



9 June 2006

Senator the Hon Chris Ellison  
Minister for Justice and Customs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

### **CALL FOR BAN ON FUR IMPORTS FROM UNREGULATED JURISDICTIONS**

Lawyers for Animals ('LFA') is a Melbourne-based organization comprised of legal professionals and others with an interest in reducing and eliminating animal suffering. LFA's objectives include challenging inadequate animal protection laws and policies and working with industry, government and the community to bring about positive change and law reform for animals.

LFA has recently become aware of appallingly inhumane practices within Chinese fur farms, where fur farming is completely unregulated (See [Appendix A](#)). LFA has written to the Prime Minister, the Hon. John Howard MP, encouraging him to seek solutions to this issue as part of his negotiations for a Free Trade Agreement with China (See [Attachment 1](#)).

Until such time that China enshrines legal protection for animals in fur farms, we believe that all fur imports from China (including ready-made garments containing fur) must be prohibited from entering this jurisdiction. By providing a willing market for such imports, Australia is, in effect, complicit with these utterly appalling practices.

LFA therefore calls on you to legislate a ban on the import, export, sale and production of products containing fur produced under conditions which do not comply with certain minimum welfare standards (for example, those specified by the *European Convention for the Protection of Animals kept for Farming Purposes*). This ban would apply equally to pelts produced not only in China, but also other jurisdictions such as Romania, Korea, Thailand and the Philippines.

Such a ban would also be consistent with Australia's international trade obligations as a member country of the World Trade Organization ('WTO'), because it would apply equally to domestic and foreign products.

Further, Article 20 of the *General Agreement on Tariffs and Trade* (the WTO agreement dealing with the rules of trade in goods) provides that parties are entitled to adopt any measures 'necessary to protect human animal or plant

life or health', so long as those measures are not applied in a manner that constitutes a means of arbitrary or unjustifiable discrimination between countries.

The WTO has acknowledged in the *Doha Declaration* that 'non-trade concerns' are a legitimate consideration in relation to trade in agriculture, while the European Community has also argued that 'animal welfare' is one such important 'non-trade concern' (see Committee on Agriculture Special Session, *European Communities Proposal, Animal Welfare and Trade in Agriculture*, G/AG/NG/W/19, 28 June 2000).

The increasing importance of animal welfare as a relevant trade priority is also acknowledged by the OIE (the World Organization for Animal Health). The OIE is an intergovernmental organization with more than 160 member countries. Under the WTO *Sanitary and Phytosanitary Agreement* the OIE has a mandate to safeguard world trade by publishing health standards for international trade in animals and animal products. Animal welfare standards have been identified by the OIE as a priority trade consideration; while *humane* slaughter has been identified as an area requiring the implementation of acceptable standards.<sup>1</sup>

In view of these considerations, LFA believes that a ban on imports of pelts (and garments comprised of pelts) from jurisdictions where production standards fail to comply with, for instance, the minimum welfare standards set out in the *European Convention for the Protection of Animals kept for Farming Purposes*, would be legally sound and consistent with Australia's WTO obligations.

By analogy, Australia has prohibited the import of rough diamonds generally, and rough diamonds from Sierra Leone and Liberia due to the impact of the trade on the human rights of people in those regions (see Regulations 4MA – 4P of the Customs (Prohibited Imports) Regulations 1956). These are instances where trade has been banned in recognition of the fact that allowing it to continue would render Australia complicit in the unethical practices associated with that trade.

LFA now urges you to take steps to ensure that Australia does not endorse the trade in pelts which are obtained through unethical practices by legislating a ban on fur imports from jurisdictions where cruelty against fur-bearing animals is permitted and fur farming is unregulated.

In considering this issue we also strongly urge you to view the video evidence obtained by People for the Ethical Treatment of Animals ('PETA') which we now attach in DVD format, courtesy of PETA ('*Chinese Fur Farm Investigation 2005*').

We look forward to receiving your response.

Any queries regarding this letter should be directed to: [eliza@lawyersforanimals.org.au](mailto:eliza@lawyersforanimals.org.au) or via telephone: 0407 545 905.

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<sup>1</sup> See OIE website ('The OIE's initiatives in animal welfare'): [www.oie.int/eng/bien\\_etre/en\\_introduction.htm](http://www.oie.int/eng/bien_etre/en_introduction.htm)

Yours sincerely

**ELIZA POULTON**

Chair, Law Reform Committee

Encl: DVD: *Chinese Fur Farm Investigation 2005*

**1. Cruelty in Chinese fur farms**

In 2004 the Australian Government took the commendable step of implementing a ban on dog and cat fur imports through the Customs (Prohibited Imports) Regulations 1956. This ban came about following reports of the horrific conditions in which more than 2 million dogs and cats are farmed and killed each year in China.

LFA applauds this decision and now urges you to give the same degree of consideration to the many other animal species, equally sensitive and intelligent as domestic dogs and cats, which also experience unfathomable suffering for the sake of fashion. These include red, blue, silver and arctic foxes, minks, chinchillas, wolves, rabbits and raccoon dogs.

