

2018 FOREIGN AND INTERNATIONAL LEGISLATIVE REVIEW

By
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This Review examines foreign and international legislation relating to animals proposed or passed in 2018 and early 2019. The Review specifically examines legislation in Vietnam, Switzerland, Spain, Canada, Luxembourg, the U.K., Ukraine, and Portugal, with a specific focus on legislation that seeks to increase animal welfare, reduce consumption of cruel animal products, or end violent animal practices.

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I. INTRODUCTION

In the past year, countries around the world have enacted a multitude of legislation affecting a diverse range of animal species. From Canada to the Ukraine, from broad sweeping legislation to finely tailored provisions, from elephants to lobsters, countries far and wide have grappled with the complexities and nuances underlying a host of

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newly proposed animal legislation. This year saw the enactment of several historic laws, such as the first law in Vietnamese history to require the humane treatment of farm animals,¹ and the U.K.'s ivory ban,² which is considered to be the toughest ivory ban in the world.³ While there were a few big losses for animals generally this year—including Japan's decision to withdraw from the International Whaling Commission (IWC)⁴ and China's threat to lift its ban on tiger and rhino parts⁵—foreign and international legislation has overwhelmingly focused on increasing animal welfare, reducing the consumption of cruel animal products, and ending violent animal practices across the globe.

II. ANIMAL WELFARE LEGISLATION

A. *The Law on Animal Husbandry—Vietnam*

On November 19, 2018, Vietnam's National Assembly adopted the Law on Animal Husbandry during the 6th session of the 14th National Assembly.⁶ The Law on Animal Husbandry contains a requirement for the humane treatment of animals, and is the first law in Vietnamese history to do so.⁷ Vietnamese lawmakers have spent more than two years preparing the law which now consists of 8 chapters and 83 articles.⁸ Within the wider animal husbandry framework, the new law requires breeders of farm animals to provide adequate food and water, hygienic standards at all facilities in which the animals are kept, and

¹ *New Law on Animal Husbandry Promises Progress*, VIET NAM NEWS (Nov. 30, 2018), <https://vietnamnews.vn/opinion/480879/new-law-on-animal-husbandry-promises-progress.html#0yccuFt0yIm2joJW.97> [<https://perma.cc/B4HC-CU98>] (accessed Apr. 9, 2019).

² Ivory Act 2018, c. 30 (Eng.), http://www.legislation.gov.uk/ukpga/2018/30/pdfs/ukpga_20180030_en.pdf [<https://perma.cc/9TVK-ZXWF>] (accessed Apr. 9, 2019).

³ Rachael Bale, *UK to Introduce 'Toughest' Ivory Ban in the World*, NAT'L GEOGRAPHIC (Apr. 4, 2018), <https://www.nationalgeographic.co.uk/environment-and-conservation/2018/04/uk-introduce-toughest-ivory-ban-world> [<https://perma.cc/CGU6-PF9Q>] (accessed Apr. 9, 2019).

⁴ *Japan Whale Hunting: Commercial Whaling to Restart in July*, BBC NEWS (Dec. 26, 2018), <https://www.bbc.com/news/world-asia-46682976> [<https://perma.cc/UKW7-544D>] (accessed Apr. 9, 2019).

⁵ Brigit Katz, *China Reverses Its Ban on the Use of Rhino and Tiger Parts in Medicine*, SMITHSONIAN.COM (Oct. 30, 2018), <https://www.smithsonianmag.com/smart-news/china-reverses-its-ban-use-rhino-and-tiger-parts-medicine-180970665/> [<https://perma.cc/9DFG-ZN8J>] (accessed Apr. 9, 2019). In response to public outcry, China has since 'postponed' lifting its ban, but threat of it lifting still hangs heavy in the air. *China Postpones Lifting Ban on Rhino and Tiger Parts After Outcry*, BBC NEWS (Nov. 13, 2018), <https://www.bbc.com/news/world-asia-china-46190599> (accessed Apr. 9, 2019).

⁶ *National Assembly Adopts Five Laws*, VIETNAMPLUS (Nov. 19, 2018), <http://en.vietnamplus.vn/national-assembly-adopts-five-laws/142134.vnp> [<https://perma.cc/X35Z-JMWA>] (accessed Apr. 9, 2019).

⁷ *New Law on Animal Husbandry Promises Progress*, *supra* note 1.

⁸ *Id.*

medical treatment.⁹ The law also requires that “animals be stunned before slaughter, and that animals awaiting slaughter do not witness the slaughter of other animals.”¹⁰ The law also prohibits “mistreatment and abuse of farm animals, including beating and tormenting them.”¹¹ With no other farm animal welfare laws on the books, and Vietnam producing approximately 5.4 million tons of meat, 9,000 tons of milk, and 10 billion eggs every year, the Law on Animal Husbandry will have profound effects on the lives of countless farm animals when it comes into effect in January of 2019.¹²

B. Ordinance on the Protection of Animals—Switzerland

On January 10, 2018, Switzerland’s Federal Council adopted new rules¹³ to improve the welfare of lobsters as part of an overall animal protection reform.¹⁴ While not the first country to do so, Switzerland is now one of the few places in the world where it is illegal to boil live lobsters.¹⁵ More specifically, the new Swiss law requires that crustaceans be stunned—by either electric shock or mechanical destruction of the brain—before they are cooked.¹⁶ The new legislation also bans the transportation of live crustaceans, including lobsters, on ice or in ice water, stating that aquatic species “must always be kept in their natural environment.”¹⁷ The new legislation was brought under a provision of the Swiss Constitution that guarantees animal “dignity.”¹⁸

⁹ Kitty Block, *New Vietnam Law Mandates Humane Treatment of Farm Animals*, HUMANE SOC’Y U.S.: A HUMANE NATION (Nov. 20, 2018), <https://blog.humanesociety.org/2018/11/new-vietnam-law-mandates-humane-treatment-of-farm-animals.html> [https://perma.cc/8LGL-LQJE] (accessed Apr. 9, 2019).

¹⁰ *Id.*

¹¹ *Id.*

¹² *New Law on Animal Husbandry Promises Progress*, *supra* note 1.

¹³ Press Release, Der Bundesrat der Schweizer Regierung, Änderungen von Verordnungen im Veterinärbereich (Jan. 10, 2018), <http://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-69446.html> [https://perma.cc/78YD-AYMT] (accessed Apr. 9, 2019).

¹⁴ *Switzerland Bans Crustacean Cruelty*, SWISSINFO (Jan. 10, 2018), http://www.swissinfo.ch/eng/animal-welfare_switzerland-bans-crustacean-cruelty-43814438 [https://perma.cc/3GQQ-PU43] (accessed Apr. 9, 2019).

¹⁵ Lindsey Bever, *Another Country Has Banned Boiling Live Lobsters. Some Scientists Wonder Why.*, WASH. POST (Jan. 13, 2018), https://www.washingtonpost.com/news/food/wp/2018/01/13/another-country-has-banned-boiling-live-lobsters-some-scientists-wonder-why/?noredirect=on&utm_term=.c3a0ccc6b2c2 [https://perma.cc/2W8T-AUQ8] (accessed Apr. 9, 2019).

