

**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**

Teresa Giménez Candela  
Miryam Olivera Oliva  
Martina Pluda  
Laure Gisie  
Bo Li

**External teachers**

David Favre Nancy Heathcote Professor of Property and Animal Law

**Prerequisites**

Teaching is presential and class attendance is obligatory.

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.-The legal status of animals in law. Comparative overview.

2.- The Civil Code: the status of animals as a simple "thing" in Civil Law and Common Law. Liability for veterinary acts with animals and protection. Possession and "Duty of Care".

3.- The 20th century: from isolated Animal Welfare rules to "Animal Welfare Law" in the EU and globally.

A.- Companion Animals, Production Animals, Entertainment Animals, Experimental Animals, Animals in Sport. Hunting

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

C.- Spanish law, autonomous from European law in the second half of the nineties: a) the exponential growth of autonomous law, starting with the 1995 Law of Catalonia; and b) principles created by administrative and judicial practice. Municipal competence in animal protection

4- Animal maltreatment and the State's duty to defend the vulnerable.

A.- Animals in captivity. Zoos, Aquariums. Sanctuaries and Habeas Corpus

B.- Fish, Aquaculture. Birds. Invertebrates

C.- Urban Fauna. Wild animals.

D.- Animals and Culture. Animals in fashion. Animals in the Armed Forces and in warlike conflicts.

E.- Animal defence and protection movements. Animal Advocacy

D. Animal-assisted therapies. Animals in natural disasters. Epidemics and pandemics

## 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. Identifying the roots of global law.
7. Integrating the well-being of animals in the public health and food security, demands of a society exposed to new risks.
8. Placing the legal status of animals in the field of sustainable development.
9. Working in multidisciplinary and interdisciplinary fields.

## Content

### GENERAL INDICATIVE PROGRAMME

#### I. GENERAL FRAMEWORK:

1. Article 13 of the Lisbon Treaty.
2. Animals in the Codified Law.
3. Animals in Common Law countries. Global Law
4. Protection of the vulnerable. Animal abuse and competences of the State, Autonomous Communities. Municipalities

## II. REGULATION IN THE FRAMEWORK OF THE EU and OIE:

### 4. Production animals:

- a. Laying hens.
- b. Pigs.
- c. Dairy cows.
- d. Fish. Aquaculture
- e. Birds. Migration
- f. Stunning at slaughter directives.
- g. Animal Transport Directives.

### 5. Wildlife and Urban Wildlife. Hunting. Animals in Captivity. Sanctuaries and Habeas Corpus

### 6. Experimental animals:

- a. European Directives.
- b. The regulation applied in Spain
- c. Commitment to Bioethics
- d. Ethics Committees

### 7. Animals in entertainment

- a. The decision of the French Constitutional Court.
- b. ILP in Catalonia.
- c. The transformation of circuses
- d. Animal shows at local level
- e. Animals in Culture, Fashion. Sport. Hunting

## III. NOT REGULATED BY THE EU:

8. Animals for pets.
9. Sale and domestic trade, except CITES.

IV. Animal-assisted therapies. Animals in the Armed Forces and armed conflicts. Animals in natural disasters. Epidemics and pandemics

## **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.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## **Activities**

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Masterclasses	22.5	0.9	7, 8, 2
Practical activities	22.5	0.9	4, 3, 5, 9
Type: Autonomous			
Study	100	4	4, 7, 3, 5, 8, 9, 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.

For the continuous assessment, students must obtain a minimum score of 3 points in the final exam in order to be able to average it with the final mark obtained in the two evaluable practicals.

### 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.

Warning: A student who cheats or tries to cheat in an exam will be given a 0. A student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 and will receive a warning.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Continuous assessment of practices	50	3	0.12	4, 7, 3, 5, 9
Theoretical Classes	50	2	0.08	1, 4, 6, 7, 3, 5, 8, 9, 2

## Bibliography

### BASIC

M. GIMÉNEZ-CANDELA, *Transición Animal en España* (Tirant lo Blanch. Valencia 2019) - **Available at the UAB digital library**

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)

The ICALP dossier on the legal status of animals:

<https://www.derechoanimal.info/es/icalp/actividades/2021/el-icalp-favor-de-la-descosificacion-juridica-de-los-anir>

### RECOMMENDED

For each module, students are recommended a reading list, which will help them to better understand the whole programme.

It is recommended to consult the ICALP (International Center for Animal Law and Policy) review, dA.Derecho Animal (Forum of Animal Law Studies) which is an OJS review, indexed, where you can find articles, comments on judgments, annotated legislation and updates on the legal regime of animals both nationally and globally <https://revistes.uab.cat/da/index>.

The website of ICALP (International Center for Animal Law and Policy), [www.derechoanimal.info](http://www.derechoanimal.info) and the review 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. It is therefore recommended that students consult it on a daily basis.

### **Software**

The subject does not require any specific software.