



**A Comparative Analysis of Litigation Strategies in Brazil, India,  
Mexico and Zimbabwe**

**Prepared by the  
Farmed Animal Protection Project**

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<sup>1</sup> Visiting Assistant Professor at the Center for Animal Law Studies at Lewis & Clark Law School. Professor Jaleel leads the Farmed Animal Protection Project at Lewis & Clark Law School. ©2025 Center for Animal Law Studies. All rights reserved.



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## Introduction

Industrial animal agriculture has become one of the most defining, and troubling, features of the global food system. This system, marked by intensification, mechanization and vertical integration, attempts to maximize animal production while minimizing costs.<sup>2</sup> The industrial animal agriculture industry has been extremely successful in accomplishing this goal. Each year, approximately 85 billion land animals are slaughtered for food,<sup>3</sup> the vast majority being chickens, followed by pigs, and sheep and cows.<sup>4</sup>

This staggering figure reflects both population growth and a rising demand for animal-sourced foods, particularly in emerging economies, where increased income levels are closely tied to higher per-capita meat and dairy consumption.<sup>5</sup> Additionally, these numbers show no signs of decreasing. In fact, by 2050, global demand for meat is projected to increase by nearly 73% from 2010 levels, with poultry and pork leading this growth.<sup>6</sup> These trends are reshaping diets and inevitably intensifying the spread of large-scale, industrialized farming systems.

The costs of this growth are profound and well-documented. From an animal welfare perspective, industrial animal agriculture facilities confine thousands of animals in restrictive environments, where they are unable to perform even the most basic natural behaviors.<sup>7</sup> Some of the worst offenders are battery cages for egg-laying hens, gestation crates for pigs and veal crates for calves.<sup>8</sup> Additionally, because intensive confinement is unnatural and causes animals to exhibit undesirable behaviors such as fighting each other, painful practices such as castration, debeaking and dehorning without anesthesia or pain-relief, and separating young animals from their mothers at an early age, are routine in these industrial facilities.<sup>9</sup>

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<sup>2</sup> AMY FITZGERALD, ANIMALS AS FOOD: (RE)CONNECTING PRODUCTION, PROCESSING, CONSUMPTION, AND IMPACTS, 25 (2015).

<sup>3</sup> karol orzechowski, *Global Animal Slaughter Statistics and Charts*, FAUNALYTICS (Apr. 23, 2025), <https://faunalytics.org/global-animal-slaughter-statistics-and-charts/>.

<sup>4</sup> *Id.*

<sup>5</sup> Fitzgerald *supra* note 2 at 25.

<sup>6</sup> Gerber, P.J. et al., *Tackling climate change through livestock – A global assessment of emissions and mitigation opportunities*. Food and Agriculture Organization of the United Nations (FAO) 1 (2013).

<sup>7</sup> Cody McCracken, *Good for Business, Bad for Animals: The Rise of Industrialized Agriculture and Its Impact on Agricultural Animal Welfare*, 14 J. ANIMAL & ENV'T L. 1, 14 (Fall 2022).

<sup>8</sup> Animal Welfare Inst., Inhumane Practices on Factory Farms, <https://awionline.org/content/inhumane-practices-factory-farms> (last visited Aug 28. 2025).

<sup>9</sup> *Id.*

The environmental impacts of industrial animal agriculture are equally severe. Industrial livestock operations are leading drivers of deforestation, biodiversity loss, and water pollution.<sup>10</sup> Runoff from manure and agricultural chemicals pollutes soil and waterways, disrupting ecosystems and harming local communities.<sup>11</sup> Odors from industrial hog operations have made life difficult for those living close to these facilities, and have caused a number of health issues for communities, such as respiratory diseases and allergies.<sup>12</sup>

Animal agriculture is also a major contributor to the climate crisis. Animal agriculture is responsible for anywhere between 11-20% of global greenhouse gas emissions.<sup>13</sup> Methane from ruminants, nitrous oxide from manure management, and carbon dioxide from feed production all make industrial farming a critical target for climate mitigation efforts.<sup>14</sup>

Beyond environmental and climate harms, industrial animal agriculture poses significant public health and worker safety risks. The routine use of non-therapeutic antimicrobials in crowded, confined systems has been criticized for contributing to the global crisis of antimicrobial resistance.<sup>15</sup> Overcrowding, poor sanitation, and stressful conditions create ideal environments for the emergence and spread of zoonotic diseases.<sup>16</sup> Workers in these facilities are some of the most exploited and vulnerable members of society, such as immigrants and children.<sup>17</sup>

The modern-day industrial animal agriculture system originated in Europe and was refined in the United States to result in what are now known as Concentrated Animal Feeding Operations (CAFOs).<sup>18</sup> This system is now rapidly spreading to other parts of the world. An increased demand for meat consumption has bolstered the production of industrialized animal products in

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<sup>10</sup> Leo Horrigan et al., *How Sustainable Agriculture Can Address the Environmental and Human Health Harms of Industrial Agriculture*, 110 ENV’T HEALTH PERSP. 445, 448 (2002).

<sup>11</sup> *Id.*

<sup>12</sup> Amy A. Schultz et al., *Residential proximity to concentrated animal feeding operations and allergic and respiratory disease*, 130 ENVT’L INT’L 1, 8 (2019).

<sup>13</sup> Dan Blaustein-Rejto & Chris Gambino, *Livestock Don’t Contribute 14.5% of Global Green-house Gas Emissions*, BREAKTHROUGH INST. (Mar. 20, 2023), <https://thebreakthrough.org/issues/food-agriculture-environment/livestock-dont-contribute-14-5-of-global-greenhouse-gas-emissions> [https://perma.cc/MH43-QTQ4].

<sup>14</sup> Nelson Ivan Agudelo Higuita et al., *Climate change, industrial animal agriculture, and the role of physicians – Time to act*, 13 J. CLIMATE CHANGE & HEALTH 1, 2 (2023).

<sup>15</sup> Mona Sarfaty, *What Should Health Professions Students Know About Industrial Agriculture and Disease?*, 25 AMA J. ETHICS 264, 265 (2023)

<sup>16</sup> *Id.*

<sup>17</sup> Caitlin Kelly, *Exploited: The Unexpected Victims of Animal Agriculture*, ANIMAL L. REV. 103 (2024).