¹⁶ *Switzerland Bans Practice of Boiling Lobsters Alive Without Stunning First*, ANIMAL LEGAL DEF. FUND (Feb. 13, 2018), <http://aldf.org/article/switzerland-bans-practice-boiling-lobsters-alive-without-stunning-first/> [https://perma.cc/WQX9-59X5] (accessed Apr. 6, 2019).

¹⁷ *Switzerland Bans Crustacean Cruelty*, *supra* note 14.

¹⁸ BUNDESVERFASSUNG [BV] [CONSTITUTION] Apr. 18, 1999, SR 101, art. 120, para. 2 (Switz.); Helena Bachmann, *Switzerland Makes It Illegal to Boil a Lobster*, USA TODAY (Updated Feb. 18, 2018, 2:56 PM), <https://www.usatoday.com/story/news/world/2018/02/16/new-swiss-law-pain-free-deaths-lobsters-flushing-goldfish-down-toilet-breaking-law-according-new-swi/341412002/> [https://perma.cc/WQX9-59X5] (accessed Apr. 9, 2019).

Switzerland is the only country in the world to include such a provision in its constitution.¹⁹ Eva van Beek of the Federal Office of Food Safety and Veterinary Affairs has stated that the new law was driven by an “animal rights argument.”²⁰ Van Beek explained, “There are more animal friendly methods than boiling alive, that can be applied when killing a lobster.”²¹ According to van Beek, there was originally an attempt to ban all live lobster imports into the country, but the federal government “thought this measure was not applicable due to international trading laws.”²² The new law was also supported by research on crustaceans, including a study by Queen’s University in Belfast that found crustaceans are sentient.²³ According to Stefan Kunfermann of the Office of Food Safety and Veterinary Affairs, “These studies show that lobsters, like other animals, experience pain and distress. . . .”²⁴ The new Swiss law went into effect on March 1, 2018.²⁵

C. *Bill to Change the Legal Status of Animals—Spain*

On December 12, 2018, the Spanish Congress began working on the final draft of a bill that aims to change animals’ legal status from inanimate objects to sentient beings.²⁶ Under the current Spanish Civil Code, animals are viewed as “movable property” and can be seized as “assets” in the event of payment defaults.²⁷ The legal changes proposed by the bill would eliminate pets from this type of seizure and would also regulate what happens to a pet in the case of separation or divorce, prioritizing the animal’s welfare.²⁸ In order to ensure that animals cannot be confiscated as “assets,” the Spanish Congress will also need to modify mortgage and civil procedural legislation.²⁹ The proposed modification to the first section of Mortgage Law prevents the extension of the mortgage “to the animals placed or destined in a farm dedicated to the cattle, industrial or recreational exploitation” and further states that “the pact of extension mortgage to the companion animals is prohibited.”³⁰ The proposed amendment to

¹⁹ Bachmann, *supra* note 18.

²⁰ Bever, *supra* note 15.

²¹ *Id.*

²² *Id.*

²³ Bachmann, *supra* note 18.

²⁴ *Id.*

²⁵ *Switzerland Bans Practice of Boiling Lobsters Alive Without Stunning First*, *supra* note 16.

²⁶ Susana Urra, *Spanish Congress Prepares Bill to Stop Treating Animals As Objects*, EL PAÍS (Dec. 12, 2018), https://elpais.com/elpais/2018/12/12/inenglish/1544629669_349986.html [<https://perma.cc/VXN5-QC33>] (accessed Apr. 9, 2019).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Congress Requests That Animals Cease to be Objects*, SPAIN’S NEWS (Dec. 26, 2018), <https://spainnews.com/congress-requests-that-animals-cease-to-be-objects-society/> [<https://perma.cc/KFS5-49TK>] (accessed Apr. 9, 2019).

Article 605 of the Civil Procedure Act would “declare pet animals absolutely unattachable.”³¹

The bill was proposed one year ago by Avelino de Barrionuevo, of the ruling Popular Party (PP), and garnered unanimous support by all parties in Congress.³² Following extensive conversations with animal associations and political groups, the bill now has 115 amendments.³³ Animal rights groups, while supportive of the bill, have largely deemed it insufficient, calling for a nationwide animal protection law, clear definitions of what constitutes a pet, a clear definition of what constitutes animal abuse, and the possibility of temporary custody over an animal in cases of abuse.³⁴

Of little surprise is the bill’s construction to avoid application to bullfighting. From the bill’s inception, opposition expressed concerns that the bill would end bullfighting, with the memory of Catalonia’s ban on bullfighting looming large in the minds of Catalonian representatives.³⁵ In 2006, Catalonia passed similar legislation, which paved the way for Catalonia’s ban on bullfighting in 2011, though it was later struck down by Spain’s Constitutional Court.³⁶ The Constitutional Court’s ruling was in part based on two pieces of legislation proposed by the PP in 2012 and 2015 that were used to declare bullfighting an “intangible cultural heritage.”³⁷ In line with its previous pro-bullfighting legislation, the PP have structured the current bill to ensure it does not affect bullfighting.³⁸ Sara Carreño, a lawmaker for Unidos Podemos, believes that the new legislation should “at least” end public subsidies for any activity that involves animal abuse, including bullfighting.³⁹ Animal rights groups on the other hand, like Animal Equality, support a national ban on exhibitions that exploit animals, including bullfighting and circus acts.⁴⁰ With 115 amendments and no guarantee which will be included or excluded, the final text of the bill is far from determined.⁴¹ The final draft is expected to be finalized in February 2019.⁴²

³¹ *Id.*

³² Susana Urrea, *Animals to Stop Being “Objects” Under Spanish Law*, EL PAÍS (Dec. 14, 2017), http://elpais.com/elpais/2017/12/13/inenglish/1513182135_552641.html [<https://perma.cc/B525-5EA9>] (accessed Apr. 9, 2019).

³³ Urrea, *supra* note 26.

³⁴ *Congress to Update Lifestyle of Animals*, CANARIAN WKLY. (Dec. 20, 2018), <https://www.canarianweekly.com/congress-upgrade-lifestyle-animals/> [<https://perma.cc/W2RQ-VU4G>] (accessed Apr. 9, 2019).

³⁵ Urrea, *supra* note 26.

³⁶ Mariona Ferrer I Fornells, *TC Overturns Catalonia’s Bullfighting Ban*, ARA (Oct. 21, 2016), https://www.ara.cat/en/TC-overturns-Catalonias-bullfighting-ban_0_1672632794.html [<https://perma.cc/ZC6N-5RST>] (accessed Apr. 9, 2019).

