:

From an economic growth perspective, China is the world's largest livestock producer, but if we look at imports and exports in recent years we are a net importer, which is totally at odds with our position as a major producer. There are two main reasons for this: firstly China's animal products are substandard in quality, and secondly our animal protection measures fail to meet the animal welfare trade standards of the West. China has a rural population of more than one billion, and in the ongoing financial crisis times are on the whole hard for them. Rural employment, growth in agricultural production and rural development have become problems the central government is taking extremely seriously. The problems facing the countryside, farmers and agriculture [the 'Three Agricultures'] cannot be solved by complete reliance on urbanisation and industrialisation. Solving them will depend on the countryside, farmers and agriculture themselves, and so by starting from the perspective of strengthening animal protection through the legal system, we can reform the structure of rural industry, expand exports of animals and animal products and cultivate new areas of economic growth.

From a social order perspective, in recent years there has been an increasing number of acts of abandonment of and serious cruelty towards animals, such as the high-heels kitten ['squish'] incident, dog killing, burning of cats etc, and these have led to serious resentment within society, with in some places violent resistance and demonstrations,

significantly threatening social stability and the implementation of scientific progress. China Central Television and other major domestic and international media (such as CNN) have also paid very close attention to these incidents. Some foreign media have even linked together these cruelty cases with the Chinese government's leadership and the overall morality of the Chinese people, seriously damaging the country's international image. Protecting animals in a moderate fashion through the legal system will promote social stability and improve China's international image. Moreover, appropriate legal protection for animals can also bring human-human relations into harmony, preventing the occurrence and spread of ethnic discord arising from animal-related issues.

From the perspective of the government's management of public safety, the average cost of rescuing a stray dog or cat is CNY300-500 [USD44-73]. Taking Beijing as an example, a conservative estimate puts stray dog and cat numbers at more than 100,000 animals. Owing to the difficulty in reuniting them with their owners, the huge cost of rescuing these animals is currently borne by the government. By strengthening animal management through appropriate legislation and establishing the mechanism of the owner's responsibility, we can greatly reduce government spending on this.

From the perspective of building a more civilised society, behaviour such as abandonment of and cruelty towards animals and cruelty to living things or the observation of such behaviour in others has an enormous impact on the psychological health of the public, in particular children and young people, and this affects the healthy development of our society. Protecting animals in a moderate fashion through the law will help uphold humane values among the public, encourage Chinese traditional virtues such as 'compassion for living things', promote the building of a civilised society and its harmonious development and embody the advantages of the socialist legal system. In addition, as a great country with a long history seeking to promote global and regional peace, our lack of basic anti-cruelty legislation to protect animals is difficult to reconcile.

The experience of the world's developed countries shows us that while extending moderate protection to animals may have implications to both the economy and to managing society, in general the benefits of the overall impact of such law outweigh the disadvantages. On this basis the vast majority of Chinese people support the passing of general, comprehensive legislation to protect animals. According to an opinion poll carried out in June 2009 by Sina.com [China's largest web portal] and Sohu.com [a major search engine], more than 80% of those voting supported legislation, while more than 75% proposed that abusing an animal to the point of death should be prosecuted as a criminal offence. It is extremely rare to obtain an approval rate of 80% for legislation, and this can be interpreted as an urgent *cri de coeur* from the broad masses of the people. On this basis, in the past decade many far-sighted Congress representatives have put forward bills or proposals on the prevention of cruelty to animals. In this era of the importance of

the rule of law and popular will, we propose that the state strengthen the construction of animal protection legislation, and use this to promote the progress of the development of our moral system.

Following the principle of 'helping rather than hindering', we have assembled a team of Chinese and international experts with research experience in animal protection law, and have systematically examined in depth the problems of constructing animal protection legislation around the world. We have integrated this research with the current situation in China, and taking as our bottom line the moral position Chinese people acknowledge against animal cruelty, we submit our *Prevention of Cruelty to Animals Law of the PRC (Experts' Draft Proposal)* to the Standing Committee of the National People's Congress of the PRC for your consideration.

Respectfully

Prevention of Cruelty to Animals Law of the PRC (Experts' Draft Proposal) Project Team

[Signed] Chang Jiwen (Expert Drafting Project Team Leader)

1 March 2010

Annex: Prevention of Cruelty to Animals Law of the PRC (Experts' Draft Proposal)

Prevention of Cruelty to Animals Law of the PRC

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Chapter 1 General Principles

Article 1 (Aims of the Law)

This Law is enacted in order to promote the construction of a socialist civilised society, to counter cruelty towards and abandonment of animals, to safeguard the physical and mental health of the public and to maintain social order.

Article 2 (Application of the Law)

In the territory of and in other maritime space under the jurisdiction of the People's Republic of China, any work unit, individual or organisation engaged in the protection, management, development, use, rearing, breeding, transport, veterinary treatment or slaughter of animals or the use of animals in experiments, education or commercial business etc, must comply with this Law.

Article 3 (Scope and Categories of Animals)

In this Law 'animal' includes all mammals, birds, reptiles, amphibians, fish, but excludes molluscs, insects, coelenterates [jellyfish, corals, sea anemones etc] and micro-organisms.

The animals regulated in this Law are managed according to the following categories: wild animals, economic [farm] animals, pet animals, laboratory animals and other animals.

In this Law 'wild animal' refers to a non-domesticated animal of any species which exists under natural conditions. Those wild animals and their subsequent generations which have been domesticated or trained by humans also enjoy the legal status of wild animals.

In this Law 'economic animal' refers to an animal reared or possessed for the purpose of providing draught power or for producing food, feathers, hair, leather, fur or raw materials for medicines, including:

- (i) beef cattle, pigs, goats, sheep, horses, donkeys, rabbits and other animals reared for meat, dairy cattle and other animals providing food products;
- (ii) draught cattle [oxen], mules, horses, donkeys and other working animals;
- (iii) goats, sheep, raccoon dogs, foxes, mink, rabbits and other fur-bearing animals;
- (iv) chickens, hens, ducks, geese, quails and other poultry;
- (v) freshwater fish, marine fish, aquatic mammals and other aquatic animals excluded from the 'Wildlife Protection Law of the PRC';
- (vi) soft-shell turtles, tortoises, snakes, crocodiles and other reptiles excluded from

the 'Wildlife Protection Law of the PRC';

- (vii) bullfrogs and other amphibians excluded from the 'Wildlife Protection Law of the PRC'.

In this Law 'pet animal', also known as 'companion animal', refers to any domesticated or tame animal, including cats, dogs, birds, horses, parrots or other species, which is possessed or intended to be possessed, for the purposes of personal recreation or companionship. Once an individual animal that is not prohibited by law from being reared as a pet animal has been reared as a pet then it shall be considered a pet animal for its entire life.

In this Law 'laboratory animal' refers to an animal which has been artificially kept and bred and in which micro-organisms and parasites are controlled, whose genetic background or origin is clear, and which should be used for scientific research, education, production, testing or other scientific experiments.

