

ANIMAL JUSTICE UK

VOLUME 7 | DECEMBER 2019

HUMANE EDUCATION

Hannah Wade discusses her research into the important area of humane education

VOLUNTEERING

Tom Gooch recounts his time volunteering for Orangutan Appeal UK

CECELIA MOOT

A-law Student Coordinator, Sam Groom, explains how he set up the UK's first animal law moot

AJUK INVESTIGATES

Brydie Hand explores why climate change is an animal justice issue, too

INTERVIEW: ANTOINE GOETSCHEL



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WELCOME

Welcome to the latest edition of Animal Justice UK, A-law's eMagazine for students with an interest in animal law and policy.

I am delighted to welcome to the Editorial Team Stuart Smith, who will be providing Editorial Assistance. Stuart holds a BSc in Earth, Energy, Environmental Science and recently completed a Masters in Broadcast Journalism at City, University of London. I look forward to working with Stuart and would like to thank him for his help with this edition.

This is another packed edition of AJUK and we have a real diversity of pieces this time around. As well as our usual articles and investigative piece, we also have a selection of personal accounts from students who have been doing fantastic things for animals. Tom Gooch recounts his experience volunteering for Orangutan Appeal UK, whilst Amy Millross discusses her time completing the Policy Clinic module at Northumbria University, during which she and other students carried out research on behalf of A-law into the barriers older people experience when they wish to move into residential or care accommodation with a companion animal. Thank you to everyone who has contributed to this edition.

We are once again looking ahead to next year, when we will be releasing a Special Edition of AJUK about farmed animals. If you would like to get involved, please let me know.

On behalf of the A-law Team, I would like to wish you a very Merry Christmas!

Natalie Harney
Editor of Animal Justice UK

Email: studentgroup@alaw.org.uk



ANIMAL OF THE ISSUE: AFRICAN WILD DOGS

BY CLINTON ADAS

The African wild dog (*Lycaon pictus*) or 'painted dog' is native to sub-Saharan Africa and typically roams in open planes and sparse woodlands. The name originates from their irregular, mottled coat with patches of red, black, brown, white and yellow fur, which is entirely unique to each dog. Wild dogs typically live up to 11 years of age, and range between 29.5 to 43 inches high while weighing between 39.5 to 79 pounds. They are known for their powerful bite and have specialised molars that easily tear meat and break bones. Wild dogs have good sight and smell, but have particularly good hearing due to their large rounded ears that swivel as they pick up on the minutest of sounds.

Interestingly, wild dogs only have four toes per foot unlike other dogs which have five, and their bushy tails end in a white tip that is said to serve as a flag to help keep the pack in contact during hunts.

Wild dogs roam in packs that are dominated by a monogamous breeding pair, with the female typically having litters of between 2 and 20 pups. Wild dogs are extremely social and rarely show aggression, and the entire pack cares for the young, the weak or ill members without any display of social hierarchy. Food is shared between them, and any meat is regurgitated by the hunters when they return to the den to provide for the rest.



Uniquely for pack animals, male wild dogs do not leave the pack once they reach sexual maturity. Wild dogs are known for their strong social interactions, and communicate by touch, actions and different vocalisations such as twittering and whining. It was recently discovered that they use sneezes to 'vote' on hunting decisions.

When hunting, wild dogs cooperate in packs; because of this their hunt success rate is around 80% compared to 10% for lions. As agile hunters, they spread out in a line to cover more ground as they exhaust their prey or chase it to water where it will not enter out of fear of crocodiles. Wild dogs can reach speeds of over 44 miles per hour, can cover up to 50 kilometres in a single day and are recognised for their important role in eliminating sick and weak animals in nature, helping maintain a natural balance.

"It is estimated there's only around 6,600 individuals left in the wild (less than 1% of their peak numbers), of which only around 1,400 are mature."

Unfortunately, wild dog populations are decreasing, and they are listed as endangered on the IUCN Red List. It is estimated there's only around 6,600 individuals left in the wild (less than 1% of their peak numbers), of which only around 1,400 are mature. As human settlements have encroached on their territory, their areas to roam have decreased. For animals with territories that typically range between 400 and 1500 square kilometres, this is a problem. In some areas, wild dogs have also developed a taste for livestock, and because of this are often hunted and killed by farmers. They also remain vulnerable to diseases such as rabies that are spread by domestic animals and that can eradicate an entire pack. They also face

threats from other wildlife, such as lions.

Much is being done to protect the species, and rangers monitor them, track their movements, and incentivise their protection with local communities through education and purchasing killed livestock at fair prices. Wildlife corridors are also being opened to allow them to travel between conservation areas with minimal contact with humans. Greater habitat protection through policies will however be needed to ensure their survival.

Clinton is currently completing his LLM in Environmental Law at Queen Mary University of London and studied Animal Law and Welfare as part of this. He hopes to complete a PhD focusing in Animal Law in the near future.

A-LAW CO-HOSTS SECOND ANIMAL LAW CONFERENCE

in September, A-law co-hosted with Liverpool John Moores University the Second Conference on Animal Law, Ethics & Policy. The two-day event was attended by students, practitioners and charity professionals and featured an impressive array of speakers covering a wide variety of animal law and policy topics.

We were delighted that, due to funding made available by Animal Charity Evaluators, we were able to offer a number of heavily subsidised student places. For anyone who was unable to attend, a number of the sessions were filmed and will be uploaded to our [YouTube](#) channel in the coming months. Members can also look out for a review of the Conference in the next edition of the 'UK Journal of Animal Law'.



WHY WE NEED HUMANE EDUCATION IN SCHOOLS

BY HANNAH WADE

Humane education, which began to develop at pace in the 1990s, aims to create a “more just, humane and sustainable world through education” (Institute for Humane Education). Humane education is increasingly relevant in the current political climate. For example, the Government has announced it plans to embed the UN’s Sustainable Development Goals within the activity of all of its departments (Gov, 2017). In addition, the RSPCA recently launched its holistic education program, ‘Generation Kind’, which aims to nurture a more compassionate generation in order to prevent animal cruelty in future. Further, school children from across the world are joining the Schools Strike 4 Climate campaign

to call on those in power to make greater efforts to tackle the current climate crisis.

Citizenship education, introduced as a statutory subject under the National Curriculum in 2001, aims to equip students with the knowledge and tools needed to become responsible citizens who work together to improve society. Under Section 78 of the Education Act 2002, the curriculum is required to promote the “moral” development of students. However, whilst the current 2013 Citizenship curriculum (DfE, 2013) requires schools to teach pupils about human rights, there is a lack of inclusion of respect for non-human animals. In fact, issues of



environmental justice or justice for non-human animals are completely absent in the existing Citizenship curriculum.

Humane education provides a more inclusive, holistic approach to Citizenship education by focusing on the interconnectedness of oppression and by encouraging critical thinking about all forms of injustice. Current research suggests that thinking critically about our relationship with non-human animals is crucial to fulfilling the UN's Sustainable Development Goals. For example, industrialised livestock farming, now recognised as a leading cause of climate change, is obstructing our ability to achieve Goals 2 and 13, namely 'Zero Hunger' and 'Climate Action'. Industrial farming continues to be subsidised by the Government; around £70 million in subsidies was given to 'US-style mega farms' in the UK between 2016-2017 (Walsey and Heal, 2018). It is reported that there are currently more than 820 million people surviving with insufficient food (Willet et al, 2019), yet around 83% of the world's land is used for livestock or to grow livestock feed (Poore and Nemecek, 2018:216).

By taking a holistic approach to Citizenship and encouraging critical thinking about our relationship with other animals and the environment, humane education helps to tackle issues of social inequality which intersect with environmental justice. Food insecurity (Sachs and Patel-Campillo, 2014:396; Gaard, 2015:21), environmental destruction and climate change (UN, 2015; Knight, 2013) disproportionately affect women and people of colour. The Global South is most at risk of environmental destruction and flooding caused by climate change (UN, 2015; Knight 2013), with over one billion people inhabiting degraded lands (UN, 2015).

Clearly environmental justice is also a social

justice issue, but research on the link between animal cruelty and violence in humans suggests that animal welfare is also an issue of social justice. Research suggests that children who abuse animals are more likely to be violent towards people (Alger and Alger 2003) and become 'aggressive criminals' (Kellert and Felthous, 1985:1127). Animal abuse is also used to assert dominance in domestic violence situations (Alger and Alger, 2003) and some adolescents abuse animals to imitate domestic violence and to express feelings of helplessness (Solot, 1997). In recognition of this, the International Fund for Animal Welfare (IFAW) has collaborated with a women's shelter to set up the Blijf van mijn Dier Shelter Pet Project in the Netherlands, which supports victims of domestic violence who are afraid to leave their pets behind (IFAW, 2019).

As animals are typically treated as property, abuse towards them is often not taken as seriously as other violent crimes. However, teaching compassion towards all beings develops childrens' social consciousness and helps them to become more socially responsible adults (Hazard 2013:286). By instilling a sense of compassion and respect for all beings, humane education could challenge the objectification of non-human animals and help achieve a less violent society.

"... issues of environmental justice or justice for non-human animals are completely absent in the existing Citizenship curriculum."

Fields of education, such as critical pedagogy, have developed to address the need to encourage systematic critical thinking about the intersectional nature of oppression and justice. However, they have been criticised for excluding analysis of the oppression of non-human animals, perpetuating the idea that

non-human animals are there solely for humans and have no rights of their own.

By focusing on how oppressions intersect, humane education can introduce an intersectional feminist approach to Citizenship education. By challenging the binary thinking and gender stereotypes inherent in our patriarchal society, humane education has the potential to create a more compassionate generation of citizens. For example, historically, farming animals (Wilkie, 2010) and the domination of nature (Carey, 1989) have been associated with masculinity, whilst vegetarianism and compassion for animals are seen as feminine traits (Donovan and Adams, 2007:3).

Charities such as the RSPCA and Compassion in World Farming currently provide free lesson plans specifically aimed to compliment the Citizenship curriculum. However, the current inclusion of these resources in Citizenship education requires teachers to seek them out. It is because of the lack of societal awareness of issues concerning non-human animal justice, and how these are interconnected with social justice, that we need to include humane education in schools. Until this happens, how can we expect the vast majority of teachers to be aware of this and seek these materials out?