³⁷ *Id.*

³⁸ Urrea, *supra* note 26.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

D. Ending the Captivity of Whales and Dolphins Act—Canada

On October 23, 2018, Bill S-203⁴³ finally cleared Canada's Senate after nearly three years of research and study amidst a legislative battle.⁴⁴ The bill aims to ban the keeping and breeding of cetaceans—like whales and dolphins—in captivity and seeks to amend the Criminal Code to make such acts a crime.⁴⁵ As means of a deterrent, the bill proposes fines up to \$200,000 for any parks that disregard the law.⁴⁶ The bill also attempts to ban the import and export of live cetaceans as well the sperm, tissue cultures, or embryos of cetaceans.⁴⁷

The bill was originally introduced by Senator Wilfred Moore in December 2015, but was continuously opposed, blocked, and obstructed by Conservative senators for almost three years.⁴⁸ The bill's passage follows years of determination and action by animal welfare advocates and organizations who have held steadfast in their belief that keeping cetaceans captive is a “cruel and perverse form of entertainment.”⁴⁹ Activism pertaining to cetacean rights was further fueled by the release of the 2013 documentary *Blackfish*,⁵⁰ which explored the intelligence and emotional capabilities of orca whales and the ultimate tragedies involved with holding such marine mammals captive.⁵¹

While the bill is written broadly,⁵² it is said to have two specific targets in its sights—the Vancouver Aquarium and Marineland in Niagara Falls, Ontario.⁵³ Marineland has one of the worst track records in the world, with twenty orcas dying prematurely at its facility since 1973.⁵⁴ While the Vancouver Aquarium has already said it will no longer display whales or dolphins, stating that protests over the cetaceans' captivity have become a “distraction,” Marineland continues

⁴³ Ending the Captivity of Whales and Dolphins Act, S-203, 42nd Parliament (2018) (Can.).

⁴⁴ John Paul Tasker, *Senate Passes Bill That Would Ban Whale, Dolphin Captivity in Canada*, CBC NEWS (Oct. 24, 2018, 12:30 PM), <https://www.cbc.ca/news/politics/tasker-whale-dolphin-captivity-canada-senate-bill-1.4876136> [https://perma.cc/E9ZH-ANUY] (accessed Apr. 9, 2019).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ S-203 (Can.).

⁴⁸ Michael Mountain, *Canadian Bill S-203 Passes in Senate. Now Goes to House.*, WHALE SANCTUARY PROJECT (Oct. 24, 2018), <https://whalesanctuaryproject.org/canadian-bill-s-203-passes-in-senate-now-goes-to-house/> [https://perma.cc/Q96B-GK7N] (accessed Apr. 9, 2019).

⁴⁹ Tasker, *supra* note 44.

⁵⁰ BLACKFISH (CNN Films and Magnolia Pictures 2013).

⁵¹ *Id.*

⁵² See generally S-203 (Can.) (using broad language like “everyone who,” or “no person shall”).

⁵³ Tasker, *supra* note 44.

⁵⁴ Holly Lake, *'Free Willy' Bill Starts its Journey Through the Commons*, iPOLITICS (Oct. 29, 2018), <https://ipolitics.ca/2018/10/29/free-willy-bill-starts-its-journey-through-the-commons/> [https://perma.cc/FCU3-DQTD] (accessed Apr. 9, 2019).

to be a vocal opponent of the bill.⁵⁵ Using familiar rhetoric,⁵⁶ Marineland argues that the bill will frustrate conservation efforts and called the bill “anti-science.”⁵⁷ While the bill passed the Senate, some Conservative senators, like Senator Don Plett, continue to side with Marineland.⁵⁸ During the October 23, 2018 session, Senator Plett stated, “I have been [to Marineland]. I have been to the Vancouver Aquarium. I see the joy on the cetaceans’ faces—on the belugas’ faces—when they come out and get food.”⁵⁹

While the bill would eventually phase out captivity of cetaceans over time through its breeding ban, the question remains: What will happen to all the cetaceans currently in captivity across Canada? Under the bill, Marineland could legally keep and exploit all fifty-five cetaceans it currently has in captivity.⁶⁰ Despite the clear language of the bill,⁶¹ animal activists continue to lobby for all remaining cetaceans in captivity in Canada to be moved to open-water sanctuaries.⁶² The fate of the bill—and the remaining cetaceans in captivity—will be decided before the summer of 2019, after the bill makes its way through the House of Commons.⁶³

*E. The Protection of Life, The Safety and Welfare of Animals—
Luxembourg*

On June 6, 2018, The Protection of Life, The Safety and Welfare of Animals⁶⁴ passed into law through the Luxembourg Chamber of Deputies.⁶⁵ The new law aims to further protect animals “while guarantee-

⁵⁵ Tasker, *supra* note 44.

⁵⁶ See, e.g., Tasneem Raja, *SeaWorld Says It Has to Keep Orcas in Captivity to Save Them*, MOTHER JONES, <https://www.motherjones.com/environment/2014/12/seaworld-killer-whale-orca-science-blackfish/> [<https://perma.cc/3H29-4KCU>] (accessed Apr. 9, 2019) (calling the *Blackfish* documentary unscientific propaganda, arguing that keeping killer whales in captivity “help[s] science better understand and conserve wild killer whales”).

⁵⁷ Tasker, *supra* note 44.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ See S-203 (Can.) (“Paragraph 2(a) does not apply to a person who . . . owns, has the custody of or controls a cetacean that is kept in captivity at the coming into force of this section and remains continuously in captivity thereafter.”).

⁶² Tasker, *supra* note 44.

⁶³ *Bill S-203: Ending Cetaceans in Captivity*, ANIMAL ALLIANCE OF CAN., <https://www.animalalliance.ca/bill-s-203-ending-cetaceans-captivity/> [<https://perma.cc/T9JG-A35J>] (accessed Apr. 9, 2019).

⁶⁴ Loi A537 du 6 juin 2018 la protection de la vie, la sécurité et le bien-être des animaux [The Protection of Life, the Safety and Welfare of Animals] of June 6, 2018, JOURNAL OFFICIEL DU GRAND DUCHÉ DE LUXEMBOURG [J.O.] [OFFICIAL GAZETTE OF LUXEMBOURG], June 29, 2018.

