

DECLARATION OF ANIMAL RIGHTS AND FREEDOMS

Proposal by Dr. Birgitta Wahlberg for the GAL Project -Last Rev. Feb.10, 2015.
Approved by other Steering Committee members A. Bruce, T. Kelch and J.-M. Neumann

Declaration Proposal and Program of Action

Global Animal Law (GAL) Project

The life of Animals and their fundamental rights and freedoms are the birthright of all living beings.

Fundamental animal rights and freedoms shall be recognized by law both on a constitutional level and in domestic or state legislation.

The protection and promotion of Animals' lives and their fundamental rights and freedoms is the responsibility of every human being and Government.

1. Definitions:

"Animals" means all non human live vertebrate and invertebrate animals;

"Wild animals" means animals living in freedom in nature outside the control of humans;

"Animals depending on care from humans" means domesticated animals raised by humans for their use and/or companionship as well as wild animals temporarily held in captivity;

"Fundamental Animal Rights and Freedoms" means those rights and freedoms set out in the Section 4 of this Declaration and Program of Action.

2. Basic Principles

The Declaration and Program of Action called "Animal Rights and Freedoms" is based on two principles:

2.1. The *Principle of Necessity*; and

2.2. The *Principle of Precaution*.

2.1: The *Principle of Necessity* means that before animals (defined above) can be used for human purposes, the following cumulative criteria must be satisfied:

- a) The use is necessary for the survival of humans, nonhumans or the environment;
- b) The use does not harm or restrict animals' natural physiological, mental and/or behavioral needs in a negative sense for the animal; and
- c) The use does not harm the welfare or health of an animal.

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2.2 The *Principle of Precaution* means that if the use, practice or action, involving an animal or animals, either actually or likely to cause harm and/or to restrict the animal's natural physiological, mental, behavioral needs and interests in a negative sense, this use, practice or action, should be prohibited and immediately stopped. Steps should then be taken to ensure that the fundamental animal rights and freedoms established in law, should be immediately restored to the animal or animals.

3. Legal Personhood

Animal rights and freedoms is based on recognition of animals as legal persons. There is no need to identify animals as 'natural persons' as human beings because they are not humans, but there certainly is a need to recognize them as legal persons per se. The category of legal personhood may be, for instance, be called either "*nonhuman persons*" or "*nonhuman living beings*".

The recognition shall be resting on the content of the interest of *living beings*, meaning that there is a mental comprehension of all living beings interest to live and survive. Furthermore, in accordance with the general, current understanding and (scientific) knowledge of animals, humans have certain duties and responsibilities towards all living beings.

In summary, it shall mean and require human understanding and compliance of the following basic assertions:

- 1) Human interests cannot generally and systematically violate the fundamental interests of the animals;
- 2) The demands in the law are based on nonviolence towards animals;
- 3) Human behaviour is to be redirected by law into coexistence and action excluding any abusive keeping or treatment of Animals.

4. Fundamental Animal Rights and Freedoms

The fundamental animal rights and freedoms are:

4.1. Wild animals:

- Have the right to live in freedom in their habitat.
- Have the right to be helped if the animal is sick, injured or otherwise in a helpless state.

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- Have the right to not be killed, except in the case where the state of the animal is such that keeping it alive would represent obvious cruelty, and provided that such killing is carried out in accordance with the applicable law.

4.2. Animals depending on care from humans:

- Have the right to suitable feed in sufficient quantities to maintain full health and welfare;
- Have the right to ready access to fresh water or other drink;
- Have the right to appropriate environment including shelter and a comfortable resting area;
- Have the right to obtain appropriate care by prevention, rapid diagnosis and treatment;
- Have the right to express normal and natural behavior, needs and interests. This right is including, depending of the animal species, the right to live alone or with company of the animal's own kind;
- Have the right to experience and express positive feelings;
- Have the right to be protected by every human being and Government from fear, pain and distress by ensuring conditions and treatment which avoid physical or mental suffering;
- Have the right to not be killed excepted in the case where the state of the animal is such that keeping it alive would represent obvious cruelty to it and provided such killing is carried out in accordance with the applicable law.

5. Comments

There can (and will) be situations where ‘human rights’ and ‘animal rights’ collide and impinge each other. Undoubtedly, part of the understanding is that viable collisions do not mean that ‘animal rights’ should not be legislated or that they always has to abdicate in front of humans. The weighing of human-animal interests have to be based on proportionality, but it should not violet the fundamental rights and principles presented above. **Instead of to debate and argue for - or against - rights or regulation, we should take the discussion and the content of animal law into a new era.**