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Antoine F. Goetschel Q&A

1. How did you become involved in the animal protection movement?

AFG: After having finished my studies in law, I was asked to help a friend by working on a booklet of about 50 pages concerning the legal status of animals in Swiss law. For that purpose, I studied 34'000 pages of the complete Swiss law including the Swiss related international law. The result was a book of 714 pages, published in 1987, collecting all important legal bases of the animal in Switzerland, covering aspects from civil law to animal experiments, the animal in the army, animal welfare law and animal related environmental law and others: Only if the legal bases are known, can they be applied. Then I was asked by an animal welfare organisation to write a second booklet on the then new Swiss animal welfare act. As a result I published the up to now unique legal comment on the Swiss Animal welfare act in 1986. Practising as an attorney in a law firm owned by the president of an animal welfare organisation, I wrote my legal thesis. As its topic I chose the relationship between animal welfare and fundamental rights. By then, of course, I was confronted with the basic questions on the animal in ethics, psychology and religion. I stopped eating meat and fish, knowing too much on the housing, farming and killing of animals. Based also on my experience giving legal advice to members of this animal welfare organisation that I indirectly worked for, I drafted a law on human-animal-relationship which was taken as model for the new legislation in Switzerland of 2003; whereafter animals are no longer treated as objects but – besides humans and objects – as animals. They now have a better position when, e.g, divorce cases, lost and found pets, heritage, liability etc. are concerned.

2. As a lawyer practising in the area of animal rights and welfare:

a. what kind of cases are you involved in?

AFG: As an attorney I more or less avoid working on specific cases in order not to intermingle my position as the Director of the Foundation for the Animal in the Law (www.animallaw.ch) (founded in 1995) with my private law practice. In the role as Director of the Foundation for the Animal in the Law I work as a consultant in law making process and law application, I give lectures on animal welfare law at Zurich Law School and assist law students writing their legal theses in Switzerland, Germany and Austria: The Foundation houses and owns the biggest library in this field in the German speaking part of Europe. Also by collecting every single criminal case in Animal welfare law since 1992 (more than 4'500) and collecting them in a very sophisticated database



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(www.tierschutz.org) we are able to instruct judges, states attorneys, policemen, attorneys and animal welfare organisations in the due process of law application.

b. what do you feel has been your most important case to date and why?

AFG: By changing some legal structures I helped to have important cases made. I mean by that, that I could be helpful in changing the Swiss Constitution by including the (maybe even worldwide unique) term of the "Dignity of the Creature". The legislator is forced to implement this ethically minded term and to apply it as far as e.g. animal experiments, transgenic animals, farm animals etc. are concerned. I also was involved in giving animals an attorney! In the Swiss Canton of Zurich, animals are protected by an official "Attorney-at-law for animal welfare in criminal cases". He supports the state attorney, the police officers and the veterinarians involved in law application by being entitled e.g. to appeal against decisions, where animal mistreaters should be punished much harder.

3. In addition to being a practising animal lawyer, you are the director of the *Foundation for the Animal in the Law*; can you tell us about its functions and why was it established?

AFG: The Foundation for the Animal in the Law (www.animallaw.ch; www.tierimrecht.org) was founded in 1995 in order to improve the human-animal relationship in law and in ethics. With the biggest library in this field in the German speaking area consisting of more than 4'500 books and articles written and published since 1722, including the largest German library on animal ethics, that will be worked in with our current stock during the next months, a database that is available 24 hours a day free of charge on all these books, with the website www.tierschutz.org, where you'll find more or less every animal welfare issue debated and explained and also interlinked with the relevant books by theme and more than 1'100 links to the most important websites in animal welfare, carefully selected and rated the Foundation for the Animal in the Law is the competence center for legal and ethical aspects in animal welfare in the German speaking region. For state attorneys and others involved in application of law, our free database which includes every court act on criminal cases of animal welfare proves to be very useful. Working closely together with newspapers, radio and television stations, we can put on pressure when it comes to improving the law making process and its application in the Cantons of Switzerland and on a federal level. By having written a part of the leading legal comment of the German animal welfare act, we are also involved in legal matters concerning German, Austrian and European animal welfare. By using the Term we, I mean, that apart from several law students, that support the Foundation for the Animal in the law with their work Gieri Bolliger, JD, who wrote his highly qualified legal thesis on European Animal Welfare law in 2000 and I.



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4. In October 2004, the *Foundation for the Animal in the Law* presented its project "Animals in the Law – a Global Perspective" to the 11th IAHAIO congress, in Glasgow. What was the main objective of that project?

AFG: The goal was mainly to collect the key information in more of ten, fifteen legislations worldwide as far as the legal status of animals was concerned. Do animals have rights? Do they have an "Animal welfare lawyer"? Can they be kept in apartments? What about dogs and cats in divorce cases? The Dignity of creature etc. By comparing the results of these questions we intend to work out guidelines for international standards concerning a modern concept of human-animal relationship in the law (see: www.tierimrecht.org/en/artikel/glasgow.php). We are very interested to co-operate with qualified specialists and would like to invite them to participate in this ambitious project as far as their own legislation is concerned. Who can be helpful to provide the correct information about the 18 key questions in their own legislation? We'd like to present the results of the expanded version of this survey at the 12th congress of the international IAHAIO in Tokyo.

5. You have written more than 10 books on animal welfare law in Switzerland. Which book do you feel is your most important contribution to animal protection and why?

AFG: Those books, that are easy comprehensive, 100% correct in the content and highly usable by politicians, policemen, attorneys, journalists and directors of animal welfare organisations. That's why I'm especially – yes: - proud of - the ANIMAL-CD-ROM we produced for about USD 400'000 containing more or less everything people should know about animal welfare in practical and legal matters. The main part of the content can now additionally be found on www.tierschutz.org, our second website that is ranked by google.de as Nr. 4 beside www.tierimrecht.org, ranked as Nr. 2. By that, we do believe having a real impact on stake holders in the animal field.

6. What career opportunities are there for animal lawyers in Switzerland and in other parts of Europe?

AFG: Beside lobbyists, in the long run, animal welfare lawyers should be introduced into various cantons of Switzerland, not only in Zurich since 1992. Animal welfare organisations should need a much better support in legal matters, be it in their goals for better law making and application or be it in their work in giving tips and advice to their members. If they recognized the importance of the legal aspect in the human-animal relationship, many qualified animal lawyers could work there in Switzerland and Europe-wide.



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7. What do you feel is the most important issue for animal advocates to address in Europe today?

AFG: "95% perspiration, 5 % inspiration!". Work scientifically and be able to speak simply: You will be taken much more seriously by politicians, state attorneys and journalists. And be sure, that there is enough money around for all the tremendous work involved!

8. Do you have any words of wisdom to share with Australia's budding animal lawyers?

AFG: Collect every scientific paper and book on animal welfare law ever written at a central place. Do so with the court decisions on every level and work out proposals for better laws and better law application by presenting the problems AND the solutions.
Good luck,

yours

Antoine