⁶⁵ Press Release, Ministère de l’Agriculture, de la Viticulture et de la Protection des Consommateurs, Loi sur la Protection des Animaux (June 6, 2018), <https://deiereschutzgesetz.lu/wp-content/themes/loianimaux/communiqu-presse.pdf> [<https://perma.cc/GKQ3-JD96>] (accessed Apr. 9, 2019).

ing their dignity, safety and well-being at all times of their life.”⁶⁶ According to the Minister of Agriculture, Viticulture and Consumer Protection, the text was developed following extensive consultation with animal welfare organizations and other stakeholders, with specific consideration of the “evolution of scientific knowledge.”⁶⁷ The Protection of Life, The Safety and Welfare of Animals is said to take a “fundamentally new approach” to the legal recognition of animal dignity,⁶⁸ introducing new concepts such as safety and recognition of animal sensitivity.⁶⁹ By including the notion of dignity in the new law, Luxembourg follows Switzerland, the only country to have enshrined animal dignity in its federal constitution.⁷⁰ The new law increases penalties, both in terms of fines and imprisonment, and prohibits previously authorized practices, such as the killing of animals for economic purposes.⁷¹ Luxembourg is the first country in Europe to prohibit the killing of animals for economic purposes, such as the killing of male chicks in the egg industry or the killing of male calves in the dairy industry.⁷²

Of note to many animal welfare organizations,⁷³ the new law enacts a complete ban on fur farming, making Luxembourg the tenth European country to outlaw the cruel practice.⁷⁴ Luxembourg joins an increasingly long list of countries that have put an end to the brutal practice of fur farming, which includes the beating, electrocution, and in some instances, skinning alive of fur-bearing animals.⁷⁵ Approximately 85% of the fur industry’s skins come from animals that have

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Genevieve Montaigu, *Animal Dignity: The Bill Could Be Adopted Before The Summer*, LE QUOTIDIEN (Apr. 1, 2018), <http://www.lequotidien.lu/politique-et-societe/dignite-animale-le-projet-de-loi-pourrait-etre-adopte-avant-lete/&prev=search> [<https://perma.cc/X6PW-B83A>] (accessed Apr. 9, 2019).

⁷⁰ BUNDESVERFASSUNG [BV] [CONSTITUTION] Apr. 18, 1999, SR 101, art. 120, para. 2 (Switz.).

⁷¹ Ministère de l’Agriculture, de la Viticulture et de la Protection des Consommateurs, *supra* note 65.

⁷² *Id.*

⁷³ *E.g.*, *Luxembourg 10th European Country to Ban Fur Farming*, FUR FREE ALLIANCE (June 15, 2018), <https://www.furfreealliance.com/luxembourg-10th-european-country-ban-fur-farming/> [<https://perma.cc/MRS4-GWXT>] (accessed Apr. 9, 2019); Zachary Toliver, *Luxembourg Takes Hard Stand Against Fur With Nationwide Ban*, PETA (updated July 5, 2018), <https://www.peta.org/blog/luxembourg-bans-fur/> [<https://perma.cc/2D4V-DQH9>] (accessed Apr. 9, 2019); Charlotte Pointing, *Luxembourg Bans Fur Farms, Becoming 10th Country in EU to Make Fur Production Illegal*, LIVEKINDLY (June 25, 2018), <https://www.livekindly.co/luxembourg-10th-eu-country-ban-fur-farms/> [<https://perma.cc/P3R9-MER4>] (accessed Apr. 9, 2019); Aleksandra Pajda, *Major Win for Animals! Luxembourg Bans Fur Farming*, ONE GREEN PLANET (June 2018), <https://www.onegreenplanet.org/news/luxembourg-bans-fur-farming/> [<https://perma.cc/A3GL-VLAD>] (accessed Apr. 9, 2019).

⁷⁴ *Luxembourg 10th European Country to Ban Fur Farming*, *supra* note 73.

⁷⁵ Toliver, *supra* note 73.

been held captive on fur farms.⁷⁶ While there are currently no operating fur farms within Luxembourg, the new law ensures that no new fur farms can be built.⁷⁷ This unprecedented legislation took two years of hard work,⁷⁸ with the bill originally introduced by the Minister of Agriculture of Luxembourg in 2016.⁷⁹

While the new law passed unanimously and has garnered support from animal welfare organizations, it has not escaped some criticism.⁸⁰ As the new law redefines animal as “a nonhuman living being endowed with sensitivity in that it is equipped with a nervous system making it able to feel . . . pain,”⁸¹ it is unclear whether this particular wording means that the new law will only apply to certain animals.⁸² Additionally, some have criticized the limits of the new law as it is not enshrined in the Luxembourg Constitution.⁸³ Furthermore, there are criticisms that the new law does not adequately address the use of animals for scientific testing.⁸⁴ Despite these criticisms, The Protection of Life, The Safety and Welfare of Animals is said to be “indispensable,” as the previous animal welfare law—which came into force on March 15, 1983—has not been amended for more than thirty years.⁸⁵ Perhaps long overdue, the new law came into force in October of 2018.⁸⁶

III. BANS ON ANIMAL PRODUCTS

A. *Ban on Shark Fin Importation and Exportation Act—Canada*

On October 23, 2018, Bill S-238, the Ban on Shark Fin Importation and Exportation Act,⁸⁷ passed Canada’s Senate following years of campaigning.⁸⁸ While the practice of shark-finning—the cutting off of

⁷⁶ *Id.*

⁷⁷ *Luxembourg 10th European Country to Ban Fur Farming*, *supra* note 73.

⁷⁸ Toliver, *supra* note 73.

⁷⁹ *Luxembourg 10th European Country to Ban Fur Farming*, *supra* note 73.

⁸⁰ *Animal Welfare: Luxembourg Ahead of France*, 30 MILLION FRIENDS FOUND. (Sept. 7, 2018), <https://www.30millionsdamis.fr/actualites/article/14187-bien-etre-animal-le-luxembourg-en-avance-sur-la-france/&prev=search> [<https://perma.cc/EK2H-4AS6>] (accessed Apr. 9, 2019).

⁸¹ Montaigne, *supra* note 69.

⁸² *The Protection of Life, the Safety and Welfare of Animals*, LETZEBUERGER GEMENGEN (June 5, 2018), <https://gemengen.lu/web/2018/06/05/la-protection-de-la-vie-la-securite-et-le-bien-etre-des-animaux/&prev=search> [<https://perma.cc/FK8M-NFR3>] (accessed Apr. 9, 2019).

⁸³ *Animal Welfare: Luxembourg Ahead of France*, *supra* note 80.

⁸⁴ *Id.*

⁸⁵ Ministère de l’Agriculture, de la Viticulture et de la Protection des Consommateurs, *supra* note 65.

⁸⁶ *Luxembourg 10th European Country to Ban Fur Farming*, *supra* note 73.

⁸⁷ Ban on Shark Fin Importation and Exportation Act, S-238, 42nd Parliament (2018) (Can.).

⁸⁸ Marc Montgomery, *Shark Finning: Canada Close to Ban on Import of Shark Fins*, RADIO CAN. INT’L (Oct. 24, 2018), <https://www.rcinet.ca/en/2018/10/24/shark-finning-canada-close-to-ban-on-import-of-shark-fins/> [<https://perma.cc/7JFZ-WN7Z>] (accessed Apr. 9, 2019).

live sharks' fins then dumping the still-live shark back into the ocean to drown or bleed to death⁸⁹—has been banned in Canada since 1994, it is currently still legal to import shark fins.⁹⁰ In 2017 alone, 170,000 kilograms of shark fins were imported into Canada,⁹¹ making Canada the second largest importer of shark fins in the world after Asia.⁹² Bill S-238 seeks to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act to increase the protection of sharks by banning the import and export of shark fins, as well as the import and export of any shark fin derivatives and products.⁹³

