

**ULCC | CHLC**

**UNIFORM LAW CONFERENCE OF CANADA**

**WORKING GROUP ON THE TREATMENT OF ANIMALS IN THE  
CRIMINAL CODE**

**STATUS REPORT**

**Presented by  
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**Presented to the Criminal Section**

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[1] The following resolution ON2022-03 was carried as amended (19-0-4) at the August 2022 Annual ULCC Meeting:

Create a ULCC Criminal Section Working Group to explore the treatment of animals in the *Criminal Code of Canada*, with a view to making recommendations for amendments.

The Criminal Section will also bring the issue of the treatment of animals in the civil and criminal law contexts to the ACPDM for consideration of the establishment of a joint working group, which if established would subsume the Criminal Section working group noted above.

Créer un groupe de travail de la section pénale de la CHLC pour étudier le traitement des animaux dans le *Code criminel du Canada*, en vue de formuler des recommandations de modifications.

La Section pénale soumettra également la question du traitement des animaux dans les contextes du droit civil et du droit pénal à la CAOPC pour qu'elle envisage la création d'un groupe de travail conjoint qui, s'il est créé, englobera le groupe de travail de la Section pénale mentionné ci-dessus.

[2] The Treatment of Animals in the Criminal Code Working Group (“Animals working group”) met seven times over the last year: October 11<sup>th</sup> and November 30<sup>th</sup>, 2022 and January 19<sup>th</sup>, February 15<sup>th</sup>, March 7<sup>th</sup>, April 13<sup>th</sup> and May 2<sup>nd</sup>, 2023.

[3] The initial members of the working group were:

- a. Nadine Nesbitt – Chair – AB AG
- b. Nadia Farinelli – BC AG
- c. Adam Badari – AB AG
- d. Andrew Davis – SK AG
- e. Andrew Synyshyn – MN Criminal Defence Lawyers’ Association
- f. Andrew Cappell – ON AG
- g. Caitlyn Kasper – ON Aboriginal Legal Services
- h. Melanie Webb – ON Canadian Bar Association
- i. Aleksander Godlewski – ON Justice Canada

[4] The working group added the following members in March 2023:

- j. Mandy MacLeod – AB AG
- k. Tara Dobec – ON AG

[5] On December 5, 2022, the Chair of the Animals working group sent a letter to Peter Lown, K.C., Chair, Advisory Committee on Program Development and Management (ACPDM), Uniform Law Conference of Canada, to suggest the formation of a joint Criminal/Civil working group. Several possible areas of collaboration were identified.

[6] Due to the unfortunate passing of Clark Dalton, K.C., the ACPDM has not had an opportunity to fully consider the proposal for a joint working group.

[7] As the resolution that was passed in August 2022 provided a very broad mandate for the working group, the working group first discussed its mandate and priorities. The working group decided to first focus on specific recommendations for amendments to the *Criminal Code* that had been provided by front-line prosecutors to the Chair of the working group, and then move on to more policy related considerations about the treatment of animals as “property” or as “victims” in the *Criminal Code*.

[8] The working group has so far considered amendments to sections 110 (discretionary weapons prohibitions), s. 447.1 (order of prohibition), s. 501 (undertaking on a police release), s. 529.3(2) (authority to enter a dwelling house without a warrant), and s. 718.03 (primary sentencing objectives for injuring or killing an animal).

[9] The working group intends to take a summer break and then continue its discussions in September 2023 regarding specific amendments to the *Criminal Code* and the broader policy issues about how animals are treated in the *Criminal Code*.

[10] The working group is hopeful that a joint working group can still be formed to address areas where the *Criminal Code* overlaps with provincial legislation, such as animal prohibitions and the seizure of animals.

[11] It is the intent of the working group to have a final report for the 2024 Annual ULCC Meeting.