



**Situation Concerning the Legality of
Captive Breeding and Culling**

In the Matter Between

the Democratic Republic of Seitan

v.

the Kingdom of Tempeh

**International Court
of Justice**

COMPROMIS

BACKGROUND

1. The Democratic Republic of Seitan (“Seitan”) and the Kingdom of Tempeh (“Tempeh”) are independent, sovereign states adhering to a monist system. Both States are members of the United Nations (“UN”). In respect of human rights, animal rights, and environmental protection, both are parties to various international instruments, listed in the annex under “Key Authorities and Recommended Sources”.
2. Seitan and Tempeh are island nations in the Oat-Milky Way archipelago, with near-identical geographical terrains, climates, and ecosystems. Both States, however, have differing stances on, and priorities and strategies for, animal rights and environmental management. Each State has a total land area of 160,000 square km, of which most is habitable and inhabited today. Historically, due to an unforgiving physical environment, human-animal conflicts were very common in both States, with a very small portion of the total land area being viable to sustain life. However, for different reasons, this position has now changed for both. Though both States had similar human population sizes until about a century ago, Seitan now has a human population of 41 million, whereas Tempeh has a human population of 76 million. Seitan has an annual GDP of 14 trillion USD, and Tempeh has an annual GDP of 310 billion USD. Seitan also has a HDI score of 0.95, and Tempeh of 0.58, with the former scoring considerably higher in all indices, including life expectancy, education, and income.
3. The Seitanese human population was historically composed primarily of gatherers who lived off of naturally-occurring plants on the island, but in the 1960s, they transitioned to plant-based agriculture due to pressures of population growth, which could no longer be met through gathering alone. Driven by a multitude of socio-economic factors, including a strong societal disapproval of animal agriculture as exploitative and abusive—endorsed by 86% of the population—Seitan sought innovative solutions to overcome the limitations of its physical environment to maintain a plant-based diet. With a society deeply committed to animal protection and founded on the principles of scientific inquiry, Seitan successfully developed efficient plant-based agricultural practices. By the 1980s, these efforts culminated in its ability to grow plants at commercially viable rates, leading to a 50% increase in agricultural output of crops and ensuring sustainable food production for its growing population.



4. As of 2025, Seitan uses sustainable agriculture to grow abundant plant food sources, such as fruits, vegetables, grains, and legumes, which contribute to 65% of its national GDP, up from 15% in the 1960s. Seitan is also a leading global exporter of agricultural crops, which make up almost 50% of its international trade by value, an increase from 5% in the 1960s. Seitan's flourishing trade in crops has contributed significantly to its economy, due to which Seitan has now become one of the world economies with the highest GDP and per capita income.
5. Tempeh had a long history of relying on hunting and fishing as the primary means of livelihood for the majority of its human population. These traditional practices had long been integral to the cultural and economic fabric of the region. However, since the 1940s, there was a gradual shift towards factory farming of animals. This transition led to significant socio-economic changes, with many Tempehese human residents finding their traditional livelihoods being replaced by mechanised processes and industrial animal farming practices.
6. By 2025, Tempeh had embraced intensive, factory-based animal agriculture and aquaculture, which then constituted 60% of its GDP. This shift not only transformed the local economy but also positioned Tempeh as a leading global exporter of animal products, particularly meat and fish. These exports accounted for nearly 40% of its international trade by value, underscoring the critical role that modern animal agricultural practices played in the nation's economic landscape. The transition to intensive animal agriculture and aquaculture enabled Tempeh to maximise productivity and meet the global demand for animal products, while also navigating the challenges posed by the decline in traditional hunting and fishing practices.
7. Tempeh has historically remained largely disinterested in developing plant-based agriculture, resulting in its inability to grow many plant sources of food, particularly those rich in protein and omega acids, at commercially competitive rates. However, pursuant to the recent International Court of Justice ("ICJ") judgment of 2025 in *The Case Concerning the Legality of Animal Agriculture and Aquaculture (the Democratic Republic of Seitan v. the Kingdom of Tempeh)*, Tempeh has been ordered to start making a shift to plant-based agriculture. In reliance on common stereotypes surrounding vegans gathered from social media, Tempehese farmers have therefore taken a strong and disproportionate interest in producing almonds and avocados, particularly for export. Tempeh asserts that its strategy holds promise, given the rising global demand for iced almond lattes and smashed avocados on toast.
8. Hoping to attract animal-lovers to its territory and arguably demonstrating a slight misunderstanding of the alignment between vegans and those who visit captive animal facilities for



entertainment, in 2015, the Tempehese government imported 12 ‘rainbow whales’ for its newly-constructed cetacean aquarium. These animals are not native to Tempeh, and have been imported from a private producer in an undisclosed third state. Rainbow whales tend to grow to approximately 25 metres and form strong interpersonal bonds, both within and outside their own species. (They are basically very, very friendly.) Horrified by the fact and conditions of captivity of these whales, a group of animal rights activists staged a rescue and relocation mission, in which they released all 12 captive rainbow whales from Tempeh’s aquarium into the ocean, using means and methods unknown.

9. These whales then established themselves in Tempeh’s territorial ocean ecosystem. They are also rather lazy, and unlike most cetaceans, prefer to stay within established territories. With no natural predators to keep their numbers in check, the rainbow whale population has grown rapidly, and experts are now raising concerns about the imminent possibility of significant disruption of local ecosystems due to the imbalance caused by the whales’ presence in Tempehese waters. One of the most significant concerns relates to Tempeh’s emblematic bird species, the greyscale bird. Experts are reporting a steady decline in the birds’ population within Tempeh, as the rainbow whales’ loud and, quite frankly, alarming mating calls disrupt the birds’ migratory return to Tempeh, driving them to other islands. The greyscale bird is known for neither its general intellect nor specific navigational abilities. This is especially problematic for Tempehese farmers, as the shift to plant-based agriculture has not been easy due to the lack of means of production within Tempeh, and these farmers have grown reliant on greyscale birds for pollination, seed dispersal, and pest control. These birds are the only animals on the island who provide such benefits without harming the crops in any way.
10. Responding to these factors, the Tempehese government invited public consultation, requesting policy proposals for addressing both issues. Various stakeholders, including NGOs, submitted proposals pursuant to this, prime amongst which were the Vigilantes for an Ethical Greyscale Nation (“VEGN”) and the Tempehese Rioters for Initiating Human Understanding of Green Rights (“TRIHUGR”).
11. TRIHUGR proposed the captive breeding of greyscale birds and the culling of rainbow whales, emphasising the necessity of these measures to protect human rights and the environment. VEGN submitted that these measures would entail violations of animal rights, and questioned their alleged environmental benefits. Eventually, the Tempehese government would end up deciding in favour of both measures.



12. In June 2025, the greyscale bird was declared a critically endangered species, with less than 49 such birds remaining in the wild. In response, Tempeh embraced the captive breeding of the greyscale bird in controlled spaces for their rehabilitation and reintroduction into the wild. Tempeh enacted domestic legislation, in the form of the Greyscale Repopulation Act (“GRA”) 2025, to permit and regulate the captive breeding of greyscales, allowing conservation facilities and zoos to take part in the process. Due to limited state resources, Tempeh has resolved to provide only 25% of the funds necessary to maintain these captive preceding projects, requiring participants to pay all outstanding amounts. Along with this, Tempeh asks participants to submit voluntary reports on animal welfare and scientific progress. The Greyscale Assessment Group (“GAG”), with no state funding and only 10 employees (3 of whom are recognised as being addicted to folk music under Tempehese disability law, and therefore deemed unable to work full-time), is the only authority responsible for monitoring the compliance and enforcement of over 35 captive breeding facilities.
13. In recent years, rainbow whales, due to their sociable nature and weak survival instincts, have also started encroaching on human territory, specifically harbours, presumably in search of making human friends. They remain unaware of the damage they cause to boats docked in Tempeh’s harbours, much to the chagrin of boat-owners. This has led to animal-human conflicts as some of these owners have taken to violent methods to chase the whales deeper into the ocean.
14. Later on, in July 2025, Tempeh’s Prime Minister, Mr. Kobe Ra, announced a new initiative from Tempeh’s Management and Enforcement Agency for Nature (“MEAN”) to authorise landowners to euthanise rainbow whales found near their property, declaring them “invasive pests”, year-round and without a permit provided that the whales “are damaging or could damage their property”. This initiative is based on the expected ecological damage and financial losses from rainbow-whale-related destruction, and is anticipated to lead to a large-scale culling operation that will allow the native ecosystems to recuperate by substantially reducing or exterminating the rainbow whale population. However, Tempeh does require that all culling be done in a way that eliminates or reduces any risk to the surrounding environment, including to humans and other animals, as well as minimises any suffering on the part of the rainbow whales, in line with the ART.
15. A few days after the announcement, the President of Seitan, Mrs. Bo Nobo, sent a diplomatic letter expressing the Seitanese government’s concern about the fact and conditions of greyscales being held captive, and questioning if the birds were going to be reintroduced into the wild anytime soon. Mrs. Nobo also drew attention to the conflict between the GRA 2025 and the MEAN initiative on the one hand, and Tempeh’s international obligations under the Treaty on the Recognition and



Protection of Animal Rights (“ART”) 2023, on the other. Tempeh’s response to this letter was to insist that both the captive breeding and culling programmes are consistent with Tempeh’s international obligations.

16. Consequently, Seitan’s ambassador to Tempeh, Mr. C. Lyon, sought meetings with several Tempehese governmental authorities to discuss these issues and to seek ways for Tempeh to comply with its international obligations. All attempts were declined by Tempeh, with their President, Mr. Chi M. Ponzi, calling both matters domestic affairs and denying that there was any violation of its international obligations.
17. Both Seitan and Tempeh, like the majority of sovereign states today, are State Parties to the ART, which imposes positive and negative obligations on State Parties to protect the rights of non-human animals. This treaty is heavily inspired by the provisions of Ecuador’s ‘Organic Law for the Promotion, Protection, and Defense of the Rights of Non-Human Animals’ (“Bill LOA”) 2022 (unofficial English translation annexed). The text of ART Articles 1-19, 22-40, and 45 mirror that of the Bill LOA, with minor modifications to make them applicable to and binding on the ART State Parties rather than applicable to and binding on Ecuador and/or its subjects of law. The remaining ART provisions differ from the Bill LOA or are new, but with the exception of Article 2*bis* and 12*bis*, need not be considered here.
18. A significant change from the Bill LOA can be found in Article 12*bis* ART:

Human necessity is a conditio sine qua non for the application of welfarist protections, as an exception to the general abolitionist approach adopted by this Treaty. As such, general Treaty obligations require a complete prohibition on all forms of animal exploitation, but with exceptions for human necessity, which applies to safeguard vital human interests such as life and liberty. In the event that human necessity exceptions apply, animals may be covered by the more limited, welfarist regime provided for in certain Treaty provisions that allow for animal exploitation subject to basic protections for the animals.

19. In reliance on the ART’s compromissory clause under Article 2*bis*, granting the ICJ jurisdiction to resolve disputes arising from ART obligations, and due to the unavailability of domestic remedies, in September 2025, Seitan decided to submit a dispute to the ICJ alleging that Tempeh is in violation of its obligations under the ART through its captive breeding and culling programmes. All referenced regional and domestic jurisprudence will be treated as persuasive by the Court.



SUBMISSIONS BEFORE THE ICJ

Preliminary Issues

Seitan submits that:

- I. The Court has jurisdiction to rule over this matter pursuant to the compromissory clause under Article *2bis* ART.
- II. Seitan has standing to invoke the state responsibility of Tempeh.

Tempeh submits that:

- I. The Court does not have jurisdiction to rule over this matter as Article *2bis* ART does not apply.
- II. Seitan lacks standing to invoke the state responsibility of Tempeh.

Issues on Merits

Seitan submits that, in relation to Tempeh's rainbow whale culling and greyscale bird captive breeding initiatives,

- I. Both initiatives are attributable to Tempeh and are inconsistent with its obligation to uphold various animal rights, thereby constituting a breach of Tempeh's ART obligations.
- II. Tempeh cannot rely on necessity as a circumstance precluding wrongfulness.
- III. Tempeh's international human rights and environmental law obligations do not prevail over its international animal rights law obligations.

Tempeh submits that, in relation to its captive breeding and culling initiatives:

- I. Neither initiative breaches Tempeh's obligation to uphold any animal rights, and the ART is therefore not engaged.
- II. Even if the ART is engaged, Tempeh can rely on necessity as a circumstance precluding wrongfulness.
- III. Even if there is a breach of the ART, Tempeh's international animal rights law obligations do not prevail over its international human rights and environmental law obligations.

Prayers and Remedies

Seitan requests the Court to:

- I. Find and declare Tempeh to be in violation of its international obligations under the ART;

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- II. Find and declare that Tempeh incurs state responsibility as there are no circumstances precluding wrongfulness;
- III. Find and declare that Tempeh's international human rights and environmental law obligations do not prevail over its international animal rights law obligations.
- IV. Order Tempeh to cease the captive breeding of greyscale birds and the culling of rainbow whales;
- V. Offer appropriate measures of satisfaction and guarantees of non-repetition;
- VI. Order Tempeh to pay the costs incurred by Seitan in the present case.

Tempeh requests the Court to:

- I. Find and declare that the Court has no jurisdiction to rule over this matter;
- II. Find and declare that Seitan has no standing to bring the case;
- III. Alternately, find and declare that Tempeh is not in breach of its obligations under the ART;
- IV. Alternatively, find and declare that Tempeh does not incur state responsibility for any violation of its obligations under the ART;
- V. Alternatively, find and declare that Tempeh's international animal rights law obligations do not prevail over its international human rights and environmental law obligations; and
- VI. Order Seitan to pay the costs incurred by Tempeh in the present case.

Counsel is instructed to prepare written memorials for both Applicant (Seitan) and Respondent (Tempeh) addressing the issues mentioned above.



KEY AUTHORITIES AND RECOMMENDED SOURCES

International Instruments

1. 2030 Agenda for Sustainable Development 2015
2. Charter of the United Nations 1945
3. Convention on International Trade In Endangered Species of Wildlife Fauna and Flora 1973
4. Convention on the Conservation of Migratory Species of Wild Animals 1979
5. Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001
6. Framework for environmental, social and human rights impact assessments and the right to a clean, healthy and sustainable environment 2025
7. Framework Principles on Human Rights and the Environment 2018
8. He Whakaputanga Moana (Treaty for the Ocean) 2024
9. International Convention for the Regulation of Whaling 1946
10. International Covenant on Civil and Political Rights 1976
11. International Covenant on Economic, Social, and Cultural Rights 1976
12. Kunming-Montreal Global Biodiversity Framework 2022
13. Rio Declaration on Environment and Development, 1992
14. Statute of the International Court of Justice, 1945
15. United Nations Convention on Biological Diversity 1993
16. United Nations Convention on the Law of the Sea 1982
17. United Nations Human Rights Council’s Resolution 48/13 “The human right to a clean, healthy and sustainable environment” 2021
18. Universal Declaration of Human Rights 1948
19. Vienna Convention on the Law of Treaties 1969
20. World Charter for Nature 1982

International and Regional Jurisprudence

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21. Advisory Opinion OC-23/17 on Environment and Human Rights (2017, IACtHR)
22. Advisory Opinion OC-32/25 on Climate Emergency and Human Rights (2025, IACtHR)
23. Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004, ICJ)
24. Advisory Opinion on Legality of the Threat or Use of Nuclear Weapons (1996, ICJ)
25. Advisory Opinion on Obligations of States in Respect of Climate Change (2025, ICJ)
26. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v Myanmar*) (Preliminary Objections) (2022, ICJ)
27. Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v Israel*) (Request for the Indication of Provisional Measures: Order) General List No 192 (2024, ICJ)
28. Case Concerning Armed Activities on the Territory of the Congo (New Application: 2002) (*Democratic Republic of the Congo v Rwanda*) (2006, ICJ)
29. Case Concerning Pulp Mills on the River Uruguay (*Argentina v Uruguay*) (2010, ICJ)
30. Case Concerning the Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (*Belgium v Spain*) (1970, ICJ)
31. Case Concerning the Gabčíkovo-Nagymaros Project (*Hungary/Slovakia*) (1997, ICJ)
32. Case of Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina (2020, IACtHR)
33. Questions relating to the Obligation to Prosecute or Extradite (*Belgium v Senegal*) (2012, ICJ)
34. Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (No. 21) (2015, ICJ)
35. Whaling in the Antarctic (*Australia v. Japan: New Zealand intervening*) (2014, ICJ)

Domestic Jurisprudence

36. *ABCT vs MCGM* (8 June 2015, Bombay High Court)
37. *Abdulkadar vs. Gujarat* (12 May 2011, Gujarat High Court at Ahmedabad).
38. *Adithayan v. Travancore* (3 October 2002, Supreme Court of India)

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39. AR 21/957/1 (1 April 2021, Rechtbank Antwerpen)
40. *Arif v. City Police* (Lahore High Court)
41. *AWBI v PEST* (2009, Supreme Court of India)
42. *AWBI vs Nagaraja* (7 May 2014, Supreme Court of India)
43. *Bhatt vs UoI* (4 July 2018, Uttaranchal High Court)
44. *Cecilia* (3 November 2016, Judicial Power Mendoza, Tercer Juzgado de Garantías Mendoza).
45. *Cetacean Community v. Bush* (20 October 2004, United States Court of Appeals, Ninth Circuit)
46. *Chucho* (26 July 2017, Corte Suprema de Justicia República de Colombia, Sala de Casación Civil)
47. *Estrellita* (27 January 2022, Corte Constitucional del Ecuador)
48. *Fund for Animals v. Kempthorne* (2006, US Court of Appeals for the District of Columbia Circuit)
49. *Gujarat Vs. Jamat* (26 October 2005, Supreme Court of India)
50. *Happy* (14 June 2022, State of New York Court of Appeals)
51. *Happy* (14 June 2022, State of New York Court of Appeals), Dissenting Opinion of Judge Wilson
52. *Happy* (14 June 2022, State of New York Court of Appeals), Dissenting Opinion of Judge Rivera
53. *Hercules and Leo* (29 July 2015, Supreme Court of the State of New York, New York County)
54. *Ka'avan* (21 May 2020, Islamabad High Court (Judicial Department))
55. Kantonsblatt No 4, 59 (10 January 2018, Grand Council of Basel-Stadt)
56. *Maulekhi vs Uttarakhand* (14 August 2018, High Court of Uttarakhand at Nanital)
57. N° 446808 (1 December 2020, Conseil d'Etat)
58. *Nair vs. UoI* (6 June 2000, Kerala High Court)
59. No 2019/FA/46 (29 April 2019, Hof van Beroep Antwerpen)
60. No 2021/FA/177 (22 June 2021, Hof van Beroep Brussel)
61. N° 42.081/2022 (17 August 2022, Poder Judicial de la Ciudad de Buenos Aires, Argentina)
62. *NSPCA v MEA* (6 August 2019, High Court of South Africa)
63. *NSPCA v MEA* (8 December 2016, Constitutional Court of South Africa)