In this Law 'other animals' includes:

- (i) animals in zoos as exhibits or for the purpose of entertainment, such as wild animals and other animals in ordinary zoos, aquaria, oceanaria, animal performance areas, wild animal parks and other establishments;
- (ii) animals performing in circuses and other animals used in performances or for entertainment;
- (iii) animals used in sport, such as animals used in contests involving physical strength or races and other animals used in animal performance or competitive activities;
- (iv) animals used in film, television, advertising and other cinematographic or photographic activities;
- (v) animals performing particular work to protect public security or safety, including police dogs, anti-smuggling [customs] dogs, animals used for rescue purposes etc;
- (vi) draft livestock, guide dogs for the blind other working animals used to provide a particular service to humans.

Article 4 (Basic Definitions)

In this Law 'cruelty' refers to the deliberate use of brutal means or methods to cause unnecessary suffering or harm to an animal, or the use of brutal means or methods to kill an animal.

In this Law 'abandonment' refers to such acts as the deliberate disposal of animals whose abandonment in the wild is improper or inappropriate. This Law stipulates that abandonment should be regarded as cruelty and penalised accordingly.

When animals themselves or their development, use, rearing, breeding, transport, or slaughter, or their use in experiments, education or commercial business etc, may pose a serious or irreversible threat to health and the ecology, if the relevant departments implement humane culling this may not be viewed as an act of cruelty.

In order to prevent causing unnecessary suffering to animals, in accordance with the conditions and procedures stipulated in this Law and the 'Animal Epidemic Prevention Law' etc, acts of humane killing, humane destruction or humane culling of animals may not be viewed as acts of cruelty.

Article 5 (The State's Basic Policy on the Prevention of Cruelty to Animals)

Conduct towards animals should be humane and should respect social morality, and may not violate laws and regulations or public order and accepted custom.

The State prohibits cruelty towards and abandonment of animals.

When suffering or harm may be caused to an animal, other than in those circumstances exempted by laws and regulations, the removal of organs or derivatives from the body of a live animal is prohibited.

The State encourages work units, individuals and organisations engaged in the protection, management, development, use, rearing, breeding, transport, veterinary treatment, rescue or slaughter of animals or the use of animals in experiments, education or commercial business etc., to promote the humane treatment of animals and to provide conditions and measures which benefit animals' normal growth, reproduction, veterinary treatment, rescue etc, and to improve the welfare of animals.

Article 6 (Responsibilities of People's Governments for the Prevention of Cruelty to Animals)

Local People's Governments at county level and above are responsible for the prevention of cruelty to animals in their respective jurisdictions. The State will include the prevention of cruelty to animals in its assessment and evaluation of local People's Governments at all levels and their responsible officials.

When formulating plans and policies for the development, use, epidemic prevention, management etc. of animals, the State Council and local People's Governments at county level and above or relevant departments should consider requirements for the prevention of cruelty to animals, and should adopt measures to prevent abandonment of and cruelty towards animals.

Article 7 (Campaigning, Education and Awards in Respect of the Prevention of Cruelty to Animals)

The State Council and local People's Governments at all levels should engage in campaigning and education in various forms on the prevention of cruelty to animals, should popularise animal protection knowledge and foster and raise citizens' moral standards towards the cruelty prevention and awareness of the law.

The State encourages the development of scientific research into the prevention of cruelty to animals and activities for the public good, and local People's Governments shall present awards to work units, individuals and organisations which show outstanding achievements in these areas.

Chapter 2 Responsibilities, Rights and Duties in Respect of the Prevention of Cruelty to Animals

Article 8 (Basic Rights and Duties of Work Units, Individuals and Organisations)

Any work unit, individual or organisation has the duty to prevent cruelty to animals, has the right to obtain relevant animal protection information from the government, and has the right to report and expose such acts as abandonment of and cruelty towards animals.

If an animal supervision or management body, an animal protection body or its personnel, fails to fulfil its responsibility according to the law and regulations, cruelly treats animals or fails to intervene to prevent cruel treatment of animals, any work unit, individual or organisation has the right to report, bring a charge against and expose publicly the perpetrator.

The State encourages work units, individuals and organisations to engage in public campaigning and education activities countering abandonment of and cruelty towards animals, and encourages work units, individuals and organisations in accordance with the law to rescue or collect animals which have suffered abandonment or cruelty, and encourages work units, individuals and organisations to participate in prevention of cruelty to animals work organised by the government.

In cases where acts such as abandonment of or cruelty towards an animal by another work unit, individual or organisation results in harm to the physical or emotional health of the public, any work unit, individual or organisation may initiate a civil lawsuit in the People's Court to demand that the violation cease.

In cases where state administration departments with responsibility for supervising and managing animals fail to carry out such responsibility in accordance with the law, and this leads to acts such as abandonment of or cruelty towards an animal resulting in harm to the physical or emotional health of the public, any work unit, individual or organisation

may initiate an administrative lawsuit in the People's Court to demand that the legal responsibility be fulfilled.

Article 9 (Supervision and Management Responsibilities at the Central Government Administrative Level)

The State operates a principle of centralised supervision and management combined with delegated coordinated management in respect of acts of cruelty towards animals in the activities of protection, management, development, use, rearing, breeding, transport, veterinary treatment or slaughter of animals or the use of animals in experiments, education or commercial business etc.

The public security administrative department under the State Council operates centralised supervision and management in respect of acts of cruelty towards animals nationally.

The animal husbandry and veterinary, forestry and fisheries, science and technology, customs, industry and commerce, commerce, culture, sport, health, communications and transport, education, environmental protection and other administrative departments under the State Council, within the scope of their respective responsibilities, shall standardise the management of animals and prevent cruelty towards animals.

The armed forces animal epidemic prevention supervisory body has responsibility for the prevention of cruelty towards animals within the armed forces.

Article 10 (Supervision and Management Responsibilities at Local Government Administrative Levels)

The public security departments of local People's Governments at county level and above should establish a centralised system of mailboxes, telephone hotlines and electronic mailboxes for reporting animal cruelty and abandonment incidents and should ensure the reporting system remains accessible.

The public security departments of local People's Governments at county level and above are responsible for investigating and penalising acts of cruelty towards animals, and animal husbandry and veterinary, forestry and fisheries, science and technology, customs, industry and commerce, commerce, culture, communications and transport, public security, education, health and other administrative departments at the corresponding levels in accordance with their own responsibilities, shall rescue animals which have been cruelly treated or abandoned, and coordinate with public security departments in the investigation and handling of acts of cruelty and abandonment.

Article 11 (Administrative Supervision in Respect of Acts of Cruelty towards Animals)

Each relevant administrative department in accordance with the law supervises and

manages cruelty prevention in all processes and all locations involved in the development, research, transport, import/export, trade and slaughter of animals and the use of animals in experiments, and animal health and epidemic prevention etc. In cases where acts of cruelty towards animals are identified, the public security department should be requested to impose an administrative penalty or institute a criminal investigation. Public security departments may themselves also directly investigate or penalise such acts or institute criminal investigations.

Supervisory and management departments, in exercising their authority to carry out site inspections and investigations, shall have the authority to seize or close and seal up relevant documents, materials, installations, equipment and premises. When carrying out site inspections and investigations, personnel of the supervisory and management departments responsible should show their law enforcement identification documents.