<sup>18</sup> U.S. Envt’l Prot. Agency, *Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs* (2015).

the Global South. Untapped land and environmental resources, coupled with seemingly friendly regulatory regimes, make certain Global South countries particularly attractive to the industrial animal agriculture industry.<sup>19</sup> Industrialized forms of animal production are touted as a way to ensure food security in these countries, while glossing over the environmental and social costs of increased production.<sup>20</sup>

In light of the above, it is increasingly important for advocates to try and combat industrial animal agriculture in these countries before the system is completely and inextricably entrenched in their cultural and political fabric. One of the many ways to do this, is for advocates to use legal tools at their disposal, such as litigation.

While much of the scholarship on CAFOs and industrialized farming has emerged from the United States and the European Union, there remains a gap in analysis of how litigation strategies are deployed in populous low-and middle-income countries (PLMICs). Existing research has documented the environmental, public health, and ethical concerns associated with CAFOs in the Global North, but has often overlooked the distinct legal, socio-cultural, and economic contexts that shape advocacy and litigation efforts in PLMICs. Without this knowledge, policymakers and advocates may lack a comparative evidence base for developing strategies that might prove effective across jurisdictions.

This project seeks to fill that gap by examining litigation strategies in four countries: Brazil, India, Mexico, and Zimbabwe. These countries were selected for this research because they represent a mix of regions and are major agricultural producers. Additionally, while each jurisdiction has its own unique challenges, the researchers' goal was to select a sample of countries representative of the challenges facing PLMICs in balancing economic growth, food security, and animal welfare.

The research aims to answer the following question:

*“How have legal strategies and approaches in populous low-and middle-income countries (PLMICs) succeeded or failed in halting or slowing the spread of industrialized forms of animal*

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<sup>19</sup> Fitzgerald *supra* note 2 at 25.

<sup>20</sup> *Id.*

*agriculture, and what legal or socio-cultural factors influence these outcomes? Furthermore, are there any litigation strategies from these jurisdictions that could be effectively replicated and applied in other regions to challenge industrial animal agriculture?”*

Each country report begins with a review of the state of industrial animal agriculture in its jurisdiction, documenting how many animals are farmed, under what conditions, and with what impacts. The reports then analyze laws and regulatory frameworks, including animal welfare statutes, constitutional provisions, environmental rules, and public health regulations, that can be or have been applied to industrial animal agriculture facilities.

Central to each report is an examination of salient litigation cases, highlighting both successes and failures in challenging industrial farming. These case studies provide valuable insight into judicial reasoning, enforcement gaps, and the broader social and political factors shaping outcomes in the selected jurisdiction.

Finally, each report evaluates strategic lessons for advocates. A recurring theme across jurisdictions is that incremental welfare improvements, enforcement of existing rules, and advancing environmental and public health arguments tend to be the most promising litigation pathways. Rights-based arguments for animal personhood or expansive constitutional protections, while groundbreaking, have the potential to face backlash or political resistance. Together, the reports provide a comparative framework for understanding how litigation can be used to contest the spread of industrial animal agriculture in PLMICs, and what strategies might be replicated or adapted in other regions.

**Brazil**

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## EXECUTIVE SUMMARY

Brazil is one of the world's largest producers and exporters of beef, pork, and poultry. Industrial animal agriculture in Brazil has grown rapidly, driven by both domestic consumption and international demand, particularly for beef exports to China and the Middle East. With millions of cattle raised in confinement or semi-confinement, alongside intensive pig and poultry operations, Brazil has become a global focal point for the environmental, animal welfare, and public health harms associated with industrial animal agriculture.

Brazil has a relatively robust framework of environmental laws, including the Federal Constitution's protections for the environment (Article 225), the Environmental Crimes Law, and regulations overseen by agencies such as the Ministry of Agriculture's Superintendences of Agriculture (SFAs). These frameworks provide opportunities to regulate pollution, habitat destruction, and animal health. However, enforcement has often been inconsistent, with agencies under pressure from the powerful agribusiness sector.

Litigation in Brazil reflects several recurring themes. Courts have been asked to address pollution and environmental damage caused by pig and cattle operations, with judges recognizing that even the potential for harm to human health or ecosystems can suffice to establish liability. This expansive interpretation of the environmental crimes law demonstrates the judiciary's willingness to use pollution laws as a check on industrial agriculture.

Another prominent theme is the challenge to live animal exports, where advocates have argued that the inherent cruelty of transport violates Brazil's legal protections for animals. Although victories in this area have been short-lived due to industry pressure and political pushback, these cases have elevated farmed animal welfare in public debate and underscored the suffering inherent in global meat supply chains.

Finally, litigation has exposed weaknesses in regulatory oversight, especially when government responsibilities for inspection and enforcement have been delegated to the agricultural industry itself. Courts have grappled with whether such delegation undermines constitutional duties to protect the environment and prevent animal cruelty, highlighting ongoing tensions between state obligations and industry influence.

For advocates, Brazil demonstrates the value of framing litigation around environmental and public health harms, supplemented by arguments on animal welfare. Leveraging Article 225 of the Constitution and the Environmental Crimes Law offers promising avenues. However, success requires coupling litigation with agency engagement and public advocacy to ensure rulings are implemented and resistant to industry pushback. The ongoing struggle over regulatory oversight may prove especially critical for shaping the future of animal agriculture governance in Brazil.

## **GLOSSARY**

- **Ministry of Agriculture, Livestock and Food Supply (MAPA):**

This is Brazil's department of agriculture. Its mission is to promote sustainable development and competitiveness of agribusiness. It stimulates the growth of the agriculture sector of Brazil in order to meet domestic needs and export goals.

- **Brazilian Agricultural Research Corporation (EMBRAPA):**

This is a state-owned research institution that focuses on developing technologies for sustainable agriculture and livestock production.

- **Federal Fund for Livestock Breeding (FFAP):**

This is a fund created under MAPA in Brazil. Its purpose is to provide technical assistance, promotion, and organization to the rural sector with the intent of improving animal breeding across the country.

- **Federal Law n. 9.605/1998:**

This is the primary Environmental Crimes Law of Brazil and sets the legal framework for environmental protection.

- **Instrução Normativa (IN): Normative Instruction:**

This is an administrative rule that outlines the procedure and requirements of specific laws.

- **National Policy for Livestock, Agroforestry and Silvopastoralism (ILPF):**

The integrated crop, livestock, and forestry system, established by the Brazilian government in 2013, promotes agricultural production while implementing safeguards to conserve Brazil's natural resources such as water and soil. It promotes the integration of agriculture and environmental goals through shared outcomes.