While one study suggests that 83% of people in Vancouver support the federal ban on shark fin imports and exports, there has been some pushback on the ban.⁹⁴ Some people, such as Madeline Cashion, a recent graduate from the Institute for the Oceans and Fisheries at the University of British Columbia, believe that the ban could drive the shark fin trade underground, radically undermining the goals of shark conservation.⁹⁵ Others, such as David Chung, restaurant owner and head of the B.C. Asian Restaurant and Café Owners Association, believe the proposed ban is an attack on Chinese culture.⁹⁶ The practice of harvesting shark fins to be used as an ingredient in shark-fin soup dates back more than 1,000 years.⁹⁷ But only in the past twenty years has the demand for shark-fin soup escalated to the extent that many shark species have been pushed to the point of extinction.⁹⁸ Originally a “rare delicacy” only consumed by the Chinese elite,⁹⁹ shark-fin soup is now a popular dish that operates as a status symbol, a single bowl costing as much as \$100 in North America.¹⁰⁰ Chung argues that be-

⁸⁹ Holly Lake, *Shark Finning Bill Passed Unanimously by Committee; Moves on to Senate*, iPOLITICS (Feb. 9, 2018, 12:49 PM), <https://www.ipolitics.ca/2018/02/09/shark-fin-feeding-bill-passed-unanimously-committee-moves-senate/> [https://perma.cc/QQ9V-AGK3] (accessed Apr. 9, 2019).

⁹⁰ Montgomery, *supra* note 88.

⁹¹ Lake, *supra* note 89.

⁹² Montgomery, *supra* note 88.

⁹³ *Id.*

⁹⁴ Braela Kwan, *Pending Federal Ban on Import of Shark Fins Sparks Relief, Anger in Vancouver*, THUNDERBIRD (Nov. 21, 2018), <https://www.thethunderbird.ca/2018/11/21/pending-federal-ban-on-import-of-shark-fins-sparks-relief-anger-in-vancouver/> [https://perma.cc/RJZ8-56WA] (accessed Apr. 9, 2019).

⁹⁵ *See id.* (“Madeline Cashion . . . fears that an underground shark-fin trade could radically undermine the original goal of shark conservation.”).

⁹⁶ Michelle de Silva, *Restaurant Owner Says “Bananas” Don’t Get Importance of Shark-Fin Soup*, GA. STRAIGHT (Nov. 5, 2012, 4:36 PM), <https://www.straight.com/food/restaurant-owner-says-bananas-dont-get-importance-shark-fin-soup> [https://perma.cc/6PFV-VLYC] (accessed Apr. 9, 2019).

⁹⁷ Mark Carwardine, *What is Shark Finning and Why is it a Problem?*, DISCOVER WILDLIFE, <https://www.discoverwildlife.com/animal-facts/fish/what-is-shark-fin-feeding-and-why-is-it-a-problem/> [https://perma.cc/5DCL-GVZL] (accessed Apr. 9, 2019).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

cause shark-fin soup is “the most prestigious dish on the menu,” to take it off would constitute “a defect in the restaurant.”¹⁰¹

Chung also argues that conservationists and animal-rights groups focused on shark extinction and animal cruelty have distorted the issue.¹⁰² Chung claims that national bans on shark-finning already ensure that only a small percentage of shark fins are harvested through the practice of shark-finning, and that imported shark fins are not harvested from endangered species;¹⁰³ but data says otherwise. The majority of shark fins imported into Canada come from Hong Kong and China, where they were likely harvested through the practice of shark-finning.¹⁰⁴ Furthermore, a recent study on DNA barcoding found that 71% of all dried shark fins and gills from markets and stores in Canada, China, and Sri Lanka came from species listed as at-risk and thus banned from international trade.¹⁰⁵ Additionally, the threat of extinction is well-accepted in the scientific community,¹⁰⁶ with approximately 100 million sharks killed globally every year, and some shark populations decreasing by 60–70% due to the shark fin trade and other shark-related products.¹⁰⁷ Despite some opposition, Bill S-238 passed unanimously in the Senate, and there is hope that the bill will pass the House of Commons before early Spring 2019.¹⁰⁸ The bill will then need to be signed by the Governor-General before the Ban on Shark Fin Importation and Exportation Act can become law.¹⁰⁹

B. Ivory Act 2018—U.K.

On December 20, 2018, what began as the Ivory Bill 2018,¹¹⁰ considered to be one of the toughest ivory bans in the world, received

¹⁰¹ De Silva, *supra* note 96.

¹⁰² *Id.*

¹⁰³ *See id.* (“Since 1994, the federal government of Canada has already banned finning. . . . and [] not just Canada, it’s international. . . . I’m not saying that there’s absolutely no finning happening in this world. I’m quite sure there is, but we cannot—because of a few percentage of finning—say, ‘Do not eat shark fin. . . .’ What we have imported commercially is not part of these endangered species . . .”).

¹⁰⁴ Lake, *supra* note 89.

¹⁰⁵ *Endangered Sharks, Rays Further Threatened by Global Food Markets: U of G Study*, UNIV. OF GUELPH (Aug. 25, 2017), <https://news.uoguelph.ca/2017/08/endangered-sharks-rays-threatened-global-food-markets-u-g-study/> [<https://perma.cc/UHX2-Z6WN>] (accessed Apr. 9, 2019).

¹⁰⁶ *See Bill to End Trade of Shark Fins Clears Senate by Overwhelming Majority*, HUMANE SOC’Y INT’L CAN. (Oct. 24, 2018), <https://www.hsi.org/news-media/bill-to-end-trade-of-shark-102418/> [<https://perma.cc/GD2N-4BHU>] (accessed Apr. 9, 2019) (“Marine scientist Dr. Dirk Steinke stated, “There is scientific consensus that sharks are among the most threatened wildlife worldwide.”).

¹⁰⁷ Caty Fairclough, *Shark Finning: Sharks Turned Prey*, SMITHSONIAN: OCEAN (Aug. 2013), <https://www.ocean.si.edu/ocean-life/sharks-rays/shark-finning-sharks-turned-prey> [<https://perma.cc/FE84-WF7H>] (accessed Apr. 9, 2019).

¹⁰⁸ Kwan, *supra* note 94.

¹⁰⁹ Montgomery, *supra* note 88.

¹¹⁰ Ivory Bill 2017-19, HC Bill [215] (Eng.).