Article 12 (Judicial Supervision of Acts of Cruelty towards Animals)

When employees of State organs who through dereliction of duty are cruel towards animals or whose dereliction of duty results in serious cruelty towards animals, in serious circumstances, where such conduct constitutes a crime, this should be prosecuted by the procuratorial organs as a criminal offence in accordance with the law.

At county level and above, in cases where an act such as abandonment of or cruelty towards animals causes loss to the State or society, the People's Procuratorate has the authority to represent the State and society in initiating a civil lawsuit to demand compensation for the loss, and has the authority to support any work unit, individual or organisation suffering such loss in initiating a civil lawsuit.

At county level and above, in cases where an act such as abandonment of or cruelty towards animals causes serious damage to social order, or violates or causes serious loss to State or social property, the People's Procuratorate has the authority on the outcome of investigation by the public security departments to initiate a criminal lawsuit.

Article 13 (People's Congress Supervision of Acts of Cruelty towards Animals)

Each level of People's Government in reporting to the corresponding level of the People's Congress and its Standing Committee on the development, use, management of animals and animal epidemic prevention work etc, should include information on the prevention of cruelty to animals.

At county level and above the People's Congress and its Standing Committee should regularly carry out inspection of the implementation of the prevention of cruelty to animals in its jurisdiction.

Chapter 3 Principal Systems for the Prevention of Cruelty to Animals

Article 14 (Animal Identification Systems)

The State shall establish an identification and registration system for dogs, cats, cattle, pigs and other animals. Stipulation of the detailed methods shall be the responsibility of the animal husbandry and veterinary administrative department, public security, and commercial affairs departments under the State Council.

Local public security departments at county level and above are responsible for organising the collection of stray dogs and cats, and according to the animal identification information, for investigating and penalising acts of abandonment of and cruelty towards animals in violation of the law committed by work units, individuals and organisations.

Article 15 (Conditions for the Rearing of Animals and Record-Keeping Systems)

Those who rear, use and care for animals should guarantee that animals enjoy suitable space, a clean environment, appropriate temperature, and should provide other necessary conditions. Detailed requirements shall be stipulated by the animal husbandry and veterinary administrative department, the commerce department and other departments under the State Council.

Locations where animals are reared, farmed or sheltered on a large scale should establish animal breeding record-keeping and management systems. Such records should include the following:

- (i) the breed, number, reproductive record, identification, origin, entry and exit dates of the animals;
- (ii) the origin, type, usage, time and amount of feed, additives and veterinary drugs used;
- (iii) quarantine, immunisation and disinfection;
- (iv) growth and physical health of the animals;
- (v) injury, death, disease and veterinary treatment;
- (vi) death and safe disposal of animal carcasses;
- (vii) other items stipulated by the animal husbandry and veterinary administrative department under the State Council.

The records mentioned in the foregoing paragraph should be retained for a minimum of five years and provided when required to the supervision and management departments

for inspection.

Article 16 (Systems for Restrictions and Prohibitions on Conduct)

Deprivation of animals of food and water and other such treatment is prohibited. The use of electrodes, sharp implements, blunt instruments or implements which contain sharp or blunt parts to whip, drive, tame or train animals, is prohibited, except for in circumstances where there is an immediate threat to public safety.

The use of harmful methods of altering an animal's appearance, such as declawing, defanging etc, for the purposes of enjoyment or photography is prohibited.

The organising or advertising of fights between animals or fights between humans and animals are prohibited.

The publication in media for the purposes of promoting or encouraging cruelty towards animals, of photographic or video images or sounds of cruelty towards animals is prohibited.

Article 17 (Systems for Control of Infectious and Contagious Diseases and Humane Culling)

If, in order to control infectious or contagious diseases, it is necessary to transport or isolate animals, this should be carried out humanely, and animals should be prevented from being caused unnecessary suffering.

In cases where for epidemic prevention purposes there is a genuine need to cull animals on a large scale, the county or municipal level People's Government shall consult the opinions of animal epidemic prevention experts before making the decision, and shall make a public announcement on the decision.

An animal that has been immunised and for which the owner or person supervising or managing the animal can provide a certificate of immunisation, may not be culled.

In cases where for epidemic prevention purposes there is a genuine need to cull animals, the tasks of humane catching and killing should be performed by persons who have undergone training by a veterinarian or by an animal husbandry and veterinary administrative department.

All culling activities should be carried out in a manner which causes the minimum of physical and mental harm to animals; beating, drowning, poisoning, non-instantaneous electrocution and other brutal methods may not be used.

Culling may not be performed in the presence of minors.

Article 18 (Systems for the Rescue of Cruelly Treated or Abandoned Animals)

The animal husbandry and veterinary, forestry and fisheries, science and technology, customs, industry and commerce, commerce, communications and transport, health and other administrative departments of local People's Governments at county level and above, in accordance with their own responsibilities shall rescue abandoned animals or starving, diseased, suffering or injured animals. When necessary they may take control of locations where abandoned or cruelly treated animals are housed.

Chapter 4 Cruelty Prevention Measures for Each Animal Category

Section (i) Cruelty Prevention Measures for Wild Animals

Article 19 (Restrictions and Prohibitions on the Display of Wild Animals for Public Enjoyment)

Zoos and wild animal parks that are open to the public should comply with the following requirements:

- (i) the feeding of live prey [to carnivores etc] is prohibited;
- (ii) for the purposes of enjoyment, gambling etc the use of wild animals to engage in fighting, and the restraint by trussing of animals for photography are prohibited;
- (iii) restricting or depriving wild animals of opportunities to perform natural behaviours and habits through brutal methods such as defanging, declawing etc is prohibited.

Article 20 (Capture, Hunting, Killing and Humane Destruction of Wild Animals)

Methods and equipment for the capture, hunting or killing of wild animals must conform to humane standards. Detailed standards shall be determined by the forestry, fisheries and other administrative departments under the State Council.

In order to avoid unnecessary suffering, seriously injured or seriously diseased wild animals may be humanely destroyed by a veterinarian or specialised personnel of an animal protection or management body.

The State prohibits the import of wild animals or their products captured or manufactured using cruel methods, and prohibits the transit through China of wild animals captured or their products manufactured using cruel methods.

Section (ii) Cruelty Prevention Measures for Economic Animals

Article 21 (Cruelty Prevention Measures for Economic Animals)

Wild animals which it is prohibited from taming or domesticating may not be reared as economic animals.

Economic animals may not be driven in such a manner that causes them unnecessary harm or suffering.

Economic animals may not be used in such a manner that causes them unnecessary harm or suffering.

Those who own or keep economic animals are prohibited from abandoning in the wild those animals whose abandonment is improper or inappropriate.

Detailed methods and the list of animals shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

Article 22 (Import and Transit Restrictions)

The State prohibits the import of economic animals or their products manufactured using cruel methods, and prohibits the transit through China of economic animals or their products manufactured using cruel methods.

