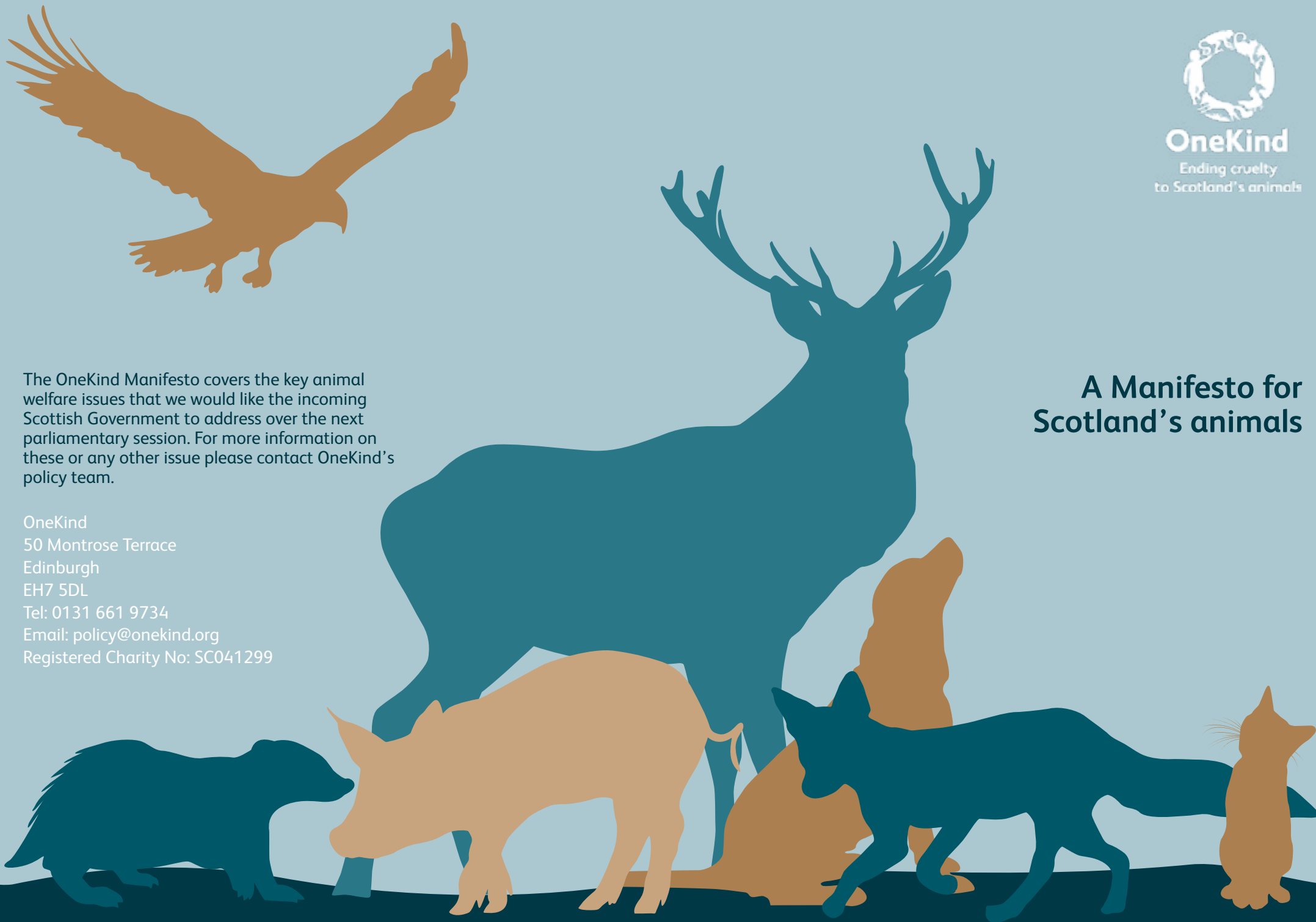


A Manifesto for Scotland's animals

The OneKind Manifesto covers the key animal welfare issues that we would like the incoming Scottish Government to address over the next parliamentary session. For more information on these or any other issue please contact OneKind's policy team.