- **National Program for the Prevention and Control of Antimicrobial Resistance:**

This is a federal initiative guided by the One Health approach and aims to reduce antimicrobial resistance to create healthier systems for humans, animals, and the environment. The program focuses on monitoring, preventing and controlling antimicrobial resistance in agriculture and livestock production through surveillance, data collection and the promotion of responsible antimicrobial use.

- **Agriculture and Livestock (AgroPrevine):**

This is a program spearheaded by the Ministry of Agriculture to promote strategic interventions, such as epidemiological studies, to strengthen measures across the country to prevent and control infections, disease and reduce the use of antimicrobial bacteria.

- **National Traffic Council (CONTRAN):**

This is a national council whose mission is to formulate and update regulations related to traffic and vehicle safety. It establishes the standard under which manufacturers and importers must adhere to regarding vehicle design, equipment, and safety features.

- **Superintendences of Agriculture (SFA):**

These are regional branches of the MAPA responsible for implementing and overseeing federal agricultural policies and regulations within each Brazilian state. SFAs conduct inspections, monitor compliance with national standards, and coordinate local enforcement of animal welfare, food safety, and agricultural practices.

- **Normative Instruction No. 3 of 2000:**

As regulated by MAPA, this instruction provides for the technical regulation of stunning methods that may be used during humane slaughter.

- **Resolutions:**

These are legislative proposals that are passed by a national authority, including the Brazilian National Congress. Resolutions have less authority than laws. Their general purpose is to provide

detail on the broad and general provisions that are enshrined in a given law.

- **Gestation Crate:**

This is an individual cage, usually with a concrete floor, that limits movement so severely that sows are not able to turn around.

- **Pre-Shipment Establishments (EPEs):**

These are businesses or entities that prepare goods to be exported. Animals will be housed in these facilities prior to export. Brazil requires minimum care standards over how animals are to be stored, fed, and maintained prior to export.

- **Permanent Preservation Areas (APP):**

These are designated preservation zones that protect water resources, landscape, soil and geological stability, and biodiversity. Their purpose is to protect the health of and facilitate the growth of various flora and fauna species and ensure a healthy environment for the benefit of humans.

## **I. INTRODUCTION**

As the fifth largest country in the world, Brazil is one of the top players in the global agriculture market and is the largest global beef producer.<sup>21</sup> Yet, despite being a top competitor in global livestock exports, Brazil's internal agriculture management has room for improvement. Over the years, climate change, drought, poor environmental regulation, and zoonotic diseases have affected the health of Brazil's market.<sup>22</sup> Additionally, some producers in Brazil continue to rely on cruel farming practices such as the use of sow stalls, farrowing crates, and battery cages.<sup>23</sup>

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<sup>21</sup>The Nature Conservancy, *Brazil's Path to Sustainable Cattle Farming*, <https://www.nature.org/content/dam/tnc/nature/en/documents/English.Bain.TNC.pdf>.

<sup>22</sup> USA: Economic Research Service, *Brazil*, <https://www.ers.usda.gov/topics/international-markets-us-trade/countries-regions/brazil>.

<sup>23</sup> Voiceless: Animal Protection Institute, *Brazil*, <https://vaci.voiceless.org.au/countries/brazil/>.

Despite these challenges, Brazil has the potential to significantly impact the way the world addresses the management of farmed animals. As one of the few countries that enshrines protections for animals against cruelty in its constitution<sup>24</sup>, Brazil offers a promising landscape to not only advance the welfare of farmed animals within the country but also inspire other global producers.<sup>25</sup> Existing legislation and regulations, as well as a body of growing case law, provide a dynamic framework for animal welfare organizations, activists, and litigators to utilize when advocating for stronger safeguards to protect farmed animals. In addition, the rise of other social movements in Brazil, such as the environmental justice movement, expands the arsenal of strategies available to advocates. Where the best interests of farmed animals coincide with the desired outcomes of other sectors like agribusiness or sustainability, integrative solutions can be implemented to advance the welfare of farmed animals.

This report examines the current state of industrial animal agriculture in Brazil, reviews the legal and regulatory framework governing farmed animal welfare, and analyzes key case law and litigation strategies that could be leveraged to improve protections for farmed animals, with an emphasis on aligning animal welfare advocacy with broader environmental and social movements in the country.

## II. STATE OF INDUSTRIAL ANIMAL AGRICULTURE IN BRAZIL

The Federative Republic of Brazil is the fifth largest country in the world, and the largest country in South America, with a population of 215 million people.<sup>26</sup> It is a high-volume producer and consumer of animal products<sup>27</sup> and is a prominent contributor to the animal protein market.<sup>28</sup> Only three countries account for almost one-half of the animals slaughtered worldwide, and Brazil is one of them.<sup>29</sup> There are about eight farmed animals for every person in Brazil, compared to the global average of four; and Brazil slaughters around thirty land-based animals

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<sup>24</sup> Constitution of the Federative Republic of Brazil [C.F.] [Constitution] Art. 225 §1, VII (Braz.).

<sup>25</sup> Carolina Maciel, *The Legal Protection of Animals in Brazil: The Awakening of a Giant Potential*, REVISTA (Feb. 9, 2023), <https://revista.drclas.harvard.edu/the-legal-protection-of-animals-in-brazil/>.

<sup>26</sup> Foreign L. Guide, *Brazil - Introduction*, BRILL (2018), [https://doi.org/10.1163/2213-2996\\_flg\\_COM\\_323723](https://doi.org/10.1163/2213-2996_flg_COM_323723).

<sup>27</sup> *Animal Cruelty Index*, VOICELESS, <https://vaci.voiceless.org.au/countries/brazil/>.

<sup>28</sup> Fabiane de Fátima Maciel et al., *Environmental Impacts of the Brazilian Egg Industry: Life Cycle Assessment of the Battery Cage Production System*, 14 ANIMALS, 861 (2024).