Section (iii) Cruelty Prevention Measures for Pet Animals

Article 23 (Prohibition on the Slaughter and Consumption of Abandoned Dogs and Cats)

People's Governments of provinces, autonomous regions or municipalities under direct central government jurisdiction, in accordance with the requirements of local ethnic groups and customs, may determine areas where the slaughter of dogs and cats, and the transportation and sale of products made from their meat, organs, skin or fur, are prohibited.

The State prohibits the abandonment of dogs and cats. The State shall gradually establish systems of designated places for the breeding and sale of dogs and cats and of identification and registration, in order to prevent cruelty towards and abandonment of, or unlawful use as economic animals of dogs and cats. Detailed methods shall be stipulated by the animal husbandry and veterinary administrative department and the public security department under the State Council.

Article 24 (Duties of Dog and Cat Detention and Quarantine Institutes, Shelters and Rescue Establishments)

Dog and cat-keepers should appropriately place dogs and cats in the cases listed below. If

unable to do so personally the keeper should take the dog or cat to an animal detention and quarantine institute, shelter or rescue establishment, none of which may refuse to accept the animal:

- (i) dogs or cats which will no longer be kept;
- (ii) stray or lost dogs or cats which have been rescued by the keeper;
- (iii) dogs which do not meet the conditions required to be kept as pets, and for which the public security department will not complete registration.

Dog and cat detention and quarantine institutes, shelters and rescue establishments, on accepting dogs and cats under the foregoing conditions should issue the dog or cat-keeper with proof of receipt.

Article 25 (The Setting Up of Non-Governmental Pet Animal Detention and Quarantine Institutes, Shelters and Rescue Establishments)

The State encourages those institutions and individuals with the requisite conditions to set up dog and cat detention and quarantine institutes, shelters and rescue establishments. The setting up of such establishments must be on obtaining permission from the public security department at county level or other department designated by the local People's Government, and completing registration as a social organisation in accordance with the law.

Conditions for the setting up of non-governmental dog and cat detention and quarantine institutes, shelters and rescue establishments shall be stipulated by the public security and animal husbandry and veterinary administrative departments under the State Council.

The funds required to run the business of non-governmental dog and cat detention and quarantine institutes, shelters and rescue establishments shall in principle be raised chiefly by the establishments themselves. The local People's Government should supplement these funds where necessary. The State encourages society to support by means of fundraising etc the respective activities of non-governmental dog and cat detention and quarantine institutes, shelters and rescue establishments.

Article 26 (Operation of Non-governmental Pet Animal Detention and Quarantine Institutes, Shelters and Rescue Establishments)

Non-governmental pet animal detention and quarantine institutes, shelters and rescue establishments which have been set up in accordance with the law may engage in the following operations:

- (i) sheltering and providing appropriate places for stray dogs and cats;

- (ii) sheltering and providing appropriate places for dogs and cats whose keepers may no longer be able to easily keep them;
- (iii) sheltering and providing appropriate places for dogs and cats which the administrative departments have detained or confiscated in accordance with this Law;
- (iv) rescuing and sheltering dogs and cats in disaster or crisis situations.

Article 27 (Police Inspection and the Collection of Stray Dogs and Cats)

The public security departments should establish daily patrol and inspection systems in order to promptly identify, investigate and penalise acts of cruelty towards and abandonment of animals. The public security department, on discovering stray dogs or cats, should use humane methods to catch them and should take the dogs or cats to a dog and cat detention and quarantine institute, shelter or rescue establishment.

The animal husbandry and veterinary department or urban administration-integrated law enforcement department of the local People's Government, on discovering stray dogs or cats, should use humane methods to catch them and should take the dogs or cats to a dog and cat detention and quarantine institute, shelter or rescue establishment, or should notify it to be dealt with by the public security department or other department designated by the local People's Government.

Any other work unit, individual or organisation, on discovering stray dogs or cats, has the right to notify them to be collected by the public security department or other department designated by the local People's Government, or may use humane methods to catch them and may take the dogs or cats to a dog and cat detention and quarantine institute, shelter or rescue establishment.

Article 28 (Handling of Stray Dogs and Cats)

Non-governmental shelter organisations when collecting stray dogs and cats should report the relevant information to the dog and cat detention and quarantine institute, shelter or rescue establishment.

Dog and cat detention and quarantine institutes, shelters or rescue establishments, or non-governmental shelter organisations when receiving a stray dog or cat should within 15 days identify the keeper and issue a notice to the keeper to claim the animal; in cases where the keeper cannot be identified or the keeper has not claimed the animal within 15 days of the issuance of the notice, the dog or cat should be treated as an ownerless animal.

Dog and cat detention and quarantine institutes, shelters or rescue establishments, or non-governmental shelter organisations should establish reception records when receiving abandoned or ownerless cats or dogs.

Dog and cat detention and quarantine institutes, shelters or rescue establishments, or non-governmental shelter organisations when receiving abandoned or ownerless cats or dogs which fulfil the conditions to be kept as pets may be adopted by work units, individuals or organisations which fulfil the conditions to keep them. Detailed requirements shall be stipulated by the public security and animal husbandry and veterinary administrative departments under the State Council.

Abandoned and ownerless dogs or cats which have not been adopted should be appropriately placed in a humane manner by dog and cat detention and quarantine institutes, shelters or rescue establishments; those animals which continue to be kept in dog and cat detention and quarantine institutes, shelters or rescue establishments should undergo examination for infectious and contagious diseases, immunisation, neutering and necessary treatment.

Abandoned and ownerless cats or dogs which have not been adopted and which non-governmental shelter organisations are unable to place, must be sent to dog and cat detention and quarantine institutes, shelters or rescue establishments for placement.

Article 29 (Other Cruelty Prevention Measures for Pet Animals)

Detailed methods concerning the protection and management in the quarantine, collection and rescue of pet animals other than cats and dogs shall be determined by the animal husbandry and veterinary, public security and other administrative departments the under the State Council.

Section (iv) Cruelty Prevention Measures for Laboratory Animals

Article 30 (Animal Experimentation and the Replacement of Laboratory Animals)

The State shall adopt measures to ensure that every unit engaged in experimentation shares international and domestic experimental data, in order to gradually promote replacement [alternative] methods and to reduce the number of unnecessary animal experiments.

In carrying out scientific or other research, different experimental methods should be prepared and preferential selection should be made of the experimental method which uses the smallest number of animals and which causes animals minimal pain, suffering, distress or lasting harm, but which may still provide a valid result.

Units engaged in experimentation should carry out experiments using alternatives in preference to animals. In cases where animals must be used in experiments, laboratory

animals should as far as possible be prevented from being caused unnecessary suffering or harm.

Detailed regulations shall be stipulated by the science and technology administrative department under the State Council.

Article 31 (Restrictions on the Use of Laboratory Animals)

Prior to carrying out animal experimentation plans should be drawn up to minimise both the number of animals used and the number of procedures.

Subjecting the same animal to the same experiment repeated or duplicated in the same test cycle should be avoided as far as possible.

Detailed methods shall be stipulated by the science and technology administrative department under the State Council.

Article 32 (Painless Use of Laboratory Animals)

Animal experimentation should be carried out using rational experimental methods and by personnel holding permits in accordance with the law, regulations and departmental rules, as far as possible preventing animals from being caused unnecessary suffering or harm.