Royal Assent from the U.K. Parliament,¹¹¹ and is now the Ivory Act 2018.¹¹² The bill was introduced on May 23, 2018 and has since flown through the Parliamentary process, passing the House of Commons and House of Lords with overwhelming support.¹¹³ The bill was introduced following consultation on a U.K. ivory sales ban, which resulted in more than 70,000 responses, with more than 88% of responses in favor of the ban.¹¹⁴ Upon the introduction of the bill, Environment Secretary Michael Gove stated, “The ban on ivory sales we will bring into law will reaffirm the U.K.’s global leadership on this critical issue, demonstrating our belief that the abhorrent ivory trade should become a thing of the past.”¹¹⁵ From its inception, the bill was intended to be one of the world’s toughest bans on ivory sales, aiming to disrupt the concept of ivory as just another commodity for financial gain or as a status symbol, and to ensure the protection of elephants for future generations.¹¹⁶

Around 30,000 African elephants are killed every year for their tusks, which are then sold in the increasingly glutinous global ivory trade.¹¹⁷ Between 2007 and 2014, the number of African savannah elephants plummeted 30%,¹¹⁸ while between 2002 and 2011, the number of African forest elephants declined by 60%.¹¹⁹ Elephant numbers continue to fall, despite the fact that international trade in elephant ivory has been banned since 1975 for Asian elephants and 1989 for African elephants.¹²⁰ The continued poaching of elephants for the ivory trade despite international bans has led many to conclude that international trade bans on ivory are an inadequate solution.¹²¹ Many conservation groups have advocated for closure of legal domestic ivory markets.¹²² Domestic markets, which allow for “some form of commercial trade in

¹¹¹ Press Release, Dep’t for Env’t, Food & Rural Aff., World-Leading UK Ivory Bill Becomes Law (Dec. 20, 2018), <https://www.gov.uk/government/news/world-leading-uk-ivory-bill-becomes-law—2> [<https://perma.cc/5Q3R-D7AZ>] (accessed Apr. 9, 2019).

¹¹² Ivory Act 2018, c. 30 (Eng.).

¹¹³ Dep’t for Env’t, Food & Rural Aff., *supra* note 111.

¹¹⁴ Press Release, Dep’t for Env’t, Food & Rural Aff., Foreign & Commonwealth Off., and Ministry of Defence, Government Confirms UK Ban on Ivory Sales (Apr. 3, 2018), <https://www.gov.uk/government/news/government-confirms-uk-ban-on-ivory-sales> [<https://perma.cc/4UCX-N2QP>] (accessed Apr. 9, 2019).

¹¹⁵ *Id.*

¹¹⁶ *See id.* (“Environment Secretary, Michael Grove said: ‘Ivory should never be seen as a commodity for financial gain or a status symbol, so we will introduce one of the world’s toughest bans on ivory sales to protect elephants for future generations.’”).

¹¹⁷ Bale, *supra* note 3.

¹¹⁸ *Id.*

¹¹⁹ *Ivory Trade*, BORN FREE, <https://www.bornfree.org.uk/ivory-trade> [<https://perma.cc/VD4J-TRVT>] (accessed Apr. 9, 2019).

¹²⁰ Rebecca Drury, *A Beginner’s Guide to Ivory Trade*, FAUNA & FLORA INT’L (July 19, 2017), <https://www.fauna-flora.org/news/a-guide-to-ivory-trade> [<https://perma.cc/ZZ4U-XD2D>] (accessed Apr. 9, 2019).

¹²¹ *Id.*

¹²² *See id.* (“Many conservation organisations, including FFI, therefore argue for the closure of domestic markets.”).

ivory within and across their borders,” are significant drivers of elephant poaching and ivory trade.¹²³ Europe, in particular, has a large market for ivory.¹²⁴ Since 2003, about 7.6 tons of legal ivory has been exported from within European Union borders.¹²⁵ According to the Environmental Investigation Agency (EIA), the U.K. exports more legal ivory than any other country in the world.¹²⁶ According to the EIA, ivory exports from the U.K. stimulate consumer demand globally and provide cover for illegal ivory smugglers and traffickers.¹²⁷

Conservation organizations worked tirelessly for years to pass an ivory ban in the U.K.,¹²⁸ but it wasn't until 2018 that public pressure finally forced legislative action. Along with the 70,000 responses following the consultation on a U.K. ivory sales ban,¹²⁹ public pressure for a U.K. ivory ban became apparent in the general election. Lady Borwick, the Tory Member of Parliament (MP), lost her seat after she opposed a complete ban on ivory.¹³⁰ Borwick, who is president of the British Antique Dealers' Association, lobbied for the antiques industry to maintain the U.K. ivory trade, which resulted in public outcry, and the subsequent loss of her seat in Parliament.¹³¹

With overwhelming support from citizens, animal advocacy groups, and conservation groups, the Ivory Bill 2018 was introduced in the House of Commons on May 23, 2018,¹³² and became law on December 20, 2018.¹³³ The Ivory Act 2018 introduces a total ban on dealing any items that contain elephant ivory, regardless of age, as well as any import to or export from the U.K.¹³⁴ The Act also introduces “tough new penalties,” including fines and imprisonment, for anyone found guilty of breaching the ban.¹³⁵ Despite concerns voiced by antique dealers, including claims that the new law is “Kafka-esque,”¹³⁶ the Act

¹²³ *Ivory Trade*, *supra* note 119.

¹²⁴ Bale, *supra* note 3.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Dep't for Env't, Food & Rural Aff., Foreign & Commonwealth Off., and Ministry of Defence, *supra* note 114.

¹³⁰ Jamie Doward, *Pressure Grows for UK to Bring in Blanket Ban on Ivory Trade*, *GUARDIAN* (Jan. 6, 2018), <https://www.theguardian.com/environment/2018/jan/07/government-ivory-trade-ban-uk-bow-to-public-pressure> [<https://perma.cc/LZ4W-5LL9>] (accessed Apr. 9, 2019).

¹³¹ *Id.*

¹³² Press Release, Dep't for Env't, Food & Rural Aff., Foreign & Commonwealth Off., Introduction of Ivory Bill Boosts Fight Against Elephant Poaching (May 23, 2018), <https://www.gov.uk/government/news/introduction-of-ivory-bill-boosts-fight-against-elephant-poaching> [<https://perma.cc/YRV6-7M9C>] (accessed Apr. 9, 2019).

¹³³ Dep't for Env't, Food & Rural Aff., *supra* note 111.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Anita Singh, *Ivory Ban 'Will Lead to Granny's Dressing Table Mirror Going in the Skip'*, *TELEGRAPH* (Sept. 15, 2018, 6:00 PM), <https://www.telegraph.co.uk/news/2018/09/15/ivory-ban-will-lead-grannys-dressing-table-mirror-going-skip/> [<https://perma.cc/D85L-KS9L>] (accessed Apr. 9, 2019).

also creates a “narrow and carefully defined set of exceptions”¹³⁷ designed to provide “balance to ensure people are not unfairly impacted.”¹³⁸ These exceptions include: items comprising less than 10% ivory and made before 1947, musical instruments comprising less than 20% ivory and made before 1975, rare or important items at least 100 years old, and “exemptions for portrait miniatures painted on thin ivory bases and for commercial activity between accredited museums.”¹³⁹

In October of 2018, with the passing of the Ivory Act 2018 on the horizon, Environmental Secretary Michael Gove launched the Ivory Alliance 2024, a coalition of conservationists, political leaders, and celebrities dedicated to “defeating the illegal trade in ivory and establishing ivory sales ban in other countries around the globe.”¹⁴⁰ With the momentum of the newly passed Ivory Act 2018, and the agenda of the Ivory Alliance 2024, advocates are hopeful that more countries will institute similar bans.¹⁴¹ As Helen Clark, former Prime Minister of New Zealand, stated, “This show of leadership from the U.K. comes at a crucial time for wildlife conservation internationally—and will go a long way towards influencing countries, including New Zealand and Australia, on movement towards their own bans.”¹⁴² The Ivory Act 2018, heralded as the world’s toughest ivory ban,¹⁴³ is expected to take effect in late 2019.¹⁴⁴

IV. BANS ON ANIMAL PRACTICES

A. *Ban on Cosmetic Testing on Animals—Ukraine*

Ukraine’s Parliament is considering several bills that would improve animal welfare in the country.¹⁴⁵ Of particular interest is a draft law offered by the Ministry of Health Protection of Ukraine that would ban the testing of cosmetics on animals.¹⁴⁶ While considered signifi-

¹³⁷ Dep’t for Env’t, Food & Rural Aff., *supra* note 111.