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64. *PFA vs Mohazzim* (15 May 2015, Delhi High Court)
65. *PFA vs. Goa* 1997 (1997, Bombay High Court)
66. *Sandra* (21 October 2015, Juzgado No 4 on Contentious Administrative and Tax Matters)
67. *Sharma vs. Himachal Pradesh* (26 September 2014, Himachal Pradesh High Court at Shimla)
68. *Singh v Haryana* (31 May 2019, Punjab and Haryana High Court at Chandigarh)
69. *Singhvi vs UoI* (18 August 2017, Chhattisgarh High Court)
70. *Smuts and Botha* (21 January 2022, Supreme Court of Appeal of South Africa)
71. *Tilikum* (8 February 2012, United States District Court, Southern District of California)
72. *Tommy* (8 June 2017, New York Appellate Division, First Department)
73. *Tommy* (8 June 2017, New York Appellate Division, First Department), Concurring Opinion of Judge Fahey
74. VG.2018.1. (15 January 2019, Constitutional Court of Basel-Stadt)
75. *Wild Parrot* (21 March 2019, Superior Tribunal de Justiça)

Books & Articles

76. Ankita Shanker and Eva Bernet Kempers, “The Emergence of a Transjudicial Animal Rights Discourse and Its Potential for International Animal Rights Protection” (2022) 10 (2) *Global Journal of Animal Law* [[link](#)]
77. Anne Peters, *Animals In International Law* (Brill 2021) [[link](#)]
78. Bradley Varner, ‘Detailed Discussion of the Ethical Treatment of Invasive Species’ (2022) *Michigan State University Animal Legal & Historical Center* [[link](#)]
79. Dov F Sax, Martin A Schlaepfer, and Julian D. Olden, ‘Valuing the contributions of non-native species to people and nature’ (2022) 37(12) *Trends in Ecology & Evolution* 1058 [[link](#)]
80. Lu Shegay, ‘A Global Overview of Whaling: The Application of International Treaties and Erga Omnes Obligations’, in RM Paulose (ed), *Blue Crimes and International Criminal Law* (Vernon Press 2025) [[link](#)]



81. Marina Lostal, Ankita Shanker, and Darren Calley, 'One Step Forward, Two Steps Back: The Search for 'Rights' in the Ecuador Animal Rights Bill' (2024) 2 *DALPS (Animal Law-Animal Legal and Policy Studies)* 550 [[link](#)]
82. Raffael Fasel and Sean Butler, *Animal Rights Law* (Bloomsbury Publishing 2023) [[link](#)]



INDEX OF ABBREVIATIONS

Abbreviation	Full Form
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ART	Treaty on the Recognition and Protection of Animal Rights
Bill LOA	Organic Law for the Promotion, Protection, and Defense of the Rights of Non-Human Animals
GAG	Greyscale Assessment Group
GDP	Gross Domestic Product
GRA	Greyscale Repopulation Act
HDI	Human Development Index
ICJ	International Court of Justice
MEAN	Management and Enforcement Agency for Nature
NGO	Non-governmental organisation
Seitan	The Democratic Republic of Seitan
Tempeh	The Kingdom of Tempeh
TRIHUGR	Tempehnese Rioters for Initiating Human Understanding of Green Rights
UN	United Nations
USD	United States Dollar
VEGN	Vigilantes for an Ethical Greyscale Nation



SUBMISSION INSTRUCTIONS

Email address for submission: registrations@wmilar.com

Deadline for submission: 11:59 pm CET on 26 November 2025

Email address for clarification requests: registrations@wmilar.com

Deadline for clarification requests: 11:59 pm CET on 26 September 2025

Please refer to the most recent version on the Handbook available on the [website](#).

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EXPLANATORY MEMORANDUM

Non-human animals have been excluded from the sphere of morality and human legal systems. This has resulted in the legitimisation of their exploitation and systematic discrimination, without recognising their rights, freedoms or the legal status of persons. Ecuador is now embarking on a path to break this paradigm by recognising non-human animals as subjects of rights; beings with inherent value, endowed with capacity, sentience, self-awareness and dignity, with whom we share the planet in search of *sumak kawsay*; and, holders of special protection for the defence of their rights in equality and justice.

On the other hand, the welfare of non-human animals has generated extensive debate at national level because of its importance and there is a growing public awareness of the need to ensure the protection of non-human animals as sentient beings whose rights must be protected. Hence the need for a law regulating their legal status.

The elimination of all forms of discrimination and domination is indispensable for the full enjoyment of rights. The need to modify socio-cultural patterns of behaviour is recognised, with a view to achieving the elimination of customary practices that are based on the idea of the inferiority of non-human animal species to the human species. For this reason, having a framework that regulates the rights of non-human animals is indispensable and is in accordance with our constitutional framework, which in article 71¹ reconsiders the relationship between human beings and Nature, which must be harmonious in order to achieve *Sumak kawsay* or *Good Living*, which is recognised in article 14 of the Constitution, a legal paradigm shift that Ecuador is in the process of constructing.

Buen vivir or *sumak kawsay* establishes a different way of relating human beings to nature, through innovative principles in search of a harmonious relationship and respect for this new vision, nature or Pachamama has rights independent of individuals and collectives².

Thus, Art. 71 of the Constitution establishes the *right to full respect* for Nature, its existence, maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes, as well as the imperative to promote respect for all the elements that make up an ecosystem.

¹ Constitution of the Republic of Ecuador (2008, 20 October). Official Gazette, No. 449. Principles of application of rights, chap. 1, Art. 10, second paragraph. "Nature shall be subject to those rights recognized by the Constitution".

² Murcia Riaño, Diana Milena (2012). *Nature with rights. Un recorrido por el derecho internacional de los derechos humanos, del ambiente y del desarrollo*. Quito: Instituto de Estudios Ecológicos del Tercer Mundo, p. 19.

In this regard, the Constitutional Court has issued several judgments³ that address the reparation of the rights of nature, generating binding jurisprudence, which has made it possible to give content to the Rights of Nature and has declared rivers, paramos, mangroves as holders of rights and in the case of non-human animals, judgment No. 253-20-JH/22, in the "Mona Estrellita" case, which in its paragraphs 77, 121 and 181 determines that:

Paragraph 77 which states:

"Thus, the recognition of animals as subjects of rights is the most recent phase in the development of their legal protection, which is based on the recognition of animals as living beings with an intrinsic value that makes them rights holders.

Paragraph 121 which states:

...the quality of animals as subjects and holders of rights contemplates, namely, the faculties to exercise, promote and demand before the competent authorities their rights understood under the principles of interspecies and ecological interpretation, through the mechanisms established in our current legal system (...)

Paragraph 181 recognises that:

Animals are subjects of rights protected by the rights of Nature. Animals are subjects of rights protected under the rights of Nature guaranteed in Article 71 of the Constitution under the unrestricted application of the principles of interspecies and ecological interpretation.

Animal rights must also respond to an adjectival dimension whereby they can - independently of the actions and remedies available in the ordinary justice system - achieve the protection of their rights by means of jurisdictional guarantees according to the specific object and claim.

For the custody or care of wild animals, priority should be given to their insertion or permanence in the natural habitat and this alternative should be evaluated in the first place; unless due to particular conditions or other exogenous conditions it is not possible, suitable measures for ex situ conservation should be adopted. All measures must be reasoned and their adoption and implementation must ensure the protection of the animal, taking into account the particular circumstances of the animal, in order to be successful. In the event that

³ Judgement No. 166-15-SEP-CC
Judgement No. 22-18-IN/21
Judgement No. 1149-19-JP/21

If the possession or custody of the wild animal is vested in a person or entity, the guidelines set out in paragraph 137 above should be observed.

In the event that no other alternative is possible and the freedom of movement of the wild species has to be restricted or any measure with such an object or result has to be taken, the guidelines set out in paragraph 147 above should be observed.

High Court Judgement No. 253-20-JH/22 brings about a change, both at the normative and social level, raising awareness about the care and respect for non-human animals and creating legally enforceable obligations to formally respect their rights.

As a result of this background, the present norm was constructed under the approaches of: **Rights of Nature** that assumes nature as a subject of rights, promotes the integral respect for its existence, seeks the prevention, maintenance and restoration of its functions, structures and vital processes; and considers the systemic link between human rights and those of nature from an eco-territorial and biocentric vision; **ecosystemic** that recognises the set of biological communities that interact within a given area, with the physical or abiotic environment; **in non-human animal rights**, which assumes non-human animals as subjects of rights with inherent dignity and inherent value and not just a means to achieve the ends of others, who must be protected primarily from a perspective that focuses on their individuality, and identifies the power relations that condition and limit the exercise of the rights of non-human animals, which must be eradicated from the State and society; **of a single health** that seeks to balance and optimise in a sustainable way the health of people, non-human animals and ecosystems. This approach recognises that the health of people, nonhuman animals, plants and the wider environment are closely interrelated and interdependent; and, **one health** is the interconnectedness of animal welfare, human welfare and the environment.

Recognising this interrelationship allows us to broaden the debate when making decisions. The continuation of humanity and life on the planet as we know it depends in large part on the decisions we make in the coming years, and this is where the approaches in this law make sense. The climate crisis threatens the planet through imminent changes in the frequency and intensity of climate events that have the potential to negatively affect vulnerable populations, especially those in the global south. Droughts, floods, extreme temperatures, desertification, the forced migration of thousands of people and the extinction of millions of species are part of the consequences we face if we do not act on scientific recommendations.

In the same way, ignoring the interrelationship of human and non-human health and welfare impacts on our ways of producing food and the future of generations. The origin of pandemics is directly related to the consumption of animals that have been exposed to constant stress, or that have been captured from the wild for trade and consumption. We must remember that viruses, bacteria and parasites are organisms that are also part of the planet, in most cases beneficial, yet nature reminds us that in the few cases where the fine line of equilibrium is broken, these organisms can replicate and threaten life in unimaginable ways. Despite great advances in science, the nature of disease and the ecology of viruses is unpredictable. Therein lies the importance of making wise choices, changing our patterns of animal behaviour, breeding and production, and avoiding disturbing natural environments at the rate we have been doing.

This Law is organic in nature, because its provisions shall prevail over other norms; it regulates the exercise of constitutional rights and guarantees, developing principles in the field of the rights of non-human animals as sentient beings. A National System for the Promotion, Protection and Defence of the rights of non-human animals is established with the aim of having measures, procedures and sanctions, in all areas, to ensure the validity, exercise, enforceability and restitution of the rights of non-human animals, established in this Organic Law, the Constitution of the Republic and international instruments, the leadership of this National System will be the responsibility of the National Environmental Authority.

This regulation clearly establishes that, in the processes of retention and confiscation of wild fauna, special attention is required from the Environmental Authority and the Control Entities, in order to respect the rights of the animals and guarantee their welfare.

This law determines obligatory reparation measures aimed at mitigating the harm caused to the non-human animal, including restitution of the right, economic or patrimonial compensation, rehabilitation, satisfaction, guarantees that the act will not be repeated, the obligation to refer to the competent authority for investigation and sanction, and recognition measures.

REPUBLIC OF ECUADOR

NATIONAL ASSEMBLY

EL PLENO

CONSIDERANDO

That, the Ecuadorian Constitution, in its preamble, points out: "to nature, Pacha Mama, of which we are a part and which is vital for our existence", and declares that "with a deep commitment to the present and the future" the sovereign people of Ecuador "[d]ecid[e] to build [a] new form of citizen coexistence, in diversity and harmony with nature, to achieve good living, sumak kawsay";

Article 1 of the Constitution of the Republic establishes that Ecuador is a constitutional state of rights and justice;

Article 10 of the Ecuadorian Constitution states: *"Art. 10.- Individuals, communities, peoples, nationalities and collectives are holders and shall enjoy the rights guaranteed in the Constitution and in international instruments.*

Nature shall be the subject of those rights recognised by the Constitution";

Article 14 of the Constitution of the Republic recognises the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living, sumak kawsay;

Article 21 of the Constitution of the Republic states: *"Art. 21.- People have the right to construct and maintain their own cultural identity, to decide on their belonging to one or several cultural communities and to express these choices; to aesthetic freedom; to know the historical memory of their cultures and to have access to their cultural heritage; to disseminate their own cultural expressions and to have access to diverse cultural expressions.*

Culture may not be invoked when it violates the rights recognised in the Constitution;

Article 71 of the Constitution of the Republic determines that nature or Pacha Mama, where life is reproduced and realised, has the right to full respect for its existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes;

Article 73 of the Constitution states that the State shall apply precautionary and restrictive measures to activities that may lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles;

Article 83, paragraph 6 of the Constitution states: *"Art. 83.- The duties and responsibilities of Ecuadorian men and women are, without prejudice to others provided for in the Constitution and the law:*

(...) 6. Respect the rights of nature, preserve a healthy environment and use natural resources in a rational, sustainable and sustainable manner";

Article 277 of the Constitution states: *"Art. 277.- For the attainment of the good life, the general duties of the State shall be:*

1. To guarantee the rights of individuals, communities and nature"; (...)

Article 281 of the Constitution states: *"Art. 281.- Food sovereignty constitutes a strategic objective and an obligation of the state to guarantee that individuals, communities, peoples and nationalities achieve permanent self-sufficiency in healthy and culturally appropriate food.*

To this end, it will be the responsibility of the State:

(...) 7. To ensure that food animals are healthy and raised in a wholesome environment"; (...)

Article 283 of the Constitution establishes that: *"Art. 283.- The economic system is social and supportive; it recognises the human being as both subject and end; it tends towards a dynamic and balanced relationship between society, state and market, in harmony with nature; and its objective is to guarantee the production and reproduction of the material and immaterial conditions that make good living possible".*

Article 395 of the Constitution states: *"Art. 395.- The Constitution recognises the following environmental principles:*

- 1. The State shall guarantee a sustainable model of development, environmentally balanced and respectful of cultural diversity, that conserves biodiversity and the natural regenerative capacity of ecosystems, and ensures that the needs of present and future generations are met.*
- 2. Environmental management policies shall be applied in a cross-cutting manner and shall be mandatory for the State at all levels and for all natural and legal persons in the national territory.*
- 3. The State shall guarantee the permanent participation of affected persons, communities, peoples and nationalities in the planning, execution and control of all activities that generate environmental impacts.*

4. *In case of doubt as to the scope of legal provisions on environmental matters, they shall be applied in the sense most favourable to the protection of nature;*

The Cambridge Declaration of July 2012 states: "(...) *The absence of a neocortex does not appear to preclude an organism from experiencing affective states. There is converging evidence that non-human animals possess the neuroanatomical, neurochemical and neurophysiological substrates of conscious states, together with the capacity to display intentional behaviours. Consequently, the weight of evidence indicates that humans are not unique in possessing the neurological basis that gives rise to consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates*";

That, the Toulon Declaration states: [...] *That the recognition of the legal personality of animals is an indispensable step towards the coherence of the legal system. That this dynamic is part of a legal logic that encompasses both national and international levels. That moving towards legal personhood is the only way to find satisfactory and favourable solutions for all parties. That any reflection on biodiversity and the future of the planet must involve the integration of non-human natural persons. That this will accentuate the existing link with the community of living beings, which can and must be embodied in law.*

Whereas, the Convention on Biological Diversity sets as its objective, the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising from the utilisation of genetic resources, through, inter alia, adequate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to those technologies, as well as through appropriate funding;

That the Escazú Agreement, a binding legal instrument, aims to: "(...) Guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in environmental decision-making processes and access to justice in environmental matters, as well as the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person, of present and future generations, to live in a healthy environment and to sustainable development".

That the United Nations General Assembly in its Resolution 76/300 recognises:
"Recognises the right to a clean, healthy and sustainable environment as a fundamental human right.

human right"; and, "Calls upon States, international organisations, business and other relevant stakeholders to adopt policies, enhance international cooperation, strengthen capacity building and further share good practices in order to intensify efforts to ensure a clean, healthy and sustainable environment for all"; and, "Calls upon States, international organisations, business and other relevant stakeholders to adopt policies, enhance international cooperation, strengthen capacity building and further share good practices in order to intensify efforts to ensure a clean, healthy and sustainable environment for all"; and,

That the Convention on International Trade in Endangered Species of Wild Fauna and Flora recognises that wild fauna and flora in their many beautiful and varied forms constitute an irreplaceable element of the earth's natural systems and must be protected for this and future generations;

That, the Advisory Opinion OC-23/17 - Environment and Human Rights of the Inter-American Court of Human Rights, in its paragraph 62 states: *"(...) This Court considers it important to emphasize that the right to a healthy environment as an autonomous right, unlike other rights, protects the components of the environment, such as forests, rivers, seas and others, as legal interests in themselves, even in the absence of certainty or evidence of risk to individual persons. The aim is to protect nature and the environment not only because of their connection with a utility for human beings or because of the effects that their degradation could cause on other rights of individuals, such as health, life or personal integrity, but also because of their importance for the other living organisms with which the planet is shared, also deserving of protection in themselves. In this sense, the Court notes a tendency to recognise legal personality and, therefore, rights to nature not only in court rulings but even in constitutional orders"*;

Article 139 of the Organic Code of the Environment establishes: *Art.139. "The purpose of this chapter is to promote and guarantee animal welfare, through the eradication of violence against animals, to encourage appropriate treatment to avoid unnecessary suffering and prevent their mistreatment, and to apply and respect the protocols and standards derived from international instruments recognised by the State. [...]"*;

That, the use of substances whose use causes damage or loss of terrestrial or marine habitats, disease or death of urban, native and endemic flora and fauna, pollution of water sources, lakes, seas, rivers, lagoons, estuaries on a temporary or permanent basis, is a constant threat to the rights of nature;

That, from the perspective of law, the legal status of animals will change to the extent that they are elevated to the status of subjects of rights;

That, the Constitutional Court, in Ruling No. 253-20-JH/22, Case "Mona Estrellita", resolved: "(...) *II. That the National Assembly, within the term of up to*

The term of two years shall be counted from the receipt of the draft law by the Ombudsman's Office, which shall include the rights and principles developed in this judgment, including the minimum criteria or parameters established. The term will be counted from the moment the draft law is received by the Ombudsman's Office";

In accordance with its powers and competences and in exercise of its constitutional and legal powers, issues the following:

ORGANIC LAW FOR THE PROMOTION, PROTECTION AND DEFENCE OF NON-HUMAN ANIMAL RIGHTS

TITLE I GENERAL PROVISIONS

CHAPTER I GENERAL

Article 1.- Object. - The purpose of this law is to safeguard, protect and regulate the rights of non-human animals as part of nature, in order to guarantee their full exercise in their ecosystems, as recognised by the Constitution of the Republic and international human rights instruments regarding the rights of nature and non-human animals.