Where surgery may lead to intense pain, a veterinarian should carry out the surgical procedure on the animal using anaesthesia, painless methods or other methods which avoid pain, suffering, distress or lasting harm, except for in circumstances elsewhere stipulated in laws and regulations.

Detailed methods shall be stipulated by the science and technology administrative department under the State Council.

Article 33 (Health Examination and Handling of Laboratory Animals)

During experiments close attention should be paid to the health of laboratory animals, reasonable handling measures should be used, as far as possible preventing animals from being caused unnecessary suffering or harm.

On conclusion of the experiment, if a laboratory animal continues to endure intense pain or suffering it may be humanely destroyed.

Detailed methods shall be stipulated by the science and technology administrative department under the State Council.

Article 34 (Other Cruelty Prevention Measures for Laboratory Animals)

Other use, breeding, transport and disposal of laboratory animals should be humane, and

teasing, harassment, abandonment of and cruelty towards laboratory animals, and engaging in experiments involving animal fighting, are prohibited.

Work units, individuals and organisations engaged in the breeding, transport, use and disposal of laboratory animals must not abandon in the wild laboratory animals whose abandonment in the wild is improper or inappropriate.

Section (v) Cruelty Prevention Measures for Other Animals

Article 35 (Prohibitions on the Use of Specific Animals in Performances)

The use of the following animals to display as exhibits, to perform, or engage in sport, competition or other similar work is prohibited:

- (i) mammals at the pregnancy or nursing stages, birds at the brooding or incubation stages, reptiles and amphibians at the egg-laying or spawning stages;
- (ii) animals which are diseased or injured or which are distressed.

Article 36 (Cruelty Prevention Measures for Performing Animals)

The abandonment or killing without a permit of sick, injured, aging or weak animals, or animals which are not suitable to display as exhibits, to perform, or engage in sport, competition or other work is prohibited.

The forcing of animals at work or in performances to exceed their natural ability is prohibited; the kicking, whipping, and use of other violent or cruel methods of driving them to perform or compete are prohibited.

The use of cruelty towards, or harassment or humiliation of animals in the content of performances is prohibited; the feeding in public of a live animal to a carnivore, causing the former fear, terror, harm or death for the purposes of enjoyment or commercial gain, is prohibited.

The permitting of visitors or members of the public to frighten or harm performing animals is prohibited; the use of live performing animals as targets and the permitting of visitors to use firearms, bows and arrows, clubs etc to strike, kill, harass or harm animals are prohibited.

Article 37 (Cruelty Prevention Measures for Animals Used in Films, Television and Advertising)

Methods involving cruelty or harm towards animals may not be used in producing filmed images.

In cases where there is a genuine need in the production of a film, an exhibit or an advertisement for scenes or frames involving the injury or death of an animal, these

should be obtained by computer generation [composition] or other technological means.

China prohibits the import and export of images filmed using methods involving cruelty or harm towards animals. Media may not broadcast video, still images or sounds produced using methods involving cruelty or harm towards animals.

Article 38 (Cruelty Prevention Measures for Animals Used in Sport and Competition)

In training, sports contests or similar activities, in the training or use of animals, methods may not be used that may cause unnecessary suffering or harm to animals, or which adversely affect their behaviour. In sports contests or similar activities, the administration of stimulants and other banned drugs is prohibited.

Article 39 (Cruelty Prevention Measures for Animals Used for Particular Work)

The application of cruel methods in the use of working dogs is prohibited.

The use of methods which cause or may cause harm or death to working dogs and other working animals is prohibited, except in emergency circumstances for the protection of significant public interest.

Chapter 5 Cruelty Prevention Measures in Respect of Veterinary Treatment

Article 40 (Requirements for Veterinary Treatment)

When an animal presents symptoms of illness or injury, its owner, keeper or carer should take prompt action for its appropriate care, and should call a licensed veterinarian to diagnose and treat the animal using veterinary measures. Other than in those circumstances exempted by laws and regulations, animals may not be killed or abandoned.

Article 41 (Veterinary Treatment Institutions)

In addition to complying with conditions stipulated in other laws and regulations, a veterinary treatment institution [clinic] should be established with the means and equipment to provide treatment, care, immunisation and killing under conditions which prevent causing unnecessary suffering to animals.

Treatment of or surgery on an infected animal should be carried out by a licensed veterinarian using reasonable veterinary methods based on the treatment needs of the animal, as far as possible avoiding causing unnecessary suffering to the animal.

Detailed rules shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

Article 42 (Restrictions on Veterinary Surgery and Treatment)

The alteration of the appearance of an animal, procedures for other non-veterinary purposes, surgery such as tail docking, ear docking, alterations to the vocal chords [devocalisation], declawing, defanging [detoothing] etc, which cause suffering to the animal, are prohibited, except for particular purposes such as to protect an animal's physical health, to protect a special animal or to prevent reproduction etc. Detailed methods shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

The removal of an animal's organ whole or in part must be based on the prerequisite of veterinary necessity or neutering etc. Information regarding a surgical procedure such as its purpose, reason, nature, the number of animals involved, location, time, duration, person(s) carrying out the procedure etc, should be recorded and retained on file by the veterinary treatment institution.

Except for treatment or other special purposes such as approved animal experiments etc, an animal must not be fed any food or drug which will adversely affect its health or appearance, and no other treatment may be carried out which can produce a similar effect. Detailed methods shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

Article 43 (Anaesthesia in Animal Surgery)

In cases where surgery may lead to severe pain, the veterinarian should carry out the surgery using anaesthesia, painless methods or other methods which avoid pain, suffering, distress or lasting harm, except for in circumstances elsewhere stipulated in laws and regulations.

Article 44 (Restrictions on the Killing of Infected Animals)

Infected or injured animals should be dealt with according to the principle of prompt and proactive treatment. Animals may not be humanely destroyed other than under the following circumstances:

- (i) incurable disease or untreatable injury, when continuing or abandoning treatment will exacerbate the animal's suffering;
- (ii) infectious or contagious disease, when not adopting killing measures will cause a large-scale spread of the disease;
- (iii) other circumstances which may lead to serious consequences.

The humane destruction of an animal must be carried out by a licensed veterinarian or other person who has undergone specialised training.

Article 45 (Veterinary Treatment Insurance)

In order to ensure that animals receive the necessary treatment and relief, and to prevent them from being caused unnecessary suffering, harm or abandonment, the State encourages insurance bodies to develop insurance business to cover veterinary treatment and accidental harm to pet animals, economic animals and other animals.

Chapter 6 Cruelty Prevention Measures in Respect of the Transport of Animals

Article 46 (Restrictions on the Transport of Animals)

The following animals may not be transported:

- (i) animals in the early stages of pregnancy, animals which are about to give birth or have given birth within the preceding 48 hours, and newborn animals whose navels are not yet healed;
- (ii) young animals unable to feed or drink independently and not accompanied by their mothers.

Animals with slight illness or injury may be transported with the approval of the animal husbandry and veterinary administrative department and quarantine department, provided that their transportation will not cause unnecessary suffering or harm, or is required for the purposes of scientific research.

