

## **Introduction**

1. Wild Futures is the charity that grew out of the work of the Monkey Sanctuary, established in Cornwall in 1964. Staff have studied and worked with wild and captive primates throughout the Americas, Africa, Asia and Europe; hold advanced degrees in primatology, conservation, and animal welfare; are members of professional primatological societies and have years of experience providing primates rescued from the pet trade with the best welfare possible. Wild Futures' Monkey Sanctuary (“the Sanctuary”) is accredited by the Global Federation of Animal Sanctuaries and is a founding member and board partner of the European Alliance of Rescue Centres and Sanctuaries.
2. Wild Futures maintains that primates do not and cannot thrive in domestic situations, and invariably suffer under such circumstances. Their keeping by private individuals is inappropriate for any purpose other than legitimate sanctuary.<sup>1,2</sup>
3. The interests of those wishing to keep primates as pets or as hobbies, or those who wish to profit by breeding and selling them either via poorly regulated pet shops or via the entirely unregulated online/word of mouth market, cannot outweigh the significant harm caused by the trade and keeping of these animals as pets. These practices compromise primate welfare and human safety; and may be detrimental to conservation, either directly or indirectly, in primate habitat areas.<sup>3</sup>
4. No (non-human) primate species has ever been “domesticated”; comparisons with cat- or dog-keeping are meaningless. Although there are cases in which well-meaning owners of domesticated animals cause suffering by failing to meet their pets' needs, there is also plenty of evidence that these animals, having adapted to lives in domestic environments over the course of thousands of years, *can* and often *do* thrive in such environments. There is no evidence that this is the case for any primate species.

## **The extent of the trade and keeping of primates as pets within the UK**

5. It is difficult to measure with accuracy the extent of the trade and keeping of primates as pets within the UK. The only mechanism by which a record must be kept of any pet primate is via licensing under the Dangerous Wild Animals Act 1976 (DWAA). Licences are only required for certain species; the most popularly kept primates (marmosets, tamarins, squirrel monkeys) require no such licence. Non-compliance with the DWAA is thought to run exceedingly high.<sup>4,5</sup>
6. Using information obtained via Freedom of Information about the number of individual primates licensed under the DWAA (and estimated rates of non-compliance with licensing requirements), Wild Futures and the RSPCA estimated in 2009 that there were between 2,485 and 7,454 privately kept

primates throughout England, Scotland and Wales.<sup>5</sup> By 2012, the minimum number of individuals licensed had risen by 21%. This increase seems unlikely to reflect increased compliance with licensing requirements: with improved compliance we could expect to see most newly licensed individuals within local authorities that had not previously issued licenses – but this is not the case. We now estimate that there are between 3006 – 9017 privately kept primates in Great Britain.

7. The above estimate includes species recently removed from the list of those requiring licenses under the DWAA, (i.e. squirrel monkeys, tamarins), but does not include the most commonly kept primates (marmosets), because they have never been listed and are therefore impossible to account for using this method. Nevertheless, marmosets are clearly abundant in the UK pet trade, accounting for a large portion of the RSPCA's actions involving pet primates, calls to Wild Futures, and commonly appearing in media stories of neglect or mistreatment.<sup>5-9</sup>
8. Other primates never listed under the DWAA occasionally emerge as pets or for sale; for example in 2009 a pet shop in Wakefield displayed galagos of the species *Otolemur garnettii*. Galagos are highly specialised, nocturnal primates for whom specialist care is of particularly critical importance. The origin (and fate) of the Wakefield galagos is unknown, but a search of the CITES trade database reveals that since data collection began in 1975, *no* individuals of this species have ever been (legally) brought into the UK. A total of 37 *O.crassicaudatus* (a visually similar species) have been imported for “commercial trade” or “personal use”, most recently in 1999. In 2013 Wild Futures received a report that slow lorises (*Nycticebus spp.*) had been offered for sale at a UK pet shop, though this report remains unsubstantiated as the informer chose not to provide further details. The purpose of the preceding examples is not to demonstrate that either legal or illegal importation of primates is a major aspect of the UK pet trade (although both occur), but that there may be a substantial, hidden aspect of the trade, involving animals for whom there is no mechanism whatsoever to trace or record – thus the scale of the trade could be larger than we have estimated.

**Does the existing regulatory framework and Code of Practice offer adequate protection for the welfare of primates kept as pets and is it being applied effectively?**

9. The existing regulatory framework, including the Code of Practice for the Welfare of Privately Kept Non-Human Primates (“the Code”), is not applied effectively, nor does it offer adequate protection for the welfare of primates kept as pets.<sup>10</sup> Indeed, an increasing number of jurisdictions recognise that no legislative framework allowing primates to be kept as pets adequately protects their welfare, as primates - undomesticated, wild animals - are ill-suited to life in captivity and inevitably suffer when kept in domestic environments. Significantly, primates rehomed to the Sanctuary are as likely to arrive with behavioural and/or physical abnormalities whether or not their owners possessed a DWA licence, suggesting that compliance offers no assurance of good welfare.