Article 2.- Scope. - This law is mandatory for all natural and legal persons in Ecuadorian territory, in accordance with the provisions of this law.

Article 3.- Aims. - The purpose of this law is as follows:

- a. Promote the rights of non-human animals by safeguarding their welfare as sentient beings;
- b. To establish the necessary conditions for the protection, promotion and defence of the rights of non-human animals in accordance with the domains and freedoms of animal welfare;
- c. Ensure the protection, respect and promotion of the rights of non-human animals, in order to change socio-cultural patterns that legitimise violence, domination and discrimination;
- d. Prevent and eradicate violence between humans and non-human animals;
- e. To promote the protection of, and respect for, non-human animals;
- f. To demand, monitor and promote compliance with the rights of non-human animals by natural and legal persons, public and private institutions;
- g. Promote the eradication of all forms of speciesism;

- h. Eradicate and punish all forms of abuse, cruelty, neglect and degradation of non-human animals;
- i. Promote and educate in anti-speciesist behaviour and practices;
- j. Implement capacity building, training, education, awareness raising and dissemination programmes on the rights of nature and non-human animals in the public and private spheres;
- k. To strengthen scientific, technical and ethical knowledge for the promotion, protection and defence of the rights of non-human animals;
- l. Strengthen the specialised justice system with a focus on the rights of non-human animals in order to adequately guarantee their rights;
- m. Ensure full respect for the dignified existence of non-human animals;
- n. To ensure the maintenance and regeneration of life cycles, functions and evolutionary processes in non-human animals;
- o. Ensure in situ conservation of wildlife and urban fauna;
- p. Implement public health measures to prevent future pandemics that may arise from human practices involving non-human animals; and,
- q. To ensure compliance with animal welfare domains in animals kept ex situ.

CHAPTER II PRINCIPLES AND APPROACHES

Article 4.- Principles. - The application of this law shall be governed by the following principles, without prejudice to others established in the Constitution of the Republic and international instruments:

- a. Equality and non-discrimination.** All non-human animals are equal before the law and shall enjoy its protection and shall not be discriminated against on the basis of any individual or collective, temporary or permanent distinction. Access conditions necessary to achieve the adequate exercise of the rights of non-human animals shall be guaranteed;
- b. Best interests of the animal.** It is aimed at satisfying the effective exercise of the rights of non-human animals and requires all administrative and judicial authorities, and public and private institutions, to adjust their decisions and actions in a way that best suits the exercise of the rights and guarantees of non-human animals. The best interests of the animal is a principle of interpretation that includes the analysis of the particular circumstances of the non-human animal with respect to its rights and the enjoyment of the domains of animal welfare, prior to the adoption of protective measures;
- c. Co-responsibility.** The co-responsibility between the State and society in respecting, promoting and guaranteeing the rights of non-human animals is recognised. Co-responsibility is based on overcoming the vision

anthropocentric. Society, the family and the community are responsible for participating in actions, plans and programmes for the eradication of all forms of violence, mistreatment, cruelty, neglect and degradation against non-human animals;

- d. Animal ethics.** It recognises the moral consideration that non-human animals should receive as subjects of rights by natural and legal persons. It refers to including non-human animals as members of a moral community, i.e. they are moral subjects in that they may be susceptible to violence, mistreatment, acts of cruelty, neglect and degradation;
- e. In dubio pro-natura.** In the event of doubt as to the scope of the legal or regulatory provisions, the interpretation most favourable to the protection of non-human animals shall apply. In the event of the existence of two rules of the same hierarchy, applicable to a given case, the one most favourable to non-human animals shall be chosen;
- f. Inter-species.** The protection of non-human animals is recognised in relation to the unique or exclusive structure, functions, life cycles and evolutionary processes of each species;
- g. Ecological interpretation.** The biological interactions that exist between species and between populations and individuals of each species are recognised on the basis of their levels of ecological organisation. The State shall ensure that the biological interactions of different individuals, populations and communities of animal species within an ecosystem maintain their natural balance;
- h. Progressivity and non-regression.** It is the obligation of the State to progressively satisfy and protect the full effectiveness of the rights of nonhuman animals and to avoid regressive policies or measures that have as their aim or effect the diminution or regression of the current state of enjoyment of previously recognised rights;
- i. Non-violence.** It recognises that all acts of violence, abuse, cruelty, neglect and degradation against non-human animals are contrary to the development of ethically valid means to achieve the respect, protection and promotion of their rights;
- j. Sentience.** Recognises non-human animals as beings capable of feeling physical, psychological and emotional sensations, considering their individuality;
- k. Bioethics.** It recognises the need to protect life in any of its manifestations, which will be the basic criterion for interpreting the relationship between human beings and non-human animals, in such a way that the intrinsic characteristics of animals are accepted and applied;
- l. Welfare.** It recognises the interconnection between animal welfare, human welfare and the environment (social and physical). It includes three elements: the proper functioning of the organism, the emotional state of the animals, and the possibility of expressing the normal behaviours of the species;
- m. Dignity.** It is the basis for the development of nonhuman animal rights and refers to the intrinsic value that each nonhuman animal has by virtue of its

status.

as a subject of rights is a permanent value that recognises the non-human animal as an end in itself and never as a means;

- n. Autonomy.** - Recognises the ability of non-human animals to choose individually and/or collectively, to coexist and interrelate with others, forming part of the biodiversity of ecosystems;
- o. Beneficence.** It recognises the ethical obligation to benefit by eliminating harm, injury or damage;
- p. Justice.** It seeks "equity in distribution", considering environmental justice with respect to the care of nonhuman animals as part of the biodiversity of the ecosystems that make up nature;
- q. Pro-animalium.** When the authority is faced with the decision of the proposed animal protection mechanism, it should prefer the measure that seeks to protect animals;
- r. Precaution.** When there is no scientific certainty about the impact or harm to non-human animals of any action or omission, the State, through its competent authorities, shall take effective and timely measures to avoid, reduce, mitigate or cease possible harm;
- s. Prevention.** When there is scientific certainty or certainty about the impact or damage to non-human animals that an anthropic activity may generate, the State, through its competent authorities, shall require the promoter to comply with provisions, rules, procedures and measures aimed primarily at eliminating, avoiding, reducing, mitigating and ceasing the impact;
- t. Integral reparation.** This is the set of actions, processes and measures, including those of a provisional nature, which, when applied, tend fundamentally to reverse impacts and harm against nonhuman animals; prevent their recurrence; and facilitate the restitution of their rights;
- u. Restoration.** The set of actions, processes and measures, including those of an interim nature, applied primarily to reverse impacts and damage to ecosystems, habitats and environments of non-human animals;
- v. Subsidiarity.** The State shall intervene in a subsidiary and timely manner in the reparation and restoration of the damage caused to non-human animals, when the promoter or operator of an activity does not assume its responsibility for the integral reparation of such damage, in order to safeguard their rights. Likewise, the State, in a complementary and obligatory manner, will demand or repeat against the person responsible for the damage, the payment of all expenses incurred, without prejudice to the imposition of the corresponding sanctions. A similar procedure applies when the affectation derives from the action or omission of the public servant responsible for the control and regulation of activities that may infringe the rights of non-human animals; and,
- w. Open clause.** **In addition to** the rights set forth in this Law, the State shall endeavour to effectively guarantee all those rights that are suitable for the protection of non-human animals.

Article 5.- Approaches. - In the application of this regulation, the following approaches shall be observed, in addition to those determined in the regulations to this law:

- a. **Rights of Nature.** It assumes nature as a subject of rights, promotes integral respect for its existence, seeks the prevention, maintenance and restoration of its functions, structures and vital processes; and considers the systemic link between human rights and the rights of nature from an eco-territorial and biocentric vision;
- b. **Ecosystem approach.** It recognises the set of biological communities that interact within a given area with the physical or abiotic environment;
- c. **Focus on non-human animal rights.** Assumes nonhuman animals as subjects of rights with dignity, identifies the power relations that condition and limit the exercise of the rights of nonhuman animals;
- d. **One Health Approach.** It seeks to balance and optimise the health of humans, non-human animals and ecosystems in a sustainable manner. The approach recognises that the health of humans, non-human animals, plants and the physical environment are closely interrelated and interdependent; and,
- e. **One Welfare Approach.** It is the interconnection between animal welfare, human welfare and the environment.

SECTION I OF THE ANIMAL WELFARE DOMAINS.

Article 6.- Animal welfare domains. - For the exercise of the rights of non-human animals developed in this Law, the following domains of animal welfare shall be guaranteed to ensure the satisfaction of their primary needs:

- a. **Nutrition.** This consists of maintaining adequate nutrition and hydration, in terms of quality, quantity and frequency, in accordance with their species, age and physiological state, in order to prevent malnutrition, malnutrition and obesity;
- b. **Environment.** This involves the protection, shelter, security and rest of the animals. Their physical and thermal comfort must be promoted, they must not suffer from cold or heat, and they must be protected from adverse weather conditions, as well as having adequate space and clean environments in which to develop, rest and shelter;
- c. **Health.** This refers to ensuring good physical health, avoiding injury, disease and pain. Regular veterinary check-ups should be carried out, with the aim of timely disease prevention and appropriate treatment;

- d. **Behaviour.** It is the freedom of expression of their normal behaviour, avoiding humanising them. Interaction with other animals of the same or different species should be encouraged. Promote their sensory and cognitive development; and,
- e. **State of mind.** Recognition that they are sentient beings, therefore, it is necessary to avoid situations that generate fear, anguish, frustration and stress. Caregivers of nonhuman animals should ensure positive psychological states of nonhuman animals and avoid negative states.

Article 7.- Definitions. - For the purposes of this law, the following definitions shall apply:

- a. **Animals considered synanthropic.** Species that inhabit anthropised urban ecosystems, adapted to environmental conditions created or modified as a result of human activity;
- b. **Animals in vulnerable situations.** Non-human animals at risk of having their rights violated and their animal welfare affected;
- c. **Exotic animals.** These are species that would not naturally occur in a given territory, but which, due to fortuitous or intentional circumstances, end up living far from their ecosystem;
- d. **Feral or feral animal.** Domesticated animals that have been abandoned, roam, breed or live away from human care, and due to poor socialisation may exhibit aggressive or hunting behaviour;
- e. **Liminal animals.** Animals that inhabit urban areas and that, due to their general characteristics, can be grouped in an intermediate category between domesticated and wild;
- f. **Non-human animals.** Individual animals belonging to species of the animal kingdom other than humans;
- g. **Non-human animals intended for conventional and non-conventional companionship.** Non-human animals that have undergone a process of domestication, selection, breeding and rearing for the purpose of companionship with humans. The conventional category focuses specifically on dogs and cats, while non-conventional refers to rodents, lagomorphs, poultry, equines, pigs, goats, sheep;
- h. **Pollinating animals.** Animals that carry out the function of pollen dispersal allowing plant reproduction and fruit production, including wild and domesticated, native, endemic and introduced pollinator species. The main pollinating animals in Ecuador are bats, hummingbirds, bees and flies, but they are not limited to these groups;
- i. **Anthropocentrism.** Doctrine that affirms that human beings are the centre of the universe, that their interests prevail over those of other species and that they can use them as a means to their ends;
- j. **Animal welfare.** The intrinsic state of each animal in coping with the environment, including the proper functioning of the organism, emotional state and the ability to express species-specific behaviours;

- k. **Animal protection centre.** Non-profit establishment, whose objective is to carry out actions aimed at ensuring the welfare of animals and fostering a culture of tolerance and respect for them;
- l. **Life cycle.** The way in which animals, throughout their existence, fulfil their probabilities of being born, developing, reproducing and dying;
- m. **Harmonious coexistence.** The ultimate goal of sumak kawsay or 'good living', which implies the guarantee of recognised rights for non-human animals, nature and human beings;
- n. **Animal law.** Principles and rules aimed at providing legal protection for animals of species other than humans, promoting and seeking the protection and defence of their rights and animal welfare;
- o. **Temporary caretaker.** Temporary guardians are animal walkers, animal handlers, animal trainers, animal guides, those responsible for temporary homes, veterinaries, hairdressing salons, day-care centres and other related facilities. The temporary animal keeper assumes the same obligations and duties as the permanent animal guardian during the time he/she is in charge of the animals;
- p. **Speciesism.** Belief that humans are superior to other animals and can therefore use them for their own benefit;
- q. **Animal ethics.** It deals with the moral consideration that non-human animals should receive and the consequences this has on them;
- r. **Irritant gases.** These are those that produce inflammation in the tissue and systems in which they act;
- s. **Humanisation.** Alteration of the natural behaviour of non-human animals, attributing to them human characteristics that do not correspond to them and treating them differently from their species and individual needs;
- t. **Animal abuse.** All actions or omissions of human origin that restrict or cause detriment to the welfare of the non-human individual animal;
- u. **Pet-keeping.** The keeping of wild animal species for the purpose of keeping them in captivity, as pets, or animals in domestic environments;
- v. **Shelters.** Places for the rescue, rehabilitation and temporary shelter of non-human companion animals;
- w. **Sanctuary.** It is a place of refuge for animals, where they receive daily care, as well as those treatments that can help them to improve a serious situation in which they find themselves; above all it is a permanent home;
- x. **Sentience.** The ability of a living being to feel emotions, pain, well-being and to subjectively perceive its environment and life experiences;
- y. **Sociobiocentrism.** It proposes that all living beings have the same right to exist, to develop and to express themselves autonomously and deserve the same respect as having the same inherent value;
- z. **Sumak Kawsay.** Harmonious relationship, both spiritual and material, between the individual human and non-human animal and the nature that surrounds them, which seeks as its ultimate goal the 'good living' that must ensure the exercise of rights and the

- satisfaction of minimum needs that ensure individual, collective and inter-species well-being in order to ensure their harmonious coexistence;
- aa. Traceability.** The ability to keep identified and trace a product, an animal or any substance to be used for incorporation into them, through all stages of harvesting or fishing, breeding, production, processing, marketing and distribution in the food chain or in other commercial, research and industrial uses;
 - bb. Responsible guardianship.** The standard of care required of any guardian or caregiver of a non-human animal with respect to ensuring the rights and welfare of the animal;
 - cc. Animal guardian.** A natural or legal person responsible for the care of a non-human animal and its responsible guardianship; and,
 - dd. Vivisection.** It is an exploratory procedure of the living being, practiced in an invasive manner, in order to visualise the morphology and its correlation with the organic function.

SECTION II NON-HUMAN ANIMAL RIGHTS

Article 8.- Non-human animal rights as part of the rights of nature. - The rights of non-human animals are part of the rights of nature as they belong to natural species that maintain interdependent relationships and processes within their respective ecosystems. It includes species that have been domesticated by humans and maintain a direct relationship with people as well as non-human animals.

The rights of nonhuman animals require collective individual, state, family, social and business co-responsibility to ensure relationships based on respect for the right to formal and material equality, i.e. the rights of nonhuman animals are enforceable and the conditions for their exercise must be ensured, just like human rights.

The specific ecological functions of each non-human animal species are essential for the development of life.

Article 9.- Non-human animals as subjects of rights. - **Non-human animals** are entitled to the rights established in the Constitution, this Law and international instruments, individually and/or collectively.

Non-human animals are sentient beings that shall receive special protection against suffering, pain, discrimination, mistreatment, violence, acts of cruelty, neglect and degradation caused directly or indirectly by natural or legal persons.

Non-human animal rights are universal, inherent, inalienable, non-transferable and interdependent.

Article 10.- Wildlife threatened with extinction. - Wildlife that is in any of the categories of threat established by the International Union for Conservation of Nature (IUCN), in the national and international lists and red books and other international organisations, will receive immediate measures of prevention, precaution and protection from the competent body in order to avoid any activity that could result in the infringement of their rights.

Article 11.- Wild fauna that is not in the categories of threat. - Wild fauna that is not in the categories of threat established by the International Union for the Conservation of Nature (IUCN), in the national and international lists and red books and other international organisations, shall receive prevention, precautionary and protection measures from the competent body to prevent them from changing category.

Article 12.- The rights of non-human animals. - Non-human animals shall have the right:

- a. To life and existence, including material and formal equality in the exercise of their rights throughout their life cycle;
- b. Protection focused on each of the life cycles, structures, functions and evolutionary processes of each species;
- c. To life and to physical and psychological integrity;
- d. To be respected and to have a dignified life, ensuring the domains of animal welfare;
- e. To respect for their dignity and autonomy without discrimination of any kind;
- f. Respect for their physiology, i.e. their biological functioning in order to ensure their life;
- g. To freedom in all its expressions, including freedom of movement, which shall be applied on an individual basis and in accordance with the particularities of each non-human animal;
- h. To have access to water and food in accordance with the nutritional requirements of their species; to live in harmony; to health; to habitat; and to the free development of their animal behaviour;
- i. Not to be extinguished by anthropogenic activities;
- j. Not to be exploited;
- k. To specialised physical and psychological health care, care, protection of individuals and populations of non-human animals, as well as the preservation of species;
- l. To life in an environment free from violence and cruelty, fear and anguish, without being subjected to ill-treatment and cruel acts;

- m. To a dignified death. If the death of a nonhuman animal is necessary, it must be instantaneous, painless and not cause distress. Any act that involves the unnecessary death of a nonhuman animal is biocide, i.e. a crime against life;
- n. Not to have their existence, behaviour, intelligence or sensibility undermined and not to be humiliated or mocked;
- o. The final disposition of their body must be treated with dignity;
- p. To freely develop their biological interactions;
- q. To live in a healthy, adequate, ecologically balanced and pollution-free environment;
- r. To ensure the maintenance and regeneration of their life cycles, structure, functions and evolutionary processes;
- s. To be morally and ethically considered under technical and scientific parameters and criteria for their benefit and according to their species;
- t. Not to be used for entertainment and exhibitions that infringe on their rights;
- u. To regulate and control, through intercultural dialogue, the cultural practices and traditional medicine of indigenous, Afro-Ecuadorian and Montuvian peoples and nationalities in order to guarantee their rights;
- v. Not to be retained, by means of seizure or confiscation, as a form of sanction or as a means of payment of an obligation acquired by a natural or legal person. The removal of a non-human animal from the care of its guardian or caretaker implies the issuance of protective measures in favour of the non-human animal; and,
- w. Others provided for in the Constitution and international instruments.