For instance, evidence obtained by PETA shows that:

- Many animals are still alive and struggling desperately when workers flip them onto their backs or hang them up by their legs or tails to skin them. Other animals have no choice but to helplessly watch on as workers make their way down the row towards them.
- A metal or wooden stick is used to repeatedly strike the bodies and heads of foxes, raccoon dogs or minks while they are held by their hind legs. Alternatively, workers may grab the animal's hind legs and swing its head against the ground. These hands-on methods are intended to simply immobilise or stun the animal.
- Skinning begins with a knife at the rear of the belly whilst the animal is hung up-side-down by its hind legs from a hook. Starting from the hind legs, workers then wrench the animals' skin from their suspended bodies, until it comes off over the head. PETA investigators observed and documented that a significant number of animals remain fully conscious during the procedure.
- When workers on these farms begin to cut the skin and fur from an animal's leg, the free limbs kick and writhe as they try to defend themselves to the very end. Workers stomp on the necks and heads of animals who struggle too hard to allow a clean cut.
- When the fur is finally peeled off over the animals' heads, their naked, bloody bodies are thrown onto a pile of those who have gone before them. Some are still alive, breathing in ragged gasps and blinking slowly.
- Some of the animals' hearts are still beating 5 to 10 minutes after they are skinned. One investigator recorded a skinned raccoon dog on the heap of carcasses who had enough strength to lift his head and stare into the camera.

In addition to inhumane slaughtering practices, the 'living' conditions of these animals are utterly indefensible. Animals pace and shiver in outdoor wire cages, exposed to driving rain, freezing nights, and, at other times, scorching sun. Mother animals, who are driven crazy from rough handling and intense confinement and have

nowhere to hide while giving birth, often kill their babies after delivering litters. Disease and injuries are widespread, and animals suffering from anxiety-induced psychosis chew on their own limbs and throw themselves repeatedly against the bars of their cages.

By allowing the importation of these animals' pelts, Australia is supporting and encouraging all of the above appalling practices.

As the Minister for Customs, LFA now strongly urges you to consider whether this support and encouragement should continue.

## **2. The need for regulation of fur farms in China**

Given the abhorrent practices referred to above, it is little surprise then, that there are no laws governing fur farms in China.

Farmers can house and slaughter animals however they see fit, meaning miserable lives and excruciating deaths. In the result PETA's investigators found horrors beyond their worst imaginings and concluded:

*Conditions on Chinese fur farms make a mockery of the most elementary animal welfare standards. In their lives and their unspeakable deaths, these animals have been denied even the simplest acts of kindness.<sup>2</sup>*

We strongly urge you to implement a ban on the import of fur obtained under these conditions. While a total ban on fur imports might present some challenges in terms of the liberalization of trade, a ban on fur imports from unregulated jurisdictions, or jurisdictions which permit cruelty to fur-bearing animals would be legally sound and ethically justifiable.

Arguably, the practice of producing pelts from intelligent and sentient animals is in itself morally repugnant. But that this production should take place without any regard to those animals' capacity to suffer is utterly reprehensible. This is why we believe it would be reasonable for the Government to limit a prohibition of fur imports to those which are produced in unregulated environments.

What would then constitute an acceptable fur import would be, for instance, pelts produced under conditions equivalent to those specified by the *European Convention for the Protection of Animals kept for Farming Purposes* ('the Convention'). This incorporates the *Recommendation concerning Fur Animals* ('the Recommendation'), which governs the stockmanship, inspection, housing and equipment, management, breeding and killing of fur-bearing animals, along with some special species-specific provisions and information on biological characteristics of different species.

Whilst the Convention is simply a 'framework convention' for Council of Europe Member States only, it offers a reasonable benchmark or point of reference in considering how fur farms in China might be regulated. It is vitally

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<sup>2</sup> See [www.furisdead.com/feat/ChineseFurFarms/](http://www.furisdead.com/feat/ChineseFurFarms/)

important that China enshrine legal protection for fur-bearing animals that is analogous to, for instance, Article 22 of the Recommendation. This states that:

1. *Killing shall be done by a competent person without causing undue agitation, pain or other forms of distress.*

*The method chosen shall either*

- a. cause immediate loss of consciousness and death, or*
- b. rapidly induce deep general anaesthesia culminating in death, or*
- c. cause the death of an animal which is anaesthetised or effectively stunned without any aversive influence on the animal*

*Appendix F lists the principal methods which can, when used correctly, meet these requirements and which should be applied when permitted under domestic law and in accordance with domestic law.*

2. *The person responsible for the killing shall ensure that for each animal the requirements under paragraph 1. above are fulfilled, and that the animal is dead before further procedures are carried out.*
3. *Killing shall be done so as to cause the least possible disturbance to the other animals.*

This Article recognises what is obvious to any person with a shred of humanity: that animals are sentient; that they should not be skinned alive; and they should not be forced to suffer the distress of seeing their companions slaughtered, particularly when it is clear that it will be their turn next. It therefore provides a basic benchmark for humane slaughtering of animals in fur farms.

Australia should not be accepting pelts that are obtained from unregulated jurisdictions such as China where it is customary to skin animals alive.

Given that Australian fur retailers are increasingly relying on competitive Chinese imports, it is incumbent upon the Federal Government to acknowledge the horrendous cruelty which animals are subjected to in China for the sake of Australian consumers, and to take steps to minimise it.

We therefore urge you to now take steps to prohibit the importation of pelts which are produced in jurisdictions where fur farming is unregulated and where cruel farming and slaughtering practices are permitted.