

Italy celebrates animals being recognised in Constitution

On March 9th LAV is organising a conference at the Italian Senate to understand what concrete changes this milestone decision will bring about.

Reineke Hameleers, CEO, Eurogroup for Animals

Congratulations to LAV

Firstly, congratulations to LAV on organising this important event to celebrate the incorporation of environmental and biodiversity protection, and animals in the Italian constitution. A victory that has been 25 years in the making but that marks a turning point for the animal advocacy movement. A result that LAV pursued relentlessly until this success, which could not make me happier.

Eurogroup for Animals

My name is Reineke Hameleers and I'm the CEO of Eurogroup for Animals, we are the European association of 82 animal protection organisations based in Brussels. We're proud to have five members in Italy, of course LAV but also Essere Animale, Animal Equality Italy, CIWF Italy, and Animal Law Italia. Eurogroup for Animals was founded in 1980 and our mission is to create a Europe that cares for animals by achieving better legislation, enforcement and to improve standards. Our growing organisation reflects the groundswell of support for better animal protection among citizens.

Eurogroup for Animals achievements

Over the past four decades we have obtained a lot of progress in terms of legislative protection for animals. Among our key successes I would like to mention:

- 1983 The ban on imports of baby seal skins
- 1997 The ban on Veal crates
- 2001 The ban on sow stalls
- 2007 The legal obligation under the EU Treaty to consider animals as sentient beings when drafting legislation
- 2013 The ban on marketing and testing of cosmetics on animals
- 2016 The adoption of the EU Action Plan against wildlife trafficking
- 2021 The commitment from the European Commission to phase out cages for farmed animals across Europe

Treaty on the functioning of the European Union

Article 13

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, **since animals are sentient beings, pay full regard to the welfare requirements of animals**, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

Only five jurisdictions afford a duty of legal protection to animals in their basic laws or constitutions: Germany, Austria, Switzerland, the EU and now Italy. Of course, in terms of the EU level, we recognised animal sentience and the need to pay full regard to animal welfare through Article 13 of the Treaty on the Functioning of the European Union. Whilst this recognition does not yet make animal welfare a competence at EU level in its own right, it should nevertheless be noted that animal welfare is plainly an objective of Union-level policy, in the same way that principles of non-discrimination, equal treatment and transparency have all been established as fundamental principles, emerging as they have from the Treaty, and derivatively, from legislation and case law of the Court of Justice of the European Union. However, we hope that any future revision on the Treaties will build on this, by making animal welfare a shared competence in its own right, and we would hope that Italy would champion this.

The Italian Constitution

We are thrilled that Italy now has an article in its Constitution explicitly stating that animal protection is a competence of the Italian State. We would like to congratulate the Italian institutions for being frontrunners for animals and trust that this recognition will take effect in an ambitious pro-animals reform agenda. It is of the utmost significance that, in the end, the text of the Constitution includes all animals and not only companion animals. Clearly, we cannot have first and second or third class when it comes to animal protection. We know that most of the suffering occurs far from the public eye, and it is exactly there that the law needs to intervene. In this sense, we were also incredibly happy to learn that Italy will ban fur farming.

The current issues

However, we cannot rest on our laurels. As you know, there's a big gap between the recognition that animals deserve legal protection and good lives and the reality on the ground. Billions of animals are kept in intensive farms which is lightyears from what they need to experience: an even minimum level of well-being. Then, too many animals are still being used for scientific research and testing whereas effective alternatives exist. Wild animals are being traded and exploited on a massive scale with no legislation protecting them at all. And pets seem to have better lives but in the EU they also can't count on any legal protection resulting in e.g. a flourishing puppy trade and unscrupulous breeding practices.

The revision of animal welfare legislation at EU level

All these issues require our attention and it's therefore great that the European Commission has, as part of the Farm to Fork strategy, decided to revise the animal welfare legislation and end the use of cages in livestock systems. We also truly need collective action at EU level to put an end to fur farming across the bloc as a whole. We call on the Italian government to proactively support these changes, speak up for animals in the Council of the EU and to continue with an ambitious domestic agenda.

Quote

"We are thrilled that Italy now has an article in its Constitution explicitly stating that animal protection is a competence of the Italian State. We would like to congratulate the Italian institutions for being frontrunners for animals and trust that this recognition will take effect in an ambitious pro-animals reform agenda. We encourage other Member States to follow the Italian example and include animals in their constitutions, also thereby ensuring that animal protection and animal sentience is not simply recognised through European law, but also in national law too", commented Reineke Hameleers, CEO, Eurogroup for Animals.