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2017 INTERNATIONAL REVIEW

By
Ashlyn Whitbeck*

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I. INTRODUCTION

This past year, several nations around the world developed a myriad of new animal welfare legislation. Countries from Canada to Taiwan fought to improve animal welfare issues ranging from dog fighting to trophy hunting. Though the Trump administration has failed to strongly protect animals and has even reversed several important advancements in the field,¹ it is encouraging that legislation outside the

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¹ See, e.g., *British Columbia Bans Grizzly Bear Trophy Hunting as Trump Administration Rubber-Stamps Hunts*, CTR. FOR BIOLOGICAL DIVERSITY (Dec. 18, 2017), http://www.biologicaldiversity.org/news/press_releases/2017/grizzly-bear-12-18-2017.php [<https://perma.cc/XR9Z-TTV8>] (accessed Aug. 3, 2018) (“In stark contrast to the province’s decision to protect . . . grizzly bears, the Trump administration . . . removed . . . protections for the roughly 700 bears found in the Greater Yellowstone Ecosystem.”); Peter Whorisky, *Should ‘USDA Organic’ Animals Be Treated More Humanely? The Trump Administration Just Said No.*, WASH. POST (Dec. 15, 2017), <https://www.washingtonpost.com/news/wnk/wp/2017/12/15/should-usda-organic-animals-be-treated->

United States is improving the lives of animals and holding animal abusers accountable. This paper will discuss some of these pieces of legislation and how they protect animals.

II. ANIMAL WELFARE CONSTITUTIONS AND LEGISLATION

A. *Bill #18298—Costa Rica*

On August 21, 2016, more than 600 people and 100 dogs participated in the March Against Animal Abuse in the streets of San José, Costa Rica.² Public outrage motivated the march, a call to action in response to recent animal cruelty acts, most notably the machete attack of Duke the Mutt.³

In July 2016, Duke suffered a machete attack that left his snout attached by only a slim piece of tissue and as a result, a portion of his jaw, nose, and some of his teeth had to be removed.⁴ At the time of his horrible attack, it was only punishable as a minor offense with negligible fines under Costa Rican law.⁵ The attacker was identified, but unfortunately charges were not brought, likely due to insufficient evidence.⁶

On June 1, 2017, lawmakers in Costa Rica unanimously passed Bill #18298, which reformed a penal code that sanctioned animal cruelty.⁷ The bill finally passed after five years of debates, amendments,

more-humanely-the-trump-administration-just-said-no/?utm_term=.0e5a516f4f74 [https://perma.cc/NU7X-L49S] (accessed Aug. 3, 2018) (discussing the reversal of “years of policy” by the Trump administration in “rul[ing] . . . that livestock deemed ‘USDA Organic’ need not be treated any more humanely than the animals in conventional farming.”); Natasha Daly, *U.S. Animal Abuse Records Deleted—What We Stand To Lose*, NAT’L GEOGRAPHIC (updated Feb. 13, 2017), <https://news.nationalgeographic.com/2017/02/wildlife-watch-usda-animal-welfare-trump-records/> [https://perma.cc/ZWV9-DKAK] (accessed Aug. 3, 2018) (discussing deletion of decades-worth of animal abuse records from the United States Department of Agriculture’s website); Danika Fears, *Animal Activists Outraged by Trump Lifting Big Game Trophy Ban*, N.Y. POST (Nov. 16, 2017), <https://nypost.com/2017/11/16/animal-activists-outraged-by-trump-lifting-big-game-trophy-ban/> [https://perma.cc/AVX4-ZKFG] (accessed Aug. 3, 2018) (discussing the U.S. Fish and Wildlife Service decision to “allow[] big game hunters in Zimbabwe and Zambia to import their elephant trophies back to the US,” reversing Obama-era policy).

² Jill Replogle, *Photos: Hundreds March Against Animal Abuse*, TICO TIMES (Aug. 22, 2016), <http://www.ticotimes.net/2016/08/22/costa-rica-hundreds-march-animal-abuse> [https://perma.cc/DK8L-NJ45] (accessed Aug. 3, 2018).

³ L. Arias, *New Cases of Animal Abuse Spark Criticism of President Solís, Lawmakers*, TICO TIMES (July 16, 2016), <http://www.ticotimes.net/2016/07/16/costa-rica-animal-abuse-criticism-solis-lawmakers> [https://perma.cc/JZ4H-FG7S] (accessed Aug. 3, 2018).

⁴ Christian Cotroneo, *Dog Who Lost His Nose in Machete Attack Just Wants to Be Loved*, DODO (July 25, 2016), <https://www.thedodo.com/duke-dog-machete-costa-rica-1943506764.html> [https://perma.cc/WP6F-7QYL] (accessed Aug. 3, 2018).

⁵ *Id.*

⁶ *Id.*

⁷ *Costa Rican Congress Approves Legislation Against Animal Cruelty*, HUMANE SOC’Y INT’L (June 2, 2017), http://www.hsi.org/world/latin_america/news/releases/2017/

and legal action.⁸ It amended previous versions of the bill that the Constitutional Chamber of the Supreme Court (Sala IV) ruled unconstitutional in both September of 2016⁹ and February of 2017.¹⁰ In the September 2016 case, Sala IV ruled the law unconstitutional because (a) the term “animal” as used is too broad; (b) there is an injury to property rights, since animals are considered private property, and the owner has the right to the use and enjoyment of their property; (c) among other things, it fails to establish a scope; (d) the fines imposed are disproportionate when compared to other penalties (e.g., traffic fines); (e) there is no exception for carrying out the act when protecting human life; (f) the principle of equality is distorted by exempting the mistreatment and death of animals in the production of meat and eggs; (g) there are no exceptions for activities that are the product of cultural manifestations and part of the traditions of the indigenous peoples, such as animal sacrifices; and (h) given the required jail time for certain crimes, there is no capacity to serve more inmates due to budgetary concerns.¹¹

In the February 2017 decision, Sala IV held that the amended law was still unconstitutional because the term “animal” is still too broad and violates principles of reasonableness and proportionality.¹² The ruling was only a clarification of the law, and is therefore not binding, but, “[t]he judges’ opinion could [have] serve[d] as the foundation of a new challenge of the bill before Sala IV, however, causing the annulment of the questioned articles of the law.”¹³

The bill went back to the legislative committee for amendment, and was unanimously approved.¹⁴ Previously, the penalty for animal cruelty of any kind was merely a maximum fine of ₡200,000 (about \$352) with no jail time.¹⁵ The new law requires jail time between three months to one year for harming an animal in a debilitating form or for

06/costa-rica-animal-cruelty-law-060217.html [https://perma.cc/BSJ3-XUBE] (accessed Aug. 3, 2018).