Article 47 (Construction of Transport Containers)

The construction of animal transport containers should comply with the following requirements:

- (i) except where specially regulated by the State, during the transport process animals should be provided with adequate space to stand and to lie down;
- (ii) the method of transport and container should be capable of protecting the safety and preventing the escape of the animals, and may not have any defects such as sharp edges, grooves or holes which may cause harm to the animals;
- (iii) the transport container should be easy to clean, and provide a temperature, space and ventilation appropriate to the particular needs of the species, so that the animals remain free from physical suffering caused by high or low temperatures, strong winds, rain, snow, ice and other harsh weather conditions;
- (iv) the construction should allow ease of inspection and care for each animal; during the transport and handling processes the container should maintain a vertical position and may not sway or shake;

- (v) the step between the loading ramp and the ground and the step between the ramp and means of transport may not exceed a height of 21cm.

Article 48 (Transport of Animals)

When animals are transported fighting between animals and other factors affecting safe transport should be prevented. When animals are transported in layered containers or in multi-level carriages, ship cabins or aircraft cabins, precautions should be taken to ensure that animals or animal waste do not fall from upper containers or levels onto animals below.

The tethers of animals should be safe and of an appropriate length as to allow the animal to lie down, feed and drink normally, and should prevent the death of or harm to animals from strangulation.

When animals are transported, equipment for isolation and emergency treatment, and when necessary instruments for the humane killing of animals, should be carried on board the vehicle or vessel.

Article 49 (Loading and Unloading of Animals)

When animals are loaded and unloaded, suitable loading and unloading bridges, ramps, passageways and other facilities should be used. The floors of these facilities should not be slippery and the sides should be safe and robust. Loading and unloading methods must be humane, and animals may not be harmed.

Article 50 (Feeding and Watering During the Transport of Animals)

In the course of long-distance transport animals should be regularly fed and watered. In circumstances where animals are not fed or watered the journey must not exceed the regulated duration. If unloading of animals can be completed in reasonable time, the time between the aforementioned feeding and watering times may be extended as appropriate.

Detailed methods shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

Article 51 (Veterinary Treatment of Animals and Transport Time)

Animals which fall sick or are injured during transport should receive the care of the accompanying veterinarian or a veterinarian on the route as promptly as possible. When necessary in order to prevent such animals from suffering unnecessarily and to control the transmission of disease, animals other than wild animals under special State or special local protection may be humanely killed.

When animals are transported, or vehicles are being changed or grouped, quarantine

procedures should be carried out as quickly as possible. If animals are made to wait excessively long, the haulier should make necessary arrangements for the animals, if necessary allowing them to be unloaded and rested.

Detailed methods shall be stipulated by the animal husbandry and veterinary administrative department under the State Council.

Article 52 (Care of Sick and Injured Animals)

Animal transport loading, unloading, rest, transfer and staging points should provide separate housing for animals which are sick, injured or in need of individual care, and should make appropriate arrangements for the storage and disposal of waste and dead animals resulting from transport.

Chapter 7 Cruelty Prevention Measures in Respect of the Slaughter of Animals

Article 53 (Basic Definitions)

In this Law 'slaughter' means the act of bleeding an animal to the point of death.

In this Law 'killing' means any procedure which brings about the death of an animal.

Article 54 (Basic Principles)

The State shall implement a list system of animals permitted to be slaughtered or killed. The detailed list shall be determined by the animal husbandry, forestry science and technology and other administrative departments under the State Council, within the scope of their respective supervision and management responsibilities.

The slaughter or killing of animals should adhere to humane principles, and should be carried out using methods appropriate to the species which minimise or reduce the animals' stress, fear and suffering during pre-slaughter handling and up to the point of slaughter or killing.

Article 55 (Unloading of Animals)

Animals should be unloaded immediately on arrival at the slaughterhouse (slaughter site). If immediate unloading is not possible then provision should be made to protect the animals from adverse weather and to allow adequate ventilation.

Loading and unloading equipment should include non-slip floors, and the ramps and sides of the passageways should be fenced to prevent animals from falling.

The degree of sloping at the entrances and exits of enclosures should be minimised.

Detailed methods shall be stipulated by the commerce administrative department under

the State Council.

Article 56 (Marking of Animals)

After entering the slaughterhouse (slaughter site) animals should not be marked using methods which cause suffering.

Article 57 (Immediate Slaughter)

After arriving at the slaughterhouse (slaughter site) animals should be slaughtered as soon as possible and in a manner causing the minimum of suffering. Those animals which cannot be slaughtered promptly should be provided with lairage which is sanitary, dry, well ventilated and able to withstand adverse weather, and should be fed and watered.

Article 58 (Restraint and Stunning of Animals)

Before slaughter animals should not be restrained in a manner which causes them avoidable pain, suffering, distress, agitation, or harm.

In order to minimise or reduce unnecessary suffering caused to animals, before slaughter animals should be humanely stunned, using such measures as electric shock, concussion, electro-anaesthesia, exposure to carbon dioxide etc. Those animals that cannot be bled immediately may not be stunned.

Article 59 (Bleeding, Flaying, Scalding or Dehairing/Defeathering)

After stunning animals should immediately be rapidly, cleanly and thoroughly bled.

Animals may not be flayed, scalded, dehaired, defeathered, eviscerated or delimbed before death.

Article 60 (Sight Restriction)

The slaughter or killing process may not take place in the presence of other live animals awaiting slaughter.

Article 61 (Other Regulations on Animal Slaughter)

Other requirements for the slaughter of pigs not stipulated in this Law shall be enforced according to *Administrative Regulations on the Slaughter of Pigs* and *National Standard GB/T22569-2008 of the People's Republic of China: Technical Standards on the Humane Slaughter of Pigs*.

The management of the slaughter of other animals for commercial purposes not stipulated in this Law shall be enforced according to *Administrative Regulations on the Slaughter of Pigs* and *National Standard GB/T22569-2008 of the People's Republic of China: Technical Standards on the Humane Slaughter of Pigs*.

Article 62 (Requirements for Religious or Ritual Slaughter)

In cases where animals are slaughtered in religious rites or in accordance with ethnic minority customs or practices, or in emergency situations, slaughter may be carried out using methods which bring about immediate death of the animal, and shall not be subject to the foregoing restrictions stipulated in this Chapter. It should still, however, as far as possible be ensured that animals are not caused avoidable pain and suffering.

Chapter 8 Legal Liability

Article 63 (General Penalties)

Any person violating this Law under any one of the following circumstances shall be ordered to rectify the violation immediately or within a specified time limit, be issued with an individual caution or a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) deliberate cruel treatment, harming or harassment of an animal which causes it unnecessary suffering or harm;
- (ii) failure of an owner or person caring for the animal to provide prompt treatment or relief to a seriously injured or sick animal;
- (iii) abandonment or unlawful release of an animal into the wild;
- (iv) unlawful removal of organs or derivatives from the body of a live animal;
- (v) import or transit of an animal caught or bred or an animal product manufactured using brutal methods; import, transit or dissemination, publication or advertising of documents, photographic images or video recordings promoting the brutal treatment of animals;
- (vi) failure to comply with regulations covering animal records;
- (vii) refusing, delaying or obstructing the lawful duties of the responsible animal protection administrative department to carry out inspection, investigation, seizure or the closing and sealing up of premises.