Including humane education in the national Citizenship curriculum would give children the knowledge and tools to create a more just and compassionate society.

You can view Hannah's references [here](#).

Hannah Wade is a BA Animal Welfare and Society Graduate. She works for the Soil Association as a Certification Officer.





EXPERIENCE: VOLUNTEERING WITH ORANGUTAN APPEAL UK

BY TOM GOOCH

Earlier this year, I was privileged to work with Orangutan Appeal UK (OAUK) as a volunteer in their office. A voluntary placement is a third-year requirement of my BA degree in Animals and Society at the University of Winchester.

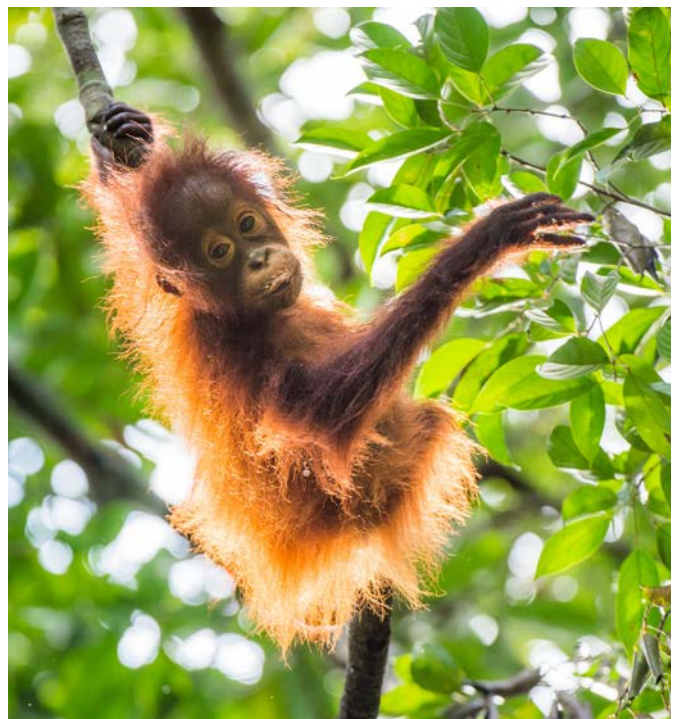
Orangutan Appeal UK (OAUK) work alongside Sepilok Rehabilitation Centre in Borneo, desperately working to preserve critically endangered orangutans and other threatened species populations that have been affected by human activity. Orangutan populations have declined by more than **50% in the past 20 years**, due to the accelerated deforestation of their habitat, increased hunting and the illegal wildlife trade.

Particularly bad forest fires occurred in 2019 in Indonesian Borneo. Fires are often started across Indonesia to clear vegetation from land to make way for palm oil or pulpwood plantations. However, the carbon-rich peat forests are highly flammable, which can cause fires to quickly spread through the protected forests. This year, the fires got dangerously close to the Sebangau Reserve, which is home to the world's largest population of orangutans. Large-scale peat fires release huge amounts of toxic haze into the environment; this can have detrimental effects on the respiratory system of the rainforest's animals, who are often unable to find shelter from the smog.

OAUK are working alongside the Borneo Nature Foundation to support the local fire-fighting teams with . food, daily income and

equipment to tackle the flames before more of this vital habitat is destroyed.

OAUK was founded in 2000 by Sue Sheward MBE, who has recently received a Datukship from the Malaysian Government in recognition of her contribution to saving endangered wildlife. A quick browse through OAUK's 'Projects' page shows the significant impact their fundraising can have, with their most recent project providing £185,000 to the Sabah Wildlife Rescue Unit for three new, fully-modified rescue vehicles. However, this fundraising would not be possible without dedicated office staff and volunteers who work behind the scenes. Together, they have been responsible for the rehabilitation and release of over 100 orangutans and for providing invaluable support to the local community.



During my time volunteering with the administration team of OAUUK, I was able to experience the inner workings of a successful charity and be a part of an organisation that positively impacts threatened and endangered species. Although my workload primarily consisted of putting together adoption packs for the donors who sponsor the orangutans and other administrative tasks, it gave me the opportunity to learn much more about orangutan behaviour and conservation. In particular, it stimulated my interest in finding out more about how consumer habits in the UK and other nations can contribute to the poor plight of the orangutan population, as well as other species, such as Bornean pygmy elephants, who are also threatened by increasing human activity in their habitat.

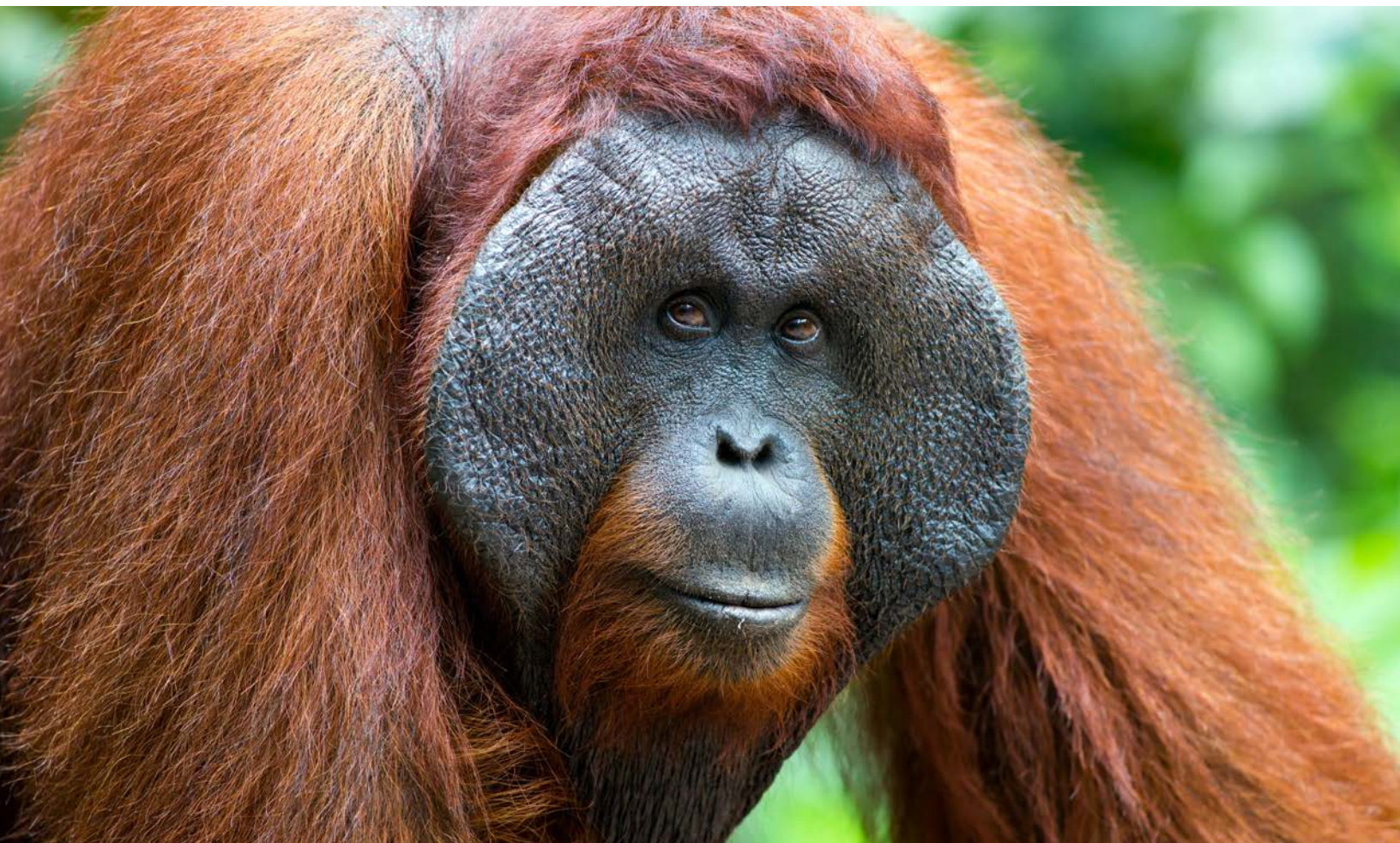
It was this experience that has led me to write my dissertation, the title of which is: 'Is Sustainable Palm Oil a Myth?: Discussing the

General Public's Understanding of Sustainable Palm Oil and the Need for Wild Welfare'.

There is arguably still a long way to go before we find the right equilibrium between sustainably providing for a growing human population and respecting natural habitats. In the meantime, however, charities such as Orangutan Appeal UK provide vital help and resources to protect these beautiful animals.

If you would like to adopt an orangutan, donate or read more about OAUUK's work, please visit their [website](#).

Tom is a final year Animal Welfare and Society student at the University of Winchester. He is also a volunteer Student Coordinator at the UK Centre for Animal Law where he is currently helping to develop educational materials for use in higher education.



AJUK INVESTIGATES

WHY CLIMATE CHANGE IS AN ANIMAL JUSTICE ISSUE



BY BRYDIE HAND

Debate about climate change is increasing within politics, science, law, and society in general. This reflects the fact that warming global temperatures is the defining environmental issue of our time. Described as a 'super wicked' problem,^[1] it is now common knowledge that warming global temperatures are anticipated to have severe detrimental effects on both humans and the natural environment, with particular impacts on ecosystem biodiversity, vitality and function on a global scale.^[2] Today, it is widely accepted that these consequences can be attributed to the emission of various greenhouse gases (GHGs), primarily carbon dioxide and methane, which come from the burning of fossil fuels.^[3] Consequently, current warming is proceeding at an unprecedented rate, the likes of which have not been seen in the past 1,300 years.^[4] As a result, climate change is expected to threaten approximately one quarter or more of all species with extinction by 2050,^[5] compromising the biodiversity that underpins each unique ecosystem. With these harsh realities in mind, it is inarguable that those industries which produce the most GHGs should be making the greatest effort to reduce their emissions.