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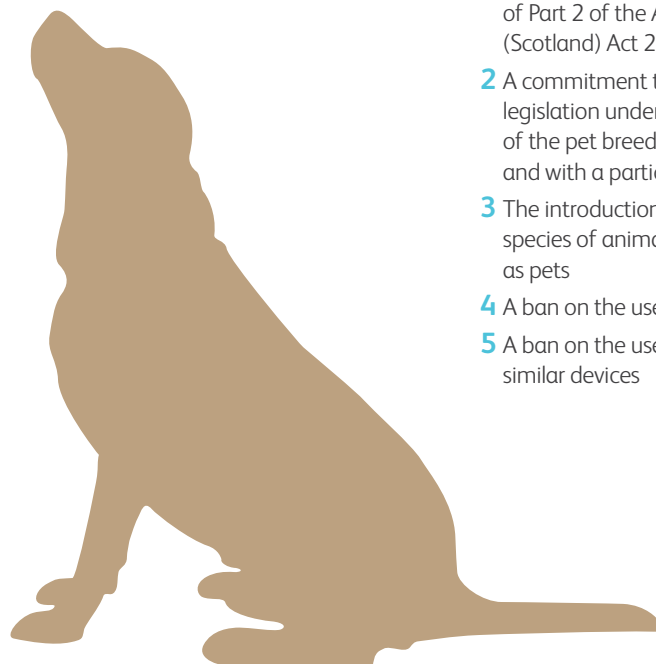


About this Manifesto

OneKind, formerly known as Advocates for Animals, is an animal protection charity based in Edinburgh and working to end animal cruelty in Scotland through campaigns, research and education. This OneKind Manifesto sets out the animal welfare priorities we believe the next Scottish Parliament must address following the elections in May 2016.

The OneKind vision

Our vision is for people to live in harmony with animals, ending cruelty in Scotland and working with others to support this goal across the UK and globally. We achieve this by giving animals a voice through campaigning and lobbying for laws that will protect animals forever, and by inspiring people to make changes in their lives to reduce their negative impact on animals.



Summary

For the 2016 elections to the Scottish Parliament, OneKind animal protection charity is calling on all parties and candidates to prioritise animal welfare in the next session. We look forward to working together to make Scotland a better place for animals.

OneKind is calling for:

1) Review of Scotland's main animal welfare legislation

We want to see modern animal welfare legislation in Scotland that protects all animals from cruelty, addresses the major welfare issues associated with breeding and trading of pets and livestock, and promotes responsible pet ownership. This should include:

- 1 Full resourcing of local authority enforcement of Part 2 of the Animal Health and Welfare (Scotland) Act 2006
- 2 A commitment to introducing secondary legislation under the Act, starting with reform of the pet breeding and vending legislation and with a particular focus on exotic pets
- 3 The introduction of positive lists to limit the species of animals that may be kept privately as pets
- 4 A ban on the use of wild animals in circuses
- 5 A ban on the use of electric shock collars and similar devices

2) Make welfare in the wild a priority

A change in approach to the welfare of wild animals in Scotland is urgently needed, so that they are afforded the respect and protection that other animals are given. This should include:

- 1 Legal protection for wild animals that recognises their sentience and their ability to suffer due to human activities
- 2 An outright ban on the manufacture, sale, possession and use of snares
- 3 New legislation or major amendments to make the ban on hunting with dogs effective and enforceable
- 4 A ban on the shooting of seals in Scottish waters
- 5 Recognition and support for an independent advisory body on welfare in the wild, such as the Wild Animal Welfare Committee

3) Greater protection for farmed animals

A concentrated effort to give farmed animals the protections they need and to put Scotland in the lead when it comes to farm animal welfare. This should include:

- 1 A robust animal health and welfare strategy that ensures all farmed animals in Scotland have a life worth living, and as many as possible have a good life
- 2 Reductions in the number of painful mutilations, with a stricter requirement for pain relief as long as required
- 3 Phasing out the routine use of antibiotics on farms
- 4 A ban on non-stun slaughter
- 5 Measures to ensure that CCTV is installed in all relevant areas of Scottish slaughterhouses, including unloading, lairage, stunning, bleeding and shackling

Animal welfare – a key issue for Scotland

Pets, wildlife and farmed animals play a fundamental role in Scottish society. They matter to people.