Article 64 (Penalties for Violations of the Regulations on the Care of Animals)

Any person violating this Law in respect of any one of the following acts resulting in cruelty towards an animal shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) failure by a person who owns, keeps or cares for an animal to meet the conditions required by this Law to do so;
- (ii) failure by a large-scale livestock farm or laboratory animal breeding establishment to meet the relevant conditions required by this Law, or failure to maintain facilities in good repair in accordance with the regulations;
- (iii) any other act which violates the regulations for the humane care of animals.

Article 65 (Penalties for Violations of the Regulations on Veterinary Treatment)

Any veterinary treatment institution violating this Law in respect of any one of the following acts shall be ordered to rectify the violation immediately or within a specified time limit, and be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) failure by the veterinary treatment institution to meet the conditions for providing treatment for or killing of an animal so as to prevent unnecessary suffering or harm;
- (ii) performance of veterinary treatment or surgery by an unlicensed veterinarian;
- (iii) alteration of the appearance of an animal or removal of organs or derivatives from an animal;
- (iv) where surgery or an experiment may cause intense pain, failure to use anaesthesia, painless methods or other methods which avoid pain, suffering, distress or lasting harm;
- (v) any other act which violates the responsibility for carrying out humane veterinary treatment.

Article 66 (Penalties for Violations of the Regulations on the Management of Wild Animals)

Any person violating this Law in respect of any one of the following acts shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) during opening times of a zoo or wild animal park, the feeding of live prey [to carnivores] etc;
- (ii) for the purposes of enjoyment, gambling etc, the use of wild animals to engage in fighting;
- (iii) restricting or depriving wild animals of opportunities to perform natural

behaviour and habits through the use of brutal methods such as defanging, declawing etc;

- (iv) failure to use methods and equipment for the capture, hunting or killing of animals which conform to humane standards;
- (v) starvation or other cruel treatment of wild animals by zoos or units which use performing animals, or in cases where wild animals are subject to starvation, disease, suffering or harm, and the unit responsible cannot provide relief, failure by that unit to report to and request assistance from the forestry department or other administrative department of the local People's Government;
- (vi) any other act which violates the regulations for the humane treatment of wild animals.

Article 67 (Penalties for Violations of the Regulations on the Management of Pet Animals)

Any person violating this Law in respect of the slaughter, transportation or sale of the meat, or products made from the meat of, dogs or cats within areas where their slaughter and sale are prohibited, shall be issued with a fine not exceeding CNY5,000, and be ordered to sign a statement of repentance; a work unit or organisation shall be issued with a fine of at least CNY50,000 but not exceeding CNY500,000.

Article 68 (Penalties for Violations of the Regulations on the Management of Laboratory Animals)

Any person violating this Law in respect of any one of the following acts resulting in cruelty towards an animal shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) engaging in the breeding, transport, trade or use in experiments of laboratory animals without obtaining permission;
- (ii) violation of requirements relating to the replacement of animals in experiments;
- (iii) in the use of animals in experiments, education or surgery, failure to use anaesthesia, painless methods or other methods which avoid pain, suffering, distress or lasting harm, in accordance with requirements;
- (iv) violation of regulations prohibiting repetition of animal experiments on the same animal;

- (v) any other act which violates the regulations for the humane treatment of laboratory animals.

Article 69 (Penalties for Violations of the Regulations on the Protection of Animals Used in Performances, Sport and Particular Work)

Any person violating this Law in respect of any one of the following acts shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY100,000:

- (i) engaging in a performance involving cruelty towards an animal or disseminating for the purposes of promoting or encouraging cruelty towards animals, of documents, photographic or video images or sounds of cruelty towards animals;
- (ii) tolerating the frightening or harming of an animal by a visitor or a member of the public, or use of a live animal as a target or the permitting of a visitor to use a firearm, a bow and arrow or a club etc to hunt, kill, harass or harm an animal;
- (iii) feeding in public of a live animal to a carnivore, causing the former fear, terror, harm or death for the purposes of enjoyment or commercial gain;
- (iv) use of a harmful method to alter an animal's appearance for the purposes of enjoyment or photography;
- (v) use of a method involving cruelty towards an animal to produce a photographic image or video recording of the animal;
- (vi) any other act which violates the regulations for the humane treatment of animals used in performances, sport and particular work.

Article 70 (Penalties for Violations of the Regulations on the Transport of Animals)

Any person violating this Law in respect of any one of the following acts shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine not exceeding CNY1,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY5,000 but not exceeding CNY50,000:

- (i) violation of regulations restricting or prohibiting the transport of animals;
- (ii) violation of regulations relating to the construction or safety of animal transport containers;

- (iii) violation of regulations relating to the loading and unloading of animals, duration of journeys, feeding and watering;
- (vi) any other act which violates the regulations for the humane treatment of animals during transport.

Article 71 (Penalties for Violations of the Regulations on the Slaughter, Killing and Culling of Animals)

Any person violating this Law in respect of any one of the following acts shall be ordered to rectify the violation immediately or within a specified time limit, be issued with a fine of at least CNY2,000 but not exceeding CNY30,000, and be ordered to sign a statement of repentance. A work unit or organisation shall be issued with a fine of at least CNY30,000 but not exceeding CNY200,000:

- (i) unlawful slaughter, killing or culling of an animal by an unqualified person;
- (ii) failure to comply with standards for restraint, stunning, bleeding, flaying, scalding, dehairing or defeathering of animals;
- (iii) during the slaughter or killing process allowing the presence of live animals awaiting slaughter or killing at the site;
- (iv) any other act which violates the regulations for the humane treatment of animals during slaughter or killing.

Article 72 (Supplementary Regulations to the Foregoing Penalties)

The administrative department responsible may organise the rescue and humane disposal of animals which have suffered abandonment or cruelty. The costs for doing so shall be borne entirely by those persons who have violated the law.

The administrative department responsible, if it deems it necessary, may temporarily seize or confiscate animals which have suffered abandonment or cruelty, and may seize or confiscate facilities or equipment used in that abandonment or cruelty.

In the case of an act in violation of this Law, if an organ authorised to issue administrative penalties deems it necessary, it may prohibit those persons in violation from engaging in the breeding, sale, purchase, rearing, caring for, veterinary treatment, transport, slaughter, killing or use in experiments of animals.

The preceding prohibitions may be imposed with or without time limitations. In the cases of acts of deliberate, serious cruelty towards animals, multiple incidences of cruelty towards animals, or abandonment of pet animals, prohibition should be indefinite.

In the case of an act in violation of this Law that disrupts social order and violates the *Law of the PRC on Public Security Administration Punishment*, the public security department should impose a punishment of administrative detention.