The agricultural industry accounts for at least 20% of global GHG emissions each year^[6] and is an indisputable contributor to warming global temperatures. It has previously been calculated that the sector's contributions to GHG emissions are so significant that the emissions from the animal agriculture sector now surpass those of the transportation sector.^[7] In the agricultural industry, GHG emissions come from a range of different sources, including: fertiliser production; farm equipment that runs on gasoline and diesel fuel and equipment that uses electricity; and, the processing, packaging and transportation of feed for animals and meat from animals.^[8]

Additionally, as most animal products (meat and dairy) are now produced on factory farms in which thousands of animals are confined in conditions without access to pasture, these farms require enormous quantities of feed produced by industrial crop farms, using energy-intensive processes.^[9] Furthermore, animal agriculture has resulted in the conversion of vast areas of wooded habitats into grazing land or cropland for feed production. As a result, up to 2.4 billion metric tons of additional carbon dioxide may be being released every year due to deforestation.^[10]

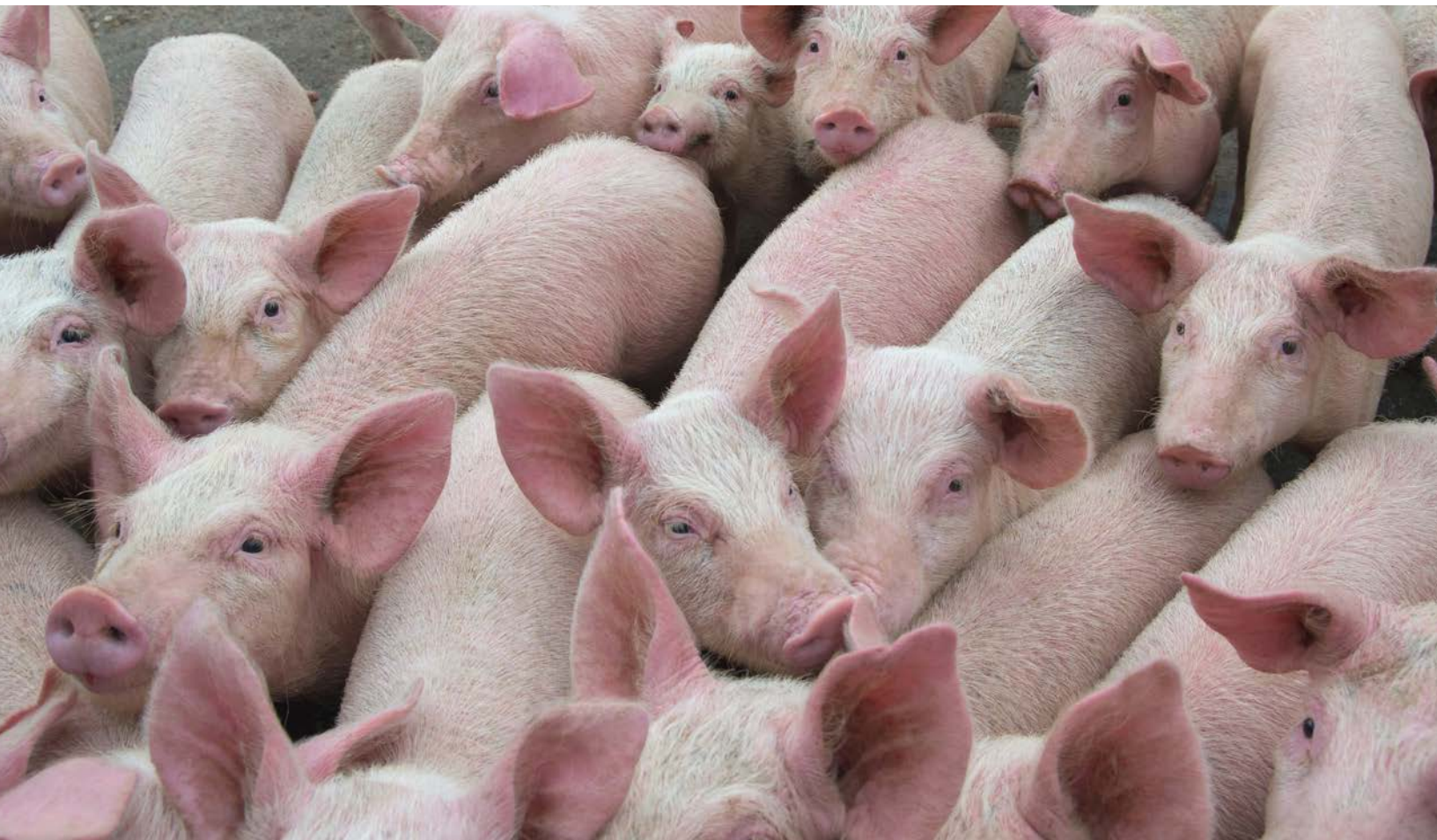
In order to fight climate change effectively, there needs to be a significant reduction in GHGs emitted from agricultural activities. Although a number of mitigation strategies involving changes to agricultural practices have been proposed to help reduce the impact of the agriculture industry on our climate, most of these changes would negatively impact the health and welfare of farmed animals. For example, the intensification of productivity per unit of GHG emitted through changes in breeding, feeding and housing would create further stressors and discomfort throughout animals' lifespans.^[11] As consciousness of animal welfare issues increases, changes in agricultural practices which result in lower standards are neither ethical nor socially sustainable. As such, as the extent of GHG emissions from livestock are inextricably tied to livestock population sizes,^[12] the obvious solution is a reduction in large-scale meat production. In other words, there must be a reduction in the number of animals raised and killed for meat.

Although the agriculture industry is often a source of ethical and philosophical debate, in the context of fighting climate change, it is an environmental and practical issue too. A reduction in meat production would protect a

number of animals from inhumane suffering and death, whilst also minimising global warming temperatures through a reduction in GHGs. So, while there is of course a widely acknowledged and morally valid reason to avoid eating meat – i.e. that killing an animal for food is unethical – the climate crisis demands that we look further than this and not only act in accordance with what we regard as a moral response to animal cruelty, but also in accordance with what is necessary and crucial to fight climate change, despite whether one feels a moral duty to avoid meat consumption on the basis of animal cruelty or not.

However, this overlap between the ethical and practical demands that are placed upon the agriculture industry as a result of climate change do not stop there. As previously mentioned, although a vast array of environmental harms from climate change have been predicted,^[13] Of

particular significance is the potential for global biodiversity loss, with climate change having been hailed as the greatest long-term threat to biodiversity in many regions in the world.^[14] from organism to biome levels.^[15] This biodiversity loss may be due to direct impacts on animals. For example, animals may be directly impacted due to increased risk of heat cold and stress (including livestock). Indirect impacts include a decreased quantity and quality of food and water, an increased risk of flood, fire and drought, and reduced availability of suitable habitat.^[16] Examples of the latter include when glaciers retreat, sea levels rise and tundra thaws, penguins, polar bears and other species will lose their habitat.^[17] The negative impacts of reduced biodiversity do not stop there, as these in turn threaten to compromise the efficacy of ecosystem functions, such as nutrient recycling and the timing and volume of water flows. These become ecosystem



services when humans convert them into valuable processes, materials and commodities.[18] to the detriment of both humans and animals alike.

"...humans must, as a collective, change the role we view animals to have within our society and acknowledge that our perception and treatment of animals has hitherto not only been unethical but has also been a been one of the major catalysts for climate change and widespread global harm."

Therefore, maintaining biodiversity is imperative as it holds both intrinsic and practical value globally and, hence, motivations to conserve it are twofold. Firstly, adopting an ecocentric stance, to allow global species decline at the hands of anthropogenic activity is unethical. Secondly, it almost certainly serves to compromise the ability of humans to exhume resources[19] and derive utilitarian benefit from ecosystem services, as ecosystem function and resilience,[20] as the 'web of interactions'[21] may be modified. While the potential for climate change to have significant impacts on humans has been widely debated and now, in contemporary society, is widely feared, there has generally been a lack of appreciation for the vast threats also posed to animals outside of the scientific sphere. In society, humans come first. However, ironically enough, against the backdrop of warming global temperatures, protecting humans requires us to protect animals. Like us, animals are owed mitigative assistance to help them cope with the ill-effects of warming global temperatures, both inside and outside the agriculture industry. For this to be achieved, it is suggested here that recognising the impacts of climate change and, in particular, the follow-on effects of



biodiversity loss is an important place to start, with this recognition hopefully translating to a collective effort to push for reduced GHGs from the agriculture industry.

Animal welfare and climate change are therefore inextricably linked; fighting for animal welfare and the protection of global species demands a meaningful response to climate change, and a meaningful response to climate change demands a reduction in the number of animals being subjected to suffering within the agriculture industry. However, it is important to raise here that, while human beings should of course do their best to lessen the demand for meat production by way of a reduction in their own meat consumption, the burden placed on the individual should never outweigh that placed on the agriculture industry itself, as the power and resources possessed by industry far exceeds that of the individual. Likewise, it is also significant to acknowledge that, before the industrialisation of meat-consumption by western civilisation, indigenous people were, and have been, eating meat at a sustainable level, without impact to our global climate. So, whilst ethical arguments against the consumption are pertinent to all, when looking through an environmental lens, no duty should be placed on indigenous populations to reduce their meat intake; it is not the consumption of meat that is causing climate change, it is the unsustainable consumption of meat that is causing climate change.

However, when it comes to reducing meat-production, it is likely wishful thinking that industry will change practices in any meaningful way without consumers first reducing demand. Industry is economically-driven and, if it will be purchased, it will be produced. As such (and frustratingly, as usual), consumers must instigate change.

Those who are aware of the extent of harm caused by the agriculture industry can of course start this process now and should always remember that any reduction in their meat intake will help. The message should not be to turn vegan to save the world as, for many, this is simply not a choice they are willing or prepared to make, or may even be a choice that they are unable to make. The message should instead be that everyone should simply try their best, reduce their meat intake as much as possible and as is realistic for them, and help spread the word for others to do so to.