¹³⁸ *UK Ivory Ban Among World’s ‘Toughest’, Michael Grove Says*, BBC NEWS (Apr. 3, 2018), <https://www.bbc.com/news/uk-43620012> [<https://perma.cc/JLW6-F4HJ>] (accessed Apr. 9, 2019).

¹³⁹ *Id.*

¹⁴⁰ Dep’t for Env’t, Food & Rural Aff., *supra* note 111.

¹⁴¹ *See generally id.* (quoting political leaders and conservation groups responding to the passing of the Ivory Act 2018, many of which include hopes that the ban will inspire other countries to do the same).

¹⁴² *Id.*

¹⁴³ Bale, *supra* note 3.

¹⁴⁴ Dep’t for Env’t, Food & Rural Aff., *supra* note 111.

¹⁴⁵ Jemima Webber, *Ukraine Set to Ban Cosmetics Testing on Animals*, LIVEKINDLY (Jan. 18, 2019), <https://www.livekindly.co/ukraine-set-ban-cosmetics-testing-animals/> [<https://perma.cc/N48C-NPMX>] (accessed Apr. 9, 2019).

¹⁴⁶ *Ukraine to Stop Cosmetics Testing on Animals*, 112.INTERNATIONAL (Jan. 16, 2018, 10:49 PM), <https://112.international/society/ukraine-to-stop-animal-testing-of-cosmetics-36067.html> [<https://perma.cc/3CU6-9QZL>] (accessed Apr. 9, 2019).

cant progress by animal advocates,¹⁴⁷ the draft states that it was designed to “harmonize the technical regulation of cosmetic products in Ukraine with European legislation to eliminate legal, administrative and technical barriers in trade with the countries of the European Union.”¹⁴⁸ Thus, the draft law has been modeled after the European Union’s Cosmetics Regulation.¹⁴⁹ Although the draft law focuses on eliminating trade barriers, the ban on animal testing of cosmetics remains an important aspect of the proposed regulations.¹⁵⁰ The draft law seeks to motivate foreign and national companies “to use the latest technological developments, including alternative methods of testing cosmetic products.”¹⁵¹ As was the case with the European Union, the Ministry of Health Protection of Ukraine plans to provide a transition period, allowing Ukrainian cosmetic companies to remain on the market.¹⁵²

The draft law to ban cosmetics testing on animals comes at a time when Ukrainians are becoming increasingly aware of the issue of animal abuse.¹⁵³ On September 30, 2018, several thousand Ukrainians gathered in Kyiv to march for animal rights.¹⁵⁴ Similar rallies were held in conjunction with nineteen other Ukrainian cities, all of which called to stop animal abuse.¹⁵⁵ Ukrainians have been particularly concerned about the issues surrounding the breeding of hunting dogs, hunting in general, and the culling of stray dogs.¹⁵⁶ Perhaps not

¹⁴⁷ Maria Chiorando, *Ukraine Proposes Law to Ban Cosmetics Animal Testing*, PLANT BASED NEWS (Jan. 18, 2019, 1:14 PM), <https://www.plantbasednews.org/post/ukraine-proposes-law-ban-cosmetics-animal-testing> [https://perma.cc/7JZ6-ADBC] (accessed Apr. 9, 2019).

¹⁴⁸ *Draft Resolution on the Cabinet of Ministers of Ukraine “On Approval of the Technical Regulation for Cosmetics Products”*, MINISTRY HEALTH PROTECTION UKR. (Jan. 8, 2019), <http://moz.gov.ua/article/public-discussions/proekt-postanovi-kabinetu-ministriv-ukraini-pro-zatverdzhennja-tehnichnogo-reglamentu-na-kosmetichnu-produkciju#2> (accessed Apr. 6, 2019) (site no longer available).

¹⁴⁹ European Parliament and Council Regulation 1223/2009, 2009 O.J. (L 342) 59 (EC).

¹⁵⁰ *In Ukraine, Cosmetics Testing on Animals is Banned: Ministry of Health of Ukraine Proposes a Draft Technical Regulation for Cosmetics Products for Public Discussion*, MINISTRY HEALTH PROTECTION UKR. (Jan. 16, 2019), <http://moz.gov.ua/article/news/v-ukraini-zaboronjat-viprobuvannja-kosmetiki-na-tvarinah-moz-ukraini-proponue-proekt-tehnichnogo-reglamentu-na-kosmetichnu-produkciju—dlja-gromadskogo-obgovorennja> [https://perma.cc/XT4Z-24WE] (accessed Apr. 9, 2019).

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Ukraine to Stop Cosmetics Testing on Animals*, *supra* note 146.

¹⁵⁴ *Thousands of People and Eight Demands – March for Animal Rights Held in Kyiv*, 112.INT’L (Sept. 30, 2018, 5:30 PM), <https://112.international/society/thousands-of-people-and-eight-demands-march-for-animal-rights-held-in-kyiv-32703.html> [https://perma.cc/3M9R-7R39] (accessed Apr. 9, 2019).

¹⁵⁵ *Animal Rights Activists Hold Rallies in 20 Ukrainian Cities*, UNIAN (Sept. 30, 2018, 6:20 PM), <https://www.unian.info/society/10280502-animal-rights-activists-hold-rallies-in-20-ukrainian-cities-photos-video.html> [https://perma.cc/J6LA-7HZY] (accessed Apr. 9, 2019).

