

Animal Welfare Law

Code: 102285
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	2

Contact

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

External teachers

Es determinaran en breu

Prerequisites

Teaching is face-to-face and class attendance is compulsory in continuous assessment

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 and its origins

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

Teaching Animal Law in the Law Degree

Animals have been for the 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 ORIENTATION PROGRAM

1.-Animals and Law: Key Concepts

2.-Historical evolution of animals in law I

(beginning of dual treatment)

3.-Historical evolution of animals in Law II

(animals in the Middle Ages and modernity)

4.-Historical evolution of animals in Law III

(animals in contemporary law)

5.-Animals and administrative regulation

(production, research, hunting)

- 6.-Animals in Autonomous Community Law
- 7.-Animals and Civil Law
(responsible keeping and Law 17/2021)
- 8.-Animals and Criminal Law
- 9.-Wild Fauna
- 10.-Animals and International Law: International Treaties and EU Regulation
- 11.-Practical aspects: Administrative, Civil and Penal Law

Methodology

The lecturer's interventions will be in the form of an informative exhibition, from which individual and group participation will be encouraged.

All this may 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

Course evaluation

There are two assessment models: continuous assessment and single assessment.

In the continuous assessment, attendance at the directed activities (classes and practices) is compulsory.

In the single assessment, attendance in theory and practical classes is not required, only the evaluable tests.

1.- Continuous assessment:

Students must attend the directed activities (lectures and seminars). They will have to complete the 2 proposed practices and solve the proposed evaluable activities in the classroom. Each of the written practices counts for 25% of the mark.

The specific date or week of the evaluable activities will be published on the Virtual Campus before the start of the course, without prejudice that, exceptionally and for reasons of force majeure, these may, with sufficient notice, be modified.

Students may benefit from supervised activities (tutorials) both individually and in groups.

The final mark of the course if this system is followed is obtained from the grade of the 2 evaluable written assignments that the student has to do throughout the course, as well as from the mark of the final exam.

1.1- Practices (50% of the final mark)

There are two examinable practical or written assignments. Each one counts for 25% of the final mark for the course and takes place on dates that have been previously notified.

The practice that has not been carried out will have 0 points.

1.2 - Final exam (50% of the final mark)

It will consist of a single exam, in the form of a test, of all the content of the course, which will be worth 50% of the final mark.

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

Details of the multiple-choice test, such as the number of questions or the penalties for incorrect answers, will be published on the virtual campus.

1.3 Re-evaluation of the course.

Students who have failed the course, i.e. the average of the two evaluable practices and the test (final exam) is a fail, may take a re-evaluation exam provided that they have taken the two evaluable written practices (even if they have not passed).

The type of exam and the conditions are published on the virtual campus. The final grade of this exam will be the final grade of the course.

2. Single assessment.

In the single assessment, students do not have to attend the directed activities (theory classes and seminars).

The single assessment must be requested within the deadlines and in the form established by the Faculty and implies the renunciation of continuous assessment.

This means that the assessment is concentrated on a single date, despite the fact that various types of tests must be taken and the same number of pieces of evidence as for continuous assessment.

Specifically, there will be three tests, two of a practical nature and an exam with the same characteristics as the continuous assessment.

Each of the two practical tests will be worth 25% and the theory exam 50%.

The same re-evaluation system will be applied for continuous assessment.

Students who request a single assessment can make use of the supervised activities (tutorials) with the teaching staff on an individual or group basis.

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.

Software

The subject does not require any specific software.