Regarding those who are not aware of the environmental impacts of the agriculture industry, emphasis should be placed on education. It has been suggested that policy makers, nutritionists and health professionals should push for dietary guidelines to integrate not only the nutritional value of meat, but also the animal welfare and environmental effects.. [22] It is much easier to say no to purchasing a beef burger if you know that its production has emitted as much GHG as driving almost 200 miles [23] than if you don't. It is about being conscious and mindful, acknowledging that protecting yourself means protecting the animals with which we share our world, and dismantling the economically-driven industries, including the agriculture industry, which continue to threaten our world with not only unethical but unsustainable practices.

You can view Brydie's references [here](#).

Brydie is an Australian law graduate with a strong interest in animal and environment law. Brydie works in the litigation team of the NSW Environment Protection Authority

ANNUAL STUDENT ESSAY COMPETITION



PRIZES

1ST PRIZE

Published article in the A-Law Journal and £150 book vouchers.

2ND PRIZE

£70 book vouchers.

3RD PRIZE

£30 book vouchers.

DEADLINE

Friday 28th February 2020.

2020 STUDENT PRIZE

It's that time of year again when we call on all you hard working and passionate students to get involved with our essay competition.

The title this year is the highly topical:

Will increasing the maximum sentence for causing unnecessary suffering, contrary to the UK's Animal Welfare Acts, enhance the effectiveness of the offence?

The competition is open to all students at any stage in their studies. Essays should be no more than 1,500 words long. For full details visit www.alaw.org.uk/essaycomp. Email your entries to studentgroup@alaw.org.uk.



THE CECILIA MOOT 2019

BY SAM GROOM

The Cecilia Moot 2019 was the UK's first mooted competition on the subject of animal law. It was conceived at the start of the year as a project to get the fledgling City University Animal Law Society off the ground. We wanted to spread awareness of, and interest in, the field of animal law amongst students, and mooted seemed to be the best way not only to get students involved, but also for them to burrow deeply into the important issues. Fortunately for us, the full-throated support of A-law, the generosity of all the practitioners and academics we approached, and the commitment of so many competitors helped us realise our idea in a more impactful and professional way than we could have

imagined at the outset. For any non-lawyers who may not be aware, mooted is the practice of presenting oral arguments related to a legal issue or problem against an opposing side before a judge or judges.

The main hurdle we had to overcome was lack of awareness about animal law amongst students. Although mooted is usually a popular activity, we had no idea how many students would want to sign up to moot on such a niche topic. So we were thrilled to have 56 registrations, meaning that we could structure a three-stage knockout competition comprising of ten moots in total. This being more than we had anticipated, we had to rely



on the goodwill of more people than we had planned to act as judges and problem-writers. However, in a cheering testament to the animal law community and the legal community generally, every person we contacted agreed to volunteer their valuable time to help the moot run.

The first round took place at the start of February. Soraya Pascoe, Frances Allen and Catherine Jaquiss of Goldsmith Chambers acted as judges of submissions on a problem I had written about offences potentially arising under the **Animal Welfare Act 2006** and the **Welfare of Farmed Animals (England) Regulations 2007** in the context of a farm-bred hen living in a family home. The relatively simple problem allowed the competitors to get stuck in who had no experience of mooting. Eight pairs proceeded to the second round, where they were confronted with a much more difficult problem written by David Thomas of Advocates for Animals. Their submissions, covering EU law, human rights law, the Animals (Scientific Procedures) Act 1986 and the Freedom of Information Act 2000 were heard by Cathryn McGahey QC of Temple Garden Chambers, assisted by Soraya Pascoe. The two pairs that proceeded to the final were those that identified the most critical arguments, spoke clearly, concisely and persuasively, and dealt well with a barrage of judicial intervention.

The final of the competition was held in May at Temple Garden Chambers, and was judged by Cathryn McGahey QC, Raffael Fasel of the University of Cambridge, and the Rt Hon Lord Justice Singh. The problem, written by Raffael Fasel, concerned an African grey parrot kept as a pet, on whose behalf an animal rights organisation sought a habeas corpus order. In dealing with concepts of legal personhood and fundamental rights, the problem took after the arguments made by the Nonhuman

Rights Project in their litigation on behalf of non-human animals in the United States of America.

Although the competitors engaged with the problem on an advanced level, they each brought strikingly different legal, philosophical and scientific resources and analysis to bear, resulting in a fascinating debate. After much consideration, during which the audience heard presentations on animal law in practice by Paula Sparks and David Thomas, the judges named Hugo Birtle and William Rees-Mogg the winners, and Leo Edekere and Raha Ghadaksaz the runners-up.

The success of this competition in engaging so many students in animal law for the first time and in bringing practitioners together to hear arguments on current issues was inspiring and entirely due to the talent and energy of all who took part. We are grateful to all the competitors for their commitment, to the judges and problem-writers, to A-law and to Temple Garden Chambers for their support. As a result of the success of the competition at City, we have this academic year rolled out the Cecilia Moot to other universities across the country. University specific rounds have been taking place this term and we are due to hold the finals day in the spring. We hope that this will provide an opportunity for many more students to learn and take their first steps into the animal law community.

Sam is a BPTC student and a Student Coordinator for A-law. After studying Modern and Medieval Languages at Trinity College, Cambridge, where he was a Senior Scholar, he took the GDL course at City, University of London. There he set up the Cecilia Moot with A-law, the UK's first animal law mooting competition.



IMPROVING ANIMAL LAW AND POLICY FOR FARMED ANIMALS THROUGH CAMPAIGNING

BY KATE WERNER

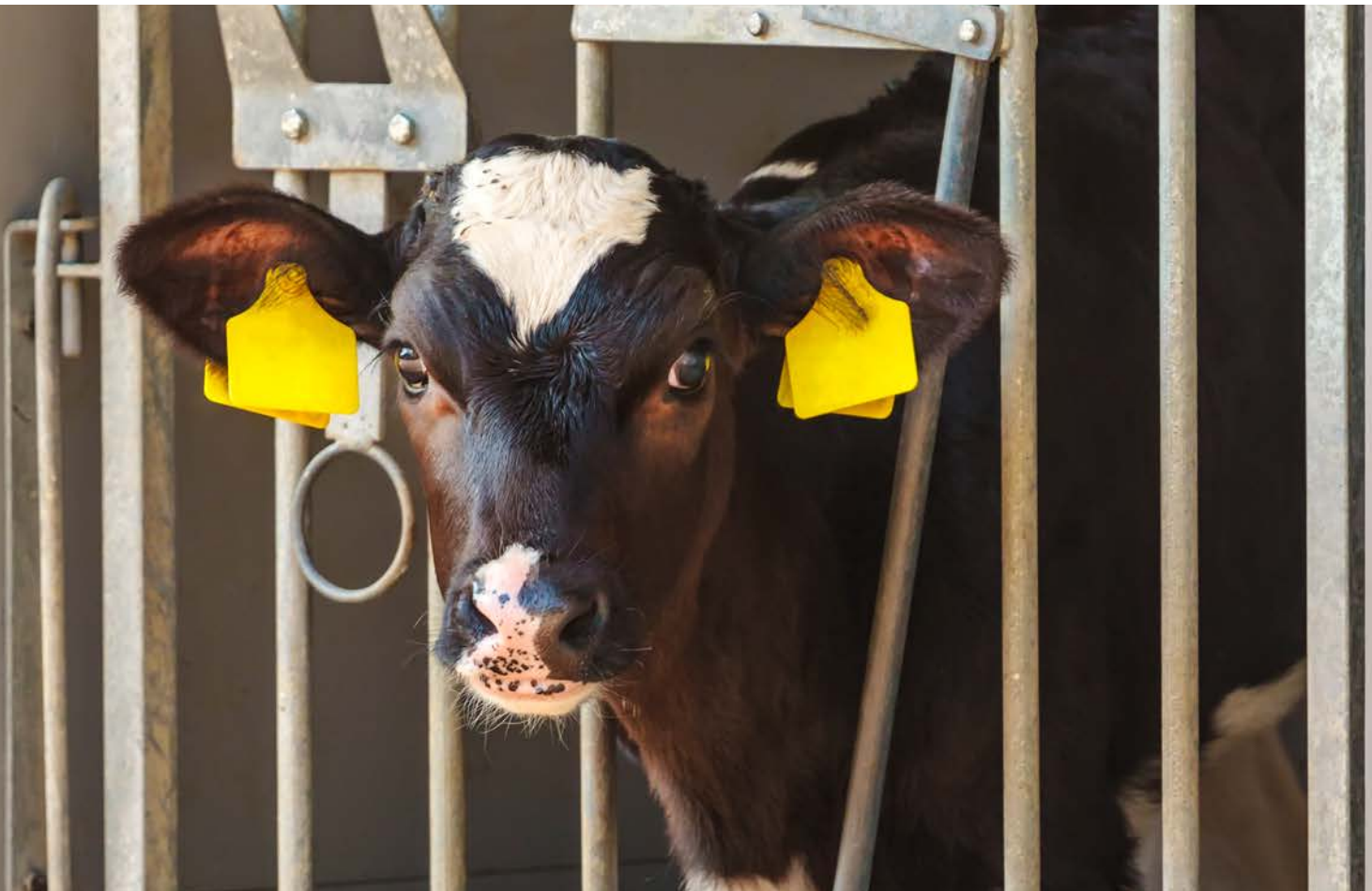
With the unknown implications of Brexit ever looming over us, Animal Equality is taking advantage of the changing political landscape with campaigns to abolish some of the cruelest farming practices.

Animal Equality is an animal protection organisation that works with government, corporations and society to change the way we treat and think about farmed animals. Together with other animal protection organisations, over recent months Animal Equality has been calling on the Government to introduce and change a number of laws that will impact millions of animals, namely banning foie gras imports, ending the practice of

keeping farmed animals in cages and providing full regard for animal sentience in UK law.

Foie Gras

The UK currently imports around 200 tonnes of foie gras every year for sale at upmarket restaurants, shops and delis. This cruel product, made from the enlarged livers of ducks and geese that have been force fed almost to death, is consumed by less than 10% of the British population. Support for an import ban is overwhelming, with 79% of UK adults who expressed an opinion in a recent YouGov poll in favour of a ban. This support



spans the political spectrum, with 84% of those identifying as left-wing in favour of an import ban, 78% of those identifying as centrist in favour, and 70% of those identifying as right-wing in favour of an import ban*.