<sup>29</sup> Andrew Linzey & Desmond Tutu, *The Global Guide to Animal Protection* 172 (1st ed. 2013) (ebook).

per person per year, much greater than the global average of ten.<sup>30</sup> Animal agriculture is also a large part of the Brazilian economy. The country is the largest meat exporter in the world, with 2.2 million tons of exported beef in 2020, equating to over fourteen percent of the international market.<sup>31</sup> In 2020, Beef cattle also comprised 8.5% of Brazil's gross domestic product.<sup>32</sup>

The production of industrially farmed animals is pervasive throughout the country, thus demonstrating significant dependence on farmed animals.<sup>33</sup> Chickens, pigs, and cattle are the most farmed species of animals in Brazil, excluding aquatic animals and insects. Over time, the sector has moved towards greater confinement.<sup>34</sup> The Brazilian government does not define, through legislation, the classification of an intensively confined operation or one equivalent to a Concentrated Animal Feeding Operation (CAFO) in the United States, as defined by the Environmental Protection Agency (EPA).<sup>35</sup> Additionally, illegal deforestation is prominent in Brazil, as cattle ranching is a top contributor to deforestation.<sup>36</sup> An estimated seventy percent of pasture in the Amazon was formerly forested.<sup>37</sup>

## A. BEEF INDUSTRY

### i. *Cattle Raised for Beef*

Brazil is the world's largest beef exporter and has the largest commercial cattle herd<sup>38</sup> with over 218 million head,<sup>39</sup> representing over fourteen percent of the global herd.<sup>40</sup> In 2022, it

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<sup>30</sup> VOICELESS, *supra* note 23

<sup>31</sup> *Beef*, BRAZILIAN FARMERS (Aug. 8, 2022), <https://brazilianfarmers.com/discover/beef-2/>.

<sup>32</sup> Guilherme Cunha Malafaia et al., *The Brazilian Beef Cattle Supply Chain in the Next Decades*, 253 LIVESTOCK SCI. 104704 (2021).

<sup>33</sup> VOICELESS, *supra* note 23

<sup>34</sup> David N. Cassuto & Sarah Saville, *Hot, Crowded, and Legal: A Look at Industrial Agriculture in the United States and Brazil*, 18 ANIMAL L. 185, 201 (2012).

<sup>35</sup> United States Environmental Protection Agency (EPA), Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs, EPA: NPDS (Sep. 2024), [https://www.epa.gov/sites/default/files/2015-08/documents/sector\\_table.pdf](https://www.epa.gov/sites/default/files/2015-08/documents/sector_table.pdf).

<sup>36</sup> HUMANE SOC'Y INT'L, THE IMPACT OF ANIMAL AGRICULTURE ON THE ENVIRONMENT AND CLIMATE CHANGE IN BRAZIL 3 (2010).

<sup>37</sup> HUMANE SOC'Y INT'L, THE IMPACT OF ANIMAL AGRICULTURE ON THE ENVIRONMENT AND CLIMATE CHANGE IN BRAZIL 3 (2010).

<sup>38</sup> Bain & Co., *Brazil's Path to Sustainable Cattle Farming*, THE NATURE CONSERVANCY (2020), <https://www.nature.org/content/dam/tnc/nature/en/documents/English.Bain.TNC.pdf>.

<sup>39</sup> *Beef*, BRAZILIAN FARMERS (Aug. 8, 2022), <https://brazilianfarmers.com/discover/beef-2/>.

<sup>40</sup> *Brazil is the world's fourth largest grain producer and top beef exporter, study shows*, EMBRAPA (Jan. 6, 2021), <https://www.embrapa.br/en/busca-de-noticias/-/noticia/62619259/brazil-is-the-worlds-fourth-largest-grain-producer-and-top-beef-exporter-study-shows>.

was the second-largest producer of beef in the world<sup>41</sup> and in 2023 was the third-largest cattle producer in the world.<sup>42</sup> Approximately 43 million head of cattle are slaughtered each year in Brazil.<sup>43</sup> About eighty-nine percent of cattle in Brazil are raised on pastures, which makes up one fifth of the country's total land area.<sup>44</sup> Even though cattle are mainly grass-fed, intensive confinement is increasingly used to advance production time.<sup>45</sup> The United States Department of Agriculture (USDA) estimates that 7 million cattle were confined in Brazil in 2023.<sup>46</sup> This confinement method is also increasingly advertised as a more environmentally friendly approach towards agricultural production because it relies on less open grazing land.<sup>47</sup>

A 2012 report by the National Association of Feedlot Operators examining the cattle confinement production system surveyed over 800 confinement properties in Brazil and found that seventy-four percent of such properties were responsible for more than 676,000, or twenty percent, of the total cattle produced.<sup>48</sup> The average number of animals per property was 1,106 confined cattle.<sup>49</sup> In 2011, 829 feedlot operators confined upwards of 3.4 million cattle.<sup>50</sup> Confinements with more than 1,000 head of cattle per year comprise eighty to ninety percent of this production.<sup>51</sup> Approximately eleven percent of cattle in Brazil are now finished in industrially confined operations.<sup>52</sup> Other slightly less intensive “agropastoral” systems are used,

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<sup>41</sup> Fabiane de Fátima Maciel et al., *Environmental Impacts of the Brazilian Egg Industry: Life Cycle Assessment of the Battery Cage Production System*, 14 ANIMALS, 861 (2024).

<sup>42</sup> Camila Aquino, U.S DEP'T OF AGRIC., FOREIGN AGRIC. SERV., *Livestock and Products Annual* (2023).

<sup>43</sup> Frank Merry & Britaldo Soares-Filho, *Will intensification of beef production deliver conservation outcomes in the Brazilian Amazon?*, 5 ELEMENTA: SCI. OF THE ANTHROPOCENE, 1, 5 (2017).

<sup>44</sup> Ryan Nehring, *Farming cattle in the tropics: Transnational science and industrializing pastures in Brazil*, 6 PLANTS, PEOPLE, PLANET, 1060, 1060 (2024).

<sup>45</sup> Camila Aquino, *supra* note 42.

<sup>46</sup> Camila Aquino, *supra* note 42.

<sup>47</sup> Brazil's NDC: *National Determination to contribute and transform*, BRAZILIAN GOVERNMENT (2024), [https://unfccc.int/sites/default/files/2024-11/Brazil\\_Second%20Nationally%20Determined%20Contribution%20%28NDC%29\\_November2024.pdf](https://unfccc.int/sites/default/files/2024-11/Brazil_Second%20Nationally%20Determined%20Contribution%20%28NDC%29_November2024.pdf).

