

Annex 1: The Need for CONSTITUTIONAL PROTECTION for animals

❖ The Importance of Respect and Protection for Animals as an Indicator of Moral Standards of a Nation

In many societies, including the Sri Lankan society, there is an ever growing understanding that **Animal Protection is an important Ethical and Political issue reflecting a society's moral standards. This also commands global interest** and is now covered by a growing body of international standards (under the aegis of the World Organization for Animal Health, or the OIE) which have been agreed by governments.

Despite this reality, many countries have still not yet secured even the basic foundations for humane treatment of animals in their constitutions, leave alone Protection, and many others have only outdated and inadequate provisions.

❖ Animal Protection Must be Incorporated into Constitutions for both Ethical and Practical Reasons

Ethical Reasons: The status of animals and the importance of animal protection objectives must be recognized by the State. **These are already internationally recognized by consensus and morality, and should be reflected in the fundamental governing principles of nations.**

Practical Reasons: practical problems arise when other constitutional objectives take precedence over animal ethics and protection because these are not included in the constitution. For example, in Germany, a country that has traditionally been a strong supporter of animal protection, in the case of animal experimentation particular problems arose in the past because freedom of research was included in the German constitution, whereas animal protection was not, until 2002. In 1994, a researcher filed suit after he was denied permission to perform a particularly cruel research on primates – and the court rules in his favour. Furthermore, a German Constitutional Court ruling in July 1999 stated that the

principle of welfare balance in the area of animal protection (e.g. when in conflict with fundamental laws, such as scientific and educational freedom, artistic or religious freedom) could only function when animal protection had a constitutional ranking.

❖ **Social Movements Against Animal Cruelty Result in the Inclusion of Animal Protection in National Constitutions**

As a result of social movements against animal cruelty, two countries that have included animal protection provisions in their constitutions are **Germany and Switzerland**.

Germany: In 2002 added a provision to its constitution that is interpreted as enshrining the protection of animals as a major state objective, binding on all state actors as follows: "**Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation. . . .**"

Switzerland: Animal protection has been included in the Swiss Constitution (Article 80), establishing mandate for federal legislation on animal welfare.

Other Countries: In **India**, animal protection objectives were included in the Indian constitution from its adoption in 1950. In particular, Article 48, which dealt with agriculture, included a **prohibition on the slaughter of cows, calves and other milk and draught animals**. In 1974, further provisions were introduced including Article 51A, which made it a **duty of every citizen of India "(g) to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures"**.

Apart from India, other countries that obligate the State and the citizens to take a role in protecting animals are **Cuba, Hungary, Kyrz Republic, and Serbia**.

❖ **Global Movement on the Need for Animal Protection to be in International, National and Regional Constitutions**

Since the need to take proper account of animal protection in international, national and regional constitutions is long overdue, **World Animal Net (WAN)**, the most widely connected animal protection organization in the world with over 1,500 affiliated societies,

has launched an international movement to acknowledge the legal status of animals, who are sentient creatures with an intrinsic value, and get them recognized in and protected by constitutions. In this campaign, amongst other things, WAN is calling for:

- **All national governments** to introduce animal protection into their constitutions (if they have not already done so).
- **The United Nations** to specifically include animal welfare within the scope of its activities, and to bring forth, without delay, a draft convention or declaration, for the protection of animals, and to arrange an international conference on this issue of world-wide concern.
- **Individual nations** to support a Universal Declaration on Animal Welfare.

❖ **Sri Lanka's Social Movement Against Animals Abuse and Cruelty**

There is a huge social movement in Sri Lanka against cruelty to companion animals, animals in captivity, farm animals, wild animals, and this is getting stronger, especially via social media, as of late.

In Sri Lanka Animals are openly subjected to cruelty in conservation parks like Pinnawela and the Dehiwela zoo, in pageants, farms, pet shops, religious places, homes. We have no legal clout to combat these cruel practices against animals. **This is why it is necessary to grant the highest level of legal protection to animals by ensuring CONSTITUTIONAL PROTECTION, strengthening all Bills and Ordinances related to Animal Welfare.**

❖ **Sri Lanka: The State and its Citizens Promoting Animal Protection**

Sri Lankans State's Recognition for Protection of Animals

- A recent-most classic example of this was the destruction of the contraband elephant tusks in transit.
- Another is the No-Kill Policy on dogs for rabies control. The Sri Lankan Government is unique in this aspect as it has steered a method of humane control of dog populations via country-wide free sterilizations of female dogs in place of killing as a control method.

- Passing of the New Animal Welfare Bill is yet another instance.
- Taking action against those who kept baby elephants illegally and ensuring the safety of the baby elephants from human abuse.

Sri Lankan Citizens and the Social Movement to Secure Protection for Animals

We also have a strong social movement to secure protection for the animals in Sri Lanka, which once culminated in a Buddhist monk setting fire to himself in front of the Temple of the Tooth Relic against cattle slaughter in Sri Lanka.

We have very strong and vibrant animal welfare organizations mushrooming in Sri Lanka giving a voice to stop the abuse of pets including exotic pets, wild animals, animals in captivity, and farm animals, turtles and sea life, etc. **It was a similar kind of social movement that got Animal Protection incorporated into the constitutions of Germany and Switzerland.**

The Need for Constitutional Protection for Animals

However, since Animal Protection is not incorporated into the National Constitution granting the highest level of legal protection for animals, both the State and the citizens are incapable of taking action against many other cruel practices involving animals such as animal sacrifices, slaughter, pet shops, use of animals in pageants and for entertainment, domestication of elephants, etc.

CONCLUSION: A Strong Case for Constitutional Protection for Animals

However, since Animal Protection is not incorporated into the National Constitution of Sri Lanka, granting the highest level of legal protection for animals, both the State and the citizens are incapable of taking action against many other cruel practices involving animals such as animal sacrifices, slaughter, pet shops, use of animals in pageants and for entertainment, domestication of elephants, etc.

But we have a president who wants to ban cattle slaughter in Sri Lanka and who has publicly announced that he is a vegetarian and has compassion towards animals and wish no harm to them.

So we have a very conducive background to include Animal Protection in the National Constitution of Sri Lanka, with the State and its Citizens showing much compassion to the country's animals.

The time is right in Sri Lanka to provide Constitutional Protection to Animals.