40% of households in Scotland own a pet

The welfare of animals is therefore a significant issue for the Scottish electorate. This can be seen in the high level of correspondence MSPs receive from constituents voicing concern about animal welfare issues, and has been illustrated repeatedly in surveys on consumer and donor behaviour. Across the UK, for example, animal welfare attracted 21% of donors to charities in 2014 and 7% of total donations¹.

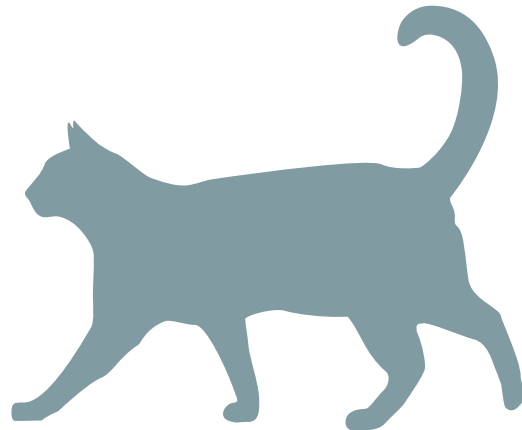
According to the most recent *PDSA Animal Wellbeing Report*², around 40% of households in Scotland own a pet, and on a UK basis, 88% of pet owners believe that owning a pet is a privilege, rather than a right. Overall, 85% of pet owners consider that their lives are improved by having the companionship of an animal. Unfortunately, there is also a worrying lack of awareness among pet owners of their responsibilities for the welfare of their animals, with only 31% of owners in Scotland being aware of current welfare legislation.

Over half of consumers consider animal welfare when shopping

Over half the UK population considers animal welfare standards to some extent when they are buying food, and UK consumers are more prepared to pay extra for higher welfare foods than their EU counterparts. However, European research published in 2005³ found that 62% of UK consumers felt that animal welfare did not receive enough importance in UK agricultural policy.

Ultimately, attitudes need to change so that animals are appreciated, respected and celebrated for what they are – different from us, but just as valuable in their own right. OneKind believes in and promotes the scientific concept of animal sentience, which means that non-human animals have a level of awareness and the ability to feel and suffer in ways that are comparable, if not identical, to ours.

Compassion, respect and protection of animals are the responsibility of everyone. The Scottish Parliament can make a huge difference by setting a clear agenda to prioritise the welfare and protection of animals in the next session.



1. Review Scotland's main animal welfare legislation



OneKind is calling for modern animal welfare legislation in Scotland that protects all animals from cruelty, addresses the major welfare issues associated with breeding and trading of pets and livestock, and promotes responsible pet ownership. This should include:

- 1** Full resourcing of local authority enforcement of Part 2 of the Animal Health and Welfare (Scotland) Act 2006
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- 3** The introduction of positive lists to limit the species of animals that may be kept privately as pets,
- 4** A ban on the use of wild animals in circuses
- 5** A ban on the use of electric shock collars and similar devices

Ten years on from the passage of the Animal Health and Welfare (Scotland) Act 2006, it's time for a full review of the implementation, resourcing, enforcement and regulatory regime provided by the Act.

The main legislation covering the welfare of domesticated animals in Scotland is Part 2 of the Animal Health and Welfare (Scotland) Act 2006. The Act protects vertebrate animals that are commonly domesticated in the British Isles, or are under the control of man on a permanent or temporary basis, or are not living in a wild state.

When it was passed, the Act represented a major shift in emphasis in Scottish animal welfare legislation. For the first time in the UK, a duty of care was placed on persons responsible for animals to ensure that their welfare needs are met. A protected animal must enjoy the Five Freedoms, summarised in the Act as:

- its need for a suitable environment
- its need for a suitable diet
- its need to be able to exhibit normal behaviour patterns
- any need it has to be housed with, or apart from, other animals

- its need to be protected from suffering, injury and disease

To meet the expectations of legislators and the public, the Act requires two things that have not been delivered: a fully resourced enforcement regime, and the delivery of relevant secondary legislation.

Enforcement and penalties

Government and local authority enforcement activity is overwhelmingly directed towards farmed livestock, with the emphasis on animal health and disease prevention. While these are important, they are not the same as animal welfare.

