

DECISION C-283 of 2014 ANIMAL WELFARE

The Colombian Constitutional Court noted that animal protection from the perspective of the moral and solidaristic duties – animal welfare -, as well as the proper behaviour that human beings must show towards other species – living beings and sentient beings – in order to preserve the environment, are sufficient arguments to support the constitutionality of article 1 of Law 1638 of 2013 for being in accordance with articles 8, 79 and 95 of the Colombian Constitution. These constitutional rules show the relevance of the best interests of the environment – environmental charter – as a good that must be protected per se. A higher consciousness, effectiveness and severity of the policy for wildlife protection is an imperative.

The Court noted that traditions and customs established in time cannot constitute a reasonable basis for perpetuating practices that nowadays are seen by society as incorrect and not desirable. Cultural manifestations must help to educate a society about the importance of respecting the rights of the living things that share this planet with us. Many Citizens, non-governmental organizations, political parties, States and international organizations are against those practices that involve the use of wild animals in circuses. This explains why many laws have been passed and why many clauses have been introduced into international treaties. Captivity – cages and chaining - is not fair. The captivity of wild animals in circuses has a negative impact on their behavior since this does not allow them to develop their capacities to explore and depredate.

Animal abuse is many times preceded by extreme cruelty, just for fun or for lack of mercy.

Finally the Constitutional Court cautioned that upon the release of wild animals, government must adopt a serious transition policy, i.e. a gradual process to ensure that animals can readapt to their natural environment, providing the professional staff for this purpose: veterinarians, zoothechnicians, and biologists, supported by animal breeders and keepers. This team of professionals will examine each animal situation and will determine the actions to be taken.