<sup>48</sup> *Survey on the Confinement Production System in Brazil*, ASSOCON (2012), <https://ruralcentro.com.br/analises/criacao-de-gado-de-corte-em-confinamento-assocon-realiza-levantamento-3165>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Merry & Soares-Filho, *supra* note 43.

such as when finishing cattle in a rotational pasture with grain at two years old.<sup>53</sup> However, confinement of cattle is usually only allowed during the last three months of their lives.<sup>54</sup>

Typical cattle operations in Brazil have three broad phases that correspond to a cow's life stages.<sup>55</sup> Gestation spans almost ten months and after birth, calves are weaned from their mothers at around eight to twelve months of age.<sup>56</sup> Young cattle will then be moved to different pastures until they are fully grown in stature, but not weight.<sup>57</sup> The finishing stage, also described as fat-cattle operations, retains the cattle for about six to twelve months until they reach the weight that is best for slaughter, about 375–425 kilograms.<sup>58</sup> Intensive Brazilian cattle productions that utilize pastoral systems are highly efficient in animal breeding and nutrition.<sup>59</sup> The average pasture stocking rate in 2006 was 0.91 animals per hectare.<sup>60</sup>

Although Brazil predominantly relies on grass-fed pasture raising, millions of cattle are still subjected to confinement in industrial animal agriculture operations.<sup>61</sup> According to surveys conducted in Brazil analyzing the cattle confinement production system, on average, confined cattle typically exist in large CAFO-like systems. For comparison, the U.S. EPA's regulatory threshold for cattle is much lower than it is for chickens or pigs, with only 1,000 or more confined cattle required to qualify as a large CAFO.<sup>62</sup> As previously determined, the average number of confined cattle per property in Brazil was 1,106.<sup>63</sup> Further, almost ninety percent of confinement-based cattle production has more than 1,000 confined cattle per year.<sup>64</sup> Properties with more than 3,230 cattle head make up seventy-eight percent of the total volume of confined cattle production.<sup>65</sup> Therefore, the vast majority of confined cattle in Brazil are farmed in large

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<sup>53</sup> *Survey on the Confinement Production System in Brazil*, *supra* note 48

<sup>54</sup> Petterson Vale et al., *The Expansion of Intensive Beef Farming to the Brazilian Amazon*, 57 GLOB. ENV'T CHANGE 101922 (2019).

<sup>55</sup> Timothy J. Killeen, *Agriculture in the Pan Amazon: Beef production models*, MONGABAY (Oct. 11, 2023), <https://news.mongabay.com/2023/10/agriculture-in-the-pan-amazon-beef-production-models/>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> A.E. Latawiec et al., *Intensification of cattle ranching production systems: socioeconomic and environmental synergies and risks in Brazil*, 8 Animal 1255, 1256 (2014).

<sup>60</sup> *Id.*

<sup>61</sup> Nature Conservancy, *supra* note 21.

<sup>62</sup> EPA, *supra* note 35.

<sup>63</sup> ASSOCON, *supra* note 31.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

CAFO-like systems. The number of animals typically confined in cattle production properties comports with the EPA's regulatory threshold.

*ii. Dairy Cows*

The dairy industry significantly impacts the Brazilian economy as one of the highest-grossing sectors generating 3.6 million jobs.<sup>66</sup> Forty percent of jobs in rural areas are created through dairy farming.<sup>67</sup> Domestic regions with the most milk production are the South and the Southwest;<sup>68</sup> however, all states and regions across the country produce milk.<sup>69</sup> Overall, there are more than 1 million dairy farms.<sup>70</sup> Brazil produces over 34 billion liters of milk each year,<sup>71</sup> making it the sixth largest producer worldwide<sup>72</sup> by contributing over four percent to global milk production.<sup>73</sup> The country also has the third largest dairy herd globally, with a total of 29 million dairy cows, 16 million of those being used for milk.<sup>74</sup> However, an estimated third of Brazil's milk production is not legitimately recorded and evades inspection because it is produced and sold to consumers in rural areas.<sup>75</sup>

The main types of dairy production systems are: (i) irrigated intensive rotational grazing; (ii) extensive grazing with limited supplementation; (iii) semi-confinement; and (iv) full-confinement.<sup>76</sup> Of these four main systems, intensive rotational grazing is used the least.<sup>77</sup> Extensive grazing uses pasture grass with herd sizes of thirty to seventy cows who are typically hand-milked.<sup>78</sup> Semi-confinement models range from seventy to two-hundred cows who have grazed grass supplemented through by-product feeds and concentrates.<sup>79</sup> Full-confinement

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<sup>66</sup> Georgie Smith, *Brazil's dairy farmers embrace future opportunities*, THE DAILY CHURN (Jan. 3, 2023), <https://www.darigold.com/brazil-dairy-future-opportunities/>.

<sup>67</sup> *Dairy*, BRAZILIAN FARMERS (Feb. 9, 2022), <https://brazilianfarmers.com/discover/dairy/>.

<sup>68</sup> WIS. INT'L TRADE TEAM, BRAZIL MARKE 5 REPORT: DAIRY & GENETICS (2014).

<sup>69</sup> CAROLINA CASTRO, U.S DEP'T OF AGRIC., FOREIGN AGRIC. SERV., DAIRY AND PRODUCTS ANNUAL: BRAZIL (2023).

<sup>70</sup> *Id.*

<sup>71</sup> *Brazil's Dairy Industry Overview*, Dairy News Today, <https://dairynews.today/milkypedia/country/br/>.

<sup>72</sup> Georgie Smith, *supra* note 66.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> WIS. INT'L TRADE TEAM, *supra* note 68.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

typically houses cows in free-stall barns while feeding them conserved forage and by-product feeds.<sup>80</sup> There is an active shift away from pasture-based models and toward confinement systems.<sup>81</sup> Studies have shown that semi-intensive dairy operations produce “clinical manifestations” in cows, such as lameness and hock lesions.<sup>82</sup> In addition, different kinds of intensive systems all produced similar issues for dairy cows, including tick infestations, drinking water deficiencies, lack of shade, mastitis, and suboptimal milking hygiene.<sup>83</sup> Overall, about eighty-three percent of farms house dairy in confined free-stall barn systems.<sup>84</sup>

Standard industry practices involve dehorning young calves, often when only a few months old, without anesthetic.<sup>85</sup> Dehorning involves removing horns from the skull of the cow after they have formed and attached.<sup>86</sup> This procedure intends to reduce aggression and injuries to other cattle and workers.<sup>87</sup> However, this is very painful for the animal enduring this procedure.

## B. POULTRY INDUSTRY

### *iii. Chickens*

Chickens are extensively farmed in Brazil, with broiler chickens constituting almost eighty-two percent of all the nation’s farmed animals.<sup>88</sup> Domestically, there are 1.5 billion head of gallinaceous birds, making it the world’s fourth largest flock.<sup>89</sup> Brazil is the largest poultry exporter in the world,<sup>90</sup> with 4.3 million tons in 2020,<sup>91</sup> and the second-largest producer of

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<sup>80</sup> WIS. INT’L TRADE TEAM, *supra* note 68.