Local authorities, in particular, need to be better resourced to enforce animal welfare legislation as well as animal disease and food safety rules.

The average fine for animal abuse is just £139 and the average community service period is 3.2 days

Members of the public are often disappointed by what they see as paltry penalties imposed on people convicted of cruelty to animals. The maximum penalties under the Act are 12 months imprisonment and/or a £20,000 fine per offence. Yet the average fine for animal abuse is just £139 and the average community service period is 3.2 days⁴. While OneKind understands the constraints on sentencing, we are concerned that Sheriffs are not aware of all the disposals available to them and in particular the use of banning orders. These are still only used in the minority of cases despite a requirement for the courts to consider them.

Case study: Sentencing for animal cruelty

In 2014, the Scottish SPCA reported that it had seen 63 disqualification orders, including 12 life bans, issued in its caseload - an increase on the previous year. However, this number still represented less than half of the individual animal cruelty convictions in Scottish courts. At the worst end of the spectrum, lifetime bans were issued in addition to fines, prison sentences or community payback orders for offences such as starving a dog to death, or failing to obtain veterinary attention so that a dog had to be put to sleep. A woman who left her Yorkshire terrier unattended in her car on a very hot day, then failed to get prompt veterinary attention for the dog, was only given a five year ban – as was her 20-year-old daughter, whose six hamsters, three ducks, five guinea pigs, one rabbit and one gerbil were all found living in appalling, filthy conditions that entirely failed to meet their needs. A young man who was filmed on CCTV in 2014 hitting his Staffordshire cross dog with a metal chain, kicking and stamping on its back, and holding a cigarette lighter to its ears was sent to prison and received a 10-year ban.

The Scottish Parliament should review implementation of the Act over the last ten years, with a focus on ensuring that the disposals available to the courts – penalties, disqualifications and therapeutic/educational programmes – reflect the seriousness of the crime and are consistently applied.

Essential secondary legislation

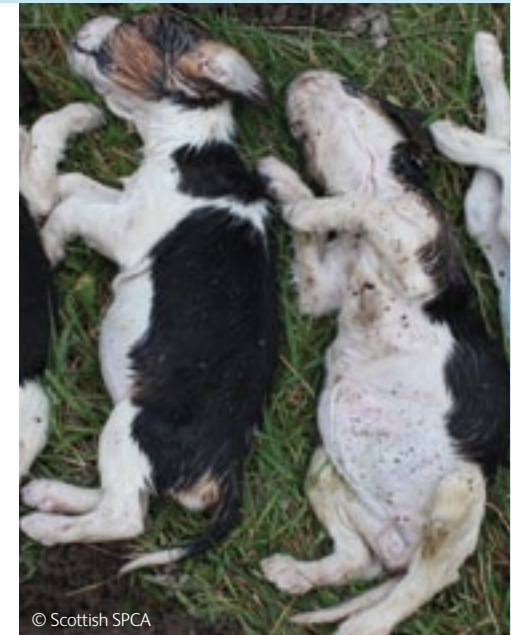
The Animal Health and Welfare (Scotland) Act 2006 gives powers to Scottish Ministers to introduce a wide range of secondary legislation to give full effect to the measures in the Act. A commitment was given in 2006 for new or updated regulations on pet shops, pet fairs and pet dealing, animal boarding kennels, dog breeding, riding establishments, animal sanctuaries and livery stables. Travelling circuses and electric shock collars were other potential subjects for secondary legislation.

Now, almost ten years after the Act, progress has been limited:

- Only one set of new regulations (the Licensing of Animal Dealers (Young Cats and Young Dogs (Scotland) Regulations 2009) has been passed.
- Regulations to make the micro-chipping of dogs mandatory (April 2016).
- A consultation on wild animals in travelling circuses produced a 98% response in favour of banning their use, but there is no sign of legislation as yet.
- A consultation has been carried out on the use of electric shock collars to train dogs although there has been no commitment to legislate.