Banning UK imports has always been difficult due to the trade restrictions of being part of the European Union but, upon our exit, may become possible. Producing foie gras is illegal in the UK under its Animal Welfare Acts which prohibit force feeding of animals.^[1] An import ban would therefore mean that the UK is no longer condoning the suffering of these animals by importing a product that we consider too cruel to produce ourselves, and would spare a quarter of a million birds from suffering on foie gras farms every year. The campaign for a ban has received support from cross-party MPs who have debated the issue in Parliament, as well as celebrities including Ricky Gervais and Joanna Lumley and over 150,000 members of the public who have signed the petition for a ban.

Cages

The End the Cage Age campaign, supported by Animal Equality and over 100,000 members of the public who signed a government petition^[2] is demanding an end to caging farmed animals across Europe. In the UK alone, an estimated 16 million animals are kept in cages on farms for their whole lives, restricting their natural behaviour and causing mental and physical anguish.^[3,4,5] Although cage-free is not synonymous with cruelty-free, this incremental change in the law would be a huge step forward for animals.

A full or partial ban already exists across Europe for certain types of cages, such as veal crates, barren battery cages for hens raised to lay eggs, and sow stalls. But cages continue to be used, despite well-established,

economically viable alternatives. In the UK, 46% of hens on UK farms raised for eggs are still kept in colony cages.^[6] Farrowing crates - a restrictive cage allowing pigs only to stand, but not turn around - are also legal. Breeding females are confined in them for up to two weeks prior to giving birth and until their piglets are weaned (usually at 4-weeks of age on most standard commercial farms). If successful, the campaign will see an end to these cages. Barren battery cages for rabbits, chickens bred for meat, quails, pheasants, partridges, guinea fowl, and individual calf pens would also be outlawed, dramatically improving the lives of billions of animals.

Animal Sentience

The concept of animal sentience refers to the ability of non-human animals to suffer, feel pain and joy. Recognition that animals are sentient is a vital part of those laws that protect other species from exploitation and suffering. Full regard for animal sentience is currently enshrined in the European Union's Lisbon Treaty but was excluded from the UK Withdrawal Act. In December 2017, following public outcry, the Government announced that it would introduce legislation that would formally give full regard for animal sentience in UK law.^[7] However, despite promises from Government to legislate before Brexit, we are still waiting for this law to be introduced. The newly elected Conservative Government made a manifesto commitment to enshrine animal sentience in UK law. A failure to honour this commitment could leave millions of animals vulnerable to abuse and could permit treatment that would cause immense suffering.

Animal Equality is supporting the #BetterDealforAnimals campaign, alongside over one hundred thousand people^[8] and other concerned organisations.^[9]

Together, we are calling for animal welfare protections to be maintained or strengthened upon our exit from the European Union.

If the UK wants to be the leader in animal welfare that the Government claims we are, we must ban cruel products like foie gras, ensure no animal is languishing in a cage on a farm, and protect animal sentience with laws to this effect that are respected, upheld and fully implemented.

To see Kate's references, click [here](#).

*All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 2,160 adults. Fieldwork was undertaken between 13-14 June 2019. The survey was carried out online. The figures have been weighted and are representative of all UK adults (aged 18+).

Kate has been a campaigner in the animal protection movement for the last decade, working for UK organisations on issues including: animals in entertainment, experiments and farming, as well as wildlife protection and conservation. She has worked with the UK Government, the UN, IGOs and the EU to push for legislative change and strengthen existing laws protecting animals.

Kate currently manages Animal Equality's #FoieGrasFreeGB campaign, urging the Government to ban the importation of cruel foie gras products into the UK. She also oversees the charity's innovative 360° VR iAnimal project, showing the typical lives and deaths of animals in intensive farms. Animal Equality works globally with governments, companies and society to end cruelty to farmed animals, and envisions a world in which all animals are respected and protected.



ARE YOU A STUDENT WHO CARES ABOUT ANIMALS? GET INVOLVED IN A-LAW'S STUDENT GROUP!

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You can get involved by:

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- Setting up an A-law University Group;
- Joining A-law as a student member;
- Contributing to our eMagazine, Animal Justice UK.

If you have any questions or want to know more, email the Student Team at studentgroup@alaw.org.uk or visit alaw.org.uk.





OUGHT TO BE WILD? ARBITRARINESS AND THE NATURALISTIC FALLACY IN THE WILD ANIMALS IN CIRCUSES (NO. 2) ACT 2019

BY SAMUEL MARCH

“The laws of the land should apply equally to all, save to the extent that objective differences justify differentiation.” – Lord Bingham in ‘The Rule of Law’

In May, Michael Gove MP presented the **Wild Animals in Circuses (No 2) Bill** to Parliament. It received Royal Assent in July and from January 2020 it will be a criminal offence to “use a wild animal in a travelling circus in England.” Given that the Bill was explicitly promoted as ethical (rather than welfare related), I would have liked to hear its proponents explain why it is ethically unacceptable for wild animals to suffer in

circuses (so we can enjoy watching them), yet acceptable for domesticated animals to suffer in settings such as factory farms (so we can enjoy tasting them). The accompanying briefing paper set out four arguments against allowing wild animals to be used in travelling circuses. Having examined these, I will argue that there are no objective reasons to justify differentiation. Rather, I contend that this proposed legislation panders to arbitrary popular outrage that cannot be justified without making arguments premised on the basis of ‘naturalistic fallacy’ (whereby something is reasoned to be valuable in terms of ‘ought to be’ simply because it already ‘is’



1. "It is not necessary to use wild animals in travelling circuses to experience the circus."

The Bill's proponents cited the Cirque du Soleil's success as evidence of the above proposition. Certainly, the Cirque du Soleil offers enchantment, but if traditional circus enthusiasts in some countries maintain strong preference for acts involving animals, it is because acrobats are not direct substitutes for the spectacle of lions and tigers. Nevertheless, the government argues that imperfect, cruelty-free substitutes render the traditional, cruelty-intensive product 'unnecessary'. Parallels exist between a circus without animals and meals without animal products: traditional consumers may prefer the taste of animal-based foods, but developments in plant-based substitutes mean meat and dairy are no longer 'necessary' to enjoy a meal, or for most people's health.

2. "The practice adds nothing to the understanding and conservation of wild animals and the natural environment."

This pre-empts the question, 'what about zoos?', by alluding to an ecological necessity for zoos that goes beyond human pleasure. Regardless of one's stance on zoos, this is a rational attempt to objectively differentiate them from circuses.

So what about farms? There are arguably ecological benefits to ranching and well managed livestock grazing. However, farming practices in the UK are changing: factory farming of pigs and poultry increased by 68% from 2011 to 2017. The country boasts 800 'mega-farms', some capable of holding 1.7 million birds or 23,000 pigs. Industrial farms cause pollution, biodiversity loss, deforestation, and account

for 37% of methane and 65% of nitrous oxide emissions. They are less ecologically justifiable than circuses.

3. "Wild animals are just that and are not naturally suited to travelling circuses and may suffer as a result of being unable to fulfil their instinctive natural behaviour."

This is where the government actually identifies the harmful behaviour that they seek to criminalise: namely subjecting wild animals to unnatural conditions that cause them to suffer. The word "natural" is problematic: life-centred theories of nature consider anything human-made to be 'unnatural', whereas human-centred theorists consider it impossible to exclude humans and human creations from the concept of 'naturalness'. 'Instinct' is an equally contentious notion. Ministers make no attempt to define these. Nevertheless, considering that a human-centred reading of the government's argument is hard to fathom, perhaps it can be assumed that "instinctive natural behaviours" are behaviours that manifest when free from human interference.

"Captive wild animals", argued the then Coalition Government when it introduced the Bill's predecessor in 2013, "have much the same genetic makeup as counterparts in the wild and retain their wild nature and natural instinctive behaviours." This, apparently, means using them for circus performance is "unbefitting to their wildness and potentially harmful." Of course, this vague statement applies equally to captive pigs and horses, which share striking genetic similarities with wild boars and Przewalski's horses respectively. Furthermore, the common misrepresentation of feral horses as 'wild' shows that domesticated species retain

"instinctive natural behaviours" similar to genuinely wild Przewalski's and return to exhibiting such behaviour if removed from human interference. No animal, 'wild' or 'domesticated', can fulfil such behaviour in cramped cages; arguably, battery-farmed domesticated species are exposed to the same type of suffering that the government says must be abolished for wild species used in travelling circuses.

4. We should feel duty-bound to recognise that wild animals have intrinsic value, and respect their inherent wildness and its implications for their treatment."

Here, the government attempts to justify why only 'wild' animals need to be protected from such suffering. Conventionally, capabilities such as sentience, 'patiency', cognition, autonomy, agency or intelligence are held up as objective criteria for attributing intrinsic value. Of course, it would be impossible to differentiate most of the 'wild' animals used in circuses under the current licensing scheme (six reindeer, four zebras, three camels, three racoons, two macaws, a fox and a zebu) from domesticated pigs or cows on the basis of such capabilities. Instead, the government argues that the zebu's "inherent wildness" is an objective difference which imposes a moral duty on us to recognise its "intrinsic value" and respect it more than a British ox, for example.

Such arbitrary distinctions are commonplace in popular animal ethics. Piazza and Loughnan found manipulating data on the intelligence of domestic pigs had little effect on respondents' evaluation of their moral standing. By contrast, manipulating the intelligence of 'wild' tapirs led to outrage at the idea that people would eat them. The experiment highlights the inconsistency in people's thinking about animals: "Smart

animals deserve our moral concern, unless, of course, we want to eat them." By defining 'wild' as "not commonly domesticated in the UK," this is precisely what the government's definition allows for: to avoid recognising the same 'intrinsic value' in animals that we commonly exploit, thus excluding them from equivalent moral consideration.