10. Below, we summarise a small selection of cases illustrating failures of the existing legislation. Further details of these and other cases are available upon request.

#### Case 1

11. Plymouth City Council, notified by Wild Futures about a man who had repeatedly brought a marmoset into the city centre, visited the man in 2010, but chose not to intervene in a situation that clearly violated the provisions of the Code and thus may have been in violation of the Animal Welfare Act (AWA), beyond extracting a promise that the keeper wouldn't bring the monkey out in public again. Nevertheless, soon afterwards, having been brought to the city centre again, the monkey escaped and was later found dead in a nearby river. The man soon obtained another marmoset. Following considerable pressure from Wild Futures, Plymouth once again visited the man's home in July 2011. The visit was conducted by a *housing officer* who reported that the monkey "*seemed fine*" and "*looked happy*". No action was taken. Finally, after the pet owner made an appearance on the BBC, publicly (if inadvertently) demonstrating his failure to provide a suitable environment for his pet, he was told that he could no longer keep monkeys in his flat. Soon two monkeys were confiscated, one showing signs of metabolic bone disease. At least one monkey had been registered with a local veterinary practice, which appears not to have expressed or acted on any concerns about the monkey's circumstances or condition. The man was eventually convicted of neglect and cruelty.
12. This case demonstrates a profound lack of understanding, on the part of the owner, the enforcing authority and the veterinary practice, of the basic legal welfare requirements for the keeping of primates as pets, despite the 2010 introduction of the Code. Clearly, and perhaps understandably, given Plymouth City Council's range of obligations and responsibilities, the case was not given high priority. There was no incentive to enforce the AWA or the provisions of the Code until public exposure created a potentially embarrassing situation. The Code, introduced under the Animal Welfare Act and intended to restrict the keeping of primates "to zoos, scientific institutions, and specialist keepers",<sup>11,12</sup> is legally non-binding and therefore often meaningless, as pet keepers and local authorities may have little interest in or awareness of its existence, and no incentive to enforce its conditions. If binding, the Code would remain unenforceable, given that enforcement would require records of the whereabouts of every primate in Great Britain, substantial investment in the services of legitimate primate specialists, and preparedness to confiscate and prosecute wherever owners fail to meet these conditions. For a private keeper to meet the conditions of the Code, as read by a primate specialist, would be a near-impossibility - yet interpreted by lay people, as above, it entirely failed to ensure that a primate's most basic welfare requirements were met.

#### Case 2

13. Around 2010, a capuchin monkey obtained in Lithuania was smuggled into the UK. His owner did not obtain or apply for a licence under the DWAA and in

2011 he was confiscated from a London flat, following complaints by neighbours. The owner was never prosecuted in court, but did apply to a Lithuanian animal welfare organisation for help in getting her pet back. She told the organisation that she had brought the monkey to the UK because she knew that it was legal to keep monkeys here (whereas it is not permitted in Lithuania).<sup>13</sup>

14. This case suggests that the legal trade in primates in the UK can encourage illegal activity, and that breaches of existing legislation may not be taken seriously by enforcing authorities. Indeed, other cases have been documented in which DWA licences have been granted in retrospect, after primate owners who had neglected to obtain such licences had been brought to the attention of the authorities.

### Case 3

15. In 2012, 17 of the primates licensed under the DWAA were singletons; either the only primate kept under a given licence (the most common scenario), or licensed with species so distantly related that even if housed together, they'd be unlikely to provide healthy social stimulation (such pairings could even be dangerous). For example, East Lindsey District Council has for several years licensed a single vervet monkey alongside a small group of capuchin monkeys. Raised eyebrows in vervets signify a threat, whereas similar facial expressions in capuchins are friendly or sexual solicitations. Some singletons had been licensed for many years, pre-dating the Code or the AWA, yet others were newer, having been licensed subsequent to the introduction of the Code, which states clearly that primates must be kept in appropriate social groups.

### Case 4

16. Canterbury City Council issued licences under the DWAA for two capuchin monkeys in 2009 (the first year for which we hold such information), 2010 and 2011. In 2012 and 2013, one individual was licensed. When asked for a copy of the most recent inspection report, Wild Futures found that no veterinary inspection had taken place for at least ten years:

*“An authorised veterinary practitioner would have originally accompanied the inspecting officer at the first visit to grant the licence, but as the licence was first issued well over 10 years ago we no longer hold any paperwork relating to the report he would have submitted following his visit.*

Section 1 (5) of the Dangerous Wild Animals Act 1976 states that

*“a local authority shall not grant a licence under this Act unless a veterinary surgeon or veterinary practitioner authorised by the authority to do so under section 3 of this Act has inspected the premises... and the authority has received and considered a report by the surgeon or practitioner, containing such particulars as in the authority’s opinion enable it to decide whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there, and describing the condition of the premises and of any animal or thing found there.”*

Licences are not “renewed” under the DWAA; new licences must be applied for every two years. A veterinary inspection is required by law upon each application. Canterbury failed to fulfil this obligation for, in their words, “well over ten years”, instead relying on the judgement of their own inspector as to whether further assessment was required. Canterbury stated: “*We would also request a veterinary practitioner visit if we identified any concerns during subsequent renewal visits*”, yet even with the apparent passing of one of a pair of monkeys, leaving the remaining monkey without the company of any conspecific (a contravention of the requirements set out in the Code), no such concerns seem to have been identified.