⁸ L. Arias, *President Solís Signs New Animal Welfare Law*, TICO TIMES, (June 12, 2017), <http://www.ticotimes.net/2017/06/12/solis-animal-welfare-law-costa-rica> [https://perma.cc/ZAT5-NE7L] (accessed Aug. 3, 2018).

⁹ L. Arias, *Supreme Court Rules Prison Sentences in Animal Welfare Bill Unconstitutional*, TICO TIMES (Sept. 22, 2016), <http://www.ticotimes.net/2016/09/22/supreme-court-animal-welfare-bill> [https://perma.cc/4V3Z-ZKL4] (accessed Aug. 3, 2018).

¹⁰ L. Arias, *Supreme Court Deems Wording of Animal Welfare Bill Unconstitutional*, TICO TIMES (Feb. 1, 2017), <http://www.ticotimes.net/2017/02/01/animal-welfare-unconstitutional> [https://perma.cc/VH4F-JZW2] (accessed Aug. 3, 2018).

¹¹ Sala Constitucional de la Corte Suprema de Justicia [Sala IV] Sept. 21, 2016, No. 16-010469-0007-CO, <http://www.tse.go.cr/juris/electorales/SSC-13553-2016.html> [https://perma.cc/QQY2-2CHK] (accessed Aug. 3, 2018).

¹² Sala Constitucional de la Corte Suprema de Justicia [Sala IV] Feb. 1, 2017, No. 16-017389-0007-CO, <http://www.asamblea.go.cr/glcp/Votos%20de%20la%20Sala%20Constitucional/Votos/18.349/Resoluci%C3%B3n%20Sala%20Constitucional%20Expediente%2018.349.pdf> [https://perma.cc/F4TM-U262] (accessed Aug. 3, 2018).

¹³ Arias, *supra* note 10.

¹⁴ *Costa Rican Congress Approves Legislation Against Animal Cruelty*, *supra* note 7.

¹⁵ Arias, *supra* note 3.

bestiality,¹⁶ and between six months to three years for killing an animal.¹⁷ It also imposes a sentence of up to three years for the promotion or the organization of animal fighting, including dogfights.¹⁸ The law also allows the judicial system to create a database of those who commit animal cruelty, and allows the government to start collecting information on crimes related to animal welfare.¹⁹

However, there is still an exemption for agricultural practices and animal consumption.²⁰ It is unclear whether Sala IV will deem this aspect of the law unconstitutional, since the 2016 court found that the principle of equality was violated by exempting the mistreatment and death of animals in the production of meat and eggs.²¹ But hopefully the court will deem the law constitutional, and the improvements will increase accountability for animal abusers and protect vulnerable animals like Duke.

B. Constitution—Mexico City

On February 5, 2017, Mexico City enacted its first constitution,²² which has been cited as “one of the most animal-friendly constitutional texts in the Americas.”²³ Before 2016, Mexico City was similar to Washington, D.C., in that both were federal districts that were subject to national government laws, even for local matters.²⁴ Mexico City had long been waiting for political reforms that would govern Mexico City as a state that can create its own laws, rather than a federal district.²⁵ In 2016, the federal district became an autonomous entity within Mexico, and officially changed its name from Mexico Distrito Federal (Federal District) to Ciudad de Mexico (Mexico City).²⁶ The city also

¹⁶ *Costa Rican Congress Approves Legislation Against Animal Cruelty*, *supra* note 7.

¹⁷ *Arias*, *supra* note 8.

¹⁸ *Costa Rican Congress Approves Legislation Against Animal Cruelty*, *supra* note 7.

¹⁹ *Id.*

²⁰ *Arias*, *supra* note 8.

²¹ *See* Sala Constitucional de la Corte Suprema de Justicia [Sala IV] Sept. 21, 2016, No. 16-010469-0007-CO, (holding that the exemption of animal farmers and meat producers violated the principle of equality in the Costa Rican Constitution).

²² Mariana Flores, *The First Constitution of Mexico City*, METROPOLIS (Feb. 21, 2017), <https://www.metropolis.org/news/2017/02/22/2985> [<https://perma.cc/JR8Y-94HB>] (accessed Aug. 3, 2018).

²³ *Mexico City Enacts One of the Most Animal-Friendly Constitutions in the Americas*, HUMANE SOC'Y INT'L (Feb. 6, 2017), <http://www.hsi.org/world/mexico/news/press-releases/2017/02/mexico-city-animal-friendly-constitution-article-020617.html> [<https://perma.cc/64E2-VDZ3>] (accessed Aug. 3, 2018).

²⁴ Gregory Scruggs, *The People Power Behind Mexico City's New Constitution*, CITISCOPE (Feb. 3, 2017), <http://citiscopes.org/story/2017/people-power-behind-mexico-city-new-constitution> [<https://perma.cc/BF6K-SFKN>] (accessed Aug. 3, 2018).