Article 13.- Non-human animals. - Non-human animals recognised in this Law are classified as follows:

- a. Companion animals, which may be conventional or non-conventional;
- b. Working or service animals, assistance dogs, emotional support animals and animal-assisted interventions;
- c. Animals for experimental purposes;
- d. Animals for consumption and industry;
- e. Wildlife animals;
- f. Exotic wildlife animals;
- g. Animals of marine, aquatic and semi-aquatic fauna; and,
- h. Synanthropic or liminal animals.

Article 14.- Rights of companion animals. - The rights of animals destined for companionship are:

- a. Every non-human animal chosen as a companion has the right to respect for its life cycle, in terms of quality of life and respect for the domains of animal welfare;
- b. Not to be abandoned in public or private spaces. The abandonment of a non-human animal is a cruel and degrading act;
- c. To respect their physiology and not be overexploited for marketing purposes; and,
- d. To the care and protection provided by its guardian and caregiver, which obligation only ceases upon the death of the non-human animal or when it is transferred or designated to another facility or guardian, in accordance with the principle of its best interests.

Article 15.- Rights of non-human working or service animals, assistance dogs, emotional support animals and animal-assisted interventions. - The rights of non-human animals for work or occupational purposes are:

- a. Not to be exploited and exposed to harm to their physical, psychological, emotional and behavioural health or life;
- b. To work a fixed working day with reasonable limitations on the number of years and intensity of work, depending on the occupation and the physical and psychological conditions of the species;
- c. At the cessation of their work or occupational activities, according to their quality of life and life cycle, guaranteeing the domains of animal welfare, and shall be under the care of a designated guardian;
- d. To nutrition, hydration, rest and rest;
- e. To use equipment appropriate to the species and type of work in order to protect their life and physical and psychological integrity; and
- f. Receive specialised care depending on the species and the job, preventively or in the event of illnesses arising from the work or occupation performed.

Article 16.- Rights of non-human animals used for experimentation: The rights of animals used for experimentation are:

- a. To be free from physical or mental pain that is incompatible with their dignity and rights, in the experimental methods permitted by this law; and
- b. To the use and development of alternative experimentation techniques.

Article 17.- Rights of non-human food animals. - The rights of non-human food animals are:

- a. Throughout the production chain of non-human animals intended for human or animal consumption, to implement practices and procedures that

- respect national and international animal welfare standards and protocols;
- b. To have their slaughter conducted with processes, practices, protocols and standards that promote the elimination of suffering and pain;
 - c. Not to be confined permanently, in confined spaces such as conventional or battery cages, gestation crates, combined systems, or other systems that are detrimental to animal welfare;
 - d. Not to be mutilated without methods of anaesthesia or analgesia;
 - e. To be fed, housed, transported and slaughtered without anxiety, fear or pain;
 - f. Not to use cruel disposal techniques such as: crushing, asphyxiation, crushing and others;
 - g. To have their natural developmental, physiological and ethological growth processes respected; the use of antibiotics or other components shall not be permitted;
 - h. To be transported, loaded and unloaded under animal welfare parameters according to their species, age and productive cycle;
 - i. To specialised and timely preventive and curative health care; and,
 - j. To safeguard animal welfare in research and production from their own genetics.

Article 18.- Rights of non-human animals belonging to wild fauna. - Non-human animals that are part of wildlife, including wild pollinating animals, have the right to

- a. To full respect for their existence;
- b. Not to be extinguished by anthropogenic activities;
- c. Wildlife has the right to live, to the maintenance and regeneration of its structure, functions, life cycles, evolutionary processes and freedom that are characteristic of its species. Any impairment of these conditions is contrary to this right;
- d. To live in freedom in their own natural terrestrial, aerial or aquatic environment and to the maintenance and regeneration of their structure, functions, life cycles and evolutionary processes. Any deprivation of liberty is contrary to this right;
- e. To have their ecosystems conserved without human intervention;
- f. Not to be removed from their ecosystems, hunted, fished, captured, collected, held, retained, trafficked, mutilated, traded or bartered, except for subsistence hunting by indigenous peoples and nationalities in their territory, for non-commercial or non-profit purposes;
- g. Maintain the characteristics and behaviour of their own species. Animals belonging to wild fauna shall not be domesticated and shall not be forced to assimilate human characteristics or appearances;

- h. To behave according to the innate instincts of their species and those learned and transmitted among the members of their population from generation to generation; and, to migrate;
- i. To conservation and research for their preservation, including monitoring systems to determine the causes that may violate their rights;
- j. To restoration, where possible and where it does not cause detriment to them.
- k. To the reinsertion of the wild non-human animal into its ecosystem and to ensure its re-adaptation and rehabilitation in order to guarantee its life cycles and evolutionary processes; and,
- l. Any act that involves the death of a large number of individuals or population belonging to wildlife is a crime against the species. Pollution and the damage to ecosystems lead to biocide.

Article 19.- Rights of non-human animals belonging to marine, aquatic and semi-aquatic fauna. - Marine and aquatic fauna have the right to:

- a. To live in freedom in their own ecosystem and to the maintenance and regeneration of their structure, functions, life cycles and evolutionary processes. Any deprivation of liberty is contrary to this right;
- b. To reproduce, migrate, feed in their ecosystems where they have done so for generations;
- c. Not to be mutilated or trafficked;
- d. Not to be exposed to underwater explosions, spills of toxic substances or substances alien to the natural composition of ecosystems;
- e. To behave in accordance with the innate instincts of their species and those learned and transmitted among the members of their population from generation to generation;
- f. To live in their ecosystems without human intervention and to the conservation of all species;
- g. To the conservation, recovery and protection of their ecosystems;
- h. To respect for their species-specific life cycles, structures, functions and evolutionary processes. Any impairment of these conditions is contrary to this right;
- i. To conservation and research for their protection, recovery and preservation;
- j. Ensure the protection and restoration of critical ecosystems for fisheries in marine and aquatic ecosystems, limiting expansion, especially in mangroves, reefs, coral ecosystems, nursery and spawning grounds;
- k. Ensure the protection and welfare of marine and aquatic fauna, based on international standards, which are bred in ponds, fish farms, lakes, lagoons, estuaries and mangroves, by limiting their expansion; and
- l. Promote bilateral, regional and multilateral cooperation in research and conservation of species, recognising the transboundary nature of marine, aquatic and semi-aquatic ecosystems.

Article 20.- Conservation of wild fauna species. - The national environmental authority will guarantee the protection and conservation of the ecosystems where the species live, guaranteeing the continuity of their natural cycles in the space they inhabit through public policies, plans, programmes, projects, guidelines and actions.

Article 21.- Conservation of non-human pollinating animals. - The national environmental authority shall guarantee the protection and conservation of wild, native and endemic pollinators, promoting conservation, research and environmental education activities. In the case of pollinators destined for production, such as *Apis mellifera* and certain species of stingless bees that produce honey and other derivatives, their conservation shall take priority over production.

Article 22.- The right to effective protection from the rights of nature. - Every non-human animal has the right to effective judicial protection, as provided for in the Constitution of the Republic, international instruments and national regulations.

Jurisdictional guarantees are considered adequate and effective procedural mechanisms to enforce the rights of non-human animals, in accordance with the procedure stipulated in the Constitution of the Republic and the Organic Law on Jurisdictional Guarantees and Constitutional Control.

The rights of non-human animals are fully justiciable and enforceable before the competent authorities by any individual or collective.

TITLE II OBLIGATIONS, PROHIBITIONS AND OFFENCES

CHAPTER I OF THE REGULATED ENTITIES

Article 23.- Obligated subjects. - Any natural person or public or private legal entity that has a non-human animal under its guardianship and/or responsibility must guarantee the rights established and contemplated in this Law.

Conservation facilities and ex situ wildlife management centres, service providers for non-human animals, bioterics, establishments for research and teaching on non-human animals, breeding, production and slaughtering establishments and centres, and in general any place that keeps non-human animals for any purpose, must have adequate facilities for the respective species in order to avoid mistreatment and deterioration of their overall health.

The same obligations shall apply to veterinary hospitals, clinics and surgeries.

Article 24.- General obligations. - Any natural or legal person who has a non-human animal under their guardianship and care, in addition to those established by the Constitution and international instruments, shall:

- a. Respect and refrain from causing harm or injury to any non-human animal;
- b. Report any acts of ill-treatment committed by third parties of which he or she becomes aware;
- c. Keeping non-human animals within the parameters of the animal welfare domains;
- d. Not to exceed the number of non-human animals that can be kept under animal welfare domains;
- e. To guarantee physical and psychological health in a preventive, precautionary and disease treatment manner.
- f. Regulatory and control authorities, by action, omission or acquiescence, shall be liable for violations of the rights of non-human animals under the law, the Constitution and international instruments;
- g. Denounce all acts of violence, mistreatment, cruelty, neglect, degradation, fear, distress, abandonment and other acts against the physical and psychological health of non-human animals.
- h. Report to the competent authorities any traffic incident involving non-human animals, with passengers and drivers having a special obligation to ensure that the animal receives the necessary attention;
- i. Regulate and control, through intercultural dialogue, the cultural practices and traditional medicine of indigenous, Afro-Ecuadorian or montuvian peoples and nationalities in order to ensure that the rights of non-human animals are not violated,
- j. Regulatory and control authorities, by action, omission or acquiescence, shall be liable for violations of the rights of non-human animals under the law, the Constitution and international instruments.

Article 25.- Specific obligations with regard to non-human animals intended for work or occupation, assistance dogs, emotional support animals and animal-assisted interventions. - Any natural or legal person having under its guardianship and care non-human working or service animals, assistance dogs, emotional support animals and animal-assisted interventions shall:

- a. Not to exceed the appropriate workload, intensity and time of work according to the species, respecting animal welfare parameters, as well as to provide rest and restorative rest so as not to cause physical and/or psychological damage, in accordance with this law, the regulations and secondary legislation;
- b. Provide them with species-appropriate food in quantities and at intervals appropriate to their needs;

- c. Provide timely, preventive and remedial veterinary care;
- d. Once they have completed their working life, they should:
 - Retain as a non-human companion animal,
 - Give it up for adoption;
 - Deliver it to a sanctuary; or,
 - Euthanise only if the animal is unable to carry out its vital functions, which shall be established by an accredited veterinary professional.

Article 26.- Specific obligations with regard to non-human animals intended for consumption and industry. - Any natural or legal person having non-human animals for consumption and industry under their care shall:

- a. Be responsible for labelling, traceability, control and documentation on the origin, destination and transport time of non-human food-producing animals and industry;
- b. Comply with the standards and procedures of good animal health and welfare practices in order to guarantee the physical and ethological welfare conditions of non-human animals destined for consumption and industry, within a differentiated regime, especially in relation to the conditions of space, density, lighting, shade, companionship, healthy and sufficient food, housing, health, shelter, rest, water quality, oxygenation, air quality and veterinary care established for each species in the regulations to the present law;
- c. Train staff responsible for handling non-human animals in Animal Welfare, animal rights and behaviour (ethology) to ensure that they are treated appropriately, with minimum stress and without mistreatment or cruelty, avoiding the occurrence of slips, falls, injuries or unnecessary fractures with a one welfare approach;
- d. To have at least one mental health professional: psychologist, psychiatrist, social worker or family counsellor to take care of the mental, emotional and psychological health of the personnel who carry out activities related to the death of animals in legally established and authorised slaughter centres or slaughterhouses;
- e. Slaughter facilities should ensure designs that safeguard the welfare of non-human food animals and industry according to their species, reducing stress, eliminating mistreatment and facilitating the work of operators;
- f. Slaughter centres must have anti-slip ramps at an appropriate angle or platforms at the same level as the trucks to prevent injuries during the unloading of non-human animals;
- g. Stables, pens, sheds and other spaces must be available to guarantee the welfare of the animals in the reception and waiting areas, ensuring the traceability of the final products;

- h. The width of the chute for pigs, cattle, goats, sheep, horses or camelids should be gradually reduced from the pens to the slaughter area in a curved, not straight, circuit with smooth, high walls to avoid stress to the animals from people and objects outside;
- i. The slaughter process must be carried out by trained personnel using the best stunning method that guarantees the unconsciousness of the non-human animal destined for consumption before proceeding to the next stage. Slaughtering processes according to animal species are specified in the regulations to this law and must be updated every five years;
- j. In the case of poultry, the safety and welfare of non-human animals must be ensured during unloading up to the stunning system at the slaughter plant. The slaughter processes for poultry are specified in the regulations to this law and must be updated every five years;
- k. In the case of fish and non-human vertebrate or invertebrate non-human aquatic animals that are farmed or bred in the national territory, their welfare must be safeguarded when removing them from ponds or fish farms, avoiding cruel methods of killing by suffocation or crushing. Slaughter procedures for fish and other non-human vertebrate or invertebrate aquatic non-human animals are specified in the regulations to this law and must be updated every 5 years;
- l. Mandatory procedures for the loading, transport, unloading, movement and dressing of non-human animals for consumption and industry shall be laid down by species in the Regulations to this Law and shall be updated every five years;
- m. Use available technologies for in-egg sexing in the poultry industry before 10 days of incubation;
- n. Provide sufficient, diverse and suitable food throughout the flowering period for stingless bees and *Apis mellifera* and do not supplement feed and treat their diseases;
- o. Regularly monitor the toxicity of agricultural areas, irrigation and other water sources that comprise part of the ecosystem and food sources of stingless bees and *Apis melliferae*;
- p. Relocate stingless bees and *Apis melliferae* under technical protocols if their presence creates a conflict with human populations;
- q. Practice ecologically sustainable beekeeping techniques such as agro-ecological beekeeping, ancestral knowledge and biodynamic beekeeping;
- r. Proper management, care and maintenance of stingless and *Apis mellifera* bee hives, according to the animal welfare parameters issued in secondary regulations; and,
- s. Others provided for by law, the Constitution or international instruments.

Article 27.- Specific obligations with regard to non-human animals intended for experimentation: Any natural or legal person who has non-human animals intended for experimentation under their guardianship and care, shall:

- a. Treat non-human experimental animals as sentient beings and consider the principle of the ethical imperative to care for them;
- b. Always consider that processes painful to humans will also cause pain to other vertebrate and invertebrate species;
- c. For all cases of non-human animal testing, the international principle of replacement, reduction and refinement of processes as well as international bioethical standards shall apply;
- d. Ensure that non-human research animals do not suffer unnecessarily and that they are provided, where necessary, with analgesics, anaesthetics or other methods designed to eliminate pain, suffering or distress to the greatest extent possible;
- e. Have trained, adequate, and appropriate personnel, species-appropriate facilities and equipment, and protocols for the efficient execution of procedures in such a way as to use the minimum number of non-human experimental animals, while minimising pain, suffering, distress, or lasting harm to experimental centres, research centres or universities;
- f. The centres in which experiments are carried out on non-human animals are obliged to keep a register in which the number of non-human animals intended for experimentation that they breed, supply or use, the species to which they belong, the establishments of origin and destination of these non-human animals and the other data determined by the regulations of this law must be recorded;
- g. If there are several options of experimental procedures for the same purpose, the one that requires the use of the least number of non-human animals or non-human animals with the lowest degree of neurovegetative sensitivity; that causes the least distress, pain or suffering should be selected;
- h. Any natural or legal person that intends to carry out research with the use of non-human animals, institutions of higher education that have faculties and institutes for research and experimentation on non-human animals, as well as laboratories or experimentation and research centres shall create a Bioethics Committee that will control and regulate the ethics and scientific validity of research protocols, education protocols and those considered necessary, in compliance with national regulations and international animal welfare protocols;
- i. Promote research and development of alternative techniques that can provide equivalent levels of information and scientific results to those obtained in non-human animal testing procedures and the validation of procedures that comply with the principles established in this Law, and facilitate exchanges of information and the dissemination of techniques that avoid repetitive or reiterative procedures;
- j. At the end of the experimental procedure, the qualified personnel of the facility must decide whether the non-human animal can be kept alive, be kept in the facility, or be kept in the facility.

placed for adoption, provided that it is certain that there is no danger to public health, fauna, flora or the environment, or euthanised by humane methods that do not involve pain, stress, physical or psychological suffering;

- k. In no case may a non-human animal be kept alive, even if it has recovered its normal state of health, if it is likely to suffer subsequently from chronic or severe pain, suffering or distress, discomfort, disability, which cannot be alleviated;
- l. Procedures that may cause momentary or minimal pain or distress should be performed under sedation, analgesia or anaesthesia; and,
- m. Others provided for by law, the Constitution or international instruments.

Article 28.- Specific obligations with respect to wildlife under human care in ex situ conservation centres. - Ex situ conservation centres handling wildlife shall be obliged to:

- a. To have the permits duly granted by the national environmental authority;
- b. To have a verifiable preventive health, sanitary safety and veterinary care programme, as well as an institutional policy oriented towards animal welfare, under the One Health and One Welfare approaches;
- c. To have infrastructure in place that ensures the welfare of non-human animals under the criteria of the animal welfare domains, as well as safety for the animals, animal care staff and people outside the conservation centre;
- d. Ensure identification of each individual (batches of animals) by microchips or other unique identification mechanisms or clinical records;
- e. Demonstrate the legal and documented origin of each non-human animal held in their populations;
- f. Carry out rescue, rehabilitation, conservation, environmental education and public awareness of wildlife and promote a respectful relationship in the recognition of rights;
- g. Have specific management plans for wildlife species and activities in accordance with their operating license;
- h. Provide ongoing training to its staff, in coordination with the governing body of the environmental sector; e,
- i. Have at least one conservation project for the species that the ex situ conservation centres keep under their care.