17. Unlike the Plymouth case above, there is binding, primary legislation in place (DWAA), unambiguously requiring specific action by the relevant authority in order to protect the welfare of this animal. Yet despite Wild Futures' 2012 request for inspection reports, as of 2013, still no inspection had taken place. The monkey is apparently still kept in contravention of the conditions of the Code (and so most likely in violation of the AWA), and Canterbury's non-compliance with its legal obligations continues. Canterbury is not the only authority failing to ensure that veterinary inspections are conducted according to requirements; in response to the same query, Havant Borough Council replied: “*we do not have any veterinary reports for each yearly inspection. Our animal welfare and licensing warden does the inspections and if she has any doubts she contact the client's vet*”. After the 2012 request, 13 other responding authorities that had granted licences for primates under the DWAA failed to provide reports, either giving no explanation for the absence of a report, or stating that “no report was held”; and another three provided reports that were dated prior to 2010.

18. Veterinary inspection is no guarantee that a licensed primate will experience good welfare; one monkey now resident at our Sanctuary, who had been held in full compliance with the DWAA and for whom inspection reports were available, had been mis-identified as a male by her inspecting veterinarian, who also failed to identify serious, persistent abnormal behaviour and cheiloschisis in this individual, and near-blindness in one of her companions.

19. A veterinary report relating to a large collection of animals, including lemurs and squirrel monkey, in Chichester, stated there were “no infectious or contagious diseases particularly associated with the animals” in question. Yet the danger pet primates present to public health are significant and well-documented.<sup>14-16</sup>

### **Should people be allowed to keep primates as pets and if not, how might a ban be implemented?**

20. It has been recognised by governments, professionals, academics, veterinarians, and even primate owners that primates do not make good pets, due to inherent and substantial compromises to animal welfare, human safety,

and the conservation of nature.<sup>15,17,11,12,18,19,9,20,5</sup> The experiences of sanctuaries around the world attest to this unsuitability. There is no compelling evidence that primates can ever thrive in domestic settings, yet there is plenty of evidence that they cannot and that practices common within the trade (such as early weaning, social isolation, and inappropriate diet) are profoundly damaging.<sup>21–23</sup> Several objective scientific methodologies for determining the suitability of different animals as pets have independently identified primates as extremely difficult and unsuitable for keeping.<sup>24–26,19</sup>

21. There is no substantial benefit in allowing the trade and keeping of pet primates to continue, while ending these practices would protect primates, protect people, and in the long-run would be more economically feasible than to continue allowing a partially regulated trade.
22. Proponents of the trade have threatened that a ban would drive the trade underground and thus further compromise primate welfare. It is evident, however, that the trade is largely “underground” already. The current “sometimes you can, sometimes you can’t” legislation legitimises the keeping of primates as pets without offering any reliable form of protection from the well-intentioned ignorance typical of pet primate owners, government officials, and even some non-specialist veterinary practitioners.
23. A ban on the trade and keeping of pet primates would eliminate ambiguity, and would be economically more feasible than any attempt to enforce existing legislation, or to introduce stricter controls, such as a zoo-style licensing scheme. The latter would require major investment in administration, enforcement, and the services of primate specialists; the demand for resources would be perpetual. Under a ban, initial implementation would incur costs, but these would diminish and virtually disappear over time (as has been the case in Belgium in recent years).
24. The trade and keeping of primates as pets should be banned in the UK. Such bans have been successfully implemented elsewhere; for example in the Netherlands, Norway, Australia, and in various US states such as Massachusetts, where there is no evidence of any thriving underground trade, or of any particular economic (or other) hardship caused by such legislation. The state of Ohio has very recently begun to implement a ban on the sale, breeding and acquisition of certain exotic animals, in which current owners must register their ownership and will be allowed to keep existing animals for the duration of their lives.<sup>27</sup> Such a “grandfather” clause could help to protect legitimate sanctuaries in the UK. In 2009, Belgium introduced a “positive list” of the animal species that private individuals *may* keep – which has in effect, banned the keeping of most primate species. The details of the mechanism by which a ban should be implemented in the UK should be examined once the decision to implement a ban has been taken.

## Summary

25. There is evidence of a sizeable, growing trade in pet primates in the UK, which compromises primate welfare, human health and safety, and the

conservation of nature. That this trade is legal (although frequently conducted outside the law) legitimises activities that hold no significant benefit for people, yet demonstrably and inevitably cause significant harm to primates. Unlike dogs or cats, primates are undomesticated, wild animals that simply do not thrive in domestic settings.

26. Existing legislation does not and cannot adequately protect primates kept as pets in the UK. Their trade and keeping should be banned, as has been successfully done in other countries. A ban is the only effective means of protecting primate welfare, the only enforceable option, and economically, the most feasible option.

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