¹⁵⁶ *Ukraine to Stop Cosmetics Testing on Animals*, *supra* note 146.

surprisingly, there are two other animal protection bills slated for consideration by Ukraine's Parliament that directly address these very issues.¹⁵⁷ Concern for animal welfare may also be affecting Ukrainian dietary preferences; with the country experiencing a decline in meat and milk production due in part to "weak" demand.¹⁵⁸ As the draft law is now open for public discussion, the Ukrainian people can further express their demand for better treatment of animals in the public proposals and comments section.¹⁵⁹

B. *Ban on the Use of Wild Animals in Circuses—Portugal*

On October 30, 2018, Portugal's Parliament approved a bill that will ban the use of wild animals in circuses by 2024.¹⁶⁰ The new law will ban the use of more than 1,000 animals, covering approximately forty species, including lions, tigers, elephants, camels, and zebras.¹⁶¹ The new law, which passed with support from both left-wing and right-wing lawmakers, adds Portugal to a long list of countries which have banned the use of wild animals in circuses.¹⁶² Despite this growing global trend, with more than forty countries having passed similar bans,¹⁶³ Portuguese circus owners did not take the new law lying down.¹⁶⁴ Approximately twenty Portuguese circuses opposed the new law stating that it would "contribute to the disappearance of the business."¹⁶⁵

When the ban takes effect in 2024, it will require all circus owners to surrender any wild animals in captivity and relocate them to "wild-life sanctuaries or other accommodations that more closely resemble natural habitats."¹⁶⁶ Any use of wild animals in circuses after 2024

¹⁵⁷ *Ukraine's Parliament to Consider Punishment for Animal Abuse*, 112.INT'L (Nov. 16, 2018), <https://112.international/ukraine-top-news/ukraines-parliament-to-consider-punishment-for-animal-abuse-34235.html> [<https://perma.cc/WH3D-UC64>] (accessed Apr. 9, 2019).

¹⁵⁸ Webber, *supra* note 145.

¹⁵⁹ *In Ukraine, Cosmetics Testing on Animals is Banned: Ministry of Health of Ukraine Proposes a Draft Technical Regulation for Cosmetics Products for Public Discussion*, MINISTRY HEALTH PROT. UKR. (Jan. 16, 2019), <http://moz.gov.ua/article/news/v-ukraini-zaboronjat-viprobuvannja-kosmetiki-na-tvarinah-moz-ukraini-proponue-proekt-tehnichnogo-reglamentu-na-kosmetichnu-produkciju—dlja-gromadskogo-obgovorennja> [<https://perma.cc/H866-KZKX>] (accessed Apr. 9, 2019).

¹⁶⁰ *Portugal Bans Use of Wild Circus Animals*, PHYS ORG (Oct. 31, 2018), <https://phys.org/news/2018-10-portugal-wild-circus-animals.html> [<https://perma.cc/6AKM-HJHJ>] (accessed Apr. 9, 2019).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Joe McCarthy, *Portugal Announces Ban on Using Wild Animals in Circuses*, GLOBAL CITIZEN (Nov. 2, 2018), <https://www.globalcitizen.org/en/content/portugal-bans-circus-animals/> [<https://perma.cc/4QVW-JQCR>] (accessed Apr. 9, 2019).

¹⁶⁴ *Portugal Bans Use of Wild Circus Animals*, *supra* note 160.

¹⁶⁵ *Id.*

¹⁶⁶ McCarthy, *supra* note 163.

will be punishable by misdemeanors.¹⁶⁷ In the meantime, circus owners must list any wild animals currently in captivity on a register created by the government.¹⁶⁸ Upon registration, the government will provide the circuses with “provisional licenses” which will be valid from anywhere between 6 months to 6 years.¹⁶⁹ Circus owners who agree to surrender wild animals in captivity before the end of the transition period will receive aid to help them transition to another profession.¹⁷⁰ According to André Silva, a Portuguese lawmaker, the new law is the only ban of its kind to guarantee circus owners who voluntarily surrender animals “the right to support in retraining and professional qualification.”¹⁷¹

The new law comes after years of incremental measures taken to improve the lives of circus animals in Portugal.¹⁷² In September 2009, a ministerial decree came into effect that banned the use of chimpanzees, gorillas, and orangutans in circuses.¹⁷³ One month later, another ministerial decree came into effect that banned the keeping and breeding of any CITES-listed species, which included lions, tigers, bears, seals, and elephants.¹⁷⁴ According to André Silva, “Parliament has finally realised that larger cages, stricter rules and more controls were not the solution for the problems of these animals, who were reduced to mere puppets, deprived of their dignity.”¹⁷⁵ While many animal rights groups have applauded Portugal’s new law,¹⁷⁶ it is important to note that not all animals will experience relief. Under the new law, dogs, cats, and horses can still be used by circus owners.¹⁷⁷ Addition-

¹⁶⁷ *Portuguese Parliament Approves Ban of Using Wild Animals in Circus*, XINHUA (Oct. 31, 2018), http://www.xinhuanet.com/english/2018-10/31/c_137570162.htm [<https://perma.cc/69CN-QZX5>] (accessed Apr. 9, 2019).

¹⁶⁸ *Portugal Bans Use of Wild Circus Animals*, *supra* note 160; Anna Starostinetskaya, *Portugal Bans Wild Animal Circuses*, VEGNEWS (Nov. 14, 2018), <https://vegnews.com/2018/11/portugal-bans-wild-animal-circuses> [<https://perma.cc/7B8F-XMUZ>] (accessed Apr. 9, 2019).

¹⁶⁹ Natasha Donn, *Traditional Circuses Using Wild Animals to be Outlawed*, PORT. RESIDENT (Nov. 5, 2018), <https://www.portugalresident.com/2018/11/05/traditional-circuses-using-wild-animals-to-be-outlawed/> [<https://perma.cc/6GFW-P8LA>] (accessed Apr. 9, 2019).

¹⁷⁰ *See* PHYS ORG, *supra* note 160 (“Circus professionals who agree to hand over their animals before the end of the transition period could benefit from aid in changing their profession.”).

¹⁷¹ Donn, *supra* note 169.

¹⁷² *See* McCarthy, *supra* note 163 (“In recent years, measures have been taken to improve the lives of circus animals in Portugal, but animal rights groups have argued these incremental steps distract from the root problem . . .”).

¹⁷³ *Stop Circus Suffering: Portugal*, STOP CIRCUS SUFFERING, <http://www.stopcircussuffering.com/news/europe/stop-circus-suffering-portugal/> [<https://perma.cc/HMH9-79HY>] (accessed Apr. 9, 2019).

¹⁷⁴ *Id.*

¹⁷⁵ McCarthy, *supra* note 163.

¹⁷⁶ *Id.*

¹⁷⁷ *Circus Animals in Portugal to be Handed Over to the State*, ALGARVE DAILY NEWS (Oct. 30, 2018), <https://algarvedailynews.com/news/15411-circus-animals-to-be-handed-over-to-state-care> [<https://perma.cc/KY5M-DDQ2>] (accessed Apr. 9, 2019).

ally, the new law creates sprawling exemptions for any companies that use wild animals for “entertainment” and “thematic fairs.”¹⁷⁸ Given that there are as many thematic fairs as there are circuses in Portugal,¹⁷⁹ this leaves room for many wild animals to continue to be exploited in circus-like endeavors. With this in mind, some have been hesitant to call the new law a ban and instead call it a law “to curb” the use of wild animals in circuses.¹⁸⁰ Criticisms aside, the new law is a hard-won victory for animal rights organizations that have been tirelessly campaigning to end the use of wild animals in circuses in Portugal for over ten years.¹⁸¹

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ See generally *Stop Circus Suffering: Portugal*, *supra* note 173 (detailing the campaign history to end the use of wild animals in circuses in Portugal).