

Animal Rights Law

– Practice Cases –

Introductory cases:

Introductory case 1:

X beats his dog Y because Y is barking all the time and X had a stressful day.

Introductory case 2:

X kills his dog Y by cutting Y's throat because he likes the taste of Y's meat and wants to eat it.

Introductory case 2a:

X kills his dog Y by cutting Y's throat under complete anaesthesia because he likes the taste of Y's meat and wants to eat it.

Introductory case 2b:

X kills his pig Y by cutting Y's throat under complete anaesthesia because he likes the taste of Y's meat and wants to eat it.

Introductory case 3:

X poisons his dog Y because he wanted to test the side effects of a new medication that was highly promising as a cure for cancer and could have saved millions of people if it had worked.

Case 1: Laying hens (adapted from [BVerfGE 101, 1](#))

The government of North Rhine-Westphalia considers the Ordinance on the Protection of Laying Hens in Caged Systems ("Laying Hens Ordinance"), issued by the Federal Minister for Food, Agriculture and Forestry, to be unconstitutional. The ordinance permits the rearing of laying hens in battery cages subject to certain minimum requirements, in particular regarding the size of the cage areas and the length of the feed troughs. North Rhine-Westphalia takes the view that the permitted rearing conditions prevent the animals from engaging in essential species-specific behaviours and therefore violate the Animal Protection Act. Furthermore, it is submitted that the ordinance is not covered by the statutory basis § 2a of the Animal Protection Act. The government of North Rhine-Westphalia is therefore seeking before the Federal Constitutional Court a declaration that the ordinance is incompatible with the Basic Law and void.

Will the motion of the government of North Rhine-Westphalia be successful?

Case 2: Tethering of cattle (adapted from [VG Münster, 11 L 843/19](#))

During an unannounced official inspection of farmer L's cattle, the competent veterinary authority finds that L's 24 cows are kept in tethered systems without daily access to a pasture, a yard or similar. Under the tethered system practised by L, almost all the basic needs of the cattle are severely restricted. The lack of exercise could also lead to frequent illness and cause pain. According to Lower Saxony's "animal welfare guidelines for dairy cow husbandry and for beef cattle rearing", existing tethered systems should, where possible, be converted to loose housing systems.

The Veterinary Agency therefore issues a notice ordering L to provide his cattle with free access to a pasture, paddock, exercise yard or similar area for at least two hours daily and at least during the period from 1 June to 30 September of each year. The order is declared immediately enforceable. L wishes to take legal action against this as soon as possible.

Will L's legal action succeed?

Case 3: Animal experimentation for basic research (adapted from [BVerwG, 3 B 29/13](#))

Prof. K heads a department at the University of Bremen and conducts research into the neural mechanisms underlying complex brain functions. This involves animal experiments using macaques (rhesus monkeys), for which Prof. K was first granted a temporary licence in 1998. During the experiments, the animals' brain activity is measured using electrodes implanted in the brain. The animals are secured in a so-called primate chair and are required to respond to specific signals, for which they are rewarded with water. For one week, they therefore receive water solely as a result of their participation in the experiment. K's research project is evaluated by a commission of experts in June 2024, which concludes that the research approach was of international standing and provided fundamental insights into cognitive functions such as perception, attention and memory.

In a decision dated 15 October 2025, the competent authority of the State of Bremen refuses to grant further authorisation for the research project for the experimental period from 1 December 2025 to 30 November 2028. The experiments are deemed ethically unjustifiable due to the stress they cause the animals in relation to the intended scientific benefits. Following an unsuccessful appeal, K brings an action before the Administrative Court of Bremen seeking the grant of a licence.

Will K's action succeed?

Case 4: Animal hoarding

O keeps 46 dogs in his house. As he is unable to cope with their care, he moves into a flat at the end of 2025 and leaves the dogs to their fate. Following a tip-off from a neighbour, the completely neglected and filthy animals are discovered in February 2026 and rescued from the empty house by the veterinary authorities. The animals had too little to eat and drink and had, in some cases, been feeding on wallpaper, furniture and the faeces of the other animals. Some dogs can no longer walk properly. Furthermore, the animals' fur is, in some cases, completely matted with faeces and urine, and many dogs have infections in their eyes and teeth.

How is O's behaviour punishable under German law?

§ 13 CRIMINAL CODE (GERMANY)

(1) Whoever fails to prevent a result which is an element of a criminal provision is only subject to criminal liability under this law if they are legally responsible for ensuring that the result does not occur and if the omission is equivalent to the realisation of the statutory elements of the offence through a positive act.

Case 5: Culling of male chicks (adapted from [BVerwGE 166, 32](#))

H runs a hatchery where fertilised eggs are incubated artificially in order to breed laying hens that will lay as many eggs as possible for human consumption. Approximately half of the hatched eggs produce male chicks, which are unprofitable to rear as so-called "broiler chickens" for meat production because they are not bred to yield as much meat as possible. Therefore, B sorts them out shortly after hatching and disposes of them in a shredder. In 2012, about 45 million male chicks were killed this way in Germany.

On 18 December 2013, the competent veterinary agency issues an order against H prohibiting the culling of male chicks not suitable for slaughter. H challenges this order before the administrative court.

Will H's action be successful?