²⁵ *Id.*

²⁶ *Federal District is Now Officially Mexico City*, MEX. NEWS DAILY (Jan. 30, 2016), <https://mexiconewsdaily.com/news/federal-district-is-now-officially-mexico-city/> [<https://perma.cc/GZ5P-5PER>] (accessed Aug. 3, 2018).

attained new rights and responsibilities, such as the authority to create a congress and its own constitution.²⁷

Mexico City's constitution represents many progressive ideologies, including guarantees of substantive equality between all persons, regardless of social status, physical appearance, immigration status, pregnancy, and sexual orientation,²⁸ parental leave, medicinal use of cannabis, and animal rights.²⁹ Article 13 of the constitution "recognizes animals as sentient beings and, therefore, [they] must receive dignified treatment," and states that "every person has an ethical duty and legal obligation to respect the life and integrity of animals."³⁰ It also mandates that "[t]he City authorities will guarantee the protection, welfare, and the dignified and respectful treatment of animals, and they will foster a culture of responsible care and guardianship," including abandoned animals.³¹

Although these provisions alone are important and remarkable inclusions, Article 13 notes that further steps need to be taken to ensure the welfare and protection of animals.³² These steps include laws that will determine: (a) measures to protect animals in public shows; (b) prohibited human behaviors in order to protect animals and their applicable penalties for cruelty and abuse; (c) the bases for promoting conservation, as well as measures to prevent and avoid abuse against animals used for consumption; (d) measures to deal with the control of pests; and (e) facilities for abandoned animals.³³ Further, the law creates exemptions for bull- and cockfighting, due to their long-standing traditions.³⁴ Activists have fought to ban these practices for years, but they have been met with considerable political opposition.³⁵ Though there is hope that these practices will be banned in the future, since younger generations generally believe that bullfighting is outdated and "has no place in a forward-looking modern society."³⁶

²⁷ *Id.*

²⁸ Constitución Política de la Ciudad de México, CPCM, art. 4(C), Diario Oficial de la Federación [DOF] 5-2-2017, http://www.dof.gob.mx/nota_detalle.php?codigo=5470989&fecha=05/02/2017 [<https://perma.cc/2KVQ-NG2V>] (accessed Aug. 3, 2018).

²⁹ Sandra Weiss, *Mexico City's "Crowdsourced" Constitution*, INT'L POL. & SOC'Y (Apr. 27, 2017), <http://www.ips-journal.eu/storage/topics/democracy/article/show/mexico-citys-crowdsourced-constitution-1999/> [<https://perma.cc/4YQJ-EAXY>] (accessed Aug. 3, 2018).

³⁰ Constitución Política de la Ciudad de México, art. 13(B)(2) (quote translated via Google translate).

³¹ *Id.*

³² *Id.* art. 13(B)(3).

³³ *Id.* art. 13(B)(3)(a)–(e).

³⁴ Ty Trumbull, *Mexico City Takes a Stand on Animal Rights*, EARTH ISLAND J. (June 7, 2017), http://www.earthisland.org/journal/index.php/elist/eListRead/mexico_city_takes_a_stand_on_animal_rights/ [<https://perma.cc/SVG5-LNW6>] (accessed Aug. 3, 2018).

³⁵ *Id.*

³⁶ *Bullfighting in Mexico*, DON QUIJOTE, <https://www.donquijote.org/mexican-culture/traditions/bullfight-mexico/> [<https://perma.cc/4GPK-VT5X>] (accessed Aug. 3, 2018).

With Mexico City hosting a population of over nine million people and these new, progressive and ambitious provisions, the new constitution may also struggle with enforcement.³⁷ Some believe there are sections of the constitution that are impossible to apply, and even the Mexican Senate has asserted that particular sections are unconstitutional (though, not any on animal rights).³⁸ Notwithstanding these obstacles, Mexico City's government is working diligently to enact the constitution, and Jose-Luis Sánchez, a local lawyer specializing in constitutional law, believes that, "[e]ven though the appeals the Supreme Court submitted against the Constitution of Mexico City will [challenge] some parts of it, I'm sure that the theme about animal protection won't fall apart . . . [t]he political players do not really care about it, so they will leave it."³⁹

C. *Animal Cruelty Laws—Guatemala*

On February 28, 2017, the Congress of the Republic of Guatemala approved new animal welfare legislation,⁴⁰ which has been cited as "one of the world's most comprehensive anti-cruelty laws."⁴¹ The legislation comes after an increase of animal cruelty cases in Guatemala, including one where pieces of poisoned meat were thrown into a street, and several street dogs and family pets died after consuming it.⁴² Outdated Guatemalan law prohibited the poisoning of dogs, but there were no penalties for such acts.⁴³ Humane Society International, along with its local partners, submitted the bill to the Guatemalan Congress, which was the first of its kind.⁴⁴ The law "creates protections for wildlife; animals used in research and companion animals; bans animal testing for cosmetics; the use of animals in circuses; dog fighting, including participation of spectators in this cruel activity; and establishes an official government platform to address animal welfare."⁴⁵ It also penalizes animal cruelty, promotes spay and neuter programs, outlaws culling, and makes it illegal to abandon or leave animals to

³⁷ Trumbull, *supra* note 34.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Adolfo Sansolini, *New Animal Welfare Law in Guatemala*, ANIMAL WELFARE & TRADE, <http://animalwelfareandtrade.com/new-animal-welfare-law-in-guatemala> [<https://perma.cc/G8P2-FHKT>] (accessed Aug. 3, 2018).

⁴¹ Wayne Pacelle, *Breaking News: Guatemala Passes Omnibus Anti-Cruelty Law, Striking Blow Against Wide Range of Practices*, HUMANE SOC'Y U.S. (Feb. 28, 2017), https://blog.humanesociety.org/wayne/2017/02/guatemala-passes-omnibus-anti-cruelty-law-striking-blow-against-wide-range-of-practices.html?credit=blog_post_030317_id home-page [<https://perma.cc/NW4S-P6KR>] (accessed Aug. 3, 2018).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Guatemalan Congress Approves Animal Welfare Legislation*, HUMANE SOC'Y INT'L (Mar. 1, 2017), http://www.hsi.org/world/latin_america/news/releases/2017/03/guatemala-approves-animal-welfare-law-030117.html [<https://perma.cc/5C32-F76G>] (accessed Aug. 3, 2018).

