

## FURFree Inquest and the Legal Route

Charl Du Plessis and FURFree Inquest's attorney, Mr Earle Friedman, had the privilege of meeting with well-known advocate, Prof David Unterhalter SC on 1 December 2009. This was ultimately regarded as the first step in our quest for available means in terms of South African legislation in support of our cause.

The consultation headed to the understanding that various routes in law might be challenged in order to ensure the total demise of the national fur trade:

- *Constitution* – The failure of the Constitution of South Africa to directly refer to the rights of animals is unfortunate, however our 'Bill of Rights' contains a section which can be interpreted in a manner as to support our compassion with regards to the suffering of animals in the fur trade. The 'Bill of Rights' more specifically refers to every person's entitlement to an environment which is conducive to his or her wellbeing. The challenge is to gather, via research and study, the necessary evidence in order to submit proof of the fact that the mere essence of the fur trade and the resulting suffering constitute an infringement upon a person's dignity and is subsequently opposing our 'wellbeing'.
- *Proposed Act on the Prohibition of Trading in Fur Products* – Our coalition in Israel is currently in process of presenting a bill to their legislator (parliament) which could result in the possible promulgation of legislation with the aim to prohibit the trading in real fur products. In a South African context, the instigator (FURFree Inquest) needs to approach a Member of Parliament who would be willing to, based on a solid case, accept the task of conveying the cause to parliament and convincing the legislator to accept and promulgate such legislation.
- *Consumer Protection Act* – Legislation in this regard has recently been amended with a dramatic improvement in the broad rights of the consumer. In summary, the consumer has the right to be informed of the true content of clothing and other products containing real fur. The retailer is therefore, in broad terms, obliged to follow all necessary steps to ensure that the true basic content of the clothing is not in contradiction with the content being disclosed on the clothing label. The retailer might even be requested to disclose detail regarding his / her suppliers.
- *Customs & Excise Legislation* – In broad terms, compliance with customs legislation requires the importation enterprise to properly classify and describe all imported products. Again, the importer would find it difficult to argue innocence in the event of alleged 'faux fur' being verified and found to be emanating from animals. Australia has recently promulgated custom's legislation prohibiting the importation of cat and dog fur.
- *Animal Protection Act* – The primary aim of legislation in this regard is to protect animals, thus the objective is to ensure that animals are not being subject to cruelty, harm, abuse and prejudice. One could argue that a South African importer and / or retailer is party to

such harm, abuse and prejudice if the domestic entity is willingly or negligently trading in real fur products when overwhelming evidence exist that the subject animals have been exploited. Such importers of and / or retailers in fur products could be challenged and interdicted if evidence could be gathered and submitted on the abuse of the skinned animals.

FURFree Inquest is currently in process of drafting a document on the establishment of a committee. This committee would consist of FURFree Inquest members and experts. The committee shall serve, inter alia, the following functions:

- Research & study of relevant material on the abuse of animals in the fur industry.
- Accumulation and compiling of evidence and the building of a solid case.
- Communication with council on initial findings.
- Assisting council in the establishment of a final document to be submitted with parliament.
- Communication with a Member of Parliament (MP) / Minister.

Although we understand that the challenging of existing – and the establishment of new legislation may not necessarily be regarded as a short term project, we are positively adamant that the final accomplishment would justify the means.