Article 73 (Rewards for the Reporting of Offences)

Reporting and exposing to the responsible administrative departments or judicial organs acts in violation of this Law shall be rewarded by any organ authorised to issue administrative penalties or initiate prosecutions. The amount of the reward shall be 10-20% of the amount of the fine for the violation in question. Where this amount falls below CNY100 the amount of the reward shall be CNY100.

Article 74 (Civil Liability)

If a person unlawfully harms or kills an animal that person should bear civil responsibility for compensating the animal's owner for the loss or damage incurred.

If a person abandons a pet animal, an economic animal, a laboratory animal or other animal whose abandonment in the wild is improper or inappropriate, the animal's owner should bear responsibility for the entire costs of detention and quarantine, sheltering and rescue of the animal. If an owner refuses to accept responsibility to bear such costs, the responsible administrative department or other department designated by the local People's Government, or non-governmental organisation carrying out detention and quarantine, sheltering and rescue work, may initiate a civil lawsuit in the People's Court.

If a raised animal violates the civil rights and interests of a third party, it shall be dealt with in accordance with the 'Act on Tort Liability of the PRC'.

Article 75 (Administrative Disciplinary Penalties)

Any person violating this Law in respect of any one of the following acts shall be penalised by a State organ authorised to issue administrative disciplinary penalties, and in case of serious violation should be prosecuted as a criminal offence in accordance with the law:

- (i) unlawful approval of an application or failure to issue a permit in accordance with the law;
- (ii) failure to comply with the law on accepting reports or exposures of offences;
- (iii) failure to comply with the law on fulfilling responsibility for rescue or forcible seizure of animals;
- (iv) failure to comply with the law on fulfilling responsibility for immunisation, causing an animal unnecessary suffering or harm;
- (v) use of a cruel method to cull or kill an animal;

(vi) any other act which should warrant an administrative disciplinary penalty.

Article 76 (Criminal Liability)

In violation of this Law, in cases of deliberate cruelty towards an animal, where the circumstances or consequences of the violation are serious, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of the removal of organs or derivatives from the body of a live animal, or the sale of animal organs, where the circumstances or consequences of the violation are serious, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of engaging in a performance or activity involving cruelty towards an animal, or the dissemination of documents, photographic images or video or sound recordings showing cruelty towards an animal, which disrupt social order, where the circumstances or consequences of the violation are serious, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of deliberate abandonment of animals in large numbers, where the circumstances of the violation are serious, or where the serious consequences include a threat to public safety, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of the use of animals in gambling, where the circumstances or consequences of the violation are serious, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of in the control of an animal epidemic the indiscriminate culling of an animal which has already been immunised, or the use of inhumane methods to cull an animal, where the circumstances or consequences of the violation are serious, prosecution shall be brought as a criminal offence in accordance with the Criminal Law.

In violation of this Law, in cases of the slaughter of dogs or cats prosecution shall be brought as a criminal offence in accordance with the first paragraph of this Article.

Chapter 9 Appendix

Article 77 (Commencement and Legislative Coordination)

This Law shall come into force on [date]. After enactment of this Law, all other laws passed by the Standing Committee of the National People's Congress for the management of animals should be coordinated with the provisions of this Law.

On the Submission of an Experts' Proposal to the Standing Committee of the National People's Congress to Amend the *Criminal Law of the PRC* to Protect Animals

Standing Committee of the National People's Congress:

In the last few years China has seen an increasing number of acts of serious cruelty towards animals, such as the high-heels kitten ['squish'] incident, dog killing, burning of cats etc, and these have led to serious resentment within society, with in some places violent resistance and demonstrations, significantly threatening social stability and the implementation of scientific progress. China Central Television and other major media have also paid very close attention to these incidents. At present, when faced with these acts which seriously damage social order and violate property rights, China's Criminal Law is either powerless or lacks charges which are appropriate to the acts concerned. In view of this the *Prevention of Cruelty to Animals Law of the PRC (Experts' Draft Proposal)* Project Team hereby makes a submission to the Standing Committee of the National People's Congress to amend the *Criminal Law of the PRC*, using the rule of law to promote the development of social morals, in particular by addition to Chapter Six 'Offence of Jeopardising Social Management and Order', Section One 'Offence of Disrupting Public Order', the following Articles: 'Offence of Cruelty Towards Animals', 'Offence of Disseminating Photographic Images of Cruelty Towards Animals', 'Offence of Abandonment of Animals'. The details of the proposed amendment are:

1: Establishment of an Offence of Cruelty Towards Animals

Article [no.] Any one of the following circumstances shall warrant a term of detention, control or imprisonment of at least six months but not exceeding one year, and additionally a fine may be imposed; where the circumstances or consequences of the violation are quite serious, a term of imprisonment of at least one year but not exceeding three years shall be imposed, and additionally a fine should be imposed:

- (i) deliberate cruelty towards an animal, and disruption of social order, where the circumstances or consequences of the violation are serious;
- (ii) engaging in a performance or activity involving cruelty towards an animal, and disruption of social order, where the circumstances or consequences of the

violation are serious;

- (iii) indiscriminate killing of an animal which has already been immunised, or the use of inhumane methods to kill an animal, where the circumstances or consequences of the violation are serious;
- (iv) in violation of this Law, for commercial purposes removal of organs or derivatives from the body of a live animal, or the sale of animal organs, where the circumstances or consequences of the violation are serious.
- (v) slaughter cats and dogs in areas of prohibition, where the circumstances or consequences of the violation are serious.

In this section, 'cruelty' refers to the deliberate use of brutal means or methods to cause unnecessary suffering or harm to an animal, or the use of brutal means or methods to kill an animal.

2: Establishment of an Offence of Disseminating Photographic Images of Cruelty Towards Animals

Article [no.] For the purposes of promoting or encouraging cruelty towards animals or other purposes, the malicious dissemination of photographic or video images or sounds of cruelty towards animals, and disruption of social order, where the circumstances or consequences of the violation are serious, shall warrant a term of detention, control or imprisonment of at least six months but not exceeding one year, and additionally a fine may be imposed; where the circumstances or consequences of the violation are quite serious, a term of imprisonment of at least one year but not exceeding three years shall be imposed, and additionally a fine should be imposed.

3: Establishment of an Offence of Abandonment of Animals

Article [no.] In violation of the regulations on the duty of care, deliberate abandonment of domestic animals, laboratory animals or other animals, in large numbers, where the circumstances of the violation are serious, or where the serious consequences include disruption of social order or threat to public safety, shall warrant a term of detention, control or imprisonment of at least six months but not exceeding one year, and additionally a fine may be imposed; where the circumstances or consequences of the violation are quite serious, a term of imprisonment of at least one year but not exceeding three years shall be imposed, and additionally a fine should be imposed:

Following the principle of 'helping rather than hindering', we have assembled a team of Chinese and international experts with research experience in animal protection law, and have systematically examined in depth the problems of constructing animal protection criminal legislation around the world. We have integrated this research with the current

situation in China in preparing the foregoing proposal to the Standing Committee of the National People's Congress of the PRC, which we submit for your consideration.

Respectfully

Prevention of Cruelty to Animals Law of the PRC (Experts' Draft Proposal) Project Team

[Signed] Chang Jiwen (Expert Drafting Project Team Leader)

1 March 2010