

Animal Welfare Law

Code: 102285
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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Use of languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Jose Antonio Jimenez Buendia
Marine Celine Sophie Lercier

External teachers

David Favre Nancy Heathcote Professor of Property and Animal Law
Gloria Pérez Padilla, Jueza Decana de Sabadell
Irene Jiménez López, Master en Derecho Animal, Abogada
Iván Fructuoso, Letrado Jefe de los Juzgados de Sabadell

Prerequisites

Students should have sufficient knowledge of English (intermediate level) to be able to consult the materials indicated.

The Law, until relatively recently, has kept a reserve, if not absolute silence, attitude towards animals. For centuries, everything that had to be said about the legal status of animals and their role in social life has not changed substantially, except for the changes made in recent years to the Continental Codes and some Common Law legislation.

Since then, there have been only sporadic, but interesting, incursions into Animal Law and human-driven debates, which are always more pressing, than reflection on the integration of animals into social life and the legal system.

Objectives and Contextualisation

It is essentially a study about:

Animal Law in a global context

Animal Welfare Law in Europe and Common Law Countries

Policies for teaching animal law in various countries

Impact of the teaching of Animal Law on society

Integration of the teaching of Animal Law in the different phases of the teaching

Two concrete examples:

Teaching Animal Law in the Law Degree

Teaching Animal Law as a Professional and Scientific Master's Degree

Animals have been for law, from the traditional regulations that originate from Roman and medieval sources, things. Property that can be disposed of by the owner on the same terms as anything else. Civil coding only dealt with animals insofar as they may be the object of possession, ownership, contracts or sources of liability.

In this same period of time, the natural sciences have explained forcefully that animals are not just another thing in nature, but sentient beings with many elements in common with human beings, capable of feeling and suffering. The regulations, however, have not changed until the last years of the 20th century, when there was a growing social sensitivity.

These are the new rules that consider the protection of animals to be of interest, establishing rules that discipline human relations with them, but establishing, as a guideline, the interests of animals, giving them a more respectful and attentive treatment than the flat and uniform regulation of property in the Code, which would always have allowed the owner of a thing to dispose of its conservation and destruction, its suffering and its death.

This emerging field of law, such as the science of animal welfare applied to legal regulation, offers future lawyers, jurists and legal operators a unique platform for training in a discipline that combines legal technique with subjects that are essential for understanding the social and cultural context in which the new relationship between animals and law is manifested.

In this sense, it is included:

1.- History of the legal status of animals in primitive law, Roman law, medieval and modern Spanish law up to the Civil Code.

2.- The Civil Code: the status of animals as a simple "thing".

3.- The 20th century: from isolated animal welfare standards to the "Spanish Animal Welfare Law".

A.- Sporadic state norms and gradual growth at the local level (end of the 19th century to 1986);

B.- Incorporation into the European Union and parallel process of partial (still incomplete) incorporation into Council of Europe policies. Incorporation into other international institutions.

C.- Spanish law that was autonomous from European law in the second half of the 1990s: a) the exponential growth of autonomous law, starting with the Law of Catalonia of 1995; and b) Attempts at state law and principles created by administrative and judicial practice.

4.- The structural and content deficits of the "Spanish Animal Welfare Law".

A.- The lack of essential principles regulating the minimum of obligations towards pets.

B.- The denial of the Right of its symbolic value: greyhounds, wild pets, hunting of endangered species, public shows... and the lack of institutional and sociological support for this right.

C.- The articulation of the general principles of law created by Animal Welfare Law.

D.- The abandonment of civil law as the backbone of the guiding principles of law.

E.- Animal Welfare Law in the EU and Common Law countries

Skills

- Acquiring the basic knowledge from the several legal dogmas and presenting them in public.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Explaining the legislative reforms and jurisprudential changes.
- Identifying and solving problems.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Working in multidisciplinary and interdisciplinary fields.

Learning outcomes

1. Assessing the legal foundations and historical evolution of the animal welfare in Spain, in the European Union and in other not -European legal regimes (USA, Canada and Latin America).
2. Considering, reasoning and solving practical cases about legal patrimonial conflicts.
3. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
4. Identifying and solving problems.
5. Integrating the well-being of animals in the public health and food security, demands of a society exposed to new risks.
6. Placing the legal status of animals in the field of sustainable development.
7. Working in multidisciplinary and interdisciplinary fields.

Content

SYLLABUS

I. GENERAL FRAMEWORK:

1. Article 13 of the Treaty of Lisbon.
2. Animals in Codified Law.
3. Animals in Common Law countries.

II. EU-IBE REGULATION:

4. Production animals :

- a. Laying hens.
- b. Pigs.
- c. Dairy cows.
- d. Slaughter stunning directives.
- e. Directives on Animal Transport. Wild Fauna

1.5 . Wild Fauna

6. Experimental animals:

- a. European directives.
- b. The regulation applied in Spain

- c. Commitment to Bioethics
- d. The Ethics Committees
- 7. Animals in shows :
 - a. The decision of the French Constitutional Court.
 - b. ILP in Catalonia.
 - c. The transformation of circuses
 - d. Animal shows at the local level
- III. NOT REGULATED BY THE EU:
 - 8. Companion animals.
 - 9. Sale and domestic trade, except CITES.

Methodology

The lecturer's interventions will be in the form of an informative exhibition, from which individual and group participation will be encouraged. As this is a face-to-face course, at least 80% of the classes are compulsory. Very important: this course cannot be taken if the student is unable to attend class.

All this will be supported by the following didactic resources:

- Dossier of the summaries of the presentations in class, with the legislation to be consulted.
- Power point slides to illustrate the exhibitions.
- Informative and didactic videos.
- Presentation of practical cases.

Updated reference material to solve doubts or obtain additional information.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Masterclasses	22.5	0.9	5, 6, 1
Practical activities	22.5	0.9	3, 2, 4, 7
Type: Autonomous			
Study	100	4	3, 5, 2, 4, 6, 7, 1

Evaluation

The evaluation system combines the continuous evaluation of the practices and the resolution of a final exam.
1.1 Ongoing evaluation of the practices.

It requires compulsory attendance in the classes, the delivery of the 2 proposed practices and the resolution of the proposed evaluable activities in the classroom. Each of the written practices counts for 25% of the grade. The specific date or week of the evaluable activities will be published on the Virtual Campus before the start of the teaching, without prejudice to the fact that, exceptionally and for reasons of force majeure, these may be modified with sufficient notice and in advance.

1.2 Final examination

It will consist of a single, multiple-choice test of the entire content of the course, with a value of up to 50% of the final grade.

1.3 Re-evaluation.

Students who have participated in the continuous assessment and fail the final exam may reevaluate provided they have obtained a minimum score of 3 points at the final exam.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Continuous assessment of practices	50	3	0.12	3, 5, 2, 4, 7
Theoretical Classes	50	2	0.08	5, 6, 7, 1

Bibliography

BASICA

Ed. D. FAVRE y T. GIMÉNEZ-CANDELA, *Animales y Derecho. Animals and the Law* (Ed. Tirant lo Blanch, 2014)

The ICALP (International Center for Animal Law and Policy) website, www.derechoanimal.info and the Journal dA. *Derecho Animal* (Forum of Animal Law Studies <http://revistes.uab.cat/da>) will be a basic tool for reading, consulting materials, legislation, jurisprudence and updating. Students are therefore advised to consult it daily.