Article 29.- Specific obligations with respect to exotic wildlife animals. - Any natural or legal person who has exotic non-human animals under their guardianship and care, shall:

- a. Provide them with veterinary medical care;
- b. Register them with the environmental governing body;

- c. Keep them in spaces adapted to their physiological conditions, respecting animal welfare parameters; and,
- d. Sterilise them and, where they cannot be sterilised, prevent them from breeding.

Article 30.- Specific obligations with respect to marine, aquatic and semi-aquatic animals. - Any natural or legal person that has under its guardianship and care marine or aquatic animals, produces, fishes or collects them, shall:

- a. Consider space, density, water quality, oxygen concentration and environmental enrichment for aquatic animals occurring in the national territory, which are specified by species in the regulations to the present law;
- b. Ensure that non-human aquatic animals that are produced, harvested, raised, bred, or farmed have up-to-date domain-based animal welfare parameters;
- c. Ensure that the killing of non-human aquatic animals that are produced, harvested, reared, or farmed is in accordance with specific slaughter recommendations to ensure death without suffering or agony. Pre-slaughter stunning is mandatory;
- d. Ensure that the nutritional composition of feed offered to non-human aquatic animals that are produced, harvested, raised, or planted contains the least amount of wild-caught aquaculture animals, substituting carnivorous species with herbivorous species;
- e. Monitor water quality, dissolved oxygen, presence and quantity of nitrogenous compounds, turbidity, alkalinity, hydrogen potential (pH), salinity, temperature, and other standards according to the needs of non-human aquatic animals in pools and fish farms with the frequency and parameters established by species in the regulations to this law;
- f. Use of probiotics in industrial shrimp production;
- g. Where handling is strictly necessary, it should be carried out with minimum stress and disturbance to non-human aquatic animals. It should be carried out for as short a time as possible and an anaesthetic agent should be applied if handling is expected to exceed a few seconds;
- h. The health of non-human aquatic animals should be safeguarded through preventive health programmes by a specialist veterinary doctor; e,
- i. Others provided for by law, the Constitution or international instruments.

CHAPTER II OF THE PROHIBITIONS

Article 31.- General prohibitions. - No natural or legal person, public or private, may carry out the following acts on non-human animals, or to their detriment, in addition to those provided for in the regulations in force:

- a. Depriving them of the food necessary for their normal development, maintenance and health;
- b. Keeping them in unhygienic spaces;
- c. Keeping them in insulated or insufficient space for their size and normal development or exposed to inclement weather;
- d. Causing them suffering, mistreatment or harm;
- e. Engaging in bestiality or zoophilia; as well as using non-human animals in any kind of pornography or sexual activity;
- f. Abandoning or causing by act or omission the abandonment of non-human animals of urban fauna;
- g. Marketing, promoting or using tools or methods, which cause physical or emotional harm, and which provoke punitive or intimidating actions for the handling, training or training of non-human animals, such as choke collars, spikes or electric shocks;
- h. Allowing non-human animals in their care to roam without proper supervision by their guardian or responsible personnel; and, without the necessary safety precautions for their species;
- i. Chain them, tie them up, or deprive them of their natural mobility;
- j. Carrying out any unnecessary mutilation, aesthetic or otherwise, except for veterinary treatment under animal welfare parameters;
- k. Providing them with food containing substances likely to cause them harm or suffering;
- l. Providing drugs or medicines detrimental to the health and integrity of non-human animals; or, administering any toxic substance, or deliberately causing the animal to take such a substance;
- m. Use any type of pharmacological substance to modify the behaviour or natural performance of non-human animals used in their activity without the supervision of a veterinarian, who, at his own risk, may only prescribe it when strictly necessary for therapeutic purposes;
- n. Sponsoring, organising, conducting, attending, participating in public or private events involving gambling with non-human animals or any activity constituting gambling where they are used as a prize or as part of the activity;
- o. Causing permanent physical harm or death to a non-human animal through proven veterinary medical negligence;
- p. Giving a non-human animal as a prize, advertisement, reward or gift for compensation;
- q. Selling or donating non-human animals to public or private laboratories, clinics, universities or research centres for experimentation, with the exception of breeders specialised in animals intended for experimentation and authorised by the competent body;

- r. Selling or donating non-human animals to minors under the age of eighteen without the presence and express authorisation of those who have parental authority or custody;
- s. Breeding, breeding or selling non-human animals in establishments that do not comply with the animal welfare parameters set out in this Law and its Regulations;
- t. Using tools contrary to animal welfare parameters for the handling or training of a non-human animal;
- u. Genetic modification of non-human animals which is contrary to animal welfare parameters and which causes harm to the full respect for their existence and quality of life;
- v. The use and transit of non-human animal-drawn vehicles on asphalt roads for purposes other than agricultural use, in breach of animal welfare parameters;
- w. Keeping non-human animals in overcrowded or isolated conditions;
- x. Carry out dissection and vivisection in pre-school, primary and secondary schools;
- y. Using the image of nonhuman animals in advertising to convey fear, violence, attacks, aggression and other situations that stigmatise nonhuman animals as dangerous;
- z. The capture of non-human homeless animals for experimental purposes;
- aa. Hunting of non-human animals; an exception is made for hunting by indigenous subsistence peoples and nationalities in their territory for non-commercial and non-profit purposes;
- bb. Use methods of hunting or population control of exotic, invasive, synanthropic or feral non-human animals or methods that cause unnecessary suffering, prolonged agony, excessive pain or that could affect other non-human animals or humans;
- cc. Using non-human animals for the commission of crimes;
- dd. Poisoning non-human animals, either en masse or individually;
- ee. Causing suffering to a non-human animal as a consequence of affectation or damage to nature, by the action or omission of natural or legal persons, public or private, that generates deterioration to any element that is part of an ecosystem;
- ff. Public and private shows with non-human animals, such as races, jumping races, circus activities, human or animal fights, among others that cause suffering, death to the animal or are contrary to the principle of welfare or violate the rights provided for in this Law;
- gg. The placing on the market, import or export of live or dead non-human animals, vertebrates or invertebrates in bags, key rings, boxes, souvenirs or any other form that is detrimental to their welfare;
- hh. Biotrade involving non-human animals or their constituent parts;
- ii. The use of non-human animals and/or their parts as ornamental or decorative elements; and,

jj. Others provided for by law, the Constitution or international instruments.

Article 32.- Specific prohibitions regarding companion animals. - No natural or legal person, public or private, may carry out the following acts on or to the detriment of non-human companion animals:

- a. To import non-sterilised non-human companion animals, except in the case of authorised breeding establishments, in accordance with the provisions of the Regulations to this Law;
- b. Breeding and/or rearing non-human animals without a licensed kennel permit;
- c. Breeding for commercial or non-commercial purposes of brachycephalic breeds of companion animals and breeds where the quality of life and welfare of the animals is compromised;
- d. Breeding non-human animals more than once a year in breeding farms, as well as inbreeding;
- e. Leaving them in parked vehicles without a guardian or responsible person and under conditions that threaten their well-being or life;
- f. Breeding, purchasing, keeping, keeping, capturing non-human companion animals for human consumption;
- g. Use terraces, balconies and the like as places for dogs and cats to stay;
- h. Marketing and selling non-human animals through digital media, social networks, in public space or in commercial premises;
- i. Breeding and marketing new varieties of non-human animals genetically modified through artificial selection, genetic engineering or hybridisation;
- j. Using methods, techniques of dog training and behavioural therapy of an aversive, punitive or coercive nature, specifically techniques that consist of physically or emotionally manipulating the non-human animal for training or training, contrary to the provisions of this Law and its Regulations;
- k. Restrict the tenancy or evict the tenant of a property intended for housing, housing and workshop, and housing and commerce, within the urban or rural perimeter, whether or not subject to the horizontal property regime, for having non-human animals intended for companionship under his care; and,
- l. Others provided for by law, the Constitution or international instruments.

Article 33.- Specific prohibitions with regard to non-human animals destined for work or occupations, assistance dogs, emotional support animals and animal-assisted interventions. - No natural or legal person, public or private, may carry out the following acts on or to the detriment of non-human working or service animals, assistance dogs, emotional support animals and animal-assisted interventions:

- a. Forcing a non-human animal to work or produce, if it is injured, sick or malnourished, as well as subjecting it to over-exploitation that endangers its physical or psychological health, even if it is healthy;
- b. Performing activities for which they have not been trained, trained for, or for which their species is not suited;
- c. Forcing them to work without the use of protective or work equipment appropriate to the species and type of activity causing them injury, harm, distress or suffering;
- d. Using tools that may cause pain, wounds or injuries such as whips, sharp objects or others;
- e. Using protective or work equipment in poor condition that causes injury, pain or injury;
- f. Using methods of punishment such as depriving them of food, water, depriving them of expressing their natural behaviour, keeping them tied up, among other types of mistreatment;
- g. Subjecting non-human working or service animals to life-threatening or stressful activities, such as exposure to irritant gases, injury with a knife or firearm, among others;
- h. The use of non-human animals for transport for tourism activities;
- i. Sending them to slaughterhouses or slaughter centres; and,
- j. Others provided for by law, the Constitution or international instruments.

Article 34.- Specific prohibitions with regard to non-human animals intended for experimentation. - No natural or legal person, public or private, may perform the following acts on or to the detriment of non-human experimental animals:

- a. The industrial or experimental use of non-human animals or their constituent parts for cosmetic, industrial or military purposes;
- b. Experiments on live non-human animals provided for under this Act shall be permitted only in cases where no other procedures or alternatives can be applied;
- c. The performance of experimental procedures involving the use of non-human animals where an alternative method, which is feasible to obtain equivalent results, can be used;
- d. Experiment on non-human animals when the results of the research are already known;
- e. Experiment on non-human animals when it is determined that the research cannot ensure the welfare of non-human animals;
- f. Experimenting on non-human animals when unjustified pain, suffering, distress or lasting harm is caused to non-human animals;
- g. Perform surgical or painful procedures without anaesthesia;
- h. The sale, marketing, import and introduction to the market of cosmetic, hygiene, personal odourisation and industrial products whose ingredients,

- combination of ingredients or final formulations have been tested on non-human animals;
- i. Experimental procedures for educational purposes may only be carried out in university education and in specific vocational training for the exercise of research-related activities, in any case, such experimental procedures must be limited to the number of individuals absolutely necessary and may only be carried out if the objective cannot be achieved by audio-visual or other appropriate methods of comparative value;
 - j. No non-human animal shall be subjected more than once to experimental procedures that cause severe or lasting pain or suffering, regardless of whether anaesthesia or analgesia has been used;
 - k. Not having the permission of the Institutional Bioethics Committee for non-human animal testing activities;
 - l. Not having an institutional bioethics committee registered and approved by the competent body;
 - m. Gene editing by experimental techniques resulting in high mortality, deformity or premature death of individuals born under these conditions; and
 - n. Others provided for by law, the Constitution or international instruments.

Article 35.- Specific prohibitions with regard to animals intended for consumption and industry. - The following are specific prohibitions:

- a. Failure to comply with the animal welfare parameters set out by species in this Law and its Regulations;
- b. The supply of antibiotics or sub-therapeutic antimicrobials, additives or growth promoters to non-human animals;
- c. Cattle and other quadrupeds intended for slaughter may not be restrained until such time as they are slaughtered. It is prohibited to break the legs of non-human animals before slaughter;
- d. Transit, feed, graze or trade in public areas: poultry, sheep, cattle, goats, pigs and other non-human animals intended for consumption;
- e. Marketing raw milk extracted directly from non-human animals in public places;
- f. Displaying whole carcasses of freshly slaughtered, hung or cooked non-human animals in public space, shop windows or commercial premises;
- g. Slaughter, deboning or killing of non-human animals intended for consumption outside facilities duly accredited for slaughter and working environments suitable for the industrial, semi-industrial or artisanal production of meat, except when there is a real need, verified and validated by the competent institutions;
- h. The introduction of live or dying non-human animals into cold stores;

- i. Cooking or placing live vertebrate or invertebrate non-human animals in containers of boiling water;
- j. Transporting or slaughtering non-human animals intended for consumption that are pregnant, sick, injured or suffering from emaciation, to the assembly, slaughter or slaughter centre, their slaughter may only be carried out for reasons overriding the principle of animal welfare, and the slaughter of pregnant animals is expressly prohibited;
- k. Mutilating or deforming parts of the body of a non-human animal, including for growth, fattening, handling or feeding purposes;
- l. Do not use anaesthesia, analgesia or pain reduction methods for handling practices such as castration, horn cutting, tail docking, tusk cutting or other procedures painful to the non-human animal;
- m. Breeding, rearing and marketing of birds belonging to fast-growing genetic lines;
- n. The practice of forced moulting in poultry;
- o. Any permanent confinement of non-human animals in confined spaces such as conventional cages, gestation cages, battery cages, enriched cages, combined systems or similar;
- p. Using electric or sharp instruments to herd non-human animals intended for consumption, whatever their age or condition;
- q. Causing pain or suffering to non-human animals by grasping or lifting them only by their wool, hair, legs, wings, neck, ears or tail, depending on the species, in accordance with the regulations of this law;
- r. Throwing or dragging non-human animals while they are conscious;
- s. The export or import of live non-human animals by sea or land;
- t. Breeding, collection, breeding and marketing of new non-human wild, exotic or invertebrate animals for consumption;
- u. New farms for wild non-human animals for consumption;
- v. The selection, breeding and rearing of hyperprolific pigs resulting in high mortality rates in piglets;
- w. Produce, place on the market and import liver pâté or other products involving similar processes on live animals contrary to animal welfare;
- x. Slaughtering non-human animals without prior stunning;
- y. Slaughtering animals for religious practices, beliefs or convictions;
- z. Prevent nonhuman animals from expressing highly motivated behaviours such as nesting, walking, swimming, or others;
- aa. Killing non-human animals through cruel disposal practices such as suffocation, crushing, incineration, crushing or other;
- bb. Placing on the market, import or industrial production of products containing feathers or hair of non-human animals;
- cc. The use of pesticides in agricultural activities such as fipronil and/or neonicotinoids, their derivatives or others that contain active ingredients that cause

- affecting stingless bees and *Apis melliferae*, as well as the use of seeds treated with these substances;
- dd. Applying techniques or practices that cause harm, death or suffering to stingless bees and *Apis melliferae* when extracting products derived from them;
 - ee. The destruction of hives or nests of stingless bees and *Apis melliferae*;
 - ff. The use of electric nets in honey production;
 - gg. Stingless bees and *Apis melliferae* are deprived of their natural food or fed exclusively with supplements; and,
 - hh. Others provided for by law, the Constitution or international instruments.

Article 36.- Specific prohibitions against non-human marine, aquatic and semi-aquatic animals. - No natural or legal person shall carry out the following acts on or to the detriment of non-human marine, aquatic and semi-aquatic animals:

- a. Destruction, alteration and diminution of the natural environment and ecosystems of marine, freshwater, aquatic and semi-aquatic species;
- b. Dumping solid or liquid waste in coral, reef, nesting, or breeding areas;
- c. Dumping untreated solid or liquid waste into the ocean, rivers, lakes, lagoons or other freshwater sources;
- d. The manufacture, import, marketing and use of chemical, cosmetological or cleaning products containing ingredients harmful to the marine ecosystem including corals, marine, aquatic or semi-aquatic fauna;
- e. Extract and trade any type of coral for commercial purposes or any use, except for the collection of samples for scientific and research purposes duly authorised;
- f. Engaging in tourism or other anthropogenic activities that are harmful to the ecosystem of non-human marine, aquatic and semi-aquatic animals and that are not authorised by the governing body;
- g. Sport fishing;
- h. The destruction, alteration, diminution, elimination, sale, purchase of breeding, spawning, nesting, hatching, resting, feeding and feeding grounds of vulnerable, critical and endangered marine, aquatic and semi-aquatic species;
- i. The harvesting of marine, aquatic and semi-aquatic species that are vulnerable, critically endangered or in danger of extinction;
- j. The consideration, listing, naming, promotion or use of any vulnerable, critically endangered or endangered marine, aquatic or semi-aquatic species as a resource;
- k. Fishing, extraction, collection, holding, reception, transport, internal trade or export of marine, aquatic and semi-aquatic species in vulnerable, critical or endangered status or in other categories provided for in international species conservation instruments, whether by artisanal or industrial fishing.

- Exceptions are scientific sampling with the authorisation of the governing body;
- l. Fishing, extraction, collection, shipment, possession, reception, transport, internal trade or export of juvenile specimens, eggs, pregnant females of marine, aquatic and semi-aquatic species that are in a vulnerable, critical or endangered state;
 - m. The internal commercialisation or export of live or dead specimens of marine, aquatic and semi-aquatic species in a vulnerable, critical or endangered state;
 - n. The importation of animals of marine, aquatic and semi-aquatic species that are exotic;
 - o. The import, sale, exhibition, display or exhibition of dead or stuffed specimens and/or the constituent parts of marine, aquatic and semi-aquatic species in a vulnerable, critical or endangered state. Exceptions are made for educational purposes and with the authorisation of the governing body;
 - p. The marketing and consumption of meat, by-products, as well as the sale of parts such as bones, derivatives, oils, of marine, aquatic and semi-aquatic species in a vulnerable, critical or endangered state;
 - q. The captivity of any marine, aquatic and semi-aquatic species in a vulnerable, critical or endangered state, as well as of any marine specimen regardless of its state of protection. Exceptions are those that require rescue, veterinary care or rehabilitation in an ex situ management centre authorised by the governing body;
 - r. Salmon farms, octopus farms, tuna farms, or any other marine or aquatic species on national territory or in protected marine waters;
 - s. Intensive farming of marine species in enclosures, cages or any other method in open waters. Exceptions are made for the farming of species that are included in production programmes already existing in the country and approved by the competent authority;
 - t. The fishing, extraction, collection and trade of marine, aquatic and semi-aquatic species whose biological and population status is unknown and whose studies are not up to date, thus applying the precautionary principle;
 - u. Cooking of live specimens of crustaceans;
 - v. Slaughter of marine, aquatic and semi-aquatic animals without prior stunning or by practices that undermine their welfare;
 - w. Failure to comply with the space, density, water quality, oxygen concentration and environmental enrichment considerations set out in the regulations of this Law;
 - x. Allow starvation periods in non-human aquatic animals of more than 72 hours in shrimp production;
 - y. Ablation of the ocular peduncle in shrimps;
 - z. The use of sub-therapeutic or preventive antibiotics. They may only be used as specific treatments under the supervision of a specialist veterinarian; and,

- aa. Others provided for by law, the Constitution or international instruments.