⁴⁵ *Id.*

roam.⁴⁶ However, not all acts of animal abuse are covered under the law; for example, acts of cruelty towards farmed animals are exempted.⁴⁷

Despite this shortcoming, Guatemala also established an Animal Welfare Unit (UBA) in furtherance of the law in September 2017.⁴⁸ The Unit's duties and tasks include:

Determining the rules to regulate animal-related establishments, associations, shelters and people who work with animals; [g]enerating public awareness of animal issues; [p]reparing the procedure manuals for the implementation of the country's animal welfare law; [g]enerating canine and feline sterilization guidelines; and [t]raining government authorities and sectors involved in the implementation of the law.⁴⁹

The unit was also allocated \$1 million dollars for its first year of operation.⁵⁰ It is important that the animal legislation falls under the authority of the UBA because often legislation passes without any authority to enforce the laws. But with the UBA, it is encouraging that the new animal welfare legislation may succeed, as well as improve animal welfare in Guatemala.

III. CIRCUSES—SCOTLAND

In December 2017, Scotland became the first country in the United Kingdom (UK) to ban the use of wild animals in traveling circuses.⁵¹ The Scottish Parliament unanimously passed the bill,⁵² which prevents travelling circuses that use wild animals from entering the country to perform.⁵³ Scotland recognizes that forcing animals to perform in circuses is an extremely cruel practice, which carries danger-

⁴⁶ Pacelle, *supra* note 41.

⁴⁷ Sansolini, *supra* note 40.

⁴⁸ *Guatemala Launches Animal Welfare Unit to Help Implement Animal Welfare Law*, HUMANE SOC'Y INT'L (Nov. 7, 2017), http://www.hsi.org/world/latin_america/news/releases/2017/11/guatemala-animal-welfare-unit-110717.html [<https://perma.cc/H3TX-RHJW>] (accessed Aug. 3, 2018).

⁴⁹ Decreto Número 5-2017, Ley de Protección y Bienestar Animal, Diario de Centro América [DCA] 03-04-2017 (Guat.), <https://www.congreso.gob.gt/consulta-legislativa/decreto-detalle?id=13446> [<https://perma.cc/B4DF-Y5EQ>] (accessed Aug. 3, 2018).

⁵⁰ *Guatemala, Pionera Centroamérica en Protección y Bienestar de Animales*, AM DE QUERÉTARO (Nov. 7, 2017), <http://amqueretaro.com/el-pais/mundo/2017/11/07/guatemala-pionera-centroamerica-proteccion-bienestar-animales> [<https://perma.cc/A59P-HR28>] (accessed Aug. 3, 2018).

⁵¹ Libby Brooks, *Scotland Bans Use of Wild Animals in Travelling Circuses*, GUARDIAN (Dec. 20, 2017), https://www.theguardian.com/world/2017/dec/20/scotland-bans-use-of-wild-animals-in-travelling-circuses?utm_content=bufferfe30d&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer [<https://perma.cc/R9HH-9GY2>] (accessed Aug. 3, 2018).

⁵² *Breaking: MSPs Unanimously Vote to Ban Wild Animal Circuses!*, FREEDOM FOR ANIMALS (Dec. 20, 2017), <https://www.freedomforanimals.org.uk/news/breaking-msps-unanimously-vote-to-ban-wild-animal-circuses> [<https://perma.cc/ZG4V-F9UG>] (accessed Aug. 3, 2018).

⁵³ *Id.*

ous risks for both animals and humans.⁵⁴ Scotland's environment secretary, Roseanna Cunningham, who proposed the bill, asserted that "[t]his is an important act that will not only prevent travelling circuses ever showing wild animals in Scotland in the future, but will demonstrate to the wider world that we are one of the growing number of countries that no longer condones the use of wild animals in this way."⁵⁵ The law does not include animals in non-travelling circuses,⁵⁶ but this is still a meaningful step to protecting animals in these horrible conditions. The hope is that this legislation will influence other countries that have failed to pass similar legislation, including England and Wales,⁵⁷ and perhaps gain enough momentum to ban all forms of animal entertainment.

IV. ANIMAL TESTING—RIO DE JANEIRO

On December 15, 2017, the municipality of Rio de Janeiro, Brazil, passed legislation to ban animal testing for cosmetics.⁵⁸ This is the first law in the Americas to ban both the testing of cosmetics and ingredients on animals, in addition to the sale of cosmetics tested on animals.⁵⁹

Institutions that violate this law are penalized with a fine of approximately \$15,644 per animal, and either temporary or permanent suspension of their operating license.⁶⁰ For individual professionals, the penalty is a fine of approximately \$626,⁶¹ with both fines doubled for repeat offenders.⁶² Additionally, the law authorizes the fines collected to go toward publications that raise awareness of animal rights, animal sanctuaries and shelters, and programs aimed at animal protection and welfare.⁶³ This portion of the law is remarkable, as it has the effect that the offender must contribute money to groups that are working to expunge their exact behavior. This gives an appropriate remedy for these horrible acts that will deter testing cosmetics on animals and the sale of those products.

⁵⁴ Libby Brooks, *Victory! Scotland Bans Use of Wild Animals in Circuses*, ONE GREEN PLANET (Dec. 21, 2017), <http://www.onegreenplanet.org/news/scotland-bans-wild-animals-in-circuses/> [https://perma.cc/NU5H-B83B] (accessed Aug. 3, 2018).

⁵⁵ Brooks, *supra* note 51.

⁵⁶ Brooks, *supra* note 54.

⁵⁷ *Breaking: MSPs Unanimously Vote to Ban Wild Animal Circuses!*, *supra* note 52.

