



ANIMAL
ALLIANCE
OF CANADA



Animal Justice
CANADA LEGISLATIVE FUND



THE ASSOCIATION FOR THE
PROTECTION
of Fur-Bearing Animals

Canadian Coalition
for Farm Animals



Coalition canadienne
pour la protection
des animaux de ferme



CFHS • FSCAA
Canadian Federation
of Humane Societies
Fédération des sociétés
canadiennes d'assistance
aux animaux



finfree



HUMANE SOCIETY
INTERNATIONAL
CANADA



IFAW

International Fund for Animal Welfare



Society for the Prevention
of Cruelty to Animals



Briefing Note: Bill C-246, Modernizing Animal Protections Act

The Modernizing Animal Protections Act makes common sense improvements to the animal cruelty offences in the Criminal Code, closing legal loopholes that let animal abusers go unpunished. Bill C-246 also cracks down on dog fighting; toughens penalties for repeat animal abusers; protects animals from sexual abuse; prohibits the practice of shark finning in Canadian waters and bans the import of shark fins into Canada; bans the import of dog and cat fur; and requires that fur be labeled with the animal species and country of origin.

Background

Canada's animal cruelty laws were first enacted in 1892 and the offences have not been meaningfully updated since 1954. In 1998, the Department of Justice consulted broadly with Canadians to gather input on modernizing the animal cruelty provisions of the Criminal Code. As a result, former Justice Minister Anne McLellan tabled Bill C-17 in the House of Commons in late 1999, which contained Criminal Code reforms that are nearly identical to the ones proposed in Bill C-246. Minister McLellan's bill died on the order paper when an election was called, and similar government bills were reintroduced multiple times, but failed to become law due to prorogations and elections. On February 26, 2016, Liberal MP Nathaniel Erskine-Smith introduced Bill C-246, the Modernizing Animal Protections Act.

Criminal Animal Cruelty Laws

Canada's animal cruelty laws are among the weakest of their kind in the world. Bill C-246 makes it easier to convict those who neglect animals by failing to provide suitable food, shelter, and care. Currently, prosecutors must prove willful neglect, which is an unclear and confusing standard that often allows puppy mill operators or those who starve animals to escape criminal conviction. Bill C-246 closes loopholes related to animal fighting, making it illegal to profit from animal fighting, and to train, breed, and transport animals for the purpose of fighting. The bill also ensures all forms of sexual abuse of animals remains illegal, closing a dangerous possible loophole that could allow some cases of bestiality to go unprosecuted.

Currently, unowned animals like wildlife and stray pets are less protected from cruelty and killing: it is not a criminal offence to kill a stray or wild animal for no reason. It is also not illegal to brutally beat an unowned animal to death for no reason so long as the animal dies immediately--Bill C-246 would close these loopholes. Prosecutors often avoid laying criminal charges against animal abusers because they fear these loopholes will make it difficult to convict, relying instead on less serious provincial regulatory charges. As a result, animal abusers escape criminal conviction even for extreme acts of cruelty.

Animal cruelty offences are currently located in the property offences section of the Criminal Code. This may have been appropriate in the 1800s when one of the main goals of the laws was to protect peoples' property rights in economically valuable livestock. But now, Canadians believe harming animals is wrong principally because of the effect on the animals, and only secondarily for other reasons. Bill C-246 moves animal cruelty crimes to a new section of the Code called "Offences against animals". This does not change animals' legal status as property, but rather is a recognition of the widespread view that animals

deserve protections regardless of whose property they happen to be. The changes proposed by Bill C-246 will not affect animal agriculture, hunting and fishing, as critics have falsely claimed. The changes proposed by Bill C-246 target cases of blatant animal abuse and neglect.

Ending Shark Finning

Bill C-246 prohibits the practice of shark finning in Canadian waters and bans the import of shark fins not attached to the carcass. Shark finning is the cruel practice of removing a shark's fins—often while the shark is still alive—while discarding the remainder of the shark while at sea, leaving the animal to suffer a slow and painful death. Finning is not only inhumane; it allows sharks to be caught in unsustainable numbers. As apex predators, sharks play an essential role in marine ecosystems. Shark finning endangers their survival—and that of the species that rely on them. Over the past four decades, many shark species have declined by over 90 percent.

To date 17 Canadian municipalities have banned the sale of shark fin products to protect these vulnerable animals, along with dozens of countries, states, and cities around the world. Since 2012, Canada has imported over 500,000 kg of shark fins.

Cat and Dog Fur

Bill C-246 bans the import and sale of cat and dog fur in Canada. Most cat and dog fur comes from China, a country with no animal welfare laws. Footage from cat and dog farms in China has revealed horrific conditions, with cats and dogs crammed into small, filthy cages.

Bill C-246 also requires that fur products be labeled with the animal species. Currently, fur products in Canada are largely unregulated, leaving consumers with no way to tell if a product is made from cat or dog fur, or another species. In fact, fur products like fur trim, fur coats, and decorative baubles—so long as the fur is still attached to the skin—are completely exempt from the labeling laws that ensure other fabrics are clearly identified. With rare exceptions, dog and cat products are not labeled as such, and fur exporters have admitted to placing false labels on dog and cat fur.

Banning cat and dog fur will protect consumers from buying these unconscionable products. Requiring fur labels will ensure that consumers have the information they need to make informed purchasing decisions about fur.

Broad Support

An Environics Research Group survey in June 2015 found overwhelming support for updating the Criminal Code. In fact, 92% of those surveyed agreed that the Criminal Code should be updated to make it easier to convict people who commit acts of cruelty to animals.

A 2013 Environics poll revealed that 81 percent of Canadians support a ban on the trade in products of shark finning.

Pass Bill C-246

Passing Bill C-246 will move Canada's animal protections laws out of the 19th century and into the 21st century. All Members of Parliament who believe animal cruelty has no place in Canada should support Bill C-246.