Written evidence submitted by German Shepherd Helpline

1. The German Shepherd Helpline

The German Shepherd Helpline is a registered charity (1164869) concerned with the welfare and care of German Shepherd Dogs. The Helpline is also involved in the rescue and re-homing of German Shepherd Dogs including re-homing from other EC countries into the UK. Our expertise covers all aspects of German Shepherd Dogs including the emotional needs of both the dogs and the owners.

2. Executive Summary

- We welcome the aim of recognizing animal sentience in UK law
- We do not think it is either feasible or necessary to attempt a definition of animal
- We do think it is necessary and essential to define animal sentience: however we do not think that the concept of sentience alone is sufficient for animal welfare purposes
- We think that the welfare needs of the higher animals need to cover aspects of consciousness and awareness which may be regarded as additional to sentience
- We think the wording and scope of the Bill should be strengthened and extended. We think there should be a ‘requirement to provide for the welfare needs of animals’, we think the legislation should apply at all levels of national and local authority and we do not think there should be any religious or cultural exemptions from the Bill.
- We unreservedly welcome the proposed increased maximum sentence for animal cruelty.

3. General overview

We welcome the recognition by Government that there is a need take account of the principle that living animals are subject to many of the same emotions experienced by humans as loosely defined by the word ‘sentience’. We believe that the proposed draft Bill on the welfare needs of animals as sentient beings provides a framework for the moral belief of many people that animals should be treated with humanity. We think that the principle that the highest possible standards of animal welfare should be legislated into UK law is a noble principle that many in the UK will welcome. We do think that good law can be based on good moral principles and we believe that given sufficient and proper consultation, the propose Bill can be made to work effectively as legislation. However, we do have a number of comments and reservations that we outline below. Our viewpoint is from that of canine welfare but we recognize and welcome the principle that this Bill should provide proper welfare protection for all animals which can be defined as ‘sentient’.

4. Definition of animal

We believe that the definition of animal must necessarily precede the definition of sentience. The problem with the definition of animal is that there is an almost infinite variety of animal life and it appears impossible to produce any useful short definition of animal that will not be open to challenge or criticism. For this reason, it would seem best simply to define an animal as a living organism which feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli. Further classification would then be based on a suitable definition of animal sentence.

5. Definition of sentience
We believe that animal sentience is a key feature of the draft Bill and therefore it is essential to provide a full and proper definition of sentience. We think it is also necessary to consider whether sentience is sufficient to cover every aspect of animal welfare and animal protection. One definition of sentience is the ability to feel, perceive, or be conscious, or to have subjective experiences. This definition does not, however, cover many of the higher attributes of higher animals including intelligence, self-awareness and foresight and we strongly believe that these attributes also need to be properly accounted for in the draft Bill.

6. Welfare needs of animals

We believe that it is not sufficient to define animal needs merely by providing the basic requirements of life for domestic or wild animals. For example, the following basics of animal welfare for domestic or captive animals are important and necessary for animal life but are not necessarily sufficient for humane treatment of animals:

- avoidance of pain or suffering
- protection from injury and disease
- protection from hunger and thirst
- protection from fear and distress

In addition, we believe that higher animals require suitable mental stimulation and emotional protection and emotional support. For example, the removal of a puppy from its mother at too early an age could be specifically recognized as causing extreme emotional stress for both the mother and the puppy. We therefore think that the principle of animal welfare and animal protection based only on sentience will not be sufficient for higher animals and will need extension to cover the additional attributes of the higher animals.

7. Scope and application of the Bill

We do not think that having “regard to the welfare needs of animals as sentient beings in formulating and implementing government policy” is an adequate requirement for the Bill. We think that there should be a ‘requirement to provide for the welfare needs of animals etc. etc.’ We also think that the legislation should provide the same level of protection throughout the UK and should apply to all levels of society so that, for example, local authorities would be required to apply the same legislation to local regulations and bye-laws. We also believe that there should be no exemptions or derogations from the legislation on any religious or cultural grounds. We expect that Ministers of the Crown will always “have regard to matters affecting the public interest” but this must not be used as a justification for disregarding the requirements of the animal welfare Bill. If the intended purpose of that wording is to allow exemptions from the requirements of the Bill, then we believe that this wording should be omitted. Otherwise it might be seen as a deliberate attempt to weaken or undermine the purposes of the Bill.

8. Proposed new maximum sentence

We welcome the proposal to increase the maximum sentence for animal cruelty offences to five years. The great majority of the public regard this proposal as long-overdue and many would prefer a higher upper-limit. We have no doubt that the prospect of a long jail sentence will be a deterrent and we hope and expect that the courts and judges will apply the longer sentences appropriately. In addition to our belief that a long prison sentence is a proper punishment for extreme animal cruelty, we also believe that the longer prison sentences will send a strong message about the abhorrence with which most people view animal cruelty and may go some way to help ‘reset’ the moral compass of those people in society who believe that animals are objects without rights or protection.

January 2018