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An Unstoppable Movement

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2014 – the year that we leave behind us – confirms what can be termed as ‘an unstoppable movement, which is the determined sensitization towards animal mistreatment in the world and, as it is of no other world, of Spain also.

The work being done by many citizens of society, humanitarian organisations, politics, and now from the University (and the UAB above all (www.derechoanimal.info), has translated into a series of results and efforts that stimulate us to keep moving forward and await 2015, which, as is starting to become a tendency, consolidates an achievement that uproots systematic animal mistreatment as we globally advance in empathy and compassion towards animals. It is one of the challenges before the law.

A quick review of what has occurred in 2014 allows a justified optimism. In May 2014, the WTO (World Trade Organisation) took a step forward by ratifying the EU law to [prohibit the sale of products derived from seal hunting](#), which sent an important message to countries like Canada and the USA, which are still reluctant to place clear limits on its anti animal cruelty legislation.[1]

The prohibition of experimenting on animals in the cosmetic industry, which entails the prohibition of experimenting on animals with cosmetic products and moreover, the prohibition of the sale of cosmetic products tested on animals, and has been the subject of detailed EU legislation –and at last has finally been accepted by Spain –, [2] has extended to countries like [India](#) and [Israel](#). These measures represent the closure of a potential market of 1.7 million people for these products. China has also started to examine some clearly obsolete legislation in terms of animal testing, which we hope will end it later in 2015.

In March, [the International Court of Justice announced itself against whale hunting undertaken by Japan](#), arguing that this practice violates the International Convention on the regulation of commercial whale hunting. The news had a large media impact and in September the meeting of the [International Whaling Commission](#), held in Slovenia, [voted by majority in favour of a resolution that would review the standards on the need for whale hunting](#) and increase them in a way that would restrict what in actuality is nothing more than an ambiguous regulation.

One of the great achievements at a global level, with great repercussions in the food industry, has been the adoption of the [prohibition of gestation crates](#), of which the EU has been a pioneer, and was applied in Spain in January 2013.[3] Effectively, Canada, India and [Brazil](#) have promised to review the regulation relating to gestating pigs and to match their standards with those firmly established by the EU.

The year is also closing with two big pieces of news, one of which is [the prohibition of circuses with animals in Mexico](#), which does nothing but confirm the determined position

of Mexico against animal mistreatment. This happened in December, at which time we put out news about it, and it was happily confirmed a few months later.[4]

The other great piece of news was [the granting of Habeas Corpus for Sandra](#) the orangutan, whose defence was undertaken by the [AFADA Association](#). The reach of this concession, and whether the recognition of Sandra as a ‘living being with cognitive capabilities’ will amount to an anchor for the legal recognition of animal interests through effective legislation of a similar kind, remain to be seen.

In this sense, the French Assembly made a declaration of undeniable importance relating to the recognition of animals as sentient beings endowed with sensibility ("[êtres vivants doués de sensibilité](#)"). However, this declaration has left a bittersweet taste, as after three works realised by the French Senate in the last trimester of 2013,[5] it should have been more ambitious and from a perspective more adapted to the changes in the Constitution of the Republic and the Civil Code, as demanded by both the intellectual and social parts of the French community.[6]

Lastly, and in reference to Spain, the approval of governmental regulatory legislation on the tendency and trade of companion animals is still pending. It is clear that there have been many enquiries about moving forward in this sought after and necessary legislation about which little is known at this moment, but in the way it relates to social sensitivity, Spain has taken important steps towards change during these months that are now behind us. The case of ‘Excalibur’ was demonstrative not only of greater empathy and respect for animals, but also of the application, without problems, of [the new regulations that permit animals on the Barcelona Metro](#), promoted by Barcelona City Hall in collaboration with the [SGR Group of the UAB](#), which are starting to have [effect in other cities like Madrid](#), which we hope will be normalised without delay. In the same sense, the social protests against bloody shows with animals (bullfighting aside) have been the general theme of the summer months.[7]

This is just a brief sample of what animals are beginning to mean for society, the awakening of an awareness of empathy that does not tolerate the mistreatment of these life companions. For them, we will start this New Year in the hope that these reforms be consolidated and that we continue to move forward towards respect and protection for animals.

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[1] Vid. the first news published by S.BRELS, [Chasse aux foques à l'OMC: Bien-être animal et moralité publique en débat; Scoop de 2013: l'OMC devient pro-bien-être-animal; La OMC avala la prohibición de la UE sobre la comercialización de los productos de foca](#)

[2] We have published articles, case commentaries and documents, as well as supervised investigation projects (TFM) form the Master in Animal Law in Society on this topic on the website, as here I only mention the title of one example,

but interested readers can find the entire Works by searching 'experimentation' in the website search bar. Cfr. [P.VERGARA, Nueva legislación sobre los animales utilizados en experimentación](#); [K.HESSLER, Philosophical Foundations and Animals in Testing: Concerns and Consequences](#); [M. Giménez-Candela, Cosmética y Experimentación en Animales](#); A.Mulà, [Experimentación con animales: Sentencia del Tribunal Superior de Justicia de Cataluña nº315 de 31.1.2006](#); Conferencia: [Il Diritto dei Cosmetici. Regolazione, responsabilità, Bioetica](#); M. BERGÈRE, [Comentario sobre el libro de Georges Chapouthier y Françoise Tritani-Potteaux, Le Chercheur et la Souris \(Paris 2013\)](#) ; M. González Lacabex, [La ciencia también de su lado](#); M. Pumarola, [Animals e Investigació en Neuropatología Veterinaria](#); F. RESCIGNO, [El Derecho de los Cosméticos. Responsabilidad, Bioética](#); E. MIRAS LARA, [Análisis legislativo estatal sobre protección de los animales utilizados en experimentación y otros fines científicos](#).

[3] GIMÉNEZ-CANDELA, T., [Más espacio es las granjas de cerdos](#)

[4] Vid. E.MONTERO ROMERO, [Comentario respecto a la prohibición de circos con animales en México: debate social y propuestas legales](#)

[5] Vid. M. GIMÉNEZ-CANDELA, [A cara descubierta en favor de los animales, Francia, el Code civil y la Constitución](#)

[6] T.AUFFRET VAN DER KEMP, Statut juridique de l'animal: quoi de neuf, en Droit Animal, Éthique et Sciences, Octobre 2014, nº 83, p.9s.

[7] Vid. M. GIMÉNEZ-CANDELA, [La gran burrada](#)