Case 6: Emotional distress from the killing of an animal (adapted from [BGHZ 193, 34](#))

Seven years ago, A and B adopted the dog D from an animal shelter and have been living with him ever since as if he were a member of the family: D plays with A and B's child C, goes on holiday with them and often sleeps in A and B's bed.

One day, A is walking with D along a field path. Suddenly, farmer X turns his tractor from the adjacent road onto the path. In the blink of an eye, D is run over by B's tractor. The seriously injured dog has to be put down by a vet. As a result of her shock, A suffers from a severe adjustment disorder and a severe depressive episode, leading to long-term medication.

Is A entitled to compensation for her emotional distress under German law?

Case 7: Who gets the dog?

X and Y are married. During their marriage, they decide to 'adopt' the dog D from the animal shelter. In the period that follows, it is mostly X who looks after the dog, takes him for walks or to the vet. After the marriage breaks down, they initially separate and are eventually granted a final divorce. In the meantime, D had remained with X. Y is now demanding that D be handed over to him, arguing that the running costs for D were paid by him, which is true.

Will Y be successful if German law is applicable?

§ 1568B CIVIL CODE (GERMANY)

(1) Each spouse may demand that, on the occasion of the divorce, the other spouse make available to them the jointly-owned household objects and make them the owner if they depend to a greater degree than the other spouse on using them, taking into consideration the best interests of the children living in the household and of the circumstances of the spouses, or if this is equitable for other reasons.

(2) Household objects which were acquired during the marriage for the joint household for purposes of distribution are deemed joint assets of the spouses unless the sole ownership of the spouse is established.

Case 8: Inheritance for a cat

In his formally valid will, fashion designer L bequeaths a house and a bank account to his cat C. Following his death, L's descendants view themselves as his heirs and demand that the house and the bank account be included in the estate.

What is C's legal status if German law is applicable?

§ 1940 CIVIL CODE (GERMANY)

The deceased may by will oblige their heir or a legatee to perform an act without giving another person a right to the performance (testamentary burden).

Case 9: Seals of the North Sea (adapted from [VG Hamburg, 7 VG 2499/88](#))

The Federal Republic of Germany, represented by the Federal Minister for Transport – who is in turn represented by the German Hydrographic Institute – grants the corporation C the permission to discharge waste into the North Sea or to incinerate waste on the high seas. The nature protection organisation N objects to this, presenting itself as “agent without authorization” (“Geschäftsführer ohne Auftrag”) on behalf of the “seals in the North Sea”. After the objection is rejected by the administration as inadmissible, N pursues its case before the competent administrative court.

Will N's action on behalf of the seals be successful?

Case 10: A guardian for Hiasl? (adapted from [District Court Mödling \[Austria\], 18 April 2007](#))

In 1982, poachers acting on behalf of the company Immuno shot the mothers of the young chimpanzees Hiasl and Rosi in Sierra Leone; the chimpanzees were then transported to Europe to be used in a research laboratory and to help establish a primate centre. However, at the airport Hiasl and Rosi were seized for breach of the Convention on International Trade in Endangered Species (CITES). After being reared by a private family, the two found refuge in an animal. However, in 2006, the shelter ran into financial difficulties; there was a threat that the two chimpanzees would be sold abroad.

Animal rights organisation V seeks a court ruling that the chimpanzee Hiasl (H) must be granted fundamental rights on the basis of his intellectual abilities and close kinship to Homo sapiens, and that he must therefore not simply be sold abroad. To ensure these rights are upheld, V is applying to the competent court to appoint a guardian for Hiasl, who could collect and manage donations for H's upkeep.

Will V's application be successful if German law is applicable?

§ 1814 CIVIL CODE (GERMANY)

(1) If a person of full age is legally unable to take care of their affairs, either in whole or in part, and this is due to an illness or disability, the guardianship court shall appoint a legal guardian (guardian) for them.

Case 11: Undercover in the stable (adapted from [OLG Naumburg, 2 Rv 157/17](#))

A and B are members of an animal protection organisation. In early 2013, they are tipped off by E, an employee at X's animal breeding facilities, about various breaches of the Ordinance on the Protection of Farmed Animals in the stables there. When A and B approach the relevant veterinary authority with this information, the authority refuses to investigate the matter further and, in particular, to carry out an inspection of the farm in question, as no conclusive evidence, such as photographic material, was available.

A and B therefore decide to secretly enter S's premises to take photographs. Properly equipped and wearing the necessary sanitary clothing, they climb over the fences of the premises, enter the stables and film the breaches they actually find there. No people are visible in the footage. With the footage attached, they contact the animal welfare authorities again and file a criminal complaint. During a subsequent official inspection, breaches are confirmed which constitute the criminal offence of animal cruelty (§ 17 of the Animal Protection Act).

Are A and B punishable under German law?

RELEVANT PROVISIONS FROM THE GERMAN CRIMINAL CODE:

§ 32: Self-defence

(1) Whoever commits an act in self-defence does not act unlawfully.

(2) 'Self-defence' means any defensive action which is necessary to avert a present unlawful attack on oneself or another.

§ 34: Necessity as justification

Whoever, when faced with a present danger to life, limb, liberty, honour, property or another legal interest which cannot otherwise be averted, commits an act to avert the danger from themselves or another is not deemed to act unlawfully if, upon weighing the conflicting interests, in particular the affected legal interests and the degree of the danger facing them, the protected interest substantially outweighs the one interfered with. However, this only applies to the extent that the act committed is an adequate means to avert the danger.