

DECLARATION OF ANIMAL RIGHTS AND FREEDOMS  
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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 and sentient 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 are the responsibility of every human being and Government.*

**1. Definitions**

"Animals" means all nonhuman 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*

*2.2. The Principle of Precaution.*

**2.1 The Principle of Necessity means** that before animals (defined above) can be used or killed by humans, the following cumulative criteria must be satisfied:

**2.1.1. Use of animals:**

- i) The use is required for the survival of humans.
- ii) The use does not harm or restrict animals' natural physiological, mental and/or behavioral needs in a negative sense for the animal.
- iii) The use does not harm the welfare or health of an animal.

### **2.1.2 Killing of animals:**

- i) The killing is necessary and there is no other reasonable means available to avoid said killing in order to protect the life or health or survival of humans, nonhumans or a specie in nature or the environment.
- ii) The killing is carried out in accordance with the applicable law and in a way that the animal/animals is not caused suffering.

## **2.2 Principle of Precaution**

The Principle of Precaution means that if the use, practice or action, involving an animal or animals, is 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.

## **2.3 Legal Subjecthood**

Animal rights and freedoms are based on recognition of animals' legal subjectivity. This category of subjects shall be referred to as "nonhuman subjects".

This 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 requires human understanding and compliance with the following basic assertions:

- 1) Human interests cannot violate the fundamental interests of animals except if the cumulative criteria of the Principle of Necessity is satisfied.

- 2) The demands in 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.

### **3. Fundamental Animal Rights and Freedoms**

The fundamental animal rights and freedoms are as follows:

#### **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.

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, or that the killing is made as an action of self-defense.

#### **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 animals 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 to 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.

#### **4. General 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 collisions do not mean that the rights of animals should not be legislated or that they are always subordinate to those of humans. The weighing of human-animal interests has to be based on proportionality, which means that an action must be limited to what is necessary to achieve the aim pursued, but it should not ever violate the fundamental rights and freedoms presented above.