

Animal Welfare Law

Code: 102285
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	2

Contact

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Use of Languages

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

Other comments on languages

Materiales de lectura y consulta se pueden facilitar en inglés

Teachers

Marine Celine Sophie Lercier

Prerequisites

Teaching is face-to-face and class attendance is compulsory.

That students have sufficient knowledge of English (intermediate level) to be able to consult the materials indicated to them.

Undoubtedly, the enactment of Law 17/2021, of 15 December, amending the Civil Code, the Mortgage Law and the Civil Procedure Act, on the legal regime of animals is an important turning point in this matter.

The reform of the legal regime of the animals in the Spanish Civil Code follows the lines that have marked other near legal orders, that have modified their Civil Codes to adapt them to the greater social sensitivity towards the animals existing in our days, and also to recognize their quality of sentient beings endowed with sensitivity.

On the other hand, Article 13 of the Treaty on the Functioning of the European Union required states to comply with animal welfare requirements as "sentient beings".

With the new regulation, art. 333, establishes "all things that are or may be the object of appropriation are considered movable or immovable property", but it is specified that animals are living beings endowed with sensitivity, which does not exclude that in certain aspects additionally apply the legal regime of the goods or things.

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: 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			
Assessment	5	0.2	1, 4, 3, 5, 8
Study	95	3.8	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

For each module, students will be recommended to read readings appropriate to the syllabus. It is also suggested that students consult the ICALP (International Center for Animal Law and Policy) journal, dA.Derecho Animal (Forum of Animal Law Studies) and dA.Derecho Animal (Forum of Animal Law Studies).

Software

The subject does not require any specific software.