⁵⁸ Lei No. 7814, de 15 Dezembro de 2017, Constituição Estadual de 15.12.2017 (Braz.).

⁵⁹ *State of Rio de Janeiro Becomes First in Americas to Enact Comprehensive Ban on Animal Testing for Cosmetics*, HUMANE SOC'Y INT'L (Dec. 13, 2017), http://www.hsi.org/news/press_releases/2017/12/rio-de-janeiro-cosmetic-animal-testin-ban-121317.html [https://perma.cc/SG72-WNXS] (accessed Aug. 3, 2018).

⁶⁰ Lei No. 7814(3)(I)(a)–(d), de 15 de Dezembro de 2017, Constituição Estadual de 15.12.2017 (Braz.).

⁶¹ *Id.* at 7814(3)(II)(a).

⁶² *Id.* at 7814(3).

⁶³ *Id.* at 7814(6)(I)–(III).

V. DOG FIGHTING—MEXICO

On January 24, 2017, Mexico passed a comprehensive ban on dogfighting.⁶⁴ Previously, many of Mexico's states and one federal district had prohibited dogfighting, though it was not nationally outlawed.⁶⁵ The law mandates that the Mexican federation, states, and Mexico City penalize dogfighting within one year,⁶⁶ and penalizes activities related to dogfighting, including “organizing fights, owning or trading a fighting dog, possessing a property used to hold fights, and attending a fight as a spectator.”⁶⁷ It is important that the ban is enforced nationally because “[dogfighting is] yet another case – as we see with so many other activities – in which animal abusers go venue shopping to find the spots where cruelty is unregulated.”⁶⁸ Dogfighting is also often correlated with other illegal activities, such as child pornography networks and human trafficking,⁶⁹ and dogfighters often kill losing dogs or opponents who owe them money.⁷⁰ With this ban in place, it is optimistic that dogfighting will cease to exist in Mexico, and that other illegal activities related to dogfighting will diminish.

VI. TRADE

A. *European Commission Bans Raw Ivory Exports*

On May 16, 2017, the Commission of the European Union (EU) announced that it would end the trade of old raw ivory exports by July 1, 2017, following the adoption of an EU guidance document on ivory trade.⁷¹ According to the EU “the world is currently facing a dramatic

⁶⁴ Decreto por el Que Se Reforma el Artículo 87 Bis 2 de la Ley General del Equilibrio Ecológico y la Protección al Ambiente [LGEEPA], Diario Oficial de la Federación [DOF] 24-01-2017 (Mex.), http://www.dof.gob.mx/nota_detalle.php?codigo=5469633&fecha=24/01/2017 [https://perma.cc/6U8Y-WLQM] (accessed Aug. 3, 2018).

⁶⁵ Wayne Pacelle, *Mexico Moves Towards National Ban on Dogfighting*, HUMANE SOC'Y U.S. (Dec. 12, 2016), https://blog.humanesociety.org/wayne/2016/12/mexico-moves-toward-national-ban-dogfighting.html?credit=blog_post_012617_id8746 [https://perma.cc/L9WM-WE4L] (accessed Aug. 3, 2018).

⁶⁶ *Id.*

⁶⁷ Press Release, Humane Soc'y Int'l, Mexico Bans Dogfighting Nationwide (Jan. 25, 2017), http://www.hsi.org/news/press_releases/2017/01/mexico-bans-dogfighting-012517.html [https://perma.cc/7T3Z-5GTW] (accessed Aug. 3, 2018).

⁶⁸ Wayne Pacelle, *Mexico Says 'No Mas' to Dogfighting*, HUMANE SOC'Y INT'L (Jan. 26, 2017), <https://blog.humanesociety.org/2017/01/mexico-bans-dogfighting.html> [https://perma.cc/D869-E39G] (accessed Aug. 3, 2018).

⁶⁹ *More than 200,000 Signatures in Favor of Tougher Penalties for Dog Fighters in Mexico Submitted to Justice Commission*, HUMANE SOC'Y INT'L (Nov. 17, 2016), <http://www.hsi.org/world/mexico/news/press-releases/2016/11/mexico-dogfighting-petition-signatures-111716.html> [https://perma.cc/C76T-XT6C] (accessed Aug. 3, 2018).

⁷⁰ Pacelle, *supra* note 68 (“In one highly publicized case in Ciudad Juarez in 2013, dogfighters were suspected to have slaughtered an entire family of eight, including three children, because of unpaid dogfighting debts.”).

⁷¹ *European Commission Applauded for Ending Raw Ivory Exports*, HUMANE SOC'Y INT'L (May 16, 2017), <http://www.hsi.org/world/europe/news/releases/2017/05/european->

surge in wildlife trafficking,⁷² with wildlife trafficking reaching “record levels.”⁷³ Further, wildlife trafficking “represents the 4th biggest international criminal network”⁷⁴ and is “one of the most profitable criminal activities worldwide.”⁷⁵ This criminal activity even has strong connections to terrorist groups,⁷⁶ and “[i]t not only threatens the survival of some emblematic species, it also breeds corruption, provides funding to militia groups, claims human victims, and deprives poorer communities of much-needed income.”⁷⁷

Prior to the guidance, the EU prohibited ivory trade, with the exception of ivory acquired before 1990, when African elephants obtained the maximum protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.⁷⁸ This enactment is part of a larger and more comprehensive plan to target illegal wildlife trafficking within the EU,⁷⁹ which aims to “strengthen the EU’s role in the fight against these illegal activities globally.”⁸⁰ The plan has three priorities: (1) reduce demand and supply of illegal wildlife products (prevention); (2) step up the fight against the criminal activities in the EU and globally (enforcement); and (3) build a global alliance of source, consumer, and transit countries (cooperation).⁸¹ The EU sees wildlife trafficking as a major priority, as Commissioner for Environment, Maritime Affairs, and Fisheries, Karmenu Vella said:

Fighting international ivory trafficking is a battle we can’t afford to lose. By ending the export of ivory tusks and other raw ivory we are living up to our responsibility. And we are delivering on the next commitment in our Action Plan against wildlife trafficking This is essential to achieve progress in the fight against poaching and for sustainable wildlife trade.⁸²

commission-raw-ivory-051617.html [https://perma.cc/TQ8N-5LZK] (accessed Aug. 3, 2018).

