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Do animals have rights?

Dear Sir or Madam,

This guest newsletter, by Barbara Fischer – responsible for Communications and Marketing at “Tierschutzbund Basel Regional” (regional animal protection association for Basel) –, shows what rights animals have after their master’s or mistress’ demise.

The Swiss constitution states that regulations about the protection of animals are the federal government’s area of responsibility. The purpose of these laws is to protect an animal’s dignity and well-being. Implementing them is up to the cantons, various orders and decrees are already in place.

Since 2003, from a legal point of view, animals are no longer objects. Since then, they are regarded as living beings able to feel emotions and pain. Nevertheless, animals possess no rights or duties from a legal point of view, rather, they are regarded as assets which someone can possess.

Regionally organised private animal protection associations like the “Tierschutzbund Basel Regional” take care of those animals that do not have a home of their own or suffer hardship due to people’s behaviour – left alone, abandoned or mistreated. Animals without a home are protected and cared for here; furthermore, violations of the Animal Protection Act are processed, injured animals are nursed, and a great deal more.

When the pet survives its master

When a master or mistress passes away – or perhaps can no longer care for their four-legged friend due to failing health – the animals suffer as well. Thinking early about what is necessary, such that unnecessarily aggravating the loss of the attachment figure can be avoided, is recommended

With the demise of the owner the pet becomes part of the estate. If nothing else has been decreed, the legal heirs will then determine what happens to the animal. However, it could well be possible that they do not know what to do, or are unable to take the animal left behind.

Therefore, it is highly recommended to set out exactly via one’s last will what should happen with the animal. An animal cannot inherit; however, its owner in his or her last will can favour an animal protection organisation like the Tierschutzbund Basel Regional

under the condition that they take in the animal, care for it and, if necessary, find a new home for it. A donation with relevant conditions can also be made during the owner's lifetime. In this situation a deed of donation is set up.

Ensuring future help for animals in need

What happens to my estate should I no longer be around some day? A last will and testament provides certainty, helps avoid any misunderstandings, and ensures the continued existence of values and assets close to one's heart. With a legacy or a bequest in favour of an animal protection organisation, animal lovers can do good deeds beyond their own lives. Such donations are immensely important for animal protection work. For example, the Tierschutzbund Basel Regional is only thus able to carry on with the running of the cats shelter, and dealing with many further tasks on a long-term basis.

Because government funding in the field of animal welfare hardly exists, the work is entirely privately financed via donations, even though the mostly non-profit associations perform numerous tasks for the common good. Legacies and inheritances are therefore enormously important to ensure that hundreds of animals in need can be helped in the future as well.

About the author

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Kind regards

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