



Canadian Federation of Humane Societies

Fédération des sociétés canadiennes d'assistance aux animaux

## Presentation to Legal and Constitutional Affairs Committee Senate of Canada

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### **Intro**

Good afternoon, Senators. Thank you for the opportunity to speak to you on this very important issue – animal cruelty.

### **General**

The Canadian Federation of Humane Societies is a national animal welfare charity formed in 1957 – almost 50 years ago. It is the first and only national voice of humane societies and SPCAs and supports its member animal welfare organizations across Canada in promoting respect and humane treatment for all animals.

I cannot emphasize enough that the CFHS is NOT an animal rights organization and does not espouse an animal rights philosophy. The animal rights philosophy believes that animals and humans are equal. Animal rights groups oppose the use of all animals, for any purpose, no matter how humane, including the use of animals for food or even companionship.

The animal welfare philosophy promotes the responsible and humane use of animals – reflecting the values of the majority of Canadians. The CFHS is an animal welfare organization that works to improve the welfare of companion, farm, research and wild animals. For more than 20 years, the CFHS has worked with various industry groups, government and other stakeholders in the development of Codes of Practice for the care and handling of various types of farmed animals. The Federation is a founding member of the recently-formed National Farm Animal Care Council that is developing a new system for Codes of Practice.

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The CFHS is a founding member of the internationally-recognized Canadian Council on Animal Care – the organization that oversees the use of animals in research in Canada.

It is worth noting that the CCAC program of oversight covers the use of all vertebrates, as science shows that all vertebrates feel pain. The CFHS is the only non-animal use organization on the CCAC Council. The Federation participates in the development of CCAC guidelines for the care of various types of animals used in research and also approves community representatives to serve on CCAC assessment panels that monitor individual animal research facilities regularly.

This is the second time that the CFHS has appeared before this Senate Committee and we are honoured to be here again. The Federation has a strong connection with the Senate. A former member of this Chamber, the late Senator Frederic McGrand, a medical doctor by profession, was a founding director of the CFHS and our President from 1960-65. He was one of the first to acknowledge and understand the link between cruelty to animals and violence towards human beings. In fact, Senator McGrand was the driving force behind a 1980 Senate report titled *Child at Risk*, which examined early childhood experiences – including animal cruelty and abuse - as causes of criminal behaviour.

### **The Violence Link**

This link between animal cruelty and violence towards human beings has been well documented over the last several decades. Many serial killers and other violent offenders began their violent ways by torturing and abusing animals. Paul Bernardo, Jeffery Dahmer, Albert de Salvo and Ted Bundy all abused animals in their childhood. In fact, clinical evidence indicates that animal cruelty is one of the symptoms usually seen at the earliest stages of conduct disorder.

When the Senate debated this bill in June, Senator Nolin gave an extensive overview of the link between animal cruelty and domestic violence, citing many important studies on the issue. He stated, "Children who mistreat wild and domestic animals are not all victims of violence, but the facts show that children who systematically abuse or torture animals are more likely to commit serious crimes when they become adults." He continued, "We were right not to accept all the proposals made, but the one before us has the merit of having gained the approval of almost all segments of our society."

I commend Senator Nolin for educating the Committee about the violence link to demonstrate one of the crucial reasons we need a better animal cruelty law. However, unfortunately, he had it backwards. It was the previous iteration of animal cruelty

amendments that gained the approval of almost all segments of our society, when it was supported in 2003 by a very large group of animal industry groups, the animal protection organizations that had supported it from the beginning and all parties in the House of Commons.

Bill S-213 does not enjoy this level of support. Animal protection groups, including humane societies and SPCAs that are mandated as Peace Officers to enforce animal cruelty laws, are strongly opposed to it because it does not repair any of the substantial flaws in the offences.

### **Problems with Current Law**

As you know, today's animal cruelty law was enacted in 1892 – the horse and buggy days when animals were valued and protected as property. It contains some major flaws that prevent appropriate punishment of many serious animal abusers. There are significant wording and technical shortcomings that prevent the law from addressing many of the animal cruelty cases that SPCAs confront on a regular basis. The following outlines these flaws:

- The enormous and oxymoronic loophole of the current wording 'willful neglect', which makes it very difficult to convict in cases of neglect, even where animals have been left to starved to death
- The extreme difficulty of pursuing cases of cruelty or abuse against wild or stray animals
- Treating animal cruelty crimes as property offences, thereby signalling to the courts that animals should be protected merely because they are someone's property, rather than sentient beings that feel pain and distress.
- Does not make it an offence to kill animals brutally or viciously
- Does not make it an offence to train an animal to fight other animals
- Refers to different classes of animals and protects them differently, such as cattle, 'dogs, birds or animals', cocks, 'animals that are kept for a lawful purpose' - instead of protecting all animals because they can all suffer
- Has no definition of an animal
- The outdated and confusing language