Conclusion

Ultimately the wild/domestic distinction cannot be justified without succumbing to the 'naturalistic fallacy'. This Bill is underpinned by an assumption that species of animals that are wild, ought to be wild, whilst animals that are commonly domesticated ought to be captive. The naturalistic fallacy allows objective similarities in needs, capacities and suffering to be conveniently ignored. This raises a disturbing ethical proposition: that moral standing depends on existing (supposedly 'natural') order, rather than on morally relevant capabilities. Such logic would permit discrimination, so long as it is against a group that is commonly discriminated against.

I do not believe Gove introduced this Bill because he identified an objective difference between the necessity of gustatory over visual stimulation; or between the suffering of the 20 'wild' animals used in English and Welsh travelling circuses over the 900 million domestic land-based farm animals reared every year in the UK, 70% of whom live out short and painful lives in factory farms. He is merely bringing the law in line with the inconsistent ethical standards of most people, 94.5% of whom support a ban. Unsurprisingly, the Bill sailed through parliament in an "uncontroversial and consensual debate". For all its arbitrary distinctions, animal advocates overwhelmingly welcome the Bill. I suppose they have reason to: it remains a small but emblematic victory against exploitation.



AN INTERVIEW WITH ANTOINE GOETSCHEL

BY TIFFANY MITCHELL

Antoine Goetschel is a Swiss lawyer who specialises in animal law and ethics. He is the CEO of the Global Animal Law Project, and has published and lectured widely on matters of animal law.

How did you get involved in Animal Law?

I became interested in animal law at the age of 23, when an accident left me unable to speak for 10 days. This helped me to understand the plight of animals who can't express them-selves. Since 1986, I have had the privilege of working for a Zurich-based Association that specialises in Animal Welfare

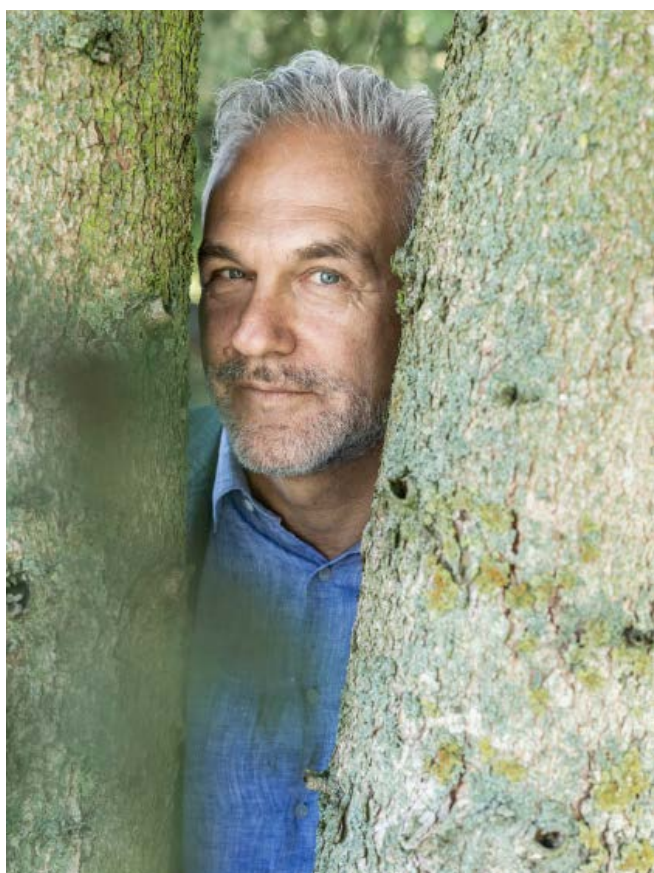
Law. In 1995, I co-founded "Stiftung für das Tier im Recht" (Foundation for the Animal in the Law) that focuses on the improvement of the human-animal relationship in the law, ethics and society in Switzerland. I was the Managing Director until I took on the Office of the Canton of Zurich's Animal Welfare Attorney in 2007.

In 2003, we were able to achieve legislative change in Switzerland, whereby non-human animals were recognised as sen-tient beings, rather than personal property. For me, it is about conviction; it's a thrill for me to be able to make the public think about the human-animal relationship.

What does your typical working week involve?

In my Law Office, I practice mainly civil, criminal and administrative law. I am currently busy administering the estate of a great artist. As far as the Global Animal Law GAL Association is concerned, my typical week includes project work, fundraising, the creation of new concepts, conversations with co-creators and regular meetings with GAL contributors, employees, and so on. I also work on GAL's website.

I love working on the GAL UN Convention on Animal Health and Protection (UNCAHP) as well as on our Global Animal Law Friendly Index (GALFI). Through GALFI, we aim to compare in a transparent manner the animal friendliness of nations in areas such as law-making, enforcement and education.



Antoine Goetschel

What achievements as a lawyer, specifically those related to your involvement in animal law, are you most proud of?

Helping to have the concept of 'the dignity of the creature' recognised in the Swiss federal constitution in 1992 was a milestone. Another was the creation of the Animal Welfare Attorney Office in the Canton of Zurich; that created a truly unique position in court. I'm also feeling satisfied about the publications I've written during my career, such as my books "Tiere klagen an" or "Animal Spa". I'm proud of the establishment of the Global Animal Law GAL Association in 2016. This is an organisation that, with the help of 86 'Foxes' (law professors and specialists in animal law), aims to be an independent and pioneering authority on the health and protection of animals through the law.

What prompted you to establish the Global Animal Law GAL Association and how did you do so?

For me, a global approach was crucial. I was aware of enormous gaps in national and global law, as well as a lack of a systematic approach to global issues. My motto is: with a warm heart and a cool head.

How does GAL enable you to work with fellow animal lawyers around the world?

We have created a great global network by admitting interested parties and creating circles like our 'wolves', 'foxes' and 'dolphins'. A great deal of credibility is attributed to GAL and its projects by the selected interdisciplinary members of the GAL Patronage Committee (Wolves) in Switzerland and around the world. The Committee is still growing and ensures that GAL is active on a national and international scale. In addition, contributions . by prominent individuals and

Specialists provide a very important boost to GAL, both globally and in individual nations. The Global Animal Law GAL Patronage Committee is made up of prominent figures from the fields of science, commerce, culture, philanthropy, art, the media and other areas. Over 86 animal lawyers, from students to professors, are part of the GAL Expert group (Foxes). Our family of contributors (Dolphins) can make realistic and visionary proposals via our website (Dolphins). Recently we created a GAL Supportive Association in Hamburg, Germany in order to gain more attraction (and funding) outside of Switzerland. This is a model we feel is worth expanding elsewhere.

Can you talk a little about the UN Convention on Animal Health and Protection (UN-CAHP), it's implementation and your involvement?

To date, there is no global protection for animals. Therefore, a universal protection for all animals is urgently needed. It is GAL's conviction that the protection of health and well-being of companion, farmed, laboratory, wild and sport animals by the law and through the UN is essential to ensuring a better position for animals. The Draft Convention requires of the UN and its member states concrete, appropriate and effective measures to protect the health and welfare of animals. This includes modern animal protection laws, convincing enforcement structures and accountable application of the law. The Convention's purpose is to raise the level of animal health and welfare standards in the member states under the supervision and responsibility of the UN.



What do you think the law can achieve for animals that other kinds of advocacy cannot? How does GAL and the UNACHP help?

Advocacy includes carrying out activities and writing publications to influence public policy, laws and budgets. This encompasses using facts, relationships, the media, and messaging to educate government officials and the public. It can include many other activities that an organization undertakes. Compared to ethics and all those activities, the law is the only instrument that is enforceable. UNACHP is a convention framework. As a convention it would be a legally binding treaty on member states. As a framework, it defines animal protection objectives and implementation at a universal level.

How does the Global Animal Law Friendly Index (GALFI) function?

The Global Animal Law Friendly Index (GALFI) intends to evaluate the status quo around animals in national legislation. To date, objective criteria on how an animal is treated in one nation compared to another are missing. The existing databases on animal welfare legislation worldwide are insufficient because they do not take law enforcement and education into account. They also focus exclusively on animal welfare law without considering animal use law e.g. laws regulating animal experiments or slaughter methods.

The GALFI database contains the answers to 512 standardized questions on animals in national law and is based on three pillars: legislation, law enforcement and education. By creating a competitive system, nations will be motivated to improve in the rankings by changing their animal-related legislation, enforcement and education measures to

achieve a higher level of animal friendliness. It also allows easy and transparent insight into which nation solves which animal-related problems successfully.

What do you hope for animals – and animal law - in the future?

I don't think 'hope' is the right motivator in our work for animals. I'd rather take responsibility for my own next steps and trust in the law of cause and effect. I feel confident that awareness of animal law will increase and that animals are being better protected, both at a local and global level through effective law making and transparent law enforcement. Therefore, animal suffering will be reduced and animal welfare enhanced. GAL works on the assumption that any animal use will be carried out with dignity and in recognition of their natural value, and that humans and animals will live in harmony with one another.

What advice would you give to aspiring animal lawyers?

Staying true to the motto "with a warm heart and a cool head", I'd advise aspiring animal lawyers to familiarise them-selves with the basics, but also with the relevant veterinary legislation. I'd also advise them to foster a high culture of conversation ("audiatur et altera pars") and to put aside ideological considerations. To solve real problems, we need to be able to move seamlessly in a world of major corporations, political parties and global organizations. And play and work with the GAL Matrix.

You can read more interviews with experts and practitioners on our [website](#) and in past editions of [AJUK](#).



WHERE ARE THEY NOW? DR RACHEL DUNN

I have always had an interest and compassion for animals, since a young age. When I started at Northumbria Law School on the MLaw degree, I was delighted that there was an animal law module. It opened up a whole new world to me, realising that I could combine my love for animals with legal work. Debbie Rook, who runs the animal law module at Northumbria Law School, is an amazing and passionate lecturer and inspires students every year. In my final year, she supervised my dissertation on animal experimentation and Directive 2010/63/EU. I loved working with her and thoroughly enjoyed my dissertation research. I came third in the first ever A-law Student Essay Competition and this felt like such validation of my work over the years.