Case study: Puppy farming

In early December 2015, it was reported that four dead puppies had been dumped in a field in Dumfries and Galloway, apparently discarded as a harrowing 'by-product' of the trade in puppies originating from suspected puppy farms in Northern Ireland. The spaniels were thought to have been between six and twelve weeks old. A Scottish SPCA officer described the animals as having been 'callously dumped', noting that 'those involved [in puppy farming] have no regard for the welfare of the animals involved.' Litters raised on puppy farms are kept in poor and insanitary conditions, causing high rates of sickness and mortality. The import of puppies from farms in Ireland and Northern Ireland to the Scottish market is thought to be increasingly common.



© Scottish SPCA

Unless and until a meaningful suite of secondary legislation is delivered, the Act cannot fulfil its purpose of preventing animal suffering. In particular, the growth in internet trading of pets, the increased trade in exotics and the intensification of the breeding industry (whether it be cats, dogs, rabbits, hamsters, guinea pigs or reptiles) all add up to a compelling case for an urgent review of pet vending legislation in Scotland.

A prime example of damaging private ownership is the keeping of primates as pets, which must be

banned as soon as possible. OneKind promotes positive lists, as already introduced in Belgium, the Netherlands and parts of Canada to limit the species permitted as pets to those whose needs can be fully met in private keeping. This is a simple, effective and enforceable approach. Its adoption would position Scotland as a leader in companion animal welfare at a time when the exotic pet trade and positive lists are rapidly rising up the agenda across the EU.

Case study: Exotic pets for sale in Scotland

A vast range of exotic animals can be bought as pets over the internet. Often these animals are poorly described and the advertisements do not include the information required for a potential buyer to make a responsible and informed choice. This image is from an advert that typifies the kind that can be found online offering exotic pets for sale around Scotland. The bird seems to be in poor condition, with a bald patch around its neck clearly visible. The seller tries to explain this by saying, 'bit bald around neck due to male plucked her [sic].' This suggests that the birds have been housed inappropriately and that no intervention has been offered upon the commencement of this aggression. For a buyer with no background in keeping exotic birds, this normalises this kind of behaviour and perpetuates a cycle of irresponsible ownership.

An estimated 5,000 primates are being kept as pets in the UK with around 100 of these believed to be in Scotland. Occasionally, reports of trading also

emerge. For example, in 2011, OneKind was notified by a supporter that a marmoset was being advertised in a beauty accessory shop window in Kilmarnock. The marmoset was said to be female, five years old and "ready for breeding", and the price was £1,000.



2. Make welfare in the wild a priority

OneKind is calling for a change in approach to wild animals in Scotland, so that they are afforded the respect and protection that other animals are given. This should include:

1. Legal protection for wild animals that recognises their sentience and their ability to suffer due to human activities
2. An outright ban on the manufacture, sale, possession and use of snares
3. New legislation or major amendments to make the ban on hunting with dogs effective and enforceable
4. A ban on the shooting of seals in Scottish waters
5. Recognition and support for an independent advisory body on welfare in the wild, such as the Wild Animal Welfare Committee

Our wildlife is part of our national identity and helps to attract visitors to Scotland from across the world. Over a million trips are made to or within Scotland each year for the primary purpose of wildlife tourism, such as bird watching or dolphin and whale watching, making a contribution to the Scottish economy of £127 million per year⁵.

Much more can be done to protect the welfare of free-living wild animals in Scotland. Individual animals, living in the wild, are sentient beings with thoughts and feelings just like domesticated animals – and they can suffer just as much due to the actions of humans. The law must take a more even-handed approach to safeguarding their welfare.

Wildlife tourism contributes £127m to the Scottish economy

Equality under the law

Traditional attitudes to wildlife management – including the justifications given for controlling some wild species – are at odds with public support for wildlife rescues where the welfare of the sentient individual is the priority. Animal protection legislation permits greater severity and duration of suffering to be inflicted on wild animals than on very similar domestic animals, such as wild rabbits and rats compared with pet rabbits and rats, or foxes compared with dogs. Penalties for wildlife crimes involving harm to individual animals are consistently lower than those affecting conservation or the environment. In the light of our growing knowledge of animal sentience, that simply cannot be right.

In the coming session, the Scottish Parliament will have the opportunity to review current legislation on snaring, fox hunting and licensed seal shooting.

