

Fast Facts: Bill C-246, Modernizing Animal Protections Act

Animal Cruelty, Criminal Code

- Canada's animal cruelty laws are among the weakest of their kind in the world.
- The animal cruelty sections in the Criminal Code were first enacted in 1892, and the offences have not been meaningfully updated since 1954.
- Prosecutors often avoid laying criminal charges against animal abusers because the animal cruelty provisions are riddled with loopholes and they fear they won't get convictions. This allows animal abusers to escape criminal conviction even for extreme acts of cruelty against animals.
- 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 a confusing standard and sometimes 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. Animal fighting rings are underground and secretive, making them notoriously difficult to detect and prosecute. Outlining behaviours associated with animal fighting will make it easier for law enforcement to bring animal fighters to justice.
- Currently, unowned animals like wildlife and stray pets receive fewer protections from cruelty and killing: it is not a criminal offence to kill a stray or wild animal for no reason. It is also not a criminal offence to brutally beat an animal to death for no reason so long as the animal dies right away. Bill C-246 closes these loopholes.
- Bill C-246 strengthens sentences for repeat animal abusers, with a mandatory lifetime ban on animal ownership for any person convicted of animal cruelty for a second time.
- 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.
- Bill C-246 will not affect animal agriculture, animal research, or hunting and fishing, as critics have falsely misrepresented. The changes proposed by Bill C-246 target cases of blatant animal abuse and neglect.
- Bill C-246 reiterates the protections for existing aboriginal and treaty rights. These rights are also protected by the constitution.
- Bill C-246 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.

- An Environics Research Group survey in June of 2015 has 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.

Prohibiting the Import of Shark Fins

- Bill C-246 prohibits the practice of shark finning in Canadian waters and bans the import of shark fins not attached to the carcass.
- In 2013, NDP MP Fin Donnelly proposed a federal ban on the import of shark fins. That bill was narrowly defeated by just five votes, but was supported unanimously by both the NDP and Liberals. The Conservative government promised instead to strengthen regulations, though no such regulations materialized.
- Over the past four decades, many shark species have declined by over 90 percent.
- Since 2012, Canada has imported over 500,000 kg of shark fins. In 2015 alone, Canada imported over 140,000 kg of shark fins.
- Seventeen Canadian municipalities have already banned the sale of shark fin products: Abbotsford, Brantford, Coquitlam, Duncan, City of Langley, Township of Langley, London, Maple Ridge, Nanaimo, Newmarket, New Westminster, North Vancouver, Oakville, Pickering, Pitt Meadows, Port Moody, and White Rock.
- In September 2012, the Union of British Columbia Municipalities passed a near-unanimous resolution calling on the federal government to ban the import of shark fins into Canada.
- A 2013 Environics poll revealed that 81 percent of Canadians support a ban on the trade in products of shark finning.

Banning the Import and Sale of Dog and Cat Fur into Canada

- Bill C-246 bans the import and sale of cat and dog fur in Canada and requires that fur be labeled with the animal species.
- The vast majority of cat and dog fur comes from China, which has no animal welfare laws.
- In Canada, there are no labeling requirements for fur garments. Thus, it is entirely possible for cat and dog fur to be sold in this country, without anyone finding out. Fur products like fur trim, fur coats, and decorative baubles 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 even admitted to placing false labels on dog and cat fur.
- It is legal to import cat and dog fur into Canada, and police have apprehended shipments of counterfeited brand name winter parkas that use cat and dog fur.