Article 37.- Specific prohibitions with respect to exotic non-human animals. - No natural or legal person, public or private, may perform the following acts on or to the detriment of exotic non-human animals:

- a. Abandon them or cause them to be abandoned on public roads, fragile ecosystems and protected areas;
- b. Reproduce them;
- c. Selling, buying or trading exotic animals and their constituent parts;
- d. Using live animals, their constituent parts or by-products for craft or industrial purposes;
- e. Keep them in captivity or pet them;
- f. The introduction into the national territory, either temporarily or permanently, of any type of exotic species of wild fauna, alive and/or dead, their body parts, semen, embryos, hatching eggs and larvae that may disturb the ecological balance and the conservation of the environmental heritage, with the exception of an express request from the National Environmental Authority;
- g. The use of exotic wildlife for exhibition, entertainment, industrial, or therapeutic purposes;
- h. The import, export and re-export of exotic specimens, their parts and derivatives for commercial or industrial purposes, as well as the use of these for the production of skins and applications in the textile, clothing, footwear or other industries; e,
- i. Others provided for by law, the Constitution or international instruments.

Article 38.- Specific prohibitions with respect to wildlife. - No natural or legal person, public or private, may carry out the following acts on or to the detriment of wild fauna:

- a. The capture, collection, harvesting, fishing, hunting, hunting, breeding, transport, possession, keeping, trafficking, marketing, acquisition, import, import, processing, sale, introduction and consumption of native, endemic or migratory wildlife species, as well as their constituent parts, eggs, semen or embryos;
- b. Capturing, collecting, harvesting, keeping, possessing, acquiring or transporting specimens of native or exotic wildlife as pets or for illegal trade purposes;
- c. Any form of experimentation on wild, exotic or migratory animals, whether free in the wild or in captivity;
- d. Disturbance of concentration, breeding, moulting, hibernation and resting areas of migratory species;
- e. Breeding of native wildlife without approved conservation and release plans, programmes or projects;

- f. The use of native or migratory wildlife for exhibition, entertainment, industrial, or therapeutic purposes;
- g. The importation of wildlife hunting trophies into Ecuadorian territory;
- h. Breeding and keeping of wild and exotic non-human animals for fur production; as well as their commercialisation and importation;
- i. Implement projects requiring land use changes where wild animals in any category of threat according to national and international lists are found to be present;
- j. Carrying out anthropogenic activities in ecosystems that constitute home, breeding, nesting, reproduction, permanence or resting places for wild species, which have some degree of vulnerability and are on national or international lists; and,
- k. Others provided for by law, the Constitution or international instruments.

Article 39.- Specific prohibitions with respect to non-human synanthropic animals.

- No natural or legal person, public or private, may perform the following acts on or to the detriment of non-human nonanthropic animals:

- a. The production, marketing and use of products that containing anticoagulants or those that cause prolonged agony or suffering;
- b. The production, marketing and use of glue traps; and,
- c. Others provided for by law, the Constitution or international instruments.

**SECTION I
TRANSPORT OF NON-HUMAN ANIMALS**

Article 40.- Transport of non-human animals. - The transport of animals shall be carried out in means that have sufficient space in relation to the size and needs of the animal, which shall have the following characteristics:

- a. Functionality and hygiene;
- b. Sufficient aeration and adequate temperature;
- c. Security;
- d. Avoid suffering and distress to the animal;
- e. In the case of dogs and cats, carry leashes and collars properly attached to a fixed element inside the transport;
- f. Non-human animals should, as a minimum, be able to stand up and lie down if moved from one place to another. Means of transport or packaging should be designed to protect animals from the weather and climatic conditions;
- g. Non-human animals should be watered during transport, fed at appropriate intervals and housed if necessary;

- h. During loading and unloading of animals, appropriate equipment should be used to avoid injury, distress or suffering;
- i. For non-human food-producing animals, the transport must ensure their welfare and the duration may not exceed 8 hours. Travel times and other specifications are laid down in secondary legislation; and,
- j. Other specifications regarding the transport of non-human animals shall be laid down in the Regulations of this Law and other secondary legislation.

SECTION II PREVENTION AND CONTROL PROGRAMMES

Article 41.- Prevention and control programmes. - It is the responsibility of the governing body of the National System for the Promotion, Protection and Defence of the Rights of Non-human Animals to implement and apply, in a coordinated and permanent manner, population control programmes.

Animal protection organisations will be able to support programmes for the prevention and humane control of urban fauna and urban wildlife populations in coordination with municipal and metropolitan decentralised autonomous governments.

Any population control programme should have the following components:

- a. Census data collection;
- b. Education;
- c. Sintiencia;
- d. Preventive medicine;
- e. Sterilisation;
- f. Organic waste control;
- g. Identification and registration;
- h. Temporary shelters; and,
- i. Euthanasia.

Statistical population estimates or census data on urban fauna and urban wildlife should be made, and a register of establishments providing services for non-human animals, kennels, shelters, animal protection organisations and persons sanctioned for animal abuse should be organised and kept up to date.

Implement mechanisms for the prevention and control of zoonotic diseases in coordination with the national health authority.

Promote and disseminate awareness-raising activities in public, private and community institutions regarding the responsible care of non-human animals and animal welfare.

Article 42. - Breeding of non-human animals. - The reproduction, breeding and commercialisation of non-human animals shall only be carried out through authorised, legally established and duly registered breeders. The regulated entities must implement a traceability register of the non-human animals marketed.

Article 43.- Cessation of reproduction: When it is determined by means of a reasoned technical report that there is an overpopulation of non-human companion animals that endangers animal welfare, public health or biodiversity, the national governing body of the National System for the Promotion, Protection and Defence of the Rights of Non-human Animals may order breeding, reproduction or commercialisation centres of non-human companion animals to temporarily or definitively cease the reproduction and sale of these species.

Article 44.- On the need for rescue, rehabilitation and permanence under human care of native wildlife. - Non-human animals of terrestrial, marine, aquatic or semi-aquatic wildlife that have been harmed by mistreatment, trafficking, petting, and that have been placed in the hands of the environmental or police authorities, shall be subject to technical processes that guarantee their repair, rehabilitation, and recovery of their physical and behavioural conditions.

In accordance with the right to restoration, efforts shall be made to ensure that animals that have required rescue, rehabilitation and repair are returned to the wild where possible and viability is determined by veterinary and biological analysis of physical and behavioural health.

In cases where these animals must remain under human care, it will be guaranteed that they will be cared for in specialised centres duly accredited by the environmental authority, with optimal conditions to ensure that the case is handled according to technical and ethical criteria.

The offender shall be responsible for covering the full costs for the rescue, rehabilitation and repair of the harmed animals; the environmental authority shall have subsidiary responsibility.

The national environmental authority shall provide technical support to the ex situ Conservation Centres for the elaboration of management plans, ensure and provide technical equipment, as well as detailed and updated information on each case.

Article 45.- Euthanasia. - Euthanasia is the only permitted and approved method to cause the death of an animal in accordance with the causes established in this title in order to prevent the violation of animal welfare or to safeguard public health or the integrity of ecosystems, considering the following parameters in its procedure:

- a. Be painless;
- b. Achieve rapid loss of consciousness followed by death;
- c. Minimise the animal's fear and suffering; and,
- d. Be reliable and irreversible.

It must be carried out by a veterinary professional in the following circumstances:

- a. When the animal cannot be treated because it has a diagnosed terminal and incurable disease;
- b. When the animal is in a critical condition or in permanent physical or psychological distress;
- c. When an animal determined to be dangerous has caused the death of other animals or persons or permanent damage and it is determined that the owner is not fit to be responsible for it;
- d. When the animal is a carrier of a zoonotic or epizootic disease diagnosed by a veterinarian duly qualified and accredited by the national competent authority to practise the profession;
- e. When the animal is part of feral or feral packs that cause damage or affectation to biodiversity, subject to prior authorisation by the competent authority; and,
- f. When the abandoned, lost or critically ill animal has not been claimed by an owner, received by an animal protection institution or adopted and exceeds the animal handling capacity under animal welfare parameters of the receiving institution.

CHAPTER III INFRINGEMENTS AND PENALTIES

SECTION I OF INFRINGEMENTS

Article 46.- Infringements. - Non-compliance with obligations or incurring in the prohibitions expressly typified in this Law shall be considered infringements.

All infringements shall be processed and resolved in the administrative sphere without prejudice to referral to other jurisdictional spheres, as the case may be. In all sanctioning proceedings, the right to defence and the observance of due process shall be guaranteed.

Infringements of this law are classified as minor, serious and very serious.

Article 47.- Minor infringements. - The following are considered minor infringements:

- a. Not keeping non-human animals under the parameters of the animal welfare domains and exceeding the number that can be kept under these domains;
- b. Causing pain or suffering to non-human animals by grasping or lifting them only by their wool, hair, legs, neck, ears or tail;
- c. Failure to comply with the vaccination and deworming schedule for non-human animals;
- d. Failure to keep the vaccination and deworming certificate of the animals up to date in accordance with the protocol approved by the governing body;
- e. Failure to identify the non-human animal(s) by means of a microchip and register them with the regulatory body;
- f. Cause periods of starvation in non-human aquatic animals of more than 72 hours in shrimp production;
- g. Allowing non-human animals to roam without proper supervision by their guardian or responsible person; and, without the necessary security for their species;
- h. Not to pick up the non-human companion animal's droppings in any area of public or private space or private property of third parties;
- i. In the case of centres where non-human animals are used for experiments, the obligation to keep a register stating the number of non-human animals used for experiments, their origin and destination must not be complied with;
- j. Failure to carry out labelling, traceability, control and documentation of the origin, destination and transport time of non-human food-producing animals;
- k. Not having at least one mental health professional: psychologist, psychiatrist, social worker or family counsellor to take care of the mental, emotional and psychological health of the personnel carrying out activities related to the killing of non-human animals in legally established and authorised slaughter centres or slaughterhouses;
In the case of slaughterhouses, failure to ensure that the facilities are designed to safeguard the welfare of non-human animals intended for consumption according to their species;
- l. Not having stables, pens, sheds or other spaces, which guarantee the welfare of the animals in the reception and waiting areas, ensuring the traceability of the final products;
- m. Forcing non-human animals to perform activities that do not correspond to their behaviour, or for which they have not been trained or trained, or for which their species is not suited;
- n. Transit, feed, graze or trade in public areas: poultry, sheep, cattle, goats, pigs and other non-human animals intended for consumption;
- o. Failure to provide them with species-appropriate food in quantities and at intervals appropriate to their needs;

- p. Not having at least one mental health professional: psychologist, psychiatrist, social worker or family counsellor, to take care of the mental, emotional and psychological health of the personnel who carry out activities related to the death of animals in legally established and authorised slaughter centres or slaughterhouses;
- q. Do not regularly monitor the toxicity of agricultural areas, irrigation and other water sources that comprise part of the ecosystem and food sources of stingless bees and *Apis melliferae*;
- r. Relocate stingless bees and *Apis melliferae* in breach of technical protocols;
- s. Using beekeeping techniques that are not ecologically sustainable;
- t. Providing feed to non-human aquatic animals produced, harvested, raised, bred, or farmed without ensuring that the nutritional composition of the feed contains the least amount of wild animals captured for aquaculture, substituting carnivorous species with herbivorous species;
- u. Use of probiotics in industrial shrimp production;
- v. Keeping non-human animals in spaces without sanitation standards or biosecurity;
- w. Marketing, promoting or using tools or methods, which cause physical or emotional harm, and which provoke punitive or intimidating actions for the handling, training or training of non-human animals, such as choke collars, spikes, electric shocks and others;
- x. Allowing non-human animals in their care and under their guardianship to roam without proper supervision by their guardian or responsible personnel and without the necessary safety precautions for their species and for humans;
- y. Permitting, sponsoring, organising, organising, conducting, attending, participating in public or private events where non-human animals are involved in gambling or any activity constituting gambling where they are used as a prize or as part of the activity;
- z. Giving a non-human animal as a prize, advertisement, reward or gift for compensation;
- aa. Selling or donating non-human animals of urban fauna to children and adolescents without the presence and express authorisation of those who have their parental authority or custody;
- bb. Breeding, breeding or selling non-human animals in establishments that do not comply with the animal welfare parameters set out in this Law and its Regulations;
- cc. Using the image of nonhuman animals in advertising to convey fear, violence, attacks, aggression and other situations that stigmatise nonhuman animals as dangerous;
- dd. Import of non-sterilised non-human companion animals;
- ee. Marketing and selling non-human animals through digital media, social networks, in public space or in commercial premises;

- ff. Forcing non-human animals to carry out activities for which they have not been trained, trained, or for which their species is not suited;
- gg. Selling, importing and placing on the market of cosmetic, hygiene, personal odourisation and industrial products whose ingredients, combination of ingredients or final formulations have been tested on non-human animals, without the required permits and/or authorisations;
- hh. Displaying whole carcasses and/or parts of freshly slaughtered, hung or cooked non-human animals in public space, shop windows or commercial premises;
- ii. Carrying out anthropogenic activities in ecosystems that constitute habitat, breeding, nesting, reproduction, permanence or resting places of wild species, which have some degree of vulnerability and are on national or international lists; and,
- jj. Capturing wild animal species for research, without the permits issued by the National Environmental Authority and others established by the Law and its regulations.

Article 48.- Serious infringements. - The following are considered serious infringements:

- a. Failure to ensure the physical and psychological health of non-human animals in a preventive, precautionary and disease treatment manner;
- b. Use terraces, balconies and similar places as places for dogs and cats to stay;
- c. Using tools that can cause pain, wounds or injuries such as whips, sharp objects or others;
- d. Not having specific management plans for wildlife species and activities in accordance with the establishment's operating licence;
- e. Using protective or work equipment in poor condition that causes injury, pain or injury;
- f. The use of non-human animals for transport for tourism activities that violate their rights;
- g. Not having an institutional Bioethics Committee registered and approved by the competent body;
- h. Not having the permission of the Institutional Bioethics Committee for non-human animal testing activities;
- i. Breeding, collecting, raising and marketing new non-human wild, exotic or invertebrate animals for consumption;
- j. Marketing, importing or producing products containing feathers, carcasses, carcasses, shells, skin, fur or skin of non-human animals;
- k. Applying techniques or practices that cause harm, death or suffering to stingless bees and *Apis melliferae* when extracting products derived from them;
- l. Destroy hives or nests of stingless bees and *Apis melliferae* or cause death of swarms;

- m. Manufacture, import, market and use chemical, cosmetological or cleaning products containing ingredients harmful to the marine ecosystem including corals, marine, aquatic or semi-aquatic fauna;
- n. Executing sport fishing, without permits issued by the competent authority;
- o. Fishing, extracting, collecting and commercialising marine, aquatic and semi-aquatic species whose biological and population status is unknown and whose studies are not up to date, thus applying the precautionary principle;
- p. Importing wildlife hunting trophies into Ecuadorian territory.
- q. Failure to comply with the parameters set out in this Law to guarantee their rights after non-human animals destined for work or trade have completed their working life;
- r. In the case of slaughter establishments, failure to comply with the obligation to use technical methods or procedures that guarantee the rights of non-human animals intended for consumption;
- s. To comply with the standards and procedures of good animal health, biosecurity and welfare practices in order to guarantee the physical and ethological welfare conditions of non-human animals for food and industry, within a differentiated regime, in particular with regard to space, density, lighting, shade, companionship, healthy and sufficient food, housing, health, shelter, rest, water quality, oxygenation, air quality and veterinary care;
- t. Failure to provide sufficient, diverse and suitable food throughout the flowering period for stingless bees and *Apis melliferae*;
- u. Do not treat diseases of stingless bees and *Apis mellifera*;
- v. Failure to comply with the international principle of replacement, reduction and refinement of processes, as well as international bioethical standards in the case of non-human experimental animals;
- w. Failure to monitor water quality, dissolved oxygen, presence and amount of nitrogenous compounds, turbidity, alkalinity, hydrogen potential (pH), salinity, temperature, and other standards according to the needs of non-human aquatic animals in pools and fish farms;
- x. Failure to properly manage, care and maintain the hives of stingless bees and *Apis melliferae* according to animal welfare standards;
- y. Not having adequate, skilled and trained personnel, species-appropriate facilities and equipment, as well as protocols for the efficient execution of procedures, in such a way as to use the minimum number of non-human experimental animals, while minimising pain, suffering, distress or lasting harm by experimental, research or university centres;
- z. Keeping a non-human animal alive, even if it has recovered its state of health, if it is likely to suffer from subsequent disease, chronic pain, or

- severe suffering or distress, discomfort, invalidity, which cannot be treated; this will require a diagnosis by specialised personnel;
- aa. Not to treat non-human experimental animals as sentient beings, in disregard of the principle of the ethical imperative to care for them and/or the domains of animal welfare;
 - bb. Conduct experimental procedures for educational purposes in higher education institutions or in specific vocational training for the exercise of research-related activities that violate their rights;
 - cc. Conduct experimental procedures for educational purposes in institutions other than higher education institutions;
 - dd. Failure to ensure that non-human aquatic animals that are produced, harvested, raised, bred, or farmed meet animal welfare standards;
 - ee. Depriving them of the food necessary for their normal development, maintenance and health;
 - ff. They should be chained, tied up, deprived of their natural mobility or kept in isolated or overcrowded living quarters without the space necessary for their size and normal development or exposed to inclement weather;
 - gg. Use any type of pharmacological substance, hormones or other substances, elements or mixtures to modify the behaviour or natural performance of non-human animals used in their activity without the supervision of a veterinarian;
 - hh. Selling or donating non-human animals to public or private laboratories, clinics, universities or research centres for experimentation, unless they come from specialised breeders of animals for experimental purposes;
 - ii. Using tools contrary to animal welfare parameters for the handling or training of a non-human animal;
 - jj. Engaging in practices of genetic modification of non-human animals, contrary to animal welfare parameters and causing damage to their phenotype, functioning, life cycle, evolutionary processes and/or quality of life;
 - kk. The use of non-human animals to generate traction vehicle movement on asphalt roads and for purposes other than agricultural use, in breach of animal welfare parameters;
 - ll. Breeding and/or rearing non-human animals without a permit issued by a competent authority;
 - mm. Breeding for commercial or non-commercial purposes of brachycephalic breeds of companion animals and breeds where the quality of life and welfare of the animals is compromised;
 - nn. Breeding non-human animals more than once a year in breeding farms, as well as inbreeding;