An outright ban on snares

Snares are primitive wire nooses used, mainly by gamekeepers, to control foxes and rabbits. Snaring continues to be legal in Scotland, even though over three quarters of the public supported a ban when it was being considered by the Scottish Government in 2010⁶.

Snare use in Scotland is subject

to strict conditions and users must undergo a short basic training course and attach an identification tag to every snare in use. OneKind fieldwork indicates clearly, however, that animals continue to struggle and die appalling deaths in these indiscriminate traps. Reports to the OneKind website

www.SnareWatch.org document suffering and death in both target and non-target animals including protected badgers and otters as well as dogs and cats. OneKind has called on all UK administrations to ban snares outright, and wants to see Scotland lead the way in 2016.

Case study: The cruelty of snaring

On the Glen Ogil grouse shooting estate in September 2014, two young foxes were found within 15 metres of one another, both caught around the abdomen by the tight wire nooses. Although snares are supposed to act as restraining, rather than killing, traps, one fox was already dead and the second was alive but severely injured. The snare wire had cut into the fox's abdomen and the wound became deeper as it struggled to escape. These animals were found by the OneKind field officer, accompanied by two members of the public. A Scottish SPCA Inspector attended the scene and gave the young fox a lethal injection to end its suffering. Although the snares were identified and appeared to be set in compliance with current Scottish regulations, the gamekeeper who set them was charged with failing to inspect the snare where the dead fox was found, and another where a deer had died.

Making the hunting with dogs ban work

The Protection of Wild Mammals (Scotland) Act 2002 prohibits the deliberate hunting of a wild mammal with a dog. OneKind campaigned hard for this legislation and it has been used effectively against some forms of hunting, such as hare coursing. However, due to a long and confusing list of exemptions the flaws in its application to fox hunting have become increasingly obvious over the last decade. An exemption for flushing is interpreted as allowing lengthy pursuits of the fox by a full pack of hounds. Foxes that go to ground are still dug out with the aid of terriers, before being killed. There has been no successful prosecution of a mounted hunt despite reports of foxes being chased and killed with no attempt to shoot them, as the law requires.

The Scottish Government has committed to a review of the Act in 2016. OneKind calls for this to lead to an effective ban of hunting foxes, hares and other wild mammals with dogs. This requires the removal of the exemptions that currently act as loopholes, allowing the continued hunting of foxes and other mammals with dogs.

Case study: 14 years later, still hunting

OneKind fieldwork since the 2002 Act has identified numerous incidents of apparent non-compliance with current legislation, involving prolonged chases of foxes flushed from cover by packs of dogs. One hunt follower in the Borders actually told the OneKind field officer that the hunt was "doing it by the rules" on a particular day as "the antis are out". On another occasion the field officer filmed a fox being chased out of cover and past the waiting marksman who appeared to make no attempt to shoot it. The League Against Cruel Sports Scotland monitored five Scottish hunts over three months and concluded that hunts were not even complying with the requirement to carry guns when flushing from cover.

The Hunt Saboteurs Association (HSA) Grampian and Perthshire Branches reported terriermen on one hunt in November 2014 using terriers not to flush but to catch and attack foxes⁷. In this incident, the hunt put a terrier down the hole and the terrier was used to locate and trap the fox by attacking the fox until it was caught and dragged out to be shot. The terrier was biting the face of the fox as it was dragged out and had to be pulled off, causing injury to the fox's face. As the fox was dragged out of the hole, the end of its tail was ripped off. The whipper-in of the hunt stood on the fox's throat to hold the fox in position while it was still alive, before it was shot and thrown to the hounds.



Ending seal shooting

205 seals were shot dead under licence in Scotland in 2014

The Marine (Scotland) Act 2010 introduced a general prohibition on shooting seals, except under licence. While this does make fish farms, netting stations and river fisheries accountable for the number of seals shot, it does not meet the welfare objective of ending the killing outright. Nor does it offer any protection to pregnant and lactating seals, so that dependent pups are still exposed to a lingering death from starvation if their mothers are killed. In 2014, a total of 205 seals were legally killed⁸, less than half the number shot in 2011 when the legislation came into force. This reduction indicates that non-lethal methods are effective and shooting can no longer be justified.