### **Problems with Bill S-213**

Bill S-213 would not address any of these flaws. For this reason, the Canadian Federation of Humane Societies cannot support this bill. We speak on behalf of the majority of humane societies and SPCAs in Canada, the groups that work most closely with the police and the Crown to enforce animal cruelty laws. We agree that increased

sentencing provisions for animal cruelty are needed, but, as Senator Bryden acknowledged himself, his Bill is only half a loaf. However, we strongly disagree with Senator Bryden that half a loaf is better than no loaf. It is meaningless to increase penalties if the law itself remains ineffective and archaic. It just does not make sense to further entrench flawed 19<sup>th</sup> century law in the 21<sup>st</sup> century.

When he launched the discussion on his bill in early November, Senator Bryden indicated that his bill addresses the most serious deficiency in our law for the protection of animals – the sentencing provisions. We disagree. We believe the most serious deficiencies are found within the offences themselves as they allow animal abusers to continue abusing animals with no fear of sanction. The wording of the offences is inadequate and must be amended. What good is it to increase the penalties if people can't be convicted, or even charged, for horrific instances of animal cruelty?

When this committee began their deliberations on this bill on November 9<sup>th</sup> you acknowledged that Bill S-213 is not perfect and that another bill could be brought forward later to address the remaining problems. We believe passing this bill now would make it extremely difficult to introduce more amendments any time in the near future. Canadians are not prepared to wait another 114 years for Parliament to fix this broken law. Many Parliamentarians will think they have addressed the animal cruelty issue and will be reluctant to consider another bill on the matter. Moreover, all the while that the current inadequate offences are in place, animals continue to suffer at the hands of abusers who will not face justice.

At the November 9<sup>th</sup> meeting, Senator Bryden explained how Bill S-213 is a good bill because it maintains animals in the property section and does not expand the definition of an animal. We respectfully and wholeheartedly disagree. These are two fundamental problems with the current legislation that need to be addressed. The representatives from the Justice Department explained that, technically, the current legislation does offer some protection for unowned animals. However, the reality is that it is very difficult to prosecute cases of cruelty towards stray or wild animals.

Current legislation permits a person to kill a stray dog or a raccoon or the Parliament Hill cats just for fun or for any other reason. Bill S-213 would not change that as it would only be an offence to kill an owned animal without a lawful excuse. Good legislation would permit the killing of animals only when a lawful excuse exists for doing so.

Senator Bryden had expressed concern that removing animals from the property section would move them closer to 'personhood'. There

is no basis in fact for this conjecture. Removing animals from the property section of the Criminal Code would NOT give them additional rights, as has recently been suggested by some animal industries – the very same industries that had supported removing animals from the property section in a previous iteration of animal cruelty amendments. Nor would it impact on the ownership of animals or the engagement in lawful animal use activities, such as hunting, fishing, farming or scientific research. Putting the animal cruelty clauses in their own section of the Criminal Code would simply recognize them as different from other types of property. This is entirely consistent with today's post-19<sup>th</sup> century attitudes towards animals.

### **The Public's Views**

Legislation as proposed by Senator Bryden is out of step with the views of the majority of Canadians, including hunters and anglers. We look forward to sharing with you soon the results of a very recent national research poll on this issue.

It has been abundantly demonstrated over the past seven years that the Canadian public care deeply about animal protection and want our Parliament to enact effective legislation that applies 21<sup>st</sup> century Canadian values to animal cruelty. Each successive Justice Minister that has introduced animal cruelty amendments has stated that they received more correspondence from Canadians in support of the amendments than on any other issue. Senator Andreychuk stated at the November 9<sup>th</sup> Committee meeting that she receives a great number of emails and phone calls about animal cruelty and I'm sure you all do.

I urge you to give this matter the very serious consideration it deserves instead of supporting only a half-baked loaf. Animals in Canada cannot speak for themselves. It's left to all of us here to ensure animals are afforded the respect and protection as befitting an enlightened Canada of the 21<sup>st</sup> century. We need a law that protects all animals from unnecessary, willful or negligent pain, suffering or injury and that protects them from being killed inhumanely and without a lawful reason. Bill S-213 does not do this.

Thank you for the opportunity to present our views.