- oo. Breeding, purchasing, keeping, keeping, capturing non-human companion animals for human consumption;
- pp. Forcing a non-human animal to work or produce, if it is injured, sick or malnourished, as well as subjecting it to over-exploitation that endangers its physical or psychological health, even if it is healthy;
- qq. The use of non-human animals for transport for tourism activities;
- rr. Experimenting on live non-human animals despite the existence of other procedures, techniques, technology or alternatives to obtain equivalent results or when the results of the research are already known;
- ss. Subjecting non-human animals more than once to experimental procedures that cause severe or lasting pain or suffering, regardless of whether anaesthesia or analgesia has been used;
- tt. Slaughter, deboning or killing of non-human animals intended for consumption outside of facilities duly accredited for slaughter, specialised personnel and the use of instruments suitable for the industrial, semi-industrial or artisanal production of meat, except when there is a real need, verified and validated by the competent institutions;
- uu. Transporting or slaughtering non-human animals intended for consumption which are pregnant, sick, injured or suffering from emaciation to the assembly, slaughter or slaughtering centre, except for reasons overriding the principle of animal welfare, the slaughter of pregnant animals is expressly prohibited;
- vv. mutilating or deforming parts of the body of a non-human animal, including for growth, fattening, handling or feeding purposes;
- ww. placing on the market, importation or industrial production of products containing feathers, carcasses, shells, skins, hides, skins or fur of non-human animals;
- xx. The use of insecticides in agricultural activities such as fipronil and/or neonicotinoids, their derivatives or others containing active ingredients that cause equal or greater affectation to stingless bees and *Apis melliferae*, as well as the use of seeds treated with these substances;
- yy. Applying techniques or practices that cause harm, death or suffering to stingless bees and *Apis melliferae* when extracting products derived from them;
- zz. The destruction of the hives or nests of stingless bees and *Apis melliferae*;
- aaa. The use of electric nets in honey production;
- bbb. Remove stingless bees and *Apis melliferae* from their natural diet or feed them exclusively with supplements;
- ccc. Breeding, rearing and marketing of birds belonging to fast-growing genetic lines;
- ddd. Any type of permanent confinement of non-human animals in confined spaces such as conventional cages, gestation cages, battery cages, enriched cages, combined systems or other similar systems;

- eee. The breeding, collection, breeding and marketing of new non-human wild, exotic or invertebrate animals for consumption;
- fff. The selection, breeding and rearing of hyper prolific pigs resulting in high piglet mortality rates;
- ggg. Prevent nonhuman animals from expressing highly motivated behaviours such as nesting, walking, swimming, or others;
- hhh. The introduction into the national territory, either temporarily or permanently, of any type of exotic species of wild fauna, alive and/or dead, their body parts, ova, semen, embryos, hatching eggs and larvae that may disturb the ecological balance and the conservation of the natural heritage, with the exception of an express request from the National Environmental Authority;
- iii. The use of exotic wildlife for exhibition, entertainment, industrial, or therapeutic purposes;
- jjj. The disturbance or damage to the gathering, feeding, breeding, breeding, nesting, brooding, moulting, hibernating and resting places of migratory species;
- kkk. Breeding of native wildlife that does not have approved conservation and release plans, programmes or projects issued by the National Environmental Authority;
- lll. The importation of wildlife hunting trophies into Ecuadorian territory;
- mmm. The breeding and keeping of wild and exotic non-human animals for the production of feathers, carcasses, carcasses, shells, fur, skins or hides; as well as their marketing and importation; and,
- nnn. Others provided for by law, the Constitution or international instruments.

Article 49.- Very serious infringements. - The following are considered to be very serious infringements:

- a. Causing death, suffering, mistreatment, damage or injury to a non-human animal;
- b. Causing permanent physical harm or death to a non-human animal through proven veterinary medical negligence;
- c. Causing unnecessary suffering, prolonged agony, excessive pain by hunting or population control methods of exotic, invasive, synanthropic or feral non-human animals;
- d. Throwing or dragging non-human animals while they are conscious;
- e. Abandoning non-human animals of urban fauna, or causing by action or omission their abandonment;
- f. Subjecting non-human work or craft animals to life-threatening, stressful activities, such as exposure to irritant gases, injury with weapons;
- g. Using non-human animals for the commission of crimes;

- h. Poisoning non-human animals, individually or en masse, whether or not it causes their death;
- i. Causing damage to a non-human animal as a consequence of an ecological damage caused by the action or omission of natural or legal persons, public or private, that generates deterioration to the structure, functions, vital cycles and evolutionary processes that are part of the ecosystems;
- j. Using non-human animals for entertainment and exhibition or other uses that violate their life, physical or mental integrity and their rights, because of aspects related to culture or religion;
- k. Performing public and private shows with non-human animals, such as races, jumping races, circus activities, human or animal fights, among others that cause suffering or death to the animal or are contrary to the principle of welfare or violate the rights provided for in this Law;
- l. Marketing, importing or exporting live or dead non-human animals, vertebrates or invertebrates in bags, key rings, boxes, souvenirs or other items that are detrimental to their welfare;
- m. Biocommercialisation of non-human animals or their constituent parts;
- n. Use of non-human animals as ornamental or decorative elements;
- o. Breeding and marketing new varieties of non-human animals genetically modified through artificial selection, genetic engineering or hybridisation;
- p. Using methods, techniques of dog training and behavioural therapy of an aversive, punitive or coercive nature, specifically techniques that consist of physically or emotionally manipulating the non-human animal for training or training, contrary to the provisions of this Law and its Regulations;
- q. To restrict the tenancy or evict the tenant of a property used for housing, housing and workshop, and housing and commerce, within the urban or rural perimeter, whether or not subject to the horizontal property regime, for having non-human companion animals under his or her care;
- r. Forcing non-human animals for work or trade to work without the use of protective or work equipment appropriate to the species and type of activity causing death, injury, harm, distress or suffering;
- s. Using methods of punishment such as depriving them of food, water, depriving them of expressing their natural behaviour, keeping them tied up, among other types of mistreatment;
- t. Performing gene editing by experimental techniques that cause high mortality, deformity or premature death of individuals born under these conditions; and
- u. In the case of non-human animals for food or industrial use, do not use anaesthesia, analgesia or pain-reducing methods for handling practices such as castration, cutting of horns, tusks or other procedures that are painful for the non-human animal;
- v. Exporting or importing live non-human animals by sea or land, without the corresponding authorisations;
- w. Slaughtering animals for religious practices, beliefs or convictions;

- x. Killing non-human animals through cruel disposal practices such as suffocation, crushing, incineration, crushing or other cruel practices;
- y. Dumping solid or liquid waste in coral, reef, nesting, or breeding areas;
- z. Dumping untreated solid or liquid waste into the ocean, rivers, lakes, lagoons or other freshwater sources;
- aa. Implement salmon farms, octopus farms, tuna farms, or any other marine or aquatic species on national territory or in protected marine waters;
- bb. Intensive farming of marine species in enclosures, cages or any other method in open waters. Exceptions are made for the farming of species that are within production programmes already existing in the country and already approved by the competent authority;
- cc. Cooking of live specimens of crustaceans;
- dd. Ablation of the ocular peduncle in shrimps;
- ee. Sport fishing for marine, aquatic and semi-aquatic fauna of native and/or migratory species;
- ff. Sport fishing for marine, aquatic and semi-aquatic fauna in sensitive ecosystems, RAMSAR wetlands or other places restricted by law and regulation;
- gg. Extract and trade any type of coral for commercial purposes or any use, except for the collection of samples for scientific and research purposes duly authorised;
- hh. Engaging in tourism or other anthropogenic activities that are harmful to the ecosystem of non-human marine, aquatic and semi-aquatic animals and that are not authorised by the governing body;
- ii. Selling, buying or trading exotic animals and their constituent parts;
- jj. Using live animals, their constituent parts or by-products for craft or industrial purposes;
- kk. Import, export and re-export exotic specimens, their parts and derivatives for commercial or industrial purposes, as well as the use of these for the production of skins and applications in the textile, clothing, footwear or other industries;
- ll. In the case of synanthropic animals, producing, marketing and using products containing anticoagulants or those that cause prolonged agony or suffering;
- mm. Produce, market and use glue traps for trapping non-human animals.
- nn. Exceeding the appropriate workload, intensity and time of work according to the species, disrespecting animal welfare parameters;
- oo. Use available technologies for in-egg sexing in the poultry industry before 10 days of incubation;

- pp. In the case of non-human animal testing facilities, failure to comply with the obligation to keep a register stating the number of non-human animals used for testing;
- qq. Implement projects that require changes in land use where the presence of wild animals is detected in any category of threat according to national and international lists;
- rr. Do not use analgesia or anaesthesia for procedures that may cause momentary or minimal pain or distress;
- ss. Failure to comply with the obligation to identify each individual (batches of animals) by means of microchips or other unique identification mechanisms or clinical records;
- tt. In the case of ex situ wildlife conservation centres, failure to demonstrate the legal and documented origin of each non-human animal held in their populations;
- uu. In the case of ex situ wildlife conservation centres, failure to comply with the obligation to have at least one conservation project for the species under their care;
- vv. Sterilise wildlife animals or prevent their reproduction;
- ww. engaging in bestiality or zoophilia; as well as using non-human animals in any kind of pornography or sexual activity;
- xx. Performing any unnecessary mutilation, aesthetic or otherwise, with the exception of veterinary treatment under animal welfare parameters;
- yy. Providing food, drugs or medicines detrimental to the health and integrity of non-human animals; or, administering any toxic substance, or deliberately causing the animal to take it;
- zz. Carry out dissection and vivisection in pre-school, primary and secondary schools;
- aaa. Hunting of non-human animals; an exception is made for hunting by indigenous subsistence peoples in their territory for non-commercial and non-profit purposes;
- bbb. Public and private shows with non-human animals, such as races, jumping races, circus activities, human or animal fights, among others that cause suffering, death to the animal or are contrary to the principle of welfare or violate the rights provided for in this Law;
- ccc. Experimentation on non-human animals when it is determined that the research cannot ensure their welfare;
- ddd. Experiment on non-human animals when unjustified pain, suffering, distress or lasting harm is caused to non-human animals;
- eee. Perform surgical or painful procedures on non-human animals without anaesthesia;
- fff. The supply of antibiotics or sub-therapeutic antimicrobials, additives or growth promoters to non-human animals;
- ggg. Cattle and other quadrupeds intended for slaughter may not be restrained until the slaughter process is completed. It is prohibited to break the legs of non-

human animals before slaughter;

- hhh. The introduction of live or dying non-human animals into cold stores;
 - iii. Cooking or placing live vertebrate or invertebrate non-human animals in containers of boiling water;
 - jjj. The practice of forced moulting in poultry;
 - kkk. The export or import of live non-human animals by sea or land;
 - lll. Establish animal husbandry of wild non-human animals for consumption;
 - mmm. Slaughter non-human animals without prior stunning;
 - nnn. The production, marketing and importation of liver pâté or other products involving similar processes on live animals, which are contrary to animal welfare and animal rights;
 - ooo. Abandon them or cause them to be abandoned on public roads, fragile ecosystems and protected areas;
 - ppp. Import, export and re-export of exotic specimens, their parts and derivatives for commercial or industrial purposes, as well as their use for the production of skins and applications in the textile, clothing, footwear or other industries;
 - qqq. The capture, collection, harvesting, fishing, hunting, breeding, transport, possession, keeping, trafficking, marketing, acquisition, import, import, processing, sale, introduction and consumption of native, endemic or migratory wildlife species, as well as their constituent parts, eggs, semen or embryos;
 - rrr. Capturing, collecting, harvesting, keeping, possessing, acquiring or transporting specimens of native or exotic wild fauna, as pets or for illegal trade purposes;
 - sss. Experimentation on wild, exotic or migratory animals, free in the wild or in captivity;
 - ttt. The use of native or migratory wildlife for exhibition, entertainment, industrial, or therapeutic purposes; and,
- Other as provided for by law, the Constitution or international instruments.

SECTION II OF PENALTIES

Article 50.- Penalties: The penalties provided for in this Law shall be minor, serious and very serious.

Sanctions are imposed by the competent bodies that make up the National System for the protection of animal rights, as provided for in this law; the Decentralised Autonomous Governments have the power to impose sanctions within the scope of their territorial competences and will have the coercive enforcement of the obligations derived from this law.

The obligation of full reparation shall be imposed in all infractions in which there is responsibility and occurrence of the infringement of the rights of non-human animals, in accordance with the provisions set out in this Law.

Article 51.- Minor penalties: Any natural or legal person who commits any of the offences provided for in this law, without prejudice to any civil or criminal actions that may be applicable, shall be penalised by the competent authority with the following penalties

- a. Fine equivalent to thirty percent of a unified basic salary;
- b. Community work;
- c. The obligation for offenders to cover the full costs of veterinary care, feeding and maintenance required for the animal's recovery; and
- d. The removal of non-human animals from urban wildlife to the care of the competent governing body or a natural or legal person designated for the purpose.

Article 52.- Serious penalties: Any natural or legal person who commits any of the offences provided for in the present law, without prejudice to any civil or criminal actions that may be applicable, shall be penalised by the competent authority with:

- a. Fine equivalent to three unified basic salaries;
- b. Community work;
- c. The prohibition of keeping non-human animals under their guardianship on a temporary or permanent basis;
- d. Removal of wildlife, native or exotic species under the responsibility of the national governing body; and,
- e. The obligation for offenders to cover the full costs of veterinary care, feeding and maintenance required for the animal's recovery;
- f. Suspension of the conduct of experiments and research which do not comply with the provisions of this Act;
- g. confiscation of the objects, instruments, means of transport or devices used in the commission of the offence;
- h. Suspension or cancellation of the permit, operating licence, concession or any other authorisation, as the case may be;
- i. Partial or total, temporary or definitive closure of the centre or institution where the activity giving rise to the infringement is carried out;
- j. Revocation of the authorisation, termination of the contract and of the official performance guarantee;

Article 53.- Very serious penalties. - Any natural or legal person who commits any of the offences provided for in this law, without prejudice to any civil or criminal actions that may be applicable, shall be sanctioned by the competent authority with:

- a. Fine equivalent to ten basic unified salaries;
- b. Community work;
- c. The prohibition of keeping non-human animals under their guardianship on a temporary or permanent basis;
- d. Removal of wildlife species, native or exotic, under the responsibility of the national governing body; and,
- e. The obligation for offenders to cover the full costs of veterinary care, feeding and maintenance required for the animal's recovery;
- f. Suspension of the conduct of experiments and research which do not comply with the provisions of this Act;
- g. confiscation of the objects, instruments, means of transport or devices used in the commission of the offence;
- h. Suspension or cancellation of the permit, operating licence, concession or any other authorisation, as the case may be;
- i. Partial or total, temporary or definitive closure of the centre or institution where the activity giving rise to the infringement is carried out; and,
- j. Revocation of the authorisation, termination of the contract and of the official performance guarantee;

Article 54.- Criteria for applying sanctions. - The following criteria will be taken into account for the imposition of sanctions:

- a. Repeated commission of the same offence by the offender;
- b. Perpetrating the offence to conceal another offence;
- c. Shirking responsibility or attributing it to third parties;
- d. Committing the offence in the presence of children or persons with disabilities;
- e. If the act is committed with premeditation and malice aforethought;
- f. If the non-human animal is a puppy, geronto or pregnant female;
- g. Infringing several legal provisions with the same conduct; and,
- h. Obtaining financial gain for oneself or for a third party; and,
- i. If the act takes place within the National System of Protected Areas.

Article 55.- Recidivism. - It shall be considered to be a repeat offence for committing an offence of the same nature within a period of three years, when this has been declared by a final and enforceable decision.

TITLE III

NATIONAL SYSTEM FOR THE PROMOTION, PROTECTION AND DEFENCE OF THE RIGHTS OF NON-HUMAN ANIMALS

CHAPTER I
OF THE SYSTEM'S GOVERNANCE, POWERS, MEMBERS AND THEIR
RESPONSIBILITIES

Article 56.- National System for the Promotion, Protection and Defence of the rights of non-human animals. - The National System for the Promotion, Protection and Defence of the rights of non-human animals is the organised and articulated set of institutions, regulations, policies, plans, programmes, mechanisms and activities aimed at promoting, protecting and defending the rights of non-human animals.

Article 57.- Stewardship of the National System. - The leadership of the National System for the Promotion, Protection and Defence of the rights of non-human animals is the responsibility of the governing body in the environmental sector.

It is the responsibility of the State, through the governing body of the System, to promote, protect, guarantee and respect the rights of non-human animals, through the adoption of public, legislative, administrative and control policies that are necessary to ensure compliance with this law, and it shall be responsible for ensuring that public institutions comply with the provisions of this law and other regulations in force.

The governing body of the System has the power to summon any other public, private or civil society entity to comply with the provisions of this regulation.

Article 58.- Members of the National System. - The following national and local entities make up the National System for the Promotion, Protection and Defence of the rights of non-human animals:

- a. Governing body of the environmental sector;
- b. Governing body for agriculture and livestock;
- c. Education governing body;
- d. Health governing body;
- e. Tourism governing body;
- f. Governing body for production and fisheries;
- g. Governing body for culture and heritage;
- h. National Risk Management Service;
- i. Ombudsman's Office; and,
- j. One representative elected by the assembly of each associative body of the Decentralised Autonomous Governments.

