

Criminal Code Protection Still Bogged Down!

The proposed amendments to the Criminal Code of Canada, or to those sections which protect animals against cruelty and unnecessary suffering, continue to be “bogged down” in a Senate Committee. The Senate Committee in question has received a variety of delegations and submissions both for and against the amendments. By and large, the Canadian Alliance Party has objected to certain aspects of the Bill and stating, in particular, that they are concerned that the amendments, if approved, would expose farmers, hunters and fishermen to the possibility of prosecution under the amended Code. The Jewish and Islamic communities have reached agreement in a submission to the Senate Committee in which they claim that the amended Code would expose the individuals who slaughter the animals for their faith to the possibility of charges being laid. It has even been suggested by some people that the amended Code would make it possible for fishermen who put a worm on a hook to be charged with Cruelty to Animals. The humane movement, led in this case by the Canadian Federation of Humane Societies and by many other individual organizations, has pleaded with the Committee to endorse the Bill and return it to the House of Commons for final reading. They have pointed out that, in fact, the amendments to the Code could be used irresponsibly. They point out that under our judicial system, charges under the Code have to be approved by a Crown Attorney who has to be satisfied that not only is there substantial evidence to support the charge, but that the basic element of ‘willful intent’ exists and can be proved. And, of course, individuals or groups attempting to misuse a Criminal Code expose themselves to the danger of a charge of malicious prosecution. It was also pointed out by these organizations that, if indeed there is a danger, the danger exists now and will not be changed by the amendments.

However, it seems clear that the Government is being affected by these objections and may be looking for ways of ‘watering down’ the amendments to the Code in an attempt to satisfy the farmers, fishermen and hunters.

In its submission to the Senate Committee, the Canadian Farm Animal Care Trust emphasized the need to amend the Code to increase the penalties which can be inflicted on persons convicted of willful cruelty to animals in order that the Code could serve as a deterrent to cruelty under modern conditions. A case was quoted where a national transportation company with an operating budget of many millions of dollars, was found guilty of willful neglect of cattle and was fined the staggering sum of \$50.00! CanFACT pointed out that the most important basis for change will be to educate the courts to impose more severe penalties if they are eventually approved in some form by Parliament.