Independent wild animal welfare advice to government

Public policy on wildlife management has enormous implications – for good or ill – on the welfare of thousands of free-living wild animals in Scotland. Yet there is no recognised independent advisory body to the Scottish Government to interpret and promote scientific knowledge about wild animal welfare. OneKind believes that puts our wildlife at risk of unnecessary and unjustified suffering. OneKind has provided practical support to the independent Wild Animal Welfare Committee of experts since its establishment in 2014, and calls on government to recognise the Committee’s important work.

3. Greater protection for farmed animals

OneKind is calling for a concentrated effort by the Scottish Government to give farmed animals the protections they need and to put Scotland in the lead when it comes to farm animal welfare. This should include:

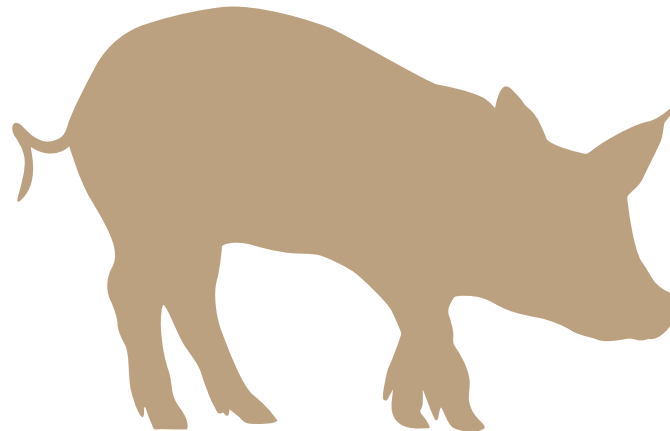
1. A robust animal health and welfare strategy that ensures all farmed animals in Scotland have a life worth living, and as many as possible have a good life
2. Reductions in the number of painful mutilations, with a stricter requirement for pain relief as long as required
3. Phasing out the routine use of antibiotics on farms
4. A ban on non-stun slaughter
5. Measures to ensure that CCTV is installed in all relevant areas of Scottish slaughterhouses, including unloading, lairage, stunning, bleeding and shackling

Scotland’s farm animal population includes 1.79 million cattle, 6.69 million sheep, 316,000 pigs and a poultry flock of 14.7 million

With 1.79 million cattle, 6.69 million sheep, 316,000 pigs and a poultry flock of 14.7 million⁹ (the highest since 2004), by far the greatest number of animals under human control in Scotland are found in the farming sector. Scotland has comprehensive laws governing the treatment of sheep, cattle, pigs, poultry, goats, deer and fish. Yet still too many suffer in intensive systems, particularly during transport and at slaughter.

Giving farm animals a good life

As long ago as 2009, the Farm Animal Welfare Council (now the Farm Animal Welfare Committee) recommended a shift from the promotion of the Five Freedoms to the aim that all farm animals in the UK should have a “life worth living”, and most should have a “good life”¹⁰. Almost seven years on, this agenda is taking hold, but slowly. There can be no moral justification for allowing any farmed animal in Scotland to endure a life that is anything less than “worth living” and the ultimate aim must be for as many animals as possible to enjoy a “good life” underpinned by a robust animal health and welfare strategy.



Reducing mutilations

Tail docking, castration, beak trimming and many other painful procedures are routinely carried out on farmed animals in the name of animal husbandry and management. Often, however, they are required as a direct consequence of the rearing systems where the animals are kept. The use of mutilations must be reduced, with stricter requirements for long-term analgesia where they are still used.

Routine antibiotics phase-out

Just under half of the antibiotics used in the UK are given to farmed animals to treat or prevent disease caused by the conditions in which they live. This leads to antimicrobial resistance, which can pass to humans and is recognised as a developing health crisis. Action is urgently needed to phase out the routine preventative use of antibiotics on farms.

