

Animal Welfare Law

Code: 102285
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

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

Other comments on languages

Materiales de lectura y consulta se pueden facilitar en inglés

Teachers

Laure Gisie

External teachers

David Favre Nancy Heathcote Professor of Property and Animal Law
Silvia Zanini

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.-El estatuto jurídico de los animales en el Derecho. Visión Global comparada.

2.- El Código Civil: el estatuto de los animales como simple "cosa" en el Civil Law y en el Common Law. Responsabilidad por actos geterinarios ncon animalesy protección. Tenencia y "Duty of Care"

3.- El siglo XX: de las normas aisladas de Bienestar Animal al "Derecho del Bienestar Animal" en la UE y en el ámbito Global.

A.- Animales de Compañía, Animales de Producción, Animales de Entretenimiento, Animales de experimentación, Animales en el Deporte. Caza

B.- Incorporación a la Unión Europea y proceso paralelo de incorporación parcial (todavía incompleta) a las políticas del Consejo de Europa. La incorporación a otras instituciones internacionales. OIE. EFSA. CITES

C.- El derecho español autónomo del europeo en la segunda mitad de la década de los noventa: a) el crecimiento exponencial del derecho autonómico, a partir de la Ley de Cataluña de 1995; y b) principios creados por la práctica administrativa y judicial. Competencia municipal en la protección animal

4.- El maltrato Animal y el deber del Estado de defensa de los vulnerables

A.- Animales en cautividad. Zoos, Acuarios. Santuarios y Habeas Corpus

B.- Peces, Acuicultura. Aves. Invertebrados

C.- Fauna Urbana. Animales silvestres.

D.- Los animales y la Cultura. Animales en la moda. Animales en las Fuerzas Armadas y en los conflictos bélicos

E.- Los movimientos de defensa y protección animal. Animal Advocacy

D. Terapias asistidas con animales. Animales en las catástrofes naturales. Epidemias y pandemias

Competences

- 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. Analysing the law subjected to the change of social, political and economic movements, which influence its evolution as a historical product.
2. 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).
3. Considering, reasoning and solving practical cases about legal patrimonial conflicts.
4. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
5. Identifying and solving problems.
6. Integrating the well-being of animals in the public health and food security, demands of a society exposed to new risks.
7. Placing the legal status of animals in the field of sustainable development.
8. Working in multidisciplinary and interdisciplinary fields.

Content

SYLLABUS

PROGRAMA ORIENTATIVO GENERAL

1. I. MARCO GENERAL:

1. El artículo 13 del Tratado de Lisboa.
2. Los animales en el Derecho Codificado.
3. Los animales en los países del Common Law. Global Law
4. La protección de los vulnerables. Maltrato animal y competencias del Estado, CCAA. Municipios

II. REGULACIÓN EN EL MARCO DE LA UE y OIE:

1. 4. Animales de producción :
 1. a. Gallinas ponedoras.
 2. b. Cerdos.
 3. c. Vacas lecheras.
 4. d. Peces. Acuicultura
 5. e. Aves. Migración
 6. f. Directivas aturdimiento en el sacrificio.
 7. g. Directivas sobre Transporte de Animales.

1.5 . Fauna Silvestre y Fauna urbana. Caza. Animales en Cautividad. Santuarios y Habeas Corpus

1. 6. Animales de experimentación:
 1. a. Directivas europeas.
 2. b. La regulación aplicada en España
 3. c. El compromiso con la Bioética
 4. d. Los Comités Éticos

1. 7. Animales en espectáculos
 1. a. La decisión de la Corte Constitucional Francesa.
 2. b. ILP en Cataluña.
 3. c. La transformación de los circos
 4. d. Los espectáculos con animales en ámbito local
 5. e. Animales en la Cultura, Moda. Deporte. Caza

III. NO REGULADO POR LA UE:

1. 8. Animales de compañía.
2. 9. Venta y comercio interior, salvo CITES.

IV. Terapias asistidas con animales. Animales en las Fueras Armadas y conflictos bélicos. Animales en catástrofes naturales. Epidemias y pandemias

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	6, 7, 2
Practical activities	22.5	0.9	4, 3, 5, 8
Type: Autonomous			
Study	100	4	4, 6, 3, 5, 7, 8, 2

Assessment

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.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Continuous assessment of practices	50	3	0.12	4, 6, 3, 5, 8
Theoretical Classes	50	2	0.08	1, 4, 6, 3, 5, 7, 8, 2

Bibliography

BASICA

M. GIMÉNEZ-CANDELA, Transición Animal en España (Tirant lo Blanch. Valencia 2019)

M. GIMÉNEZ-CANDELA Y R. CERSOSIMO, La Enseñanza del Derecho Animal (Tirant lo Blanch, Valencia 2020)

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

RECOMENDADA

Para cada módulo, se recomienda a los alumnos una lista de lecturas, que les ayudarán a una mejor comprensión de todo el Programa.

Se recomienda consultar la revista del ICALP (International Center for Animal Law and Policy), dA.Derecho Animal (Forum of Animal Law Studies) que es una revista OJS, indexada, donde se encuentran artículos, Comentarios de sentencia, legislación comentada y actualizaciónh del régimen jurídico de los animales en el ámbito tanto nacional como global <https://revistes.uab.cat/da/index>

La web del ICALP (International Center for Animal Law and Policy), www.derechoanimal.info y la revista dA. Derecho Animal (Forum of Animal Law Studies <http://revistes.uab.cat/da>) será un instrumento básico de lecturas, consulta de materiales, legislación, jurisprudencia y puesta al día. Por lo que se recomienda a los Alumnos consultarla a diario.