<sup>81</sup> Paula de Andrade Kogima et al., The Welfare of Dairy Cows in Pasture, Free Stall, and Compost Barn Management Systems in a Brazilian Subtropical Region, *Animals* (Aug. 28, 2022).

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> Carolina Castro, *supra* note 69.

<sup>85</sup> Clarissa Silva Cardoso et al., *Trading Off Animal Welfare and Production Goals: Brazilian Dairy Farmers’ Perspectives on Calf Dehorning*, 187 LIVESTOCK SCI. 102, (2016).

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> VOICELESS, *supra* note 23.

<sup>89</sup> *Brazil is the world’s fourth largest grain producer and top beef exporter, study shows*, EMBRAPA (Jan. 6, 2021), <https://www.embrapa.br/en/busca-de-noticias/-/noticia/62619259/brazil-is-the-worlds-fourth-largest-grain-producer-and-top-beef-exporter-study-shows>.

<sup>90</sup> *Poultry*, BRAZILIAN FARMERS (Jan. 5, 2022), <https://brazilianfarmers.com/discover/poultry-2/>.

<sup>91</sup> EMBRAPA, *supra* note 89.

poultry meat.<sup>92</sup> More than six billion broilers are killed each year<sup>93</sup> and from 2023 to 2024, Brazil produced almost 15 million metric tons of chicken meat.<sup>94</sup>

With regard to laying hens, Brazil predominantly follows a conventional, caged system.<sup>95</sup> The majority of these hens, approximately ninety-five percent,<sup>96</sup> are confined to small battery cages for most of their lives.<sup>97</sup> There is estimated to be more than 180 million hens in these secluded conditions.<sup>98</sup> Battery cages are wire enclosures that typically contain five to ten birds.<sup>99</sup> The floor space of the cage is not much larger than the size of a single sheet of paper.<sup>100</sup> Intense confinement in these spaces does not allow for much, if any, movement; thus, chickens cannot express their natural behaviors such as foraging, perching, and nesting.<sup>101</sup>

Severe overcrowding of birds inhibits even basic movement like walking and wing stretching.<sup>102</sup> Many cages are small and built to be inclined so eggs can roll down to reach a collection belt.<sup>103</sup> It is estimated that hens are kept in battery cages for almost one and a half years, up until their egg production begins to decrease, at which point they are transported to be slaughtered.<sup>104</sup> Reduction of a hen's natural lifespan is significant as being in factory farms decreases it from eight years to just less than two.<sup>105</sup> A life in battery cages deprives hens of access to the outdoors, sunlight, fresh air, and engagement in fundamental, natural behaviors.<sup>106</sup>

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<sup>92</sup> Camila Aquino, U.S DEP'T OF AGRIC., FOREIGN AGRIC. SERV., *Poultry and Products Annual* (2023).

<sup>93</sup> Rana Ejtehadian, *Conversation with Lucas Alvarenga of Mercy For Animals Brasil*, ANIMAL CHARITY EVALUATORS (Jan. 25, 2019), <https://animalcharityevaluators.org/blog/2018-conversation-with-lucas-alvarenga-of-mercy-for-animals-brasil/>.

<sup>94</sup> *Production - Chicken Meat*, U.S DEP'T OF AGRIC., FOREIGN AGRIC. SERV., <https://fas.usda.gov/data/production/commodity/0115000>.

<sup>95</sup> Gabriela Oliveira et al., *Alternative Systems for Laying Hens in Brazil: Technical Requirements and Challenges*, 5 INT'L J. OF ANIMAL SCI., 2 (2024).

<sup>96</sup> *Barren Battery Cages in Brazil*, HUMANE SOC'Y INT'L (Sept. 11, 2008), [https://www.hsi.org/news-resources/battery\\_cages\\_brazil/](https://www.hsi.org/news-resources/battery_cages_brazil/).

<sup>97</sup> *Intensive Confinement of Farm Animals in Brazil*, HUMANE SOC'Y INT'L (Aug. 17, 2010), [https://www.hsi.org/news-resources/brazil\\_campaign\\_english/](https://www.hsi.org/news-resources/brazil_campaign_english/).

<sup>98</sup> *Animal Equality Brazil Exposes the Cruelty Behind Your Carton of Eggs*, ANIMAL EQUALITY (Aug. 3, 2023), <https://animalequality.org/news/brazil-hen-investigation/> (last updated Dec. 5, 2023).

<sup>99</sup> HUMANE SOC'Y INT'L, AN HSI BRAZIL REPORT: THE WELFARE OF INTENSIVELY CONFINED ANIMALS IN BATTERY CAGES, GESTATION CRATES, AND VEAL CRATES 2 (2012).

<sup>100</sup> AN HSI BRAZIL REPORT: THE WELFARE OF INTENSIVELY CONFINED ANIMALS IN BATTERY CAGES, GESTATION.

<sup>101</sup> *Id.*

<sup>102</sup> *Barren Battery Cages in Brazil*, *supra* note 96.

<sup>103</sup> Gabriela Oliveira et al., *supra* note 95.

<sup>104</sup> *Id.*

<sup>105</sup> ANIMAL EQUALITY, *supra* note 98.

<sup>106</sup> *Id.*

The serious physical and psychological injuries that chickens suffer because of their confinement includes, but is not limited to, feather loss, broken bones, disease, frustration, distress,<sup>107</sup> respiratory issues, parasites, and foot wounds.<sup>108</sup>

With regard to broiler chickens, more than 15 million poultry birds are sent from farms to slaughterhouses daily.<sup>109</sup> Catching birds to contain them for transport to slaughter is done manually by hand.<sup>110</sup> This process can be one of the most stressful experiences for chickens raised for consumption.<sup>111</sup> The method of catching birds in an upright position is recommended by many broiler-producing companies in Brazil because it “reduces bird agitation and results in lower condemnation of the carcasses.”<sup>112</sup> Transportation is usually facilitated by trucks that contain hundreds of boxes stacked on top of each other, with each box holding between seven to ten chickens.<sup>113</sup> After arrival, chickens must be rendered unconscious before they are slaughtered.<sup>114</sup> High frequency water bath stunning is the most widely used method in Brazil.<sup>115</sup> However, undercover investigations conducted by animal welfare organizations have reported chickens attempting to escape these electrocution baths and those who avoid the stunning are then killed while fully conscious.<sup>116</sup> BRF, a large Brazilian food processing company, claims to use a “unique and innovative process” for stunning through use of carbon dioxide gas that does not require birds to be inverted.<sup>117</sup> The veracity of this claim could not be independently verified.