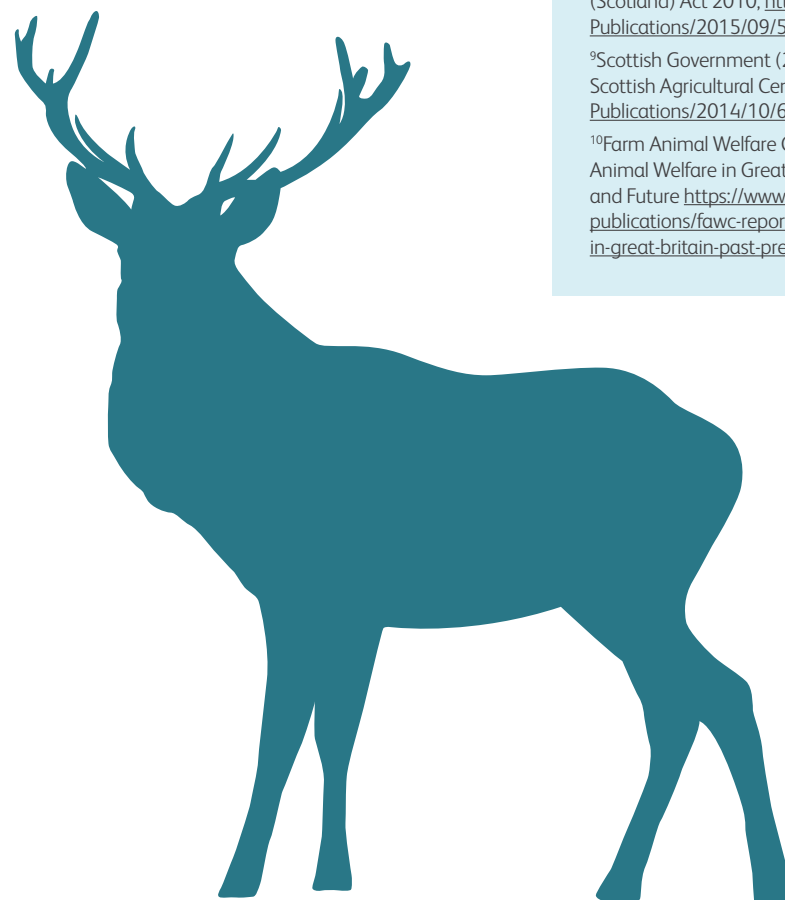
Humane slaughter

On a UK basis, the welfare of millions of animals at the end of their lives could be improved by requiring all animals to be stunned before slaughter to ensure they are insensible to pain. While non-stun slaughter is less common in Scotland, it does occur and the Scottish Government should reduce the welfare harm by introducing immediate post-cut stunning and clearer labelling of meat as stunned or non-stunned to allow consumers to make an informed choice. With a currently low level of non-stun slaughter taking place in Scotland, there can be little practical obstacle to a principled ban on the practice.

The Scottish Government also has powers to make the use of CCTV in abattoirs compulsory for animal welfare monitoring. The issue has been under review for several years and the Farm Animal Welfare Committee has supported universal use of CCTV - but no proposal, even for a guidance code, has been agreed. With CCTV already widely used in abattoirs and relatively inexpensive, legislation is required so that it is used and monitored consistently in all relevant areas of operation.



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¹Charities Aid Foundation (2015) [UK Giving 2014](#)

²PDSA (2015) [The PDSA animal wellbeing report](#)

³European Commission Special Eurobarometer (2005) Attitudes of consumers towards the welfare of farmed animals

⁴Scottish Parliament Question S4W-26977 by John Wilson MSP, 4 August 2015, citing Scottish SPCA Strategic Review

⁵Scottish Natural Heritage (2010) Valuing Nature-Based Tourism in Scotland <http://www.snh.gov.uk/docs/B720765.pdf>

⁶OneKind (2010) [Snaring in Scotland](#)

⁷<https://www.youtube.com/watch?v=vNOFCNJwmHU>

⁸Marine Scotland (2015) Report of the Inaugural Quinquennial Review of the Operation of Seal Licensing System Under The Marine (Scotland) Act 2010, <http://www.gov.scot/Publications/2015/09/5131>

⁹Scottish Government (2014) June 2014 Scottish Agricultural Census <http://www.gov.scot/Publications/2014/10/6277/1>

¹⁰Farm Animal Welfare Council (2009) Farm Animal Welfare in Great Britain: Past, Present and Future <https://www.gov.uk/government/publications/fawc-report-on-farm-animal-welfare-in-great-britain-past-present-and-future>