

Animal Law in 2015

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From a legal standpoint, 2015 has been a good year for animals. As I pointed out in my 2014 annual report, we are before an [“unstoppable tendency”](#), in the sense that the Law has evidently begun to position itself in favour of animals.

One of the most relevant developments was [France’s modernisation of its Civil Code in March of 2015](#), which eliminated animals from the category of things in property, typical of all the European and Latin-American Codifications since Roman Law. In the new revision of article 514-15[1], animals are recognised as “living beings endowed with sentience” (êtres vivants doués de sensibilité), in accordance with the declaration made in 2009 by art. 13 of the TFEU that, with all its limitations, obliges all Member States of the EU[2] to match their internal legislation with the standard established by Science, to the effect that animals are “sentient beings” and not moveable things.[3]

Of equal importance is the change that came about in Colombia on 2nd December. The Colombian Congress approved the Legal Proposal number 172 that reforms Colombia’s National Statute of Animal Protection (Law 84 of 1989), its Civil Code, its Criminal Code and its Civil Procedure. In essence, it affords animals the legal status of sentient beings in the Civil Code, which punishes animal cruelty as a crime, and applies the principles of animal protection to all species. The reform signifies a before and an after in the history of Latin-American Codes[4] that will without doubt encourage changes in other countries on the American continent.

Quebec and New Zealand also made declarations along the lines of accepting the scientific standard of animal sentience as a foundation for regulating their welfare, and for redefining their legal status. Regarding Quebec, Professor Martine Lachance announced a while ago that animal suffering was one of the questions that Canadian society, and particularly its legal sphere, was putting up for debate.[5] The relevant news is that Quebec legally established (Bill 540) that “animals are not things. They are sentient beings and have biological needs”. It is very interesting that, since [Professor Lachance](#) began to reveal the desire of a large part of Canadian society to change the legal status of animals, it only took four years to bring about this change - a long time if one thinks of the desire that stimulate these investigations and the public policies necessary to achieve it, but little time when compared with other countries that continue to demand the change, for example Spain.

On the 5th May 2015 the Parliament of New Zealand unanimously passed the [Welfare Amendment Act \(No. 2\) 2015](#), which includes, as the main development, an amendment to the title dedicated to Animal Welfare in the corresponding law of 1999 (Animal Welfare Act 1999), by which it explicitly recognises that animals are sentient beings, and details a wide corollary of measures aimed at applying sentience criteria in respect to animals, such as the responsibility of owners and tenants of animals to ensure

that they live according to their biological needs; the establishment of protocols of preventative actions of cruelty and mistreatment in industry and in the transport of animals; and the creation of two state bodies entrusted with ensuring compliance with the new law (the National Animal Welfare Advisory Committee, and the National Animal Ethics Advisory Committee). New Zealand, however, is a country of great contrast in terms of animal protection; the important reform to which I have referred coexists with cruel methods of extermination for animals considered to be pests.

This year, Italy has produced three great examples of definite progress in Animal Law:

- firstly, the closing of “Green Hill” - the Beagle shelter used for experimentation - through a series of historic sentences declared on 23rd January by the Criminal Tribunal of Brescia; following the complaint presented by the Italian NGO LAV (www.lav.it). Lawyer Carla Campanero (and Professor of Master in Animal Law at UAB) took charge of discussing the sentence, [which has been published on our page](#) and, is worth being re-read and reviewed for the way it condemned the President, the Director and the veterinarian of “Green Hill” for cruelty and the illegal slaughter of animals - an exemplary sentence applying the tough Italian animal experimentation law.

- Secondly, the Rimini Dolphinaria closure in February 2015, following complaints by LAV (www.lav.it) and the Born Free Foundation after repeated accusations of abuse and mistreatment of the dolphins used in the shows. In actual fact, by 2013 [four dolphins had already been confiscated from the Rimini Dolphinaria](#), which constituted nothing more than the announcement of the latest closure of the establishment, which released a great wave of closures of similar establishments throughout Italy.

- Thirdly, in October 2015 the Health Minister decided to close the “Italcarni di Ghedi” slaughterhouse in the province of Brescia following an affirmation of cruelty due to the ways in which cows were treated by employees in installations, and for the conditions in which meat was handled due to it being exposed to all types of infection. As expected, the closure of the slaughterhouse triggered an enormous reaction from the meat industry lobbies, but has served as a serious warning about the power that social platforms can exercise in favour of animal defence.