When I graduated from the MLaw Programme and was called to the Bar in 2013, I realised quite quickly that I didn't really want to go into practice. The idea of academia was much more appealing to me and I started to consider PhDs. At the time, Northumbria Law School didn't offer PhDs in animal law, as there was no one to supervise them, but there was one in clinical legal education. I was encouraged to apply by lecturers who had taught me, and I was awarded a studentship to carry out the research under the supervision of Professor Elaine Hall. My PhD provided many opportunities to develop my research and teaching skills, and also to travel around the world. It was an amazing three years and I still get a bit sad that it is over!

As I completed my PhD, jobs went up in the Law School for lectureships. I applied and got one, starting in November 2017. After completing all of my education at Northumbria Law School, it felt natural to stay there. It is prominent in the areas I am interested in, specifically legal education and animal law, and I knew that I wanted to continue working there. As soon as I started, Debbie asked me to teach on the animal law module. This was an absolute dream and Debbie has been amazing at mentoring me through the animal law world, from undergraduate to now.

I have worked very hard over the last couple of years to shift my research focus back to animal law. Aside from teaching on the animal law module, I supervise animal law undergraduate dissertations and am now on the supervisory team of two excellent animal law PhD students. My main achievement since I have been back is setting up the Policy Clinic in 2018. This has enabled me to combine the skills and pedagogical knowledge I learnt throughout my PhD with my passion for animal law. Working with A-law, my students and I carried out research on the obstacles of companion animals living with elderly people in care homes and supported accommodation. Paula Sparks (A-law's Chairwoman) and Debbie provided so much support throughout this project and the students produced a final report, which we are all extremely proud of. The Policy Clinic will continue to develop and I want to keep working with animal law organisations to produce more research to help the field.

I continue to publish in legal education, and at the moment I am writing book chapters and articles on the Policy Clinic to encourage other institutions to establish ones like ours. I have started to go to animal law conferences and gave my first animal law paper, on animal welfare, at the Law and Society Association's Annual Meeting, in Washington D.C. I am currently writing up a paper based on this presentation and will hopefully publish it soon. I have also written a shorter piece on fur farming for A-law's Journal. I have learnt that you can always pursue your interests and passions and that people in the animal law field will help with this. I don't know what is coming next, but I feel very excited for whatever it is!

MY EXPERIENCE OF THE NORTHUMBRIA UNIVERSITY POLICY CLINIC BY AMY MILLROSS

My time at Northumbria University has thrown up a variety of challenges over the years, but no challenge quite compared to completing Northumbria's pioneering module known as Student Law Office.

Student Law Office (SLO) is a year-long module that offers students practical legal experience by allowing them to work in small firms and help real clients on a pro bono basis. SLO covers everything from family and housing issues, to business and commercial issues. There is also the option to get involved in the Policy Clinic. The Policy Clinic is where I ended up, and although initially not my first choice, it turned out to be the best part of my university experience so far.

The Policy Clinic gives its Student Advisors the chance to participate in research projects on a vast range of legal issues and debates. Our job as Advisors is to conduct legal

research into our given issue and provide answers to those who had sought our help.

This is where the UK Centre for Animal Law (A-law) came in to my life; they asked the Policy Clinic to help them research the legal issues facing the elderly living in care homes and in supported accommodation with their companion animals. I had no previous knowledge, and to be honest, no real interest in animal law as an area of law – but how that has changed!

Our team was appointed by Paula Sparks from A-law to carry out research into the challenges the elderly population face if they want to remain living with their companion animal when they move into support accommodation or a care home. We conducted research to find out more about the difficulties faced by the elderly in Newcastle-Upon-Tyne when trying to find suitable accommodation with their companion animal. We looked into the reasons why elderly people with companion animals are unable to access certain accommodation with their companion animals and whether this is due to legal and/or regulatory factors, perception or other reasons.

We began our research by exploring the reasons why companion animals should be able to accompany their humans into care homes, including whether there are benefits to this and what impacts, if any, companion animals have on humans in general and on the elderly population in particular. In order to do this, we carried out a review of existing literature. To gain a better understanding of the situation, and to get the most out of our research, we also decided to conduct interviews with the managers of a number of care homes in the North East of England, to find out more about the issue and the reasons

they have for either allowing all kinds of pets, allowing certain kinds of pets, or not allowing pets at all.

We wanted to find out whether there are any steps that could be taken to reduce the obstacles faced by the elderly owners of companion animals. Further, we explored what steps may be necessary to overcome legal and regulatory obstacles. When analysing our data from the interviews, we came up with six themes. The following themes also summarise the main reasons why managers either would or would not allow residents to keep companion animals:

1. Responsibility (Care of animals and Care of Residents)
2. Benefits
3. Costs
4. Choice
5. Policy
6. Law

Throughout the research we found that the definition of "pet-friendly" has been widely interpreted. All of the managers involved in the study claimed to have a 'pet-friendly' care home. However, the actual levels of pet-friendliness differed quite remarkably. All of the managers believed that the presence of animals was quite beneficial to some residents and that this should be facilitated to ensure residents' choices and preferences were respected.

All of the managers said that they do allow animals into the care home in some way. However, the definition of allowing pets differed. Three out of five managers allowed pets to live in the home, but only after assessing the situation in the house, the needs of the elderly owner and the type of animal. However, those three homes had no pets in residence at the time of the interviews. The

greater the risks, the less likely they would be to allow pets in. Two out of five only allowed for visiting animals.

Overall, we found that the reasons for care homes allowing, or not allowing, pets are multi-faceted. There are various reasons, such as the layout of the home or staffing issues, which can prevent or make care homes reluctant to take companion animals into the home with their owner. We are reticent to conclude that legislation should be introduced which would result in all care homes having to accept companion animals. However, we would encourage further exploration of this idea. If legislation were to be introduced, it would be necessary to ensure that guidance is in place to support care home managers.

We understand that there were some limitations to this study, particularly due to the small sample size. We are not claiming, however, that this study provides results that can be generalised or that it provides a complete overview of the issues in this area. What we would like to encourage is others to do similar studies in this area, to compare the results with ours, and provide a larger-scale analysis across England in order that more definitive proposals could be put forward on this important issue.

You can read the research [here](#).





STUDYING ANIMAL LAW AS A POSTGRADUATE

BY ALICE OVEN

It might seem odd to go 'back to school' at the age of 33, especially to study something as 'niche' as Animal Welfare Science, Ethics and Law. But having recently become vegan, I wanted to arm myself with some evidence-based facts about the way animals are treated in modern society. What kind of legal rights do our pets have? What about wild animals? What sort of practices are really 'standard' and legal on farms? I also work in the publishing industry, signing academic and professional books in Life Sciences and Veterinary Medicine. One area I want to expand our portfolio into is One Health and One Welfare. How are the rights of animals and the ways we are allowed to treat them tangled up with

human rights and welfare? These were all questions that I hoped my MSc in Animal Welfare Science, Ethics and Law at the University of Winchester would answer.

The Winchester course only has three full modules specifically dedicated to Animal Law. These explore EU, UK and US law and are based on lectures by Noël Sweeney, a practising barrister who specialises in criminal, human rights and animal law. Not having any legal background, I was surprised at how accessible and interesting I found this section of the course. We learned about the World Trade Organisation and its importance in relation to animal welfare and Brexit, as well



as the UK's **Animal Welfare Acts** and the various legislative protections we offer animals, from the **Breeding of Dogs Act 1973** (as amended), the **Wildlife and Countryside Act 1981**, to the **Performing Animals (Regulations) Act 1925**. Studying US Animal Law immediately after was eye-opening: not only did we see the startling gaps in legal protections for nonhuman animals here, where rodents, birds and farmed animals are not officially recognised as 'animals' under their Animal Welfare Act, but we also learned about the so-called Ag-Gag laws which are designed to prevent people exposing animal abuse on farms.

There were some stories that I'll never forget: a case of animal abuse that changed the US law, for instance. A teenaged boy hanged a girl's 3-month-old Chow-husky pup, Gucci, from a tree and repeatedly kicked him, finally setting him on fire. Gucci managed to escape and hid under the porch while still on fire. By chance, Dr Doug James was visiting the area and found the dog, rescued Gucci and nursed him back to health. Afterwards, he lobbied for years to change the US law and, six years later, the Pet Protection Act was introduced (aka Gucci's Law). Although animal law comprised just three modules, it was a common thread throughout the course. After all, animal welfare science is essential to substantiate laws: lawyers need an evidence base to draw upon.

I chose to study part-time for three years, making the workload manageable alongside a full-time job. That's not to say it hasn't been challenging. Reading lists are long and the three assignments per module are assessed without lenience; as Masters students, you are expected to work hard and write convincingly. However, you get out what you put in.

We've had many opportunities to attend

conferences and debates during the course. A particular highlight was attending The Fifth Annual Oxford Animal Ethics Summer School on 'Animal Ethics and Law: Creating Positive Change for Animals' last year, and hearing Steve Wise of the Nonhuman Rights Project explain in person how the law is entangled in ethics. Until the courts can be convinced to grant animals the legal writ of habeas corpus, Wise showed us that animals will never be recognised by society as 'someones' rather than 'somethings'.

Another memorable event was the Global Animal Education and Law Conference in 2018 (organised by A-law's Legal Support Officer, Tiffany Mitchell), where other students and me heard the first Professor of Animal Welfare, Don Broom, debate the ethics of chick culling with The Humane League's Vicky Bond. Another huge part of my postgraduate experience has been meeting like-minded people and building new and, I hope, lifetime friendships. Despite studying remotely, there have been lots of opportunities to meet up, not least attending the parliamentary debate on banning fur imports last year.

Having completed the two years of taught modules last April, I am now completing my dissertation. Do I feel that my course has answered my questions? Absolutely. More than that, it has opened my eyes to the realities of animal abuse and subjugation all over the world, from the illegal wildlife trade to puppy farms and irresponsible companion animal breeding. It has also made me realise that Animal Welfare Science, Ethics and Law isn't 'niche' at all. Humans use animals in almost every facet of modern life, from the food we eat to even the way we power our houses. The sooner we understand that animals need our legal protection, the closer we'll be to a more compassionate society.