⁷² *The EU Approach to Combat Wildlife Trafficking*, EUR. COMM’N (Mar. 3, 2017), http://ec.europa.eu/environment/cites/trafficking_en.htm [https://perma.cc/MQ3L-LMT2] (accessed Aug. 3, 2018).

⁷³ *Commission Introduces New Measures to Fight Poaching and to End Trade in Raw Ivory*, EUR. COMM’N (May 16, 2017), http://europa.eu/rapid/press-release_IP-17-1308_en.htm [https://perma.cc/2SRK-93PF] (accessed Aug. 3, 2018).

⁷⁴ *EU Pushes for Further Tightening of Wildlife Trade Rules at Global Summit on Wildlife Conservation*, EUR. COMM’N (Sept. 23, 2016), http://europa.eu/rapid/press-release_IP-16-3144_en.htm [https://perma.cc/JS23-X7W5] (accessed Aug. 3, 2018).

⁷⁵ *The EU Approach to Combat Wildlife Trafficking*, *supra* note 72.

⁷⁶ *Id.*

⁷⁷ *EU Pushes for Further Tightening of Wildlife Trade Rules at Global Summit on Wildlife Conservation*, *supra* note 74.

⁷⁸ *Commission Introduces New Measures to Fight Poaching and to End Trade in Raw Ivory*, *supra* note 73.

⁷⁹ *EU Pushes for Further Tightening of Wildlife Trade Rules at Global Summit on Wildlife Conservation*, *supra* note 74.

⁸⁰ EUR. COMM’N, EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING (COM(2016) 87 FINAL) 5 (2016), http://ec.europa.eu/environment/cites/pdf/WAP_EN_WEB.pdf [https://perma.cc/Q2XP-KLRY] (accessed Aug. 3, 2018).

⁸¹ *Id.* at 5, 10–12.

⁸² *Commission Introduces New Measures to Fight Poaching and to End Trade in Raw Ivory*, *supra* note 73.

B. Seal Hunt Trade—Switzerland

On March 3, 2017, Switzerland banned the trade of products of commercial, nonindigenous seal hunts, which includes seal skins, oil, meat, blubber, and organs.⁸³ The legislation came just one month before the annual Canadian seal hunt,⁸⁴ in which seals are violently clubbed and killed for their fur and blubber.⁸⁵ This hunt is extremely cruel to animals, and “the brutal killing of defenceless young seals for fur—a luxury product—is an affront to public morality.”⁸⁶ It is even reported that more than 92% of the meat from the annual hunt is wasted.⁸⁷

It is argued that seal hunting is a “dying industry” due to shrinking ice and declining markets and subsidies, and has seen a rapid decline in profits since 2006.⁸⁸ Several other countries have already banned this practice, including the EU, United States, Russia, Kazakhstan, Belarus, Taiwan, and Mexico.⁸⁹ Rebecca Aldworth, executive director of Humane Society International/Canada, said, “In banning its trade in products of commercial seal slaughters, Switzerland is helping to spare countless defenseless seal pups from unimaginable cruelty . . . and it is clear that global markets for seal products are closing forever.”⁹⁰

C. Importation of Reptile Skins and Fur—India

On January 3, 2017, India banned the importation of reptile skin and hides.⁹¹ Animals used for the fur and skin industries suffer tremendously—this includes being skinned alive, crammed into crowded tanks, and bludgeoned to death.⁹² Many popular clothing retailers,

⁸³ *Switzerland Bans Trade in Commercial Seal Products*, HUMANE SOC’Y INT’L (Mar. 7, 2017), http://www.hsi.org/news/press_releases/2017/03/switzerland-seal-product-trade-ban-030717.html [https://perma.cc/QM5J-4QLL] (accessed Aug. 3, 2018).

⁸⁴ *Id.*

⁸⁵ Sheryl Fink, *Switzerland Bans Seal Products*, INT’L FUND FOR ANIMAL WELFARE (Mar. 9, 2017), <http://www.ifaw.org/european-union/news/switzerland-bans-seal-products> [https://perma.cc/P3G8-R4QD] (accessed Aug. 3, 2018).

⁸⁶ *Switzerland Bans Trade in Commercial Seal Products*, *supra* note 83.

⁸⁷ Fink, *supra* note 85.

⁸⁸ *Id.*

⁸⁹ Lauren Lewis, *Breaking! Switzerland Bans Import of Seal Products from Savage Canadian Seal Hunters*, WORLD ANIMAL NEWS (Mar. 11, 2017), <http://worldanimalnews.com/switzerland-bans-import-of-seal-products-from-savage-canadian-seal-slaughters/> [https://perma.cc/P57K-22T9] (accessed Aug. 3, 2018).

⁹⁰ *Switzerland Bans Trade in Commercial Seal Products*, *supra* note 83.

⁹¹ Press Trust of India, *Animal Rights Bodies Hail Govt’s Ban on Import of Hides, Skin*, BUS. STANDARD (Jan. 5, 2017, 6:28 PM), http://www.business-standard.com/article/pti-stories/animal-rights-bodies-hail-govt-s-ban-on-import-of-hides-skin-117010500994_1.html [https://perma.cc/B32K-AUJR] (accessed Aug. 3, 2018).