In Spain we have witnessed a notable increase in the sentences pronounced by our Courts, as we highlight on a monthly basis in two sections of our website: “Legislative Updates” and “News from the Courts”, under the co-responsibility of Doctorate candidate Cristina Bécares and lawyer María González[6], who, together with Irene Jiménez López and Irene García, carry out an unprecedented work of selection and edition in the Spanish legal panorama on the topic of Animal Law.

On top of this, it is worth highlighting the [prohibition in Catalonia of the use of wild animals in circuses](#). Catalonia adopting this measure in the [Law 22/2015 of 29th July, modifying article 6 of the text referring to the Animal protection Law](#), resulted from a well-organised campaign by such renowned organisations as Libera and the Franz Weber Foundation, as well as of the progressive adoption of measures that ensure better protection of animals. However, there remain shows in Catalonia, such as the “correbaus”, or activities such as the hunt in “parany”, which embrace the tradition to subsist, at least for the moment, and so as to justify activities in which animal cruelty is evident.

Aside from this, circuses with animals are disappearing from Spanish towns and cities, as reflected by the public list on the [infocircos website](#). In this sense, the recommendations made by many European veterinarians, and especially by the [British Veterinary Association](#), have been of great interest, in the way they warn about the impossibility of preserving the welfare of animals that are used in circus shows.

Most importantly for Spain was the passing of the Criminal Code reform by the Organic Law 1/2015, of 30th March. The reform, which has been thoroughly discussed on this site by specialists [Requejo Conde](#), [Ríos Corbacho](#) and [Menéndez de Llano](#), has introduced important changes in animal protection. Among the aspects worth highlighting are the strengthening of sentences for abuse, the extension of the disqualification of tenancy for animal abusers, the conversion of abandonment from an offence to an alleviated crime of mistreatment, the introduction of zoophilia as a crime of animal abuse and, above all, the change in perspective regarding the criminal nature of mistreatment that brings animals suffering to the forefront.

One piece of evidence for the Criminal Code reform making an improvement in animal protection possible is the pioneering sentence in Spain by a judge from Palma, condemning and imprisoning the perpetrator for beating to death the horse named Sorky das Pont. The sentence has been excellently discussed on our website by lawyer [Manuel Domínguez](#). It is true that, only one day after lawyer Manuel Domínguez participated in the 6th session of the “Animal Debates” at the UAB, the news that the sentence had been revoked and the abuser was again in the streets left us with a bittersweet taste, but with the certainty that the sentence of Palma de Mallorca has signalled a point of no return.

Similarly to this, social protest against the bullfights and rejections of the [“Toro de la Vega”](#) have grown all across Spain. It is a clear change of social attitude, which I do not doubt will stimulate legislative changes as much in the Civil Code as in the Spanish Constitution. It is true that the means of communication do not yet echo these demands, and that they may seem minor, but, in my opinion, it is merely the appearance of the tranquil lake before the storm.

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[1] [Loi 2015-177, du 16 février 2015, relative à la modernisation et à la simplification du droit et des procédures dans les domaines de la justice et des affaires intérieures.](#)

[2] In the first volumen of the "Animales y Derecho" collection by the Tirant lo Blanch editorial (Valencia 2015), I refer to the relevant articles of ALONSO, E., El art. 13 del TFUE: los animales como seres sensibles ("sentientes"), a la luz de la Jurisprudencia del Tribunal de Justicia de la Unión Europea, op.cit. 17ss.; y WARTENBERG, M., Art. 13 Lisbon Treaty/TFUE-Historical, Constitutional and Legal Aspects, op.cit. 353ss.

[3] Broadly about this topic, GIMÉNEZ-CANDELA, T., Estatuto jurídico de los Animales: Aspectos Comparados, in El Derecho de los Animales (Barcelona 2015) 149ss.; and An Overview of spanish Animal Law, in Animals and the Law (Valencia 2015) 211ss.

[4] On the history of the reform, CONTRERAS, C., Régimen jurídico de los Animales en Latinoamérica, El Derecho de los Animales (Barcelona 2015) 185ss.

[5] LACHANCE, M., Animals as Sentient Beings: are we concerned by Animal Suffering in Canada?, in "Animales y Derecho" (Valencia 2015) 275ss.

[6] BÉCARES, C. and GONZÁLEZ, M., Avances y retos del Derecho Animal en España, in “El derecho de los Animales” (Madrid 2015) 245ss