ALBERTA AND ONTARIO TRESPASS (AG-GAG) LAWS

BY TIFFANY MITCHELL

On 26 November 2019, the province of Alberta, Canada, passed **bill 27**, aka the Trespass Statutes (Protecting Law-Abiding Property Owners) Amendment Act, 2019. This bill, which was passed within just ten days, tightens up existing trespass legislation in the province.

Arguably, the bill was produced in an effort to curb activists from exposing cruelty, such as on fur farms, dairy farms, puppy mills and so on. However, the scope of the bill is not limited to animal exposés; it will also apply to individuals working undercover in day-care facilities or care homes, for example.

Amendments to existing trespass legislation

could lead to animal advocates being targeted due to the way exposés are typically carried out. Section 2 of the **Trespass to Premises Act** has been amended to include the following provision which states, “for the purposes of subsection (1), a person who enters on the premises having obtained by false pretences permission to enter on the premises from the owner of the premises or an authorised representative of the owner of the premises is deemed to have trespassed on the premises.”

Individuals obtaining employment for the purpose of conducting an undercover investigation can be prosecuted under this



new legislation. A failure to disclose their animal advocacy work would revoke their permission to enter the premises; therefore they would be deemed to be trespassing.

A further amendment is made to the **Petty Trespass Act**; section 2.2, titled 'Entry Prohibited Without Notice', has been added to the legislation. This section states, "Entry is prohibited without any notice on land that is a lawn or garden, or that is used for; (i) the production of crops, including fruits and vegetables, through the cultivation of land, (ii) the raising and maintenance of animals, including birds and fish, or (iii) the keeping of bees, (c) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or (d) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land." This section makes it clear that even without notice of barring entry visible on the land, entry to farms or animal rearing/training facilities is strictly prohibited.

Other significant changes are made to penalties. Under the **Trespass to Premises Act**, section 3, which relates to offences and penalties, previously stated that anyone guilty of an offence, whether or not damage had been caused by the contravention, would be liable on the first offence to pay a fine not exceeding \$2000, and on a second or subsequent offence in relation to the same land, they would be liable to pay a fine of no more than \$5000. The new legislation increases fines on the first offence to up to \$10,000 or imprisonment for a term not exceeding 6 months (or both). For a second or subsequent offence in relation to the same land, the maximum fine increases to \$25,000 or imprisonment for a term not exceeding 6 months (or both).

The Act has also been amended to include trespassing offences committed by corporations. Corporations or organisations found trespassing could be liable to pay up to \$200,000. Additionally, if a corporation counsels or directs a person to trespass on a premises, whether or not the person actually carries out the trespass, they would be liable to pay a fine of up to \$200,000. These penalties have increased significantly. Alberta has seen an increase in organisations allegedly trespassing on premises in order to expose aspects of animal farming and the use of animals in entertainment, such as dogs used for sledding. It would appear that the new provisions relating specifically to corporations have been implemented specifically to deter these organisations.

In addition to these new provisions, the bill also amends the **Provincial Offences Procedure Act**. Currently, under section 8(1) of the Act, "a justice who convicts a defendant of an offence may, on the application of a person aggrieved, at the time sentence is imposed, order the defendant to pay the applicant an amount of not more than \$25,000 as compensation for loss of or damage to property..." This sum has been increased to \$100,000 by the bill.

Just days after Royal Assent was given to Alberta's new "Ag-gag" law, the province of Ontario introduced a similar bill called **bill 156**. Although not yet officially law, this bill will have a similar effect as Alberta's bill 27. However, bill 156 includes additional provisions which go beyond the scope of bill 27, as it creates new legislation, entitled **Security From Trespass and Protecting Food Safety Act 2019**. Not only does this tighten the law around trespass but it applies specifically to trespass carried out in the course of animal advocacy work. Fines on first

instance in Ontario's new bill would start at \$15,000 and go up to \$25,000. This bill also proposes criminalising individuals who stop slaughter trucks at abattoir entrances in order to obtain footage of the animals and their conditions during transport.

There is a stark disparity between the severity of the financial penalties available for committing animal cruelty offences compared to those available for committing a trespass offence under these new bills. Under the criminal code of Canada, section 445.1 defines unnecessary suffering, whilst 445.2 provides for available sentencing.

Accordingly, a person who commits an animal cruelty offence could be liable to a fine not exceeding \$10,000, or a term of imprisonment of not more than eighteen months (or both). By comparison, in Alberta the fines for a first and second or subsequent act of trespass, which is by definition merely entering someone's land or property without permission, are \$10,000 and \$25,000, respectively. Ontario proposes to set first instance fines at \$15,000. Additionally, corporations could receive an extortionate \$200,000 fine.

Animal advocates would argue the reason they obtain undercover footage is to generate awareness amongst the public about the cruelty involved in standard in farming practices. Although any acts of trespass are illegal, they are – advocates would argue – being carried out in the public interest. Past exposés have shown that some standard farming practices are inherently cruel. These include applying blunt trauma to a pig's head by striking the top of the cranium against a flat surface in order to bring about death or macerating unviable chicks as a method of humane disposal.

In addition to this, exposés can highlight neglect, especially in larger facilities. This is incredibly concerning where already low standards of welfare are deemed acceptable. Footage has shown chickens unable to walk due to the extent of their weight gain, for example. There have been several major undercover investigations in Canada recently, all of which have exposed distressing footage of neglect and abuse. These investigations are important for increasing transparency and helping to influence the development of new animal welfare legislation. Laws such as Lucy's Law in the UK implemented a ban on the sale of pets by third parties and the sale of puppies and kittens under eight-weeks of age. It was an exposé of puppy farming conditions that inspired campaigners to advocate for these changes to UK law.

Alberta's and Ontario's new bills have not yet been challenged in court. However, as it stands, the fines and penalties for exposing cruelty are - or will be - greater or relative to the fines handed down for inflicting abuse on an animal. Several US states have also implemented 'Ag-gag' laws. Some of these have successfully been struck down by US courts. For example, in August 2015, Idaho District Court ruled that the state's Ag-gag law was unconstitutional. Similar decisions have been handed down in Iowa and Utah. It is possible that constitutionality of Canada's Ag-gag laws could be challenged, too. Under the Canadian Charter of Rights and Freedoms, section 2 outlines fundamental freedoms; amongst these is the right to expression.

Tiffany is A-law's Legal Support Officer. She is a graduate of the Memorial University of Newfoundland where she completed her BA in Law & Society and German She then graduated in 2018 with an LLB from the University of Leicester.



IN THE NEWS

NEW A-LAW STUDENT MATERIALS RELEASED

As you may have noticed, over the past couple of months A-law has released a number of new materials just for students. These include a brand new **Student Brochure** and an **Ideas and Inspiration Booklet** to give you tips on how you can use your time and skills to Act for Animals.

We've also recently launched a monthly Student Bulletin specifically for A-law Student Members. This includes all of the latest news, events, materials and more. If you're not yet a Student Member, why not consider joining us! You can find out more about membership [here](#).

ACT FOR ANIMALS

SCOTTISH STEERING COMMITTEE MEMBERS GIVE EVIDENCE TO ECCLR

Earlier this year, A-law established a Scottish Steering Committee to help further A-law's mission and values in Scotland, whilst also coordinating response to specific matters of Scottish animal law.

Last month, members of the Committee, Mike Radford OBE and Scott Blair (pictured), gave evidence to the Environment, Climate Change and Land Reform Committee with regards to the Animals and Wildlife (Penalties, Protections and Powers) Bill. The new Bill, amongst other things, seeks to increase maximum penalties for animal welfare offences and to make it easier for authorities to make permanent arrangements for animals who have been seized as part of an animal cruelty investigation.

You can see coverage of the session [here](#).



JOIN A-LAW & ADVOCATES FOR ANIMALS IN EXETER ON 15TH JANUARY

Join us on 15th January 2020 when we will be co-hosting an evening seminar with Advocates for Animals entitled 'Using the Law to Help Animals and Activists'. The event, which takes place at The Roots Foundation in Exeter, will include talks by Edie Bowles (Advocates for Animals and A-law), Alice Collinson (Advocates for Animals), Alan Robertshaw (Barrister) and Patricia Sheehan (Mustoe Shorter). Find out more and book your tickets [here](#).

ANIMAL CRUELTY BECOMES A FEDERAL CRIME IN THE US WITH PASSAGE OF PACT ACT

Certain acts of animal cruelty are now a federal crime in the USA after the passage of the Preventing Animal Cruelty and Torture Act (PACT Act) last month.

The PACT Act is primarily aimed at prohibiting the creation and distribution of so-called 'crush' videos. According to the Act, crushing occurs when a living non-human mammal, bird, reptile, or amphibian is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury.

The Act does not apply to the slaughter of animals for food, to hunting, to pest control, to 'normal and customary' veterinary and animal husbandry techniques, nor to the use of animals in scientific research. You can read the Act in full [here](#).

OPINION BY EFSA SUGGESTS STAFF FAILINGS TO BLAME FOR POOR POULTRY WELFARE AT SLAUGHTER

A Scientific Opinion by the European Food Safety Authority (EFSA) has suggested that staff tend to be the cause of poor welfare for poultry during slaughter.

In the report, a total of 35 potential welfare hazards were identified. 29 of these originated with staff, 28 of which were attributed to inappropriate skill. As a result of these hazards, the Opinion concludes that poultry could be exposed to the following during slaughter; consciousness, heat stress, cold stress, prolonged thirst, prolonged hunger, restriction of movements, pain, fear, distress and respiratory distress.

Worryingly, the report concludes that not all hazards can be prevented, recommending only that these hazards should be 'mitigated'. Read the report [here](#).

GET INVOLVED AND WRITE FOR OUR FARMED ANIMAL AJUK SPECIAL

After the success of our first ever Special Edition about [Animals in Tourism](#), we have decided to release another Special in 2020. This edition will be dedicated to farmed animals. We know this is a hugely popular topic and so we'd love for as many of you as possible to get involved. We already have a number of authors lined up to write pieces for us, so if you'd like to be part of it too, please get in touch with Natalie at studentgroup@alaworg.uk!

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