⁹² *Exotic Skins: The Animals*, PETA, <https://www.peta.org/issues/animals-used-for-clothing/exotic-skins-animals/> [https://perma.cc/UXK2-RNZQ] (accessed Aug. 3, 2018).

such as Adidas, Victoria's Secret, and H&M, have pledged to avoid using animal products.⁹³

Still, many developing countries, including India, have high exportations of animal skins, since they often have little or no animal welfare laws in these countries.⁹⁴ However, India is joining other countries around the world to use cruelty-free alternatives, along with prohibiting imports of skin and hides of reptiles, mink, and foxes.⁹⁵

The ban comes after "exhaustive campaigning" by Humane Society International/India, People for Animals, and People for the Ethical Treatment of Animals (PETA).⁹⁶ Nikunj Sharma of the PETA India Government Affairs Liaison asserted that, "Animals are not fabric" and that, "[t]oday, with so many stylish and cruelty-free alternatives available, such as fake snake, mock croc, and faux fur, there is absolutely no need or justification for wearing animal skins or fur."⁹⁷ With India joining a list of countries banning these practices, hopefully there will be a universal ban in the near future to protect these animals from pain and suffering.

D. Fur Farming—Czech Republic

On August 2, 2017, the Czech Republic banned fur farming, dictating that fur farms need to be closed down by January 31, 2019.⁹⁸ The Czech Chamber of Duties passed the legislation with an overwhelming majority at 132 in favor and only 9 against (and 20 absent).⁹⁹ At the time of the legislation, the Czech Republic had nine fur farms.¹⁰⁰ Animals living in fur farms are subject to terrible conditions; these animals "spend their short, miserable lives trapped in tiny wire cages stacked together in long sheds, where they eat, sleep, urinate and defecate. Their movement is so severely restricted . . . that they

⁹³ *Id.*

⁹⁴ *The Leather Industry*, PETA, <https://www.peta.org/issues/animals-used-for-clothing/leather-industry/> [<https://perma.cc/Z5SJ-LMR2>] (accessed Aug. 3, 2018).

⁹⁵ Press Trust of India, *supra* note 91.

⁹⁶ *Victory! India Bans the Import of Reptile Skins and Fur*, HUMANE SOC'Y INT'L (Jan. 6, 2017), <http://www.hsi.org/world/india/news/releases/2017/01/india-bans-fur-reptile-skins-010617.html> [<https://perma.cc/GL9W-XBQ6>] (accessed Aug. 3, 2018).

⁹⁷ Vishwa Mohan, *India Bans Import of Exotic Skins Used for Leather or Fur Clothing and Accessories*, TIMES OF INDIA (Jan. 5, 2017, 6:10 PM), <https://timesofindia.india.com/home/environment/india-bans-import-of-exotic-skins-used-for-leather-or-fur-clothing-and-accessories/articleshow/56357714.cms> [<https://perma.cc/HKZ8-EZB9>] (accessed Aug. 3, 2018).

⁹⁸ *Czech Republic Bans Fur Farming, Saving 20,000 Animals a Year*, HUMANE SOC'Y INT'L (Aug. 2, 2017), <http://www.hsi.org/world/europe/news/releases/2017/07/czech-republic-bans-fur-farming-080217.html> [<https://perma.cc/5H6S-BNSU>] (accessed Aug. 3, 2018).

⁹⁹ *Historic Vote Bans Fur Farming in Czech Republic*, FUR FREE ALLIANCE (June 7, 2017), <https://www.furfreealliance.com/historic-vote-bans-fur-farming-ban-czech-republic/> [<https://perma.cc/5T83-27XQ>] (accessed Aug. 3, 2018).

¹⁰⁰ *Czech Republic Bans Fur Farming, Saving 20,000 Animals a Year*, *supra* note 98.

are unable to run, hunt, hide, or socialize.”¹⁰¹ These conditions often lead to disturbing physical suffering, such as frostbite, deformed limbs, infectious diseases, and ulcers.¹⁰² They also experience psychological trauma, such as social deprivation, helplessness, continuous fear, and behavioral abnormalities like repetitive pacing, circling, head bobbing, and self-mutilation.¹⁰³ Fortunately, this legislation will spare thousands of animals from suffering and, “[i]t is a victory of compassion with other living beings, sentient and capable of feeling pain and suffering.”¹⁰⁴

E. Dog and Cat Meat Ban—Taiwan

On April 11, 2017, Taiwan banned the trade of dog and cat meat.¹⁰⁵ Taiwan is the second country in the Greater China Region to ban dog meat consumption, after Hong Kong.¹⁰⁶ The ban came after a series of animal cruelty acts in Taiwan, including an incident caught on video, showing military personnel beating up and strangling a dog, and then throwing him into the ocean.¹⁰⁷ Taiwan’s female President, Tsai Ing-wen, is an animal lover who often poses with her two cats and has adopted three retired guide dogs,¹⁰⁸ which may have boosted the incentive to pass this legislation.

The legislation is an amendment to its animal cruelty laws, which previously only banned the slaughter and sale of dogs and cats for human consumption.¹⁰⁹ The amendment now makes it illegal to consume dog or cat meat, with a fine of up to \$8,200¹¹⁰ along with a publication of their name and photo by the Taiwanese government.¹¹¹ It

¹⁰¹ *What is Wrong with Fur Farming?*, THE ASS’N FOR PROTECTION FUR-BEARING ANIMALS, <http://thefurbearers.com/the-issues/fur-farming/what-is-wrong-with-fur-farming> [https://perma.cc/5YMA-WZSQ] (accessed Aug. 3, 2018).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Historic Vote*, *supra* note 99.

¹⁰⁵ Aly Semigran, *Taiwan Declares Consumption of Dog and Cat Meat Illegal*, PETMD (Apr. 12, 2017), <http://www.petmd.com/news/health-science/taiwan-declares-consumption-dog-and-cat-meat-illegal-35691> [https://perma.cc/MY79-L6YE] (accessed Aug. 3, 2018).

