



Canadian Federation of Humane Societies

Fédération des sociétés canadiennes d'assistance aux animaux

## Presentation to the Standing Committee on Justice and Human Rights

February 5, 2008

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### **Intro**

Good afternoon Honourable Members. Thank you for the opportunity to speak to you today on this very important issue. First I'll give you just a little background on the Canadian Federation of Humane Societies (CFHS).

### **General**

The Canadian Federation of Humane Societies is a national animal welfare charity formed in 1957 – more than 50 years ago. It is the only national voice of humane societies and SPCAs and works to promote respect and humane treatment for all animals.

CFHS' members consist of humane societies and SPCAs from every province and territory. I speak today on behalf of more than 100 societies and branches.

Humane societies and SPCAs are mandated under provincial law to carry out investigations of suspected animal abuse and to enforce the federal Criminal Code as well as provincial animal protection legislation. Under today's law only 1/2 of 1% of animal cruelty investigations are prosecuted in court. That's due in large part to the loopholes in the Criminal Code.

I want to emphasize that the CFHS is NOT an animal rights organization and does not espouse an animal rights philosophy. As an animal welfare organization we promote the responsible and humane use of animals – reflecting the values of the majority of Canadians. The CFHS respects the need to safeguard heritage activities in Canada such as farming, fishing, hunting and trapping.

## **Bill S-203**

As I'm sure you know, the CFHS is adamantly opposed to this bill. We cannot understand why our Canadian Parliament would want to enact 1892 legislation simply adjusted for inflation. Enactment of S-203 will have exactly the opposite effect to what you would intend. In some parts of Canada, SPCAs hardly use the Criminal Code because their provincial animal protection acts are so much stronger. If Bill S-203 passes, this will not change.

### **What are the problems?**

#### Wilful Neglect

This is the biggest problem with the current law as it requires proof that a person intended to neglect their animals – something that is very difficult to prove. Neglect cases are the most common cases that humane societies and SPCAs see, so this is a critical loophole to fill.

#### Animal Fighting

Dog fighting goes on in communities right across Canada. It is a barbaric and bloody 'sport' that causes horrific animal suffering and sometimes death of fighting dogs. Yes, it is an offence in Canada to be involved in the fighting of animal. But it is not an offence to train animals to fight, nor to receive money from fighting. To put this in context, Michael Vick was not caught in the act of dog fighting so he would not have been prosecuted in Canada.

#### Killing an animal

It is currently an offence to kill an owned animal without a lawful excuse, such as farming, fishing, hunting, trapping, research or protection of life or property. But it is not an offence to kill an unowned animal without a lawful excuse.

#### Property section

Currently, animal abuse crimes are considered property offences under the Criminal Code. The vast majority of Canadians think animals should be protected because they can suffer, not because they are someone's property.

#### Brutal and vicious killing

There is currently no offence for particularly heinous crimes of killing animals brutally or viciously. This kind of offence is needed for very violent crimes that would otherwise fall through the cracks.

#### Reference to different types of animals

The current legislation has a separate section for cattle, and refers to birds, animals, cocks and animals that are kept for a lawful purpose, instead of protecting all animals equally because they can all suffer.

#### Inadequate penalty provisions

There is no question that the current penalty provisions are completely inadequate to appropriately punish animal abusers and to act as any kind of deterrent.

### **Discussion**

This is a pretty long list of substantial problems with our current federal animal cruelty law that need to be fixed. Canada's current animal cruelty law is an embarrassment. It is out-of-date, ineffective and completely inadequate. Passing Bill S-203 will not relieve the embarrassment, the ineffectiveness, nor the inadequacy.

It appears there is considerable pressure to get Bill S-203 passed. Most politicians are tired of discussing animal cruelty amendments and just want to get something enacted. Passing archaic, inadequate legislation just to get something passed is not what Canadians expect and deserve. Nor is it what our legislators were elected to do.

Canadians have spoken out against Bill S-203. The horrific case of Daisy Duke, the dog from Didsbury, Alberta that was beaten, bound and dragged behind a car last year, sparked a petition against S-203 (then called S-24). More than 111,000 Canadians signed this petition. 111,000 Canadians! Parliament has taken action on behalf of Canadians when faced with petitions much smaller than this.

A national survey conducted by SES Research in November 2006 found that more than 85% of Canadians want wild or stray animals protected from cruelty. The response was virtually the same from all regions of the country, from urban and rural areas and from those who hunt or fish. More than 76% of Canadians support changing the law so that animal cruelty crimes are no longer property offences. In fact, people living in rural areas, those who hunt or fish and people who traditionally vote Conservative are even more likely to support this change.

As you know, Mark Holland has tabled Bill C-373, which is almost identical to the bill that gained widespread support in 2003. That bill had the support of ALL political parties, the animal protection movement, veterinarians, police associations and the majority of animal use industries, including farmers, trappers and researchers. And the Assembly of First Nations wrote to the Senate in 2003,

acknowledging that Aboriginal harvesting was protected under that bill. You are now considering passage of a bill that doesn't have anywhere near that level of support.

The reason there was so much support for the bill in 2003 is because it fixed all the loopholes I mentioned earlier AND it maintained all the legal protections that permit animals to be killed - and even to suffer - in the course of legal activities, such as farming, hunting, fishing, trapping or scientific research.

One rather powerful sector that did not support that bill in 2003 was the hunting and fishing lobby, which actually asked for a specific exemption from the animal cruelty provisions in the Criminal Code. This is like asking for the right to be cruel to animals. It is absolutely inappropriate to exempt anyone from the Criminal Code. And I'm sure that most hunters and anglers have no desire to be cruel to animals.

These powerful, anti-humane groups have successfully convinced politicians that a bill like C-373 would make hunting and fishing illegal because they wouldn't be considered a 'lawful excuse'. That premise is precisely why these groups are here today trying to convince you to pass archaic and inadequate legislation. The term 'lawful excuse' means 'that which is lawful'. It is preposterous to suggest that heritage activities like hunting, fishing or trapping would not be considered lawful.

Those groups that oppose Bill S-203 do so, not because of what it does, but because of what it does not do. That is why you should oppose this bill. As members of the Justice Committee working on improving legislation, you know that Bill S-203 is not good enough.

Many politicians have acknowledged that this bill doesn't fix all the problems but that we should do this now and fix the rest later. As politicians, you know that is not going to happen. You know it will take years, maybe decades, before this parliament is prepared to consider more animal cruelty amendments. The decision is yours to make: Do you support a wholly inadequate bill just so you can say you did something? Or do you listen to Canadians and to SPCAs across Canada and reject this archaic, defective and anti-humane bill that will do nothing to improve the lives of abused animals.