Although there are no concrete estimates for the average size of poultry farms or the number of birds they house, it can be estimated that chickens in Brazil are farmed in large CAFO-like systems. According to JBS, the largest meat processing company in the world, a small poultry farm raises up to 8,000 birds, a medium farm raises up to 100,000, and a large farm

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<sup>107</sup> *Barren Battery Cages in Brazil*, *supra* note 96.

<sup>108</sup> ANIMAL EQUALITY, *supra* note 98.

<sup>109</sup> REPÓRTER BRAZIL, MONITOR: BRAZIL’S POULTRY INDUSTRY 10 (Marcel Gomes, ed. 2016).

<sup>110</sup> Victor Abreu de Lima et al., *Effect of different catching practices during manual upright handling on broiler welfare and behavior*, 98 POULTRY SCI. 4282, 4282 (2019).

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> REPÓRTER BRAZIL, *supra* note 109.

<sup>114</sup> T.S. Siqueira et. al., *Effect of electrical stunning frequency and current waveform in poultry welfare and meat quality*, 96 POULTRY SCI. 2956, 2956 (2017).

<sup>115</sup> *Id.*

<sup>116</sup> ANIMAL EQUALITY, *supra* note 98.

<sup>117</sup> BRF, *Poultry*, <https://www.brf-global.com/en/sustainability/animal-welfare/our-practices/poultry>.

raises any number of birds greater than 100,000.<sup>118</sup> Again, for the sake of comparison, in order to qualify as a large CAFO in the United States, a facility needs to confine 30,000 or more laying hens or broilers.<sup>119</sup> Since Brazil is the largest exporter and second-largest producer of poultry, the estimated 180 million hens in battery cages suggest that Brazil would not be able to produce the vast number of chickens it does if not operating at least several large CAFOs.

*a. Turkeys and Ducks*

In addition to chickens, Brazil also farms turkeys and ducks; however, the overall production output for both is smaller than that of chickens. At one time, Brazil was the second largest turkey producer globally.<sup>120</sup> Today, Brazil is considered to be a top ten global turkey producer, with around 40% of production going to North America.<sup>121</sup> In 2022, Brazil produced roughly 162,270 tons of turkeys, which dropped from previous years, in which production was closer to 466,000 tons annually.<sup>122</sup> The primary reason for this drop in production resulted from the Operation Carne Fraca Investigations.<sup>123</sup> These investigations, which started in 2017 and were led by federal Brazilian police, revealed that meat-producers across Brazil were involved in illegal and harmful practices. Charges included bribing health inspectors to cover up for poor conditions in production halls, using chemicals to mask rotting flesh, selling rancid meat, and misrepresenting the hygiene and nutritional standards of sold meat products.<sup>124</sup> Turkey producers were amongst the largest meat-producers that were shut down as a result of these investigations.<sup>125</sup>

According to BRF, one of Brazil's largest meat producers, turkeys are housed in conventional poultry houses that are equipped with open curtains to allow for natural lights and

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<sup>118</sup> JBS, *Poultry Farming In Brazil*, <http://www.jbsavesltda.com/poultry-farming/default.htm>.

<sup>119</sup> EPA, *supra* note 35.

<sup>120</sup> Is Brazil's turkey industry back on the road to recovery, WATT Poultry, <https://www.wattagnet.com/blogs/poultry-around-the-world/blog/15712950/is-brazils-turkey-industry-back-on-the-road-to-recovery>.

<sup>121</sup> *Id.*

<sup>122</sup> Helgi Library, *Turkey Meat Production in Brazil*, <https://www.helgilibrary.com/indicators/turkey-meat-production/brazil/>.

<sup>123</sup> WATT Poultry, *Brazil's turkey industry back on the road to recovery*, <https://www.wattagnet.com/blogs/poultry-around-the-world/blog/15712950/is-brazils-turkey-industry-back-on-the-road-to-recovery>.

<sup>124</sup> The Poultry Site, *Has Brazil recovered from Operation Carne Fraca?*, <https://www.thepoultrysite.com/articles/has-brazil-recovered-from-operation-carne-fraca>.

<sup>125</sup> *Id.*

provide room for turkeys to walk around, rather than being confined to cages. It is unclear whether other producers follow these conditions.<sup>126</sup>

### C. PORK INDUSTRY

Brazil is the fourth-largest producer of pork in the world, with 4 million tons of meat produced in 2020.<sup>127</sup> More than 41 million pigs are raised in over 30,000 farms,<sup>128</sup> accounting for at least four percent of global pig production.<sup>129</sup> In 2018, 7.3 million pigs were slaughtered in Brazil.<sup>130</sup> The USDA estimates that Brazil's production of pigs will increase to nearly 49 million pigs in 2025.<sup>131</sup>

Almost 1.5 million breeding sows are farmed through intensive confinement production systems, such as gestation crates,<sup>132</sup> where most sows spend their entire lives to be managed for repeated pregnancies.<sup>133</sup> Over seventy percent of pigs in Brazil are raised in confinement and lack contact with sunlight and soil.<sup>134</sup> The small size of the crate requires sows to urinate and defecate where they lay, often causing respiratory disease from increased exposure to ammonia.<sup>135</sup> Rates of urinary tract infections are high due to inactivity and dehydration which leads to an increased mortality rate of sows; it is estimated to account for almost half of mortalities of sows.<sup>136</sup>

Gestation crates create a multitude of miserable conditions for sows such as joint damage and toe lesions from the concrete flooring, body sores from sharp edges formed by erosion, and injuries from being stepped on when sows lay down and outstretch their limbs to other stalls in

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<sup>126</sup> BRF, *supra* note 117.

<sup>127</sup> *Pork*, BRAZILIAN FARMERS (Jan. 1, 2022), <https://brazilianfarmers.com/discover/pork-3/>.

<sup>128</sup> *Id.*

<sup>129</sup> EMBRAPA, *supra* note 89.

<sup>130</sup> Michelle Savia et al., *Evaluating environmental, economic, and social aspects of an intensive pig production farm in the south of Brazil: a case study*, 28 THE INT'L J. OF LIFE CYCLE ASSESSMENT, 1544, 1545 (2023).