¹⁰⁶ *HSI Welcomes Dog and Cat Meat Ban in Taiwan*, HUMANE SOC’Y INT’L (Apr. 12, 2017), http://www.hsi.org/news/press_releases/2017/04/taiwan-dog-cat-meat-ban-041217.html [https://perma.cc/3KE9-XWTL] (accessed Aug. 3, 2018).

¹⁰⁷ Serenitie Wang, *Taiwan Bans Eating Dog and Cat Meat*, CNN (Apr. 12, 2017), <https://www.cnn.com/2017/04/12/asia/taiwan-bans-eating-dog-and-cat-meat/index.html> [https://perma.cc/8FB8-93XY] (accessed Aug. 3, 2018).

¹⁰⁸ *Id.*

¹⁰⁹ Nina Golgowski, *It’s Now Illegal to Eat Dog and Cat Meat in Taiwan*, HUFFINGTON POST (Apr. 12, 2017), https://www.huffingtonpost.com/entry/taiwan-bans-dog-and-cat-consumption_us_58ee2ce0e4b0df7e204701a5 [https://perma.cc/6VN9-W5EF] (accessed Aug. 3, 2018).

¹¹⁰ Wang, *supra* note 107.

¹¹¹ Katherine Sullivan, *In a Progressive Ban, Taiwan Prohibits the Consumption of Cat and Dog Meat*, PETA (Apr. 13, 2017), <https://www.peta.org/blog/taiwan-bans-eating-cat-dog-meat/> [https://perma.cc/8XYY-PUBT] (accessed Aug. 3, 2018).

also imposes a punishment of up to two years in prison or a \$65,500 fine for “any act that deliberately harms animals and results in mangled limbs, organ failure or death.”¹¹² The amendment also makes it illegal to pull an animal on a leash that is tied to a driver or motorcyclist, punishable with a fine of up to \$500.¹¹³ With this new legislation, “[it] is going to send a message to the Chinese mainland . . . and other Asian countries . . . that ending the brutal dog meat trade is the positive trend across Asia and a step in the public’s long-term interest,” and “[t]he animal protection movement is growing rapidly across Asia and the calls for an end to dog meat cruelty are getting louder and louder.”¹¹⁴

VII. GRIZZLY BEAR HUNTING—BRITISH COLUMBIA

On August 14, 2017, British Columbia (B.C.) banned grizzly bear trophy hunting within the province.¹¹⁵ The Committee on the Status of Endangered Wildlife in Canada currently lists grizzly bears as a species of “Special Concern,”¹¹⁶ though it is estimated that about 250 grizzly bears are killed each year in B.C.¹¹⁷ Trophy hunting is “unethical, cruel, and unsustainable,”¹¹⁸ and these grizzlies are often left to suffer for extended periods of time before they are retrieved to be skinned, eaten, or sold.¹¹⁹ The law ultimately permits hunting grizzly bears for sustenance, though 78% of respondents to the bill recommended that the hunt be stopped entirely.¹²⁰

In the United States, on the other hand, the Trump administration removed endangered species protections for grizzly bears within the Greater Yellowstone Ecosystem.¹²¹ There are still serious concerns within the scientific community that the grizzly bear population is rapidly declining and is isolated, with dwindling food resources and “record-high mortalities.”¹²² This legislation by B.C. “highlights the cruel

¹¹² Wang, *supra* note 107.

¹¹³ Golgowski, *supra* note 109.

¹¹⁴ *Id.*

¹¹⁵ *New Grizzly Bear Regulations—Results*, B. C. (Dec. 18, 2017), <http://engage.gov.bc.ca/govtogetherbc/impact/new-grizzly-bear-regulations-results/> [https://perma.cc/LKG2-QM8V] (accessed Aug. 3, 2018).

¹¹⁶ *Grizzly Bears Finally Find Peace in British Columbia*, HUMANE SOC’Y INT’L (Dec. 18, 2017), <http://www.hsi.org/world/canada/news/releases/2017/12/grizzly-bear-hunt-ban-121817.html> [https://perma.cc/U6EW-Z8XR] (accessed Aug. 3, 2018).

¹¹⁷ *Canada’s British Columbia Province Bans Grizzly Bear Hunting*, REUTERS (Dec. 18, 2017), <https://www.reuters.com/article/us-canada-grizzlies-hunt/canadas-british-columbia-province-bans-grizzly-bear-hunting-idUSKBN1EC2FF> [https://perma.cc/6EAU-MKGZ] (accessed Aug. 3, 2018).

¹¹⁸ *Trophy Hunting*, HUMANE SOC’Y U.S., http://www.humanesociety.org/issues/trophy_hunting/ [https://perma.cc/L7U7-XTS3] (accessed Aug. 3, 2018).

¹¹⁹ *Grizzly Bears Finally Find Peace in British Columbia*, *supra* note 116.

¹²⁰ *New Grizzly Bear Regulations—Results*, *supra* note 115.

¹²¹ *British Columbia Bans Grizzly Bear Trophy Hunting*, *supra* note 1.

¹²² Michael Brune, *Yellowstone Grizzly Bears to Lose Endangered Species Protection*, ECOWATCH (June 22, 2017), <https://www.ecowatch.com/grizzly-bears-yellowstone-2446382005.html> [https://perma.cc/Q7AS-RH33] (accessed Aug. 3, 2018).

absurdity of the Trump administration's decision to strip protections from imperiled Yellowstone grizzlies,"¹²³ which "could set grizzly recovery back by decades."¹²⁴ This decision is only one of numerous blows by the Trump administration that devastates animal welfare.¹²⁵ But despite the United States' regression, it is promising that other nations around the world are advancing the protection of animals.

¹²³ *British Columbia Bans Grizzly Bear Trophy Hunting*, *supra* note 1.

¹²⁴ Brune, *supra* note 122.

¹²⁵ *See, e.g.*, Daly, *supra* note 1 (discussing how the Trump Administration's removal of thousands of documents detailing animal welfare violations from the website of the United States Department of Agriculture will result in prolonged suffering of animals by further protecting animal exploiters).