Article 59.- Powers of the governing body of the National System. - Without prejudice to the powers established in the respective regulations in force, the governing body of the National System shall have the following powers:

- a. Formulate and issue public policy on the promotion, protection and defence of the rights of non-human animals;
- b. Coordinate with the institutions that form part of the National System, the elaboration of instruments and protocols to guarantee care and protection routes and the defence of the rights of non-human animals;
- c. Design and implement, in coordination with the other institutions that form part of the National System, plans and programmes for the prevention, rescue, management and control of populations of non-human animals of urban fauna, including animals that are victims of mistreatment;
- d. Develop training, awareness-raising, sensitisation, responsible adoption and education programmes on animal welfare, responsible guardianship of non-human animals of urban fauna, also ensuring that other comprehensive prevention measures are applied for this purpose;
- e. Develop, in coordination with the Autonomous Decentralised Governments, campaigns for the responsible adoption, sterilisation, vaccination and deworming of animals for urban fauna;
- f. To ensure through coordinated control actions that non-human animals live in a protective home, habitat and ecosystem, free from exploitation, physical and/or psychological mistreatment and any form of abuse;
- g. Generate a system for registering citizen complaints about cases of mistreatment, cruelty, negligence and degradation of non-human animals;
- h. Investigate and promote citizen complaints about cases of mistreatment, acts of cruelty, neglect and degradation against non-human animals in its jurisdiction and apply sanctions for each infraction;
- i. Coordinate with the Autonomous Decentralised Governments the creation of mechanisms and tools to carry out statistical population estimates or census data on urban fauna, within their jurisdiction, as well as to create and maintain an updated register of persons sanctioned for mistreatment, acts of cruelty, negligence and degradation against non-human animals;
- j. Guarantee the protection of the emotional bond between people belonging to priority attention groups and their companion animals; including their animals in the family nucleus; and, considering animal abuse as a form of domestic violence in cases where it is related;
- k. Promote the creation of data exchange protocols with the articulation of public institutions that receive reports of violence in cases of animal abuse, gender violence, child abuse, violence against the elderly, among others, in order to generate comparative statistics and at the same time to identify cases of violence where human and non-human animal victims are at greater risk and require immediate and comprehensive assistance;
- l. Include non-human animals in the protection measures for women survivors of gender-based violence, in particular those referring to temporary shelter, whether these protection measures have been obtained through judicial or administrative channels, as provided for in the regulations of the Law.

Integral Organic Law for the Prevention and Eradication of Violence against Women;

- m. Encourage professionals in various disciplines such as medicine, veterinary medicine, psychology and others to report any suspicion of animal abuse to the competent authorities;
- n. Promote research processes on the effects of pesticides on non-human pollinating animals, in order to guarantee their rights; and,
- o. Establish comprehensive mechanisms and policies for the prevention, care, protection and redress of nonhuman animal rights; and,
- p. Provide guidelines and technical support to decentralised autonomous governments, with the support of animal protection civil society organisations and academia, for the implementation of the provisions of this Law.

CHAPTER II

POWERS OF THE MEMBERS OF THE NATIONAL SYSTEM FOR THE PROMOTION, PROTECTION AND DEFENCE OF NON-HUMAN ANIMAL RIGHTS

Article 60.- Governing body of the environmental sector. - Without prejudice to the powers established in the respective regulations in force, it shall have the following attributions:

- a. Formulate and issue public policy for the promotion, protection and defence of the rights of wild animals;
- b. Implement tools and protocols for detecting wildlife rights violations;
- c. Elaborate and harmonise and update secondary regulations for the public and private sector in order to administratively sanction infractions committed against wild animals based on technical and scientific advances;
- d. Strengthen protocols for the care of wild animals in veterinary centres and clinics; and,
- e. Control, surveillance and monitoring of wild and exotic animals in ex situ conservation environments.

Article 61.- Governing Body for Agriculture and Livestock. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. Formulate and issue public policy on the promotion, protection and defence of the rights of non-human animals for consumption, industry and experimentation;
- b. Ensure compliance with the rights of non-human animals for consumption, industry and experimentation provided for in this law by establishing control and surveillance mechanisms;

- c. Implement instruments and protocols for detecting violations of the rights of non-human animals for consumption, industry and experimentation;
- d. Elaborate, harmonise and update secondary legislation for the public and private sector in order to administratively sanction offences committed against non-human animals for consumption, industry and experimentation on the basis of technical and scientific progress;
- e. Strengthen protocols for non-human animal care in veterinary centres and practices; and,
- f. Control, surveillance and monitoring of the registration and traceability of non-human animals for food, industrial and experimental purposes, their products and derivatives.

Article 62.- Governing body for education. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. Design and implement training programmes, sensitisation, dissemination and awareness-raising campaigns, educational materials aimed at the educational community to promote the rights of non-human animals.
- b. Integrate in the curricula of the different educational levels the necessary contents to educate the promotion, protection and defence of the rights of non-human animals;
- c. Determine that information on animal abuse and its relationship with other forms of violence should form part of the educational contingent on the prevention of violence, promoted by the governing body of Education, together with the generation of education in empathy and the promotion of a culture of peace;
- d. Create protocols and reporting routes against the mistreatment of non-human animals.

Article 63.- Health governing body. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. Implement public health measures to prevent future pandemics or endemics that may arise from human practices involving non-human animals;
- b. Strengthen and update programmes for the prevention of emerging, re-emerging and neglected diseases;
- c. Strengthen population control programmes and coordinate their implementation with the Autonomous Decentralised Governments; and,
- d. Implement programmes for the prevention of bites by animals considered poisonous or poisonous, including mandatory reporting of cases to the governing body and guaranteeing the provision of vaccines.

Article 64.- Tourism governing body. - Without prejudice to the powers established in the respective regulations in force, it shall have the following attributions:

- a. To ensure compliance with the rights of non-human animals provided for in this law, within the scope of its competences, by establishing control and surveillance mechanisms;
- b. Implement instruments and protocols for detecting violations of non-human animal rights in the tourism sector, and report them to the competent body;
- c. Elaborate and harmonise secondary regulations for the public and private sector to administratively sanction infractions committed against non-human animals; and,
- d. Promote the progressive eradication of tourism activities involving animals.

Article 65.- Powers of the governing body for production and fisheries. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. To ensure compliance with the rights of non-human animals provided for in this law, within the scope of its competences, by establishing control and surveillance mechanisms;
- b. Implement tools and protocols for detecting violations of non-human animal rights in the production and fisheries sector;
- c. Elaborate and harmonise secondary regulations for the public and private sector to administratively sanction infractions committed against non-human animals; and,
- d. Coordinate actions for the protection and conservation of marine, aquatic or semi-aquatic animals with international organisations.

Article 66.- Governing body for culture and heritage. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. To ensure compliance with the rights of non-human animals provided for in this law, within the scope of their competences;
- b. Implement awareness campaigns to promote the rights of non-human animals that have positive connotations; and,
- c. Promote the progressive modification of socio-cultural patterns that naturalise violence and the violation of the rights of non-human animals for cultural reasons, in order to achieve a culture of peace and respect.

Article 67.- Office of the Ombudsman. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. The representation of non-human animals, regardless of the persons individually or collectively who have this right and obligation;

- b. To exercise its powers for the protection, promotion, defence and redress of the rights of non-human animals;
- c. Issue warnings, binding opinions, pronouncements, recommendations, reports, exhortations, proposals, and measures of obligatory and immediate compliance, on actions or omissions of all State institutions in the field of the protection and promotion of the rights of nonhuman animals, based on the petitions and reports issued by the Nonhuman Animal Rights Council and the citizenry; and,
- d. Create citizen committees to monitor compliance with this law.

Article 68.- National Risk Management Service. - Without prejudice to the powers established in the respective regulations in force, it shall have the following attributions:

- a. To ensure compliance with the rights of non-human animals provided for in this law, within the scope of their competences;
- b. Generate protocols and management plans for urban and wildlife animals with the support of competent national and international agencies, and implement them during and after natural events, including evacuation plans for companion animals;
- c. Design and implement, in coordination with the governing body of the National System, action protocols for the rescue and assistance of non-human animals in cases of catastrophes and emergencies, in coordination with the Autonomous Decentralised Governments, the competent state authorities, and with the advice of veterinary faculties, veterinary schools and animal protection organisations;
- d. Implement plans, programmes and projects for prevention and risk reduction of natural events considering climate change as a risk factor; and,
- e. Generate supporting information on urban animal management and animal welfare to enable the other institutions that make up the National System to make decisions that safeguard health according to the One Health and One Welfare approach.

Article 69.- Decentralised Autonomous Governments. - Without prejudice to the powers established in the respective regulations in force, it shall have the following powers:

- a. Ensure compliance with the rights of non-human animals under this Law,
- b. Formulate and implement ordinances, resolutions, plans and programmes for the protection and promotion of the rights of non-human animals, which are harmonised with the regulations of the governing bodies of the National System, with the participation of social and community organisations;
- c. Generate permanent alliances with different forms of social and community organisations to coordinate joint activities for the prevention and promotion of non-human animal rights;

- d. Define instruments for the control of all public spectacles in order to sanction, suspend or close down those in which violence against non-human animals is promoted;
- e. Ensure emergency veterinary health care for non-human companion animals;
- f. To apply the administrative sanctions that correspond to the infractions committed against non-human animals as foreseen in this law; and,
- g. Control, monitoring and sanctioning of establishments providing services for non-human animals, as well as those breeding, producing, marketing, importing, exporting and slaughtering non-human animals for consumption, industry and experimentation.

Article 70.- Sustainability of the System. - The institutions that make up the System, through the budget allocated by the governing body of Public Finances, shall guarantee the implementation of this Law.

Article 71.- Non-human animal rights council. - In order to promote and watch over the promotion, protection and defence of the rights of non-human animals as sentient beings and subjects of rights that are part of nature, the Ombudsman's Office shall form, through a participatory process, an autonomous Council made up of civil society actors:

- a. Two representatives of the academy;
- b. Two representatives of non-human animal protection movements; and,
- c. A representative of the scientific community.

Members shall serve for a term of four years and shall determine their own organisation and functioning.

The Non-human Animal Rights Council shall be composed of persons with a track record in animal rights and animal protection.

The members of this Council shall not be public servants, nor shall they have any contractual relationship with state institutions, with the exception of institutions of higher education.

Article 72.- Powers of the Animal Rights Council. - Without prejudice to the powers established in the regulations in force, the Council shall have the following powers:

- a. Coordinate with the national mechanism for prevention, precaution, protection, promotion and restoration of the rights of nature and the provincial delegations of the Ombudsman's Office on actions for the prevention, protection, promotion and defence of the rights of non-human animals;

- b. Advise on public policy to the National System for the Promotion, Protection and Defence of the rights of non-human animals;
- c. Participate in the processes of elaboration of protocols, programmes, regulations and other technical standards formulated by the governing bodies that make up the National System for the Promotion, Protection and Defence of the rights of non-human animals;
- d. Submit proposals for regulations, protocols, programmes and other technical standards to the governing bodies that make up the National System;
- e. To monitor compliance with the regulations issued by the governing bodies that make up the National System for the Promotion, Protection and Defence of the rights of non-human animals;
- f. To officiate to the Ombudsman to initiate or continue any investigation leading to the clarification of acts and resolutions of the Administration and its agents that, implying the illegitimate, defective, arbitrary or negligent exercise of their functions, affect the rights of non-human animals;
- g. To issue alerts, opinions, pronouncements, recommendations, reports, exhortations, proposals, and measures of obligatory and immediate compliance, on actions or omissions of all State institutions in matters relating to the protection and promotion of the rights of non-human animals;
- h. Sponsor or participate, ex officio or at the request of a party, in any administrative or judicial process, on behalf of an individual or group of non-human animals, for the defence of their rights, in coordination with universities and research centres;
- i. Decide on the actions to be taken in the event that breaches of the rights of non-human animals are corroborated, in accordance with the provisions of this Law and the regulations in force; and,
- j. Others established by the regulations in force.

CHAPTER III OF COMPREHENSIVE REPARATION MEASURES

Article 73.- Comprehensive and transformative reparation: The bodies that make up the National System for the Promotion, Protection and Defence of the Rights of Nonhuman Animals have, as a general responsibility, within the framework of their competencies and following a resolution by the competent authority, to immediately comply with and execute the mechanisms for comprehensive reparation and restoration in the face of the violation of the rights of nonhuman animals established in the present law, with the aim of achieving both a restorative and corrective effect towards structural changes against cultural practices that perpetuate violence, speciesism and impunity against nonhuman animals.

Article 74.- Mechanisms for full reparation. - In the case of the commission of infringements of this Law, the competent authority shall order the reparation of the infringement.

The compensation for the material and non-material damage caused to the non-human animal shall be as follows:

- a. Economic or patrimonial compensation;
- b. Rehabilitation;
- c. Restitution;
- d. Ecosystem restoration;
- e. Satisfaction;
- f. Obligation to investigate the facts, determine who is responsible and punish; and
- g. Guarantee of non-repetition.

The comprehensive reparation provision should establish the institutions in charge of implementing the reparation, the time frame in which it is to be implemented and the periodicity of its implementation.

Article 75.- Economic or patrimonial compensation. - It shall comprise the economic compensation required to recover the physical and psychological health of non-human animals and the restoration of the ecosystems that were affected or damaged.

Article 76.- Restitution. - It includes the obligation to restore the non-human animal to the situation of origin or to improve the situation in which it was, prior to the violation of the right it suffered, and to create new conditions that guarantee its rights.

Article 77.- Restoration of ecosystems. - Actions aimed at restoring the functionality of the ecosystem, that is to say, that the ecosystem returns to the original state it had prior to the affectation and/or damage, with the aim of guaranteeing the maintenance and regeneration of its structure, functions, vital cycles and evolutionary processes.

Article 78.- Rehabilitation. - Actions aimed at recovering physical, psychological, psychic, welfare and social health, **the** costs of which shall be attributable to the person whose rights have been violated.

Article 79.- Satisfaction. - It includes all actions aimed at generating public apologies; promotion of the rights of non-human animals, the recognition of being subjects of rights through commemorations, training and dissemination of the historical truth and awareness-raising in the appropriate field.

To this end, measures of non-material reparation should be guaranteed to ensure the dignity of the non-human animal.

Article 80.- Guarantee of non-repetition. - In order to avoid the repetition or continuation of acts associated with the violation of the rights of nonhuman animals, the investigation to determine responsibilities and sanction the violations of the rights of nonhuman animals shall be carried out by the competent authorities.

rights of non-human animals and any other measures to avoid impunity.

GENERAL PROVISIONS

FIRST - The National System for the Promotion, Protection and Defence of the Rights of non-human animals, through its governing body, shall submit an annual report to the Constitutional Court on the implementation of the plans, programmes and projects that each of the institutions that make it up have carried out within the framework of the application of this regulation.

SECOND - State entities will develop annual awareness campaigns for their public servants on issues related to the promotion and protection of the rights of non-human animals.

THIRD - Any stipulation contained in lease contracts, whether or not subject to the horizontal property regime, that prohibits the keeping of non-human companion animals in the leased property shall be null and void, nor may the lessor evict the lessee for having acquired them subsequently during the term of the lease contract. The same rule applies to sublessees and assignees.

FOURTH - The Council of the Judiciary shall conduct annual training processes for administrators of justice in the field of protection and respect for the rights of non-human animals.

FIFTH. - The governing body of health will develop mandatory reports that record the events of venomous animal bites in order to generate statistics for the implementation of plans, programmes and projects for prevention and treatment.

TRANSITIONAL ARRANGEMENTS

FIRST - General implementing regulations shall be issued within six months of the publication of this law.

SECOND - Within one year of the enactment of this law, the governing body of the National System for the Promotion, Protection and Defence of the Rights of non-human animals shall implement the secondary regulations, plans, programmes and campaigns provided for in Article 55, in order to promote and protect the rights of non-human animals.

THIRD - Within two years of the promulgation of this Law, the governing body of the environmental sector shall issue the necessary regulations so that exotic animals are retained by the environmental authority with the aim of eradicating their propagation.

FOURTH - The Autonomous Decentralised Governments shall issue the regulations required for the implementation of the provisions of this Law, for which they shall have a period of one year from the date of promulgation of this Law in the Official Register.

FIFTH. - The content of the internal regulations registered with the governing body of Urban Development and Housing that have been issued for the administration, use, conservation, repair, maintenance and security of a property constituted as a condominium or declared under the horizontal property regime will be adjusted within six months to the provisions of this law concerning the keeping of non-human companion animals.

SIXTH - The Council of the Judiciary shall, within a maximum period of three months from the promulgation of this law, carry out annual training processes for administrators of justice on the content of this regulation.

SEVENTH - For the purposes of the application and execution of the present law, non-human animals will be considered a vulnerable group of priority attention, due to their risk situation in the face of anthropogenic damage.

EIGHTH - Within a maximum period of three years from the promulgation of this Law, all systems of breeding, reproduction and industrial, semi-industrial or artisanal production of non-human animals for consumption must have completed the processes of transition from prohibited systems, techniques and practices to those that guarantee the rights of non-human animals established in this law and its regulations.

AMENDING AND REPEALING PROVISIONS

FIRST - In the Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Article 51, letter b) after the phrase "*of the same*" insert the following phrase: "*as well as the non-human animal companion of the survivor of violence*".

SECOND - Amendments to the Civil Code:

After Article 462, insert an unnumbered article to read:

Article XXX.- The natural or legal person who has a non-human animal under his or her care shall be called guardian, who shall be responsible for its protection and shall guarantee the exercise of its rights and animal welfare. Failure to comply with these obligations shall result in the corresponding administrative, civil and criminal sanctions.

Replace the text of Article 585 on movable property by the following text:

Article 585.- Movable things are those which can be transported from one place to another, that is to say, which are moved by an external force, such as inanimate things. With the exception of those which, being movable by nature, are considered immovable by virtue of their destination, in accordance with Article 588.

In Article 588, delete the texts:

"and animals"; and, "Animals kept in hutches, aviaries, ponds, beehives and any other vivaria, provided that they are attached to the ground, or are part of the ground itself, or of a building".

After Article 2424, insert a General Provision to read as follows:

***"GENERAL PROVISION ONE** - Non-human animals are sentient beings and holders of rights, which may be valued and traded in accordance with the rules of this Code and other animal protection and health regulations, provided that the trade is responsible and guarantees the exercise of their rights and their animal welfare. Exceptions are animals for which specific provisions in the law and international instruments apply, as in the case of wildlife. Non-human animal rights and animal welfare standards are regulated in a special law.*

THIRD - All provisions of equal or lower hierarchy that oppose the provisions of this Law are hereby repealed.

FINAL DISPOSITION

This law shall enter into force upon its publication in the Official Gazette.