<sup>131</sup> Camila Aquino, U.S DEP'T OF AGRIC., FOREIGN AGRIC. SERV., *Livestock and Products Annual* (2023).

<sup>132</sup> HUMANE SOCIETY INTERNATIONAL, *supra* note 99.

<sup>133</sup> *Crammed into Gestation Crates*, HUMANE SOC'Y INT'L (Sept. 25, 2008), [https://www.hsi.org/news-resources/gestation\\_crates\\_brazil/](https://www.hsi.org/news-resources/gestation_crates_brazil/).

<sup>134</sup> Sibélia Zanon, *Research links industrial pig farming and virus outbreaks*, MONGABAY (Oct. 8, 2020), <https://news.mongabay.com/2020/10/research-links-industrial-pig-farming-and-virus-outbreaks/>.

<sup>135</sup> HUMANE SOCIETY INTERNATIONAL, AN HSI REPORT: THE WELFARE OF INTENSIVELY CONFINED ANIMALS IN BATTERY CAGES, GESTATION CRATES, AND VEAL CRATES (2012).

<sup>136</sup> *Id.*

close proximity.<sup>137</sup> In natural conditions, pigs spend much of their time walking, grazing, and rooting.<sup>138</sup> Confinement in these conditions is likely to produce psychological trauma for sows and cause boredom and frustration.<sup>139</sup> Other harmful conditions, such as piglet handling practices, include tail docking, ear notching, teeth grinding, and castration without anesthesia.<sup>140</sup>

Transportation of pigs to slaughter is often facilitated through guiding them onto cargo trucks by flags.<sup>141</sup> It is unlikely for these trucks to have environmental controls for heating and cooling, bedding, or available supplies of drinking water.<sup>142</sup> A process known as “load cooling” may occur to help combat the effects of heat stress during transportation.<sup>143</sup> This process involves simply wetting the pigs using a water hose during loading.<sup>144</sup> After transport and unloading, pigs may be housed in facilities without air-conditioning as they wait for slaughter.<sup>145</sup> Brazil is located in a tropical and subtropical region, which experiences high air temperatures and humidity.<sup>146</sup> A 2015 study assessed the thermal comfort of pigs during transport to slaughter in the state of Espírito Santo in February, with average temperatures reaching ninety-six degrees Fahrenheit.<sup>147</sup>

For comparison, many pigs in Brazil are likely farmed through large CAFO-like systems, considering that more than seventy percent of pigs are raised in confinement and over 7 million pigs have been slaughtered annually. Presently, no estimates have been found regarding the average amount of pigs that reside on Brazilian swine farms. Thus, a definite classification of the size of CAFO-like systems used for swine is unfeasible. According to the EPA, a large CAFO for swine weighing over 55 pounds requires at least 2,500 pigs to be confined and a large CAFO for swine weighing less than 55 pounds requires 10,000 or more pigs to be confined.<sup>148</sup> With

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<sup>137</sup> HUMANE SOCIETY INTERNATIONAL, *supra* note 125.

<sup>138</sup> HUMANE SOCIETY INTERNATIONAL, *supra* note 125.

<sup>139</sup> *Crammed into Gestation Crates*, *supra* note 133.

<sup>140</sup> Abby Steketee, *Evaluating Brazilian Pig Welfare In 2023*, Faunalytics (May 17, 2024), <https://faunalytics.org/evaluating-brazilian-pig-welfare-in-2023/>.

<sup>141</sup> Kilia Melo et al., *Pre-slaughter management in Northeast Brazil and the effects on thermophysiological indicators in pigs and pH45*, 27 Brazilian J. of Agric. & Env't Eng'g 287, 288 (2023).

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> SIVANILZA TEIXEIRA MACHADO ET AL., LOGISTICS ISSUES IN THE BRAZILIAN PIG INDUSTRY: A CASE-STUDY OF THE TRANSPORT MICRO-ENVIRONMENT 2 (2016), [https://doi.org/10.1007/978-3-319-22756-6\\_17](https://doi.org/10.1007/978-3-319-22756-6_17).

<sup>147</sup> *Id.* at 3–4.

<sup>148</sup> EPA, *supra* note 35.

almost 50 million pigs reared for production and Brazil as the fourth-largest producer of pork in the world, it seems more than likely that many pigs in Brazil are farmed in large CAFO-like systems.

### III. RELEVANT LEGISLATION

Portuguese is the official language of Brazil,<sup>149</sup> as a civil law country shaped by the legal customs of Portugal.<sup>150</sup> The *Diário Oficial da União* is the official gazette that publishes all laws, decrees, and constitutional amendments.<sup>151</sup> Primary sources of law in Brazil include, but are not limited to, the Constitution, Constitutional Amendments, ordinary laws, and legislative or presidential decrees.<sup>152</sup> Brazil also relies on normative instructions “Instruções Normativas.” These instructions differ from enacted laws as they are not issued by the legislative branch but rather by government agencies as a way to clarify how laws are to be interpreted and implemented.<sup>153</sup> Brazilian legal doctrine consists of Superior Courts, with the Supreme Federal Tribunal serving as both the highest court and constitutional court; the Superior Court of Justice; in addition to federal and state tribunals.<sup>154</sup>

Brazil’s twenty-six states and Federal District<sup>155</sup> have judicial and legislative power as political entities of the Federative Republic.<sup>156</sup> The President of the Republic oversees the executive branch, while the Chamber of Deputies and the Federal Senate constitute the Congress of the legislative branch.<sup>157</sup> Once legislation has been passed by both houses of Congress and signed by the president, it then becomes effective law.<sup>158</sup> The Constitution gives the federal judicial branch autonomous administrative power and the ability to control its own budget<sup>159</sup> Both federal and state laws play a role in regulating farmed animal protection, although this report primarily focuses on federal law.

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<sup>149</sup> Foreign L. Guide, *Brazil - Introduction*

<sup>150</sup> Foreign L. Guide, *Brazil - Legal System*, BRILL (2018), [https://doi.org/10.1163/2213-2996\\_flg\\_COM\\_323725](https://doi.org/10.1163/2213-2996_flg_COM_323725).

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Brazil*, ANIMAL PROTECTION INDEX (Aug. 28, 2025), <https://api.worldanimalprotection.org/country/brazil>

<sup>154</sup> Foreign L. Guide, *Brazil - Legal System*, *supra* note 150.

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

## A. CONSTITUTIONAL PROVISIONS

Brazil is one of few countries in