



REVIEW OF THE ANIMAL (PREVENTION OF CRUELTY) ACT, CAP 39

ISSUES PAPER

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ANIMAL (PREVENTION OF CRUELTY) ACT, CAP. 39

PART I – INTRODUCTION AND BACKGROUND

1.0 Introduction

The Uganda Law Reform Commission (the Commission) is undertaking review of the Animal (Prevention of Cruelty) Act, Cap. 39. The review is intended to identify, recognise and enhance animal welfare and rights, and strengthen enforcement and adherence to the prevention of animal cruelty. The review also aims at improving the quality and competitiveness of animal products in Uganda. In exercise of its mandate, the Commission shall undertake the review in this Financial Year (F/Y), 2022/2023. The Commission shall work closely with all key stakeholders led by the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF).

1.1 Background

Treatment of animals is a matter of widespread and significant public concern.¹ Its effective control has important implications for law enforcement, social services and public health.² According to a study conducted in Australia, animal cruelty manifests majorly in four forms: active maltreatment, passive neglect, commercial exploitation and hoarding.³ It has been argued that laws, and the enforcement or observance of laws, for the protection of animals from cruelty are among the best evidences of the justice and benevolence of men.⁴ Unfortunately, neglect, torture and destruction of helpless and usually inoffensive animals is so widespread and chronic in both history and contemporary society that one is tempted to conclude that cruelty to animals is a basic human instinct.⁵

¹ Arluke, A.; Levin, C.; Ascione, F. The understanding of animal abuse to other forms of social behavior. *J. Interpers. Violence* 1999, 14, 963–975.

² Novello, A.C.; Shosky, J.; Froehle, R. A medical response to violence. *J. Am. Med. Assoc.* 1992, 267, 3007.

³ Whitfort, A.; Woodhouse, F.; Ho, S.; Chun, M. A Retrospective Analysis of Typologies of Animal Abuse Recorded by the SPCA, Hong Kong. *Animals* 2021, 11, 1830. <https://doi.org/10.3390/ani11061830>, accessed on 7th November, 2022.

⁴ Per Anold J. in *Stephens v. State*, 65 Miss. 329, 3 So. 458 (1888).

⁵ Charles E. Friend, *Animal Cruelty Laws: The Case for Reform*, 8 *U. Rich. L. Rev.* 201 (1974). Available at: <http://scholarship.richmond.edu/lawreview/vol8/iss2/4> accessed on 7th November, 2022.

Until the very recent past, the law and the legal profession took little cognisance of the problem. The few laws that existed prior to the mid-nineteenth century were primarily directed towards protecting the owners of animals, rather than the animals themselves, and anti-cruelty statutes per se were virtually unknown.⁶ The primary reason for this legal vacuum was the common law view that all animals were property belonging absolutely to the human owner, and could be exploited, used, abused, or dispatched at his pleasure.⁷ Cruelty to animals was simply not an offence. The owner of the property could torture, starve, or kill his "property" without accounting to anyone, and, of course, cruelty to ownerless animals violated no law because no property rights were invaded. Dogs were held in particularly low regard, in some cases being entitled to even less protection than other domestic animals.⁸ That is why at common law, dogs were not the subject of larceny⁹, and no indictment would lie for killing a dog.¹⁰ This concept of the animal as personal property, equivalent in status to a shovel, a chair, or a pair of shoes is still reflected in today's statutes and case law.

Superimposed on the foregoing historical concept of the animal as a chattel are several non-legal factors which have contributed to and prolonged disinterest in animal welfare. Everyone is familiar, for example, with the callous lack of concern for other living creatures, animal or otherwise, which characterises the majority of the human race, and with the deep public apathy which is encountered in dealing with most of the world's social ills.¹¹ Added to the foregoing attitude are the very substantial economic factors which arise from the profitability of breeding, selling, trapping, slaughtering, keeping, shearing, plucking, skinning, hunting, harnessing, riding, and eating animals; the lack of adequate enforcement of what laws there are; and, perhaps most reprehensible, the reluctance of politicians to support any new law which might possibly offend any voting breeder, seller, trapper, slaughterer, keeper, shearer, plucker, skinner, hunter, harnesser, rider or eater of animals.¹²

⁶ Ibid. at 202

⁷ Ibid.

⁸ Commonwealth v. Maclin, 30 Va. (3 Leigh) 877 (1831).

Stephens v. State, 65 Miss. 329, 3 So. 458 (1888).

⁹ Blankenship v. Commonwealth, 133 Va. 638, 112 S.E. 622 (1922).

¹⁰ Davis v. Commonwealth 58 Va. (17 Gratt.) 617 (1867).

¹¹ Charles E. Friend, op cit.

¹² Ibid.

All the above factors contribute to mismanagement and mistreatment of animals and in effect affect the quality and competitiveness of animal products. Mistreatment of animals is unjust and is characterised by inflicting all forms of physical pain and injury to the animal. Not only is it morally wrong to treat animals in an unjust way, but it constitutes violation of their basic rights and freedoms too. Cruelty to animal comes in different forms and these include simple neglect, gross neglect, intentional abuse, animal hoarding, organised abuse, or animal sexual assault.¹³

Animal rights and welfare are mainly provided for or at least impliedly referred to under the Animals (Prevention of Cruelty) Act, Cap. 39. This law commenced in 1957, over six and a half decades ago, which makes it obsolete. The law was passed at a time when animals were generally not regarded as living beings with capacity to feel physical or emotional pain and suffering.¹⁴ This context has however changed.

Animal cruelty has become topical across the globe and all countries have been called upon to revise their laws to deal with it. Animal cruelty refers to wrong-doing or an offence against an animal.¹⁵ Cruelty is a general intent crime, that is, a crime that requires only a plan to commit it even though the offender may not know that the act or omission is actually criminal. Active and passive cruelty are the most active forms of cruelty to animals.¹⁶

1.2 Justification for the review

Under the Third National Development Plan (NDP III), the Government of Uganda has committed to promote agro-industrialisation by increasing market access and competitiveness of the country's agricultural products (including livestock products) in domestic and international markets.¹⁷ This plan can only be achieved by creating a legal regime that caters for the welfare of livestock in all aspects of breeding, grazing, transportation, feeding and slaughter.

¹³ Yvonne Gurira, *op cit*.

¹⁴ Yvonne Gurira, Review of Animal Cruelty Laws in Zimbabwe, available at <https://law.lclark.edu/live/profiles/16514-a-review-of-animal-cruelty-laws-in-zimbabwe> accessed on October 5, 2022.

¹⁵ Bruce A. W., Sonia S. W. & Pamela D. F., *Animal Law Cases and Materials* (6th Ed. 2019), at 92.

¹⁶ Active vs. Passive Animal Cruelty: Know the Difference, Litter. Robot. Blog, available at <https://www.litter-robot.com/blog/active-vs-passive-animal-cruelty/> accessed on October 5, 2022.

¹⁷ National Planning Authority, Third National Development Plan (2020/21- 2024/25), Part III, at pages 61-73. Available at http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale_Companded.pdf, accessed on 09th November, 2022.

In Uganda, more than 50 percent of households depend on livestock for livelihood.¹⁸ The livestock industry in Uganda contributes 5% to the National Gross Domestic Product (GDP) and 18% to the agricultural GDP. The sector continues to deliver steady growth of about 3% per annum despite a slowdown in the general growth of the agricultural sector in Uganda. It is estimated that 4.5 million households (70.8%) rear at least one kind of livestock,¹⁹ which contributes to rural household income. Apart from animals kept for income, Ugandans have a culture of keeping animals such as dogs, cats, monkeys as pets or articles of traditional worship and superstition. Therefore, the need for sound regulation is evident.

The Animal (Prevention of Cruelty) Act, Cap. 39 was enacted in 1957. Despite the numerous changes in general perception of animals, the evolution of animal rights and technological developments in the global, regional and the international arena, this law has not been updated. The Act makes provision for the prevention of cruelty to animals. In addition to its obsolete text, implementation of this law remains problematic due to issues of relevance, clarity and precision of its provisions; absence of a clear institution or person to enforce the law; and non-compliance with regional and international instruments. This review is therefore intended to examine the legal and institutional framework for the prevention of animal cruelty and how the same compares with regional and international best practices.

This review will thus identify and examine outdated and obsolete provisions and penalties in the Animal (Prevention of Cruelty) Act, Cap. 39 to bring it in conformity with prevailing best practices on the prevention of animal cruelty. The review shall also canvass other emerging issues that affect the welfare and productivity of animals.

Richard Wetaya. Uganda moves to boost incomes of smallholder livestock farmers. <https://allianceforscience.cornell.edu/blog/2020/07/uganda-moves-to-boost-incomes-of-smallholder-livestock-farmers/>

¹⁹ Identification of livestock Investment Opportunities in Uganda report. (August 2012) <https://www.agriterra.org/assets/uploads/15820/livestockmarketstudy.pdf>, accessed on 17th August, 2022.

1.3 Problem statement

Prevention of animal cruelty in Uganda is mainly governed by the Animals (Prevention of Cruelty) Act, Cap. 39. This law commenced in 1957, over six and a half decades ago, at a time when animals were generally not recognised as living beings with the ability to feel physical or emotional pain. There is a wide array of animal handling habits and methods in Uganda, most of which exhibit a culture of cruelty. Concerns of cruelty or welfare arise during care, breeding, housing, experimentation, transportation, slaughter or shifting. All these processes, if not well undertaken, may inflict a lot of pain and suffering to the animals. These forms of mistreatment are not provided for in the current law.

The substance of the Act is largely tailored on the general purpose of preventing animal cruelty but does not define in precise terms what amounts to cruelty. It omits definition of key terms such as “cruel act or omission”, “unnecessary suffering” and “necessary suffering”, “authorised officer”, “poisonous grain” etc. yet these are used throughout the text thereof. The Act in its current form also has provisions that give authorized officers open powers to dispossess an owner of an animal of his or her animal if it is deemed to suffering, for purposes of treatment, evidence or destruction. However, with the modern commercialisation of the animal industry and protection of the right to property, the provisions to this effect appear to be inconsistent with the Constitution.²⁰ Some sections of the law are improperly drafted while others bear manifest contradictions.²¹ Many provisions in the Act are outdated or obsolete. Where they are still relevant, the punishments are not commensurate with the proscribed acts or omissions nor are the prescribed fines adequate or deterrent.

Being rigidly focused on preventing cruelty, the provisions of Ugandan Animal (Prevention of Cruelty) Act, Cap 39 do not reflect emerging issues of animal welfare in the global perspective. These include affording animals decent food, decent housing, peaceful/natural breeding, survival (not to be used for food where there are viable options), and maintaining undisturbed habitats.²² This leaves gaps in the promotion

²⁰ See: Sections 6 and 8 of the Act.

²¹ Sections 7, 12(1)(e) and 12(2)(a).

²²The Human League, Animal Rights: Definition, Issues, Examples. Available at <https://thehumaneleague.org/article/animal-rights> accessed on 09th November, 2022. The authors attempt to define animal rights: “Animal rights are moral principles grounded in the belief that non-human animals deserve the ability

of animal welfare and prevention of animal cruelty in Uganda. In addition, the institutional framework provided for under the Act to enforce animal welfare is materially lacking. This leaves enforcement mandates scattered across different agencies such as Uganda Wildlife Authority (UWA), Uganda Police Force (UPF), Uganda Peoples Defence Forces (UPDF) and many others.

The above challenges call for a comprehensive review of the law that takes into account the evolving importance of the animal industry to the economy, the welfare of animals, Uganda's regional and international obligations on animals generally, tested best practices.

1.4 Objectives of the review

The main objective of the review is to examine the legal framework for the promotion of animal welfare and prevention of animal cruelty in Uganda and make proposals for reform in light of modern animal welfare trends, their economic importance, international and regional obligations and best practice.

The specific objectives of the review are to: -

- a) explore policy and legislative gaps in the existing law on animal welfare and prevention of animal cruelty in Uganda;
- b) explore challenges to implementation of the Act in its current form;
- c) undertake a comparative analysis of legislation on animal welfare and prevention of animal cruelty at regional and international level to borrow best practices;
- d) identify new and emerging issues of animal welfare that require legislative action; and
- e) make proposals/ recommendations for reform.

to live as they wish, without being subjected to the desires of human beings. At the core of animal rights is autonomy, which is another way of saying *choice*. In many countries, human rights are enshrined to protect certain freedoms, such as the right to expression, freedom from torture, and access to democracy. Of course, these choices are constrained depending on social locations like race, class, and gender, but generally speaking, human rights safeguard the basic tenets of what makes human lives worth living. Animal rights aim to do something similar, only for non-human animals.”

1.5 Scope of the review

This review shall focus on examining the provisions of the Animals (Prevention of Cruelty) Act, Cap. 39. All sections and subsections shall be examined to ascertain the extent to which they effectively protect animals from cruelty. Thereafter, consideration shall be given to other emerging issues of animal welfare at regional and international levels, including but not limited to: animal breeding, feeding, grazing, housing, transportation, experimentation, slaughter, habitat preservation, animal treatment/medication, cultural and religious practices affecting animals. In terms of geographical scope, the study shall be undertaken within Uganda.

1.6 Methodology

The review will be undertaken using both qualitative and quantitative methods. The qualitative methods will be used to generate views, perceptions and opinions on the subject matter, while the quantitative methods will be used to generate statistical information. The Commission, working together with MAAIF, shall generate an Issues Paper which shall act as the baseline document for consultation.

A technical working group (TWG) shall be constituted, composed of representatives of all key stakeholders, including relevant MDAs, Local Governments, Academia and Private sector. A working group comprising 12 technical persons from the ULRC and selected stakeholders will be constituted and charged with the responsibility of preparing all the working documents for the review. The tentative institutions and persons identified for the Technical Working Group include: Ministry of Agriculture, Animal Industry and Fisheries (MAAIF); Ministry of Trade, Industry and Cooperatives (MTIC); Ministry of Local Governments (MoLG); selected District Local Governments; Ministry of Health (MoH); Uganda Police Force (UPF); Uganda Peoples Defence Forces (UPDF); Ministry of Energy & Mineral Development; Uganda Wildlife Authority (UWA); National Drug Authority (NDA); Ministry of Gender, Labour and Social Development (MoGLSD); Makerere University School of Veterinary Medicine; Ministry of Foreign Affairs (MoFA); Ministry of Justice and Constitutional Affairs (MoJCA); Uganda National Bureau of Standards (UNBS); Uganda Farmers Federation (UFF); and Kampala City Abattoir Operators Association.

Consultations shall be carried out across a representative section of Ugandans identified through purposive sampling.

Thereafter, two reports shall be prepared, that is, a Preliminary Report and Final Report.

PART II - ISSUES IDENTIFIED FOR THE INTENDED REVIEW

2.0 Introduction

Through interaction with key stakeholders and review of relevant literature, it was concluded that issues pertaining to animal welfare in Uganda can broadly be categorized into two: limitations or inadequacies in the law and other emerging welfare issues on which the law is silent.

2.1 Inadequacies in the Law

The Animals (Prevention of Cruelty) Act, Cap. 39 in its current state has been observed as a legislation that can no longer measure up to the task owing to the recent developments in animal law and policy all-over the world. As such, a number of gaps have been identified which necessitate its immediate amendment or total repeal. The gaps are briefly discussed below: -

2.1.1 Narrow scope of the subject of the law.

The Act provides for a very narrow scope of cruelty towards animals as opposed to the general wellbeing of animals, such as breeding, feeding, transportation, medical care, peaceful slaughter, decent housing and undisturbed habitat. According to the Association of Shelter Veterinarians (ASV), animals have five basic freedoms: freedom from hunger and thirst; freedom from discomfort; freedom from injury, pain or disease; freedom of expression of normal behaviour; and freedom from fear and distress.²³ The Act also appears to be focused on domestic animals (livestock). There is need to open it to cover wild animals, working animals, pets, poultry and fish.

2.1.2 In exhaustive definitions

The Act omits definition of key terms, persons and institutions yet these definitions are required to make its interpretation and enforcement easy. The Act does not define “cruelty” or what amounts to cruelty. It does not define an “animal” for

²³ Association of Shelter Veterinarians, the Five Freedoms. Available at <https://www.sheltervet.org/five-freedoms> accessed on 09th November, 2022.

purposes of protection from cruelty. Does “animal” refer to domestic animals, fish, birds, wild animals/game, and insects? Clarity of definitive scope is important because in Uganda today, almost each of those clusters has a separate responsible agency. The unfortunate bit however, is that in case of issues such as disease, the Government expects action and reporting from MAAIF’s Commissioner Animal Health who may have had no or indirect direct control of the animal. The Act refers to “authorised officer” but vaguely defines the same to the extent that identification of the exact responsible person remains so difficult. The Act uses the term “unnecessary suffering” as an indicator of cruelty throughout its text but does not define it. It gives the “minister” powers to grant or revoke licences, require reports and make rules. However, the responsible minister is not defined. These gaps have grave implications on implementation and compliance.

2.1.3 Institutional and structural ambiguity

The Act does not provide for a clear institutional framework with mandate to implement it. In its scattered aspirations, it empowers an un defined “Minister”, Court and an amorphous line of “authorised officers” to enforce it. For example, it defines an authorised officer to mean “any administrative officer, any police officer, any veterinary officer, any officer of the game and fisheries departments, any chief of or above the rank of sub-county chief or any other person appointed by the Minister.”²⁴ The definition is elongated but lacks a definite responsible person or authority. Indeed, all the above personalities currently belong to different MDAs which may have little or no interest and/or knowledge in matters to do with animals.

This state of affairs has left MAAIF arm-twisted to enforce laws and policies that lie under the mandate of other entities, which is either very difficult or practically impossible. For example, under the Public Health Act, Cap. 281, the duty to deal with sick animals lies with the “Veterinary officer”, and under this Act, the veterinary officer envisaged is MAAIF’s Commissioner Veterinary Services and Animal Industry.²⁵ This is problematic in reality because the Commissioner of Veterinary Services at MAAIF cannot easily influence action at Ministry of Health where he or she has no control.

²⁴ Section 1(a) of the Act.

²⁵ Public Health Act, Cap. 281, section 1(yy).

Under the Wildlife Act, No. 17 of 2019, although there is no clear provision on wildlife welfare, it is evident that the mandate to look after wildlife is vested in the Minister responsible for wildlife, the Uganda Wildlife Authority (UWA) and the Board.²⁶ It is therefore hard for MAAIF to break that bureaucracy and enforce animal welfare. Other animals are protected as biodiversity under the National Environment Act, 2019. These too may not enjoy the protection of MAAIF because implementation of the Act is vested in NEMA and the Board.²⁷ When it comes to importation of animal drugs, especially restricted classes and vaccines which are not readily on market, MAAIF suffers delays due to the bureaucracy of NDA. The National Drug Policy and Authority Act, Cap. 206 vests the mandate of regulating manufacturing, importation and selling drugs solely in the National Drug Authority.²⁸ This curtails MAAIF's ability to respond to emergencies.

2.1.4 Inadequate offenses and penalties

The offences and penalties provided for in the Act are inadequate, in exhaustive and outdated in light of the evolving importance, welfare and rights of animals. The offences created by the Act are: cruelty; permitting an animal suffering a contagious disease to be at large; offering poisonous grain; failure to produce an animal upon order/Summons; and performing an experiment on an animal calculated to give pain.²⁹ The offences are not only petty but even the penalties assigned are outdated. In the same order, the penalties are: a fine not exceeding one thousand shillings or imprisonment for a period not exceeding three months or both; a fine not exceeding one thousand shillings; a fine not exceeding one thousand shillings; a fine not exceeding five hundred shillings or one thousand shillings in case of a subsequent conviction; and a fine not exceeding one thousand shillings or two thousand shillings in case of a subsequent conviction, or imprisonment of a period not exceeding three months or both.³⁰ The other penalties studied are merely fines with no option of imprisonment, which makes them less deterrent. It is clear that such offences and penalties cannot guarantee promotion of animal welfare in Uganda. There review

²⁶ Uganda Wildlife Act, No. 17 of 2019, sections 4,5,6,8 and 9.

²⁷ National Environment Act, No. 5 of 2019, sections 7,8,9,12 and 15.

²⁸ National Drug Policy and Authority Act, Cap. 206, sections 3 and 5, et al.

²⁹ The Animals (Prevention of Cruelty) Act, Cap. 39, sections 2(1), 4(1), 7(1),10(2) and 11(2).

³⁰ Ibid.

thus intends to develop modern animal welfare and penal crimes and propose strong, clear and deterrent penalties.

2.1.5 Unjustified restriction of the right of appeal

The Act empowers Court to order destruction of an animal which has been severely injured in the commission of the offence of cruelty at the cost of the owner of the animal.³¹ Destruction may also be ordered where an animal which is suffering from a contagious disease is permitted or neglected by the owner to be at large in public places.³² The Act however, unjustifiably provides that *“an appeal shall not lie from any order for destruction made under either section 3 or 4, and the order shall be final and shall not be liable to be contested by suit or otherwise.”* It should be noted that whereas a right of appeal is a creature of statute³³, it amounts to a restriction on access to justice where the same is denied without justification.

In light of the evolving economic importance, treatment technologies and welfare of animals, such orders of destruction cannot remain sacrosanct. An owner of an animal should be given room to contest destruction to embark on treating the animal or where such animal is not suffering from a contagious disease, slaughter it and sell its meat for income.

2.1.6 Express ambiguity and contradictions in content

The Act has some provisions that are ambiguous as to their possible interpretation and legislative purpose. It creates an offence for any person who *“sells, or offers or exposes for sale, or gives away or causes or procures any person to sell or offer or expose for sale or give away, or knowingly is a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bona fide use in agriculture; or knowingly puts or places, or causes or procures any person to put or place, or knowingly is a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter, not being sown seed or grain, which has been rendered poisonous...”*³⁴ This section lacks precision as to what the legislature intended to address. The Act further creates an offence

³¹ Ibid, section 3.

³² Ibid, section 4.

³³ DFCU Bank Ltd vs. Donna Kamuli, Supreme Court Civil Application No. 29 Of 2019, arising from Supreme Court Civil Appeal No. 01 of 2019, [7 December 2020]. Available at <https://ulii.org/ug/judgment/supreme-court-uganda/2020/51> accessed on 11th November, 2022.

³⁴ The Animals (Prevention of Cruelty) Act, Cap. 39, section 7(1) (a) and (b).

against any person for “*performing or taking part in performing any experiment [on an animal] calculated to give pain...*”³⁵ The Act, however, does not define what amounts to a calculation to give pain.

The same Act restricts experiments on living animals and specifically prohibits experiments calculated to give pain from being performed as illustrations to lectures in medical schools, hospitals, colleges or elsewhere.³⁶ The same section however provides that , “*experiments may be performed under subsection (1) as to the use of anaesthetics by a licensed person giving illustrations to lectures in medical schools, hospitals, colleges or elsewhere, if the experiments are in his or her opinion necessary for the due instruction of the persons to whom the lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering...*”³⁷ This is a direct contradiction of the foregoing proscription. There is therefore need to review the section to clearly redefine what is permitted or proscribed. this review is intended to address this.

2.2 Scattered laws relating to Animal welfare.

Preliminary review of literature and consultations revealed that there are many scattered laws relating to animal welfare and that MAAIF has lined up a number of them for review and consolidation. Those lined up include: The Animals (Prevention of Cruelty) Act, Cap. 39; Animal Diseases Act, Cap. 38; Cattle Grazing Act, Cap. 42; Rabies Control Act, Cap. 44; and Animal Breeding Act, No. 11 of 2001. The Commission was also informed that there is indeed an already proposed consolidated animal law in President’s Office which this review process should review and incorporate into the updated law. There is need for a consolidated animal law that shall be a one-stop reference code for all animal welfare matters.

2.3 Other Welfare Issues not addressed by the Act.

Review of literature revealed that there are other animal welfare issues that have emerged over time and are neither directly nor indirectly addressed by the Act. These include the following:

³⁵Ibid, section 11(2).

³⁶ Ibid, section 12(1)(e).

³⁷ Ibid, section 12(2)(a)

2.3.1 Limited regulation of slaughter houses

Another area that lacks sound regulation in Uganda is animal welfare vis-à-vis conduct of slaughter houses. The main problem is the treatment of animals in slaughterhouses and stockyards. The slaughtering of animals for meat has historically been ignored by anti-cruelty groups and anti-cruelty laws, probably because of the doctrine, hitherto mentioned in connection with lobsters, which excuses any amount of agony if the sufferer is good to eat.³⁸

Through public ignorance or public unwillingness to interfere with the timely arrival of dinner, the animal which passes into the slaughterhouse is traditionally lost to view, both literally and legally.³⁹ Animals due for slaughter are always in unbearable distress, with chains fastened to their ankles, hoisted as much as four floors by means of these chains, stabbed in the throat, and then plunged alive into boiling water.⁴⁰ Time has come for Uganda to adopt law that prescribes humane methods of slaughtering livestock, for example, by rendering the animal insensible to pain through mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, hacked or cut.⁴¹

2.3.2 Inadequate regulation of Animal Transportation

Another area in which our law is inadequate is transportation of animals. Despite the generic criminalisation of overloading, overdriving and overriding under the Act⁴², Uganda lacks a comprehensive legislation on transportation of animals. This very important especially when it comes to livestock which has to be ferried from distant districts to Kampala city where the market for meat and other livestock products is more assured.

Animals being transported in quantity to market are particularly subject to suffering imposed by crowded conditions, inadequate ventilation, lack of food and water, trampling, exposure to extremes of heat and cold, and miscellaneous other nightmares.⁴³ Uganda is reluctant alleviate the conditions of transportation to market, probably again due to the economic importance of the activity and the fact that compulsory humanity in such matters would seriously destabilise the economics of

³⁸ Charles E. Friend, op cit. at 209.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Charles E. Friend, op cit. at 209.

⁴² See section 2(1)(a) of the Animals (Prevention of Cruelty) Act, Cap. 39.

⁴³ Charles E. Friend, *ibid*, at 210-211.

livestock trading. In view of modern developments in animal rights and welfare, this trend has to change through transport standardisation.

2.3.3 Inadequate regulation of hunting and trapping

In Uganda, hunting and trapping of wild animals is regulated by the Uganda Wildlife Act, No. 17 of 2019. However, the provisions of the Act are overly narrow. They merely provide for the requirement for a licence as a professional hunter or trapper and does not set standards of animal welfare in the conduct of hunting or trapping.⁴⁴ This leaves the licensee with a lot of discretion which may be abused and lead to infliction of pain and suffering to the game being hunted or trapped. It is not far-fetched therefore for one to state that the law as is permits the slashing of the throats of live, conscious animals. By and large, the law is mainly directed towards conservation of wildlife, and suffering is not a matter of concern. Although trapping and hunting do, by nature, involve cruelty, suffering can be reduced to a minimum by regulation of the type of traps and tools used and the methods of hunting and trapping.⁴⁵

2.3.4 Limited regulation of Animal Experimentation

When it comes to animal experimentation, the Act merely prescribes generic restrictions, some of which are contradictory.⁴⁶ It does not give clear guidance on who and how the experimentation should be carried out to cater for animal welfare.⁴⁷

It is common knowledge that the suffering of the animals which are cut, burned, roasted, frozen, injected, starved, poisoned, and otherwise maimed and murdered in the name of "science," "research," "progress," "medicine," or, most ludicrous of all, "humanity," is, unfortunately, completely beyond the knowledge (or at least the comprehension) of the average citizen.⁴⁸ Nevertheless experimentation upon animals, and the breeding, shipping and sale of these unlucky creatures is a widespread and extremely profitable enterprise.⁴⁹ The reasoning behind laxity in this area is the argument that whatever is done is "necessary" for the greater good of humanity."⁵⁰

Since animal experimentation appears to be an essential feature of medical research, and therefore a necessary evil, it seems fitting that efforts be made to restrict the

⁴⁴ Ibid.

⁴⁵ Charles E. Friend, op cit.

⁴⁶ Section 12(1)(e) and (2)(a) of Cap. 39.

⁴⁷ See the entire corpus of section 12.

⁴⁸ Charles E. Friend, *ibid.* at 212

⁴⁹ Ibid.

⁵⁰ Ibid.

suffering involved to an irreducible minimum. To accomplish this, strong legislative control is needed.⁵¹

2.3.5 Weak Enforcement Institutions and Efforts

In addition to the weak laws, even the few existing ones are generally very poorly enforced. This regrettable reality is the result of several factors: the fragmentary nature of the laws; the frequently vague language employed; the lack of funds and personnel for the agencies charged with enforcement; and the indifference toward animal cruelty shared by the public at large, law enforcement officials, and public prosecutors.⁵²

The wildlife wardens appointed under the Uganda Wildlife Act, 2019 are by statute, concerned primarily with animal control and not animal protection. Consequently, they are seldom, if ever, involved in the prosecution of cruelty cases, and, in some instances, may themselves be forced by circumstance and the nature of their duties to inflict considerable suffering on the animals with which they deal.⁵³

The Police should ideally be charged with the enforcement of the anti-cruelty laws are criminal laws. Unfortunately, the Uganda Police is typically overburdened with the escalating propensity criminality in other spheres of life. Police officers, therefore, seldom, if ever, initiate animal cruelty prosecutions. Enforcement has largely been left in the hands of private agencies and individual citizens courageous enough to investigate and report to UWA.

Even in those cases where an investigation is made and charges are preferred against an individual, the average state prosecutor is in a poor position to obtain a criminal conviction under the anti-cruelty law due to the loose language and fragmentary coverage of the laws and the reluctance of ordinary citizens when it comes to testifying against their neighbours in offences committed against animals.⁵⁴ Another stumbling block is the very limited competence of police, prosecutors and judicial officers in the subject of animal cruelty.

3.0 Methodology for the review

Data collection

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⁵² Charles E. Friend, *op cit.* at 215.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

Data will primarily be collected using the interview schedule for structured interviews and a set of thematic concerns to guide the district meetings. A total of 3 district meetings are planned in each region. The meetings will help to build consensus on core issues to be addressed in preparation of the proposals for reform.

Consultations will be done at the district administrative units, sub-counties headquarters, district farm institutes, Veterinary Offices, slaughter houses and butcheries, poultry farms with and without cages, dairy farms, zero grazing units, farms with methods of animal husbandry that infringe on the welfare of animals. The following sites and respondents have been specifically identified. Other respondents and sites will be identified on a snowball sampling basis.

Table of sites and respondents

Region	Subregion	District	Sites to be visited
Eastern and Karamoja	Eastern	Soroti Amuria Serere Tororo Kamuli	District Farm Institutes, District Veterinary Offices, Arapai Agricultural College, Amilimil farm Institute-Amuria, Amunyo Family Farm (Apapai), O.P MIXED FARM (Tororo), Tororo District Farm Institute, Tororo Ranch. EVF Piggery Farm (Organic farm) Bungokho, Bukalasa Agricultural college, Serere District Farm Institute, Kasolwe Stock Ranch -Kamuli, Kasolwe Stock Farm (centre for livestock development), Njeru Ranch one animal market, Abattoirs, Meat packers- Soroti, Butchers coolers, milk venders and Animal transporters
	Karamoja	Moroto Abim Kabong Amudat	District Veterinary Offices, Communities in Amudat, Moroto, Kotido and Abim, Kidepo National Park, Animal Markets- Iriiri and Nataikewi, Sample Goat and Sheep keepers in the region, Dodoth Agropastoralist Development Organization, Abattoirs, Butchers, Milk venders, animal transporters
		Kapchorwa Bukwo	District Veterinary Offices, Sample Commercial Donkey keepers in Sebei, Abattoirs, Butchers and animal transporters
West Nile and North	West Nile	Arua Obongi Adjumani Yumbe	District Farm Institutes, District Veterinary Offices, Fish & rabbit farming Communities in Obongi District, one animal market, abattoirs, Butchers and a Muslim community in Yumbe to explore animal slaughter practices.
	North	Kwania Lira Pader Gulu	Ngetta District Farm Institute in Lira, Maruzi Ranch in Kwania, Aswa Ranch – Pader district, Gulu District Farm Institute Olia, Sample Pastoralist, One Animal Market- Amach, District Veterinary Offices, Murchison

		Kitgum Otuke	Falls National Park, Abattoirs, Butchers and animal transporters
Western and South Western	Western & South Western	Mbarara Ntungamo Kiruhura	District Farm Institutes, Rwetanga Farm Institute, one animal Market, District Veterinary Offices, Nshaara Ranch, Nyabushozi farm, Lake Mburo National Park, an abattoir, a dairy farm, Butchers, coolers, milk venders and animal transporters.
		Kibaale Kanungu Luwengo	District Farm Institutes, District Veterinary Offices, Kibaale and Bwindi National Park, one animal market, Queen Elizabeth National Parks, Ankole Long-horned Cattle Breeders Cooperative Society Mechanized Agro (U) Ltd, Abeki Co. Ltd, Banuti Ranchers, abattoirs, meat packers, butchers, milk venders and animal transporters
Central	Buganda	Kampala Kayunga Lyantonde Nakasongola Luwero	KCCA Farm Kyanja, Zziwa Animal Farm (General store) Kampala 0756 104241, Sigt Farm-Namulonge, Muyomba Dairy Farm -Kayunga, Kajjansi Aquaculture Services Centre Fish Farm, Kigandalo, Wambale Community Demonstration farm, Pastoralist communities in Nakasongola, (Luwero), Dream Farm Kyakabunga -Lyantonde, Jaguza Rabbit Farm, Muhallos Milk Dairy Farm Kampala (Livestock dealer) 0784 324083, abattoirs, Meat packers Butchers and animal transporters

Implementation

The consultations will be undertaken in three phases as follows:-

1. Phase I – 16th January 2023 – 27th January 2023
2. Phase II – 13th February 2023 – 24th February 2023
3. Phase II 13th March – 24th March 2023

In each phase, two teams will be dispatched to the field simultaneously. Each team will have two team members and a driver. Where possible the Head of Department and Commissioner in charge will join the team. An average of 4 days will be spent in each sub-region and a total of 12 working days is planned for each region excluding travel days to and from Kampala.

Phase I will cover Eastern and Karamoja-Sebei sub-regions will be visited, this area includes the districts of Soroti, Katawi, Amuria, Serere, Tororo, Moroto, Kotido and Kabong, and Amudat in Karamoja and Kapchorwa and Bukwo in Sebei.

Phase II will cover the West Nile and Northern region comprising the districts of Arua, Obongi, Adjumani and Yumbe in West Nile, Kwania, Lira and Otuke in Lango and Gulu, Kitgum and Pader in Acholi.

Phase III will cover Western and South Western regions and central Uganda comprising the districts of Kibaale, Kanungu, Mbarara, Ntungamo and Kiruhura in the west and south west and Kampala, Kayunga, Lyantonde, Luwengo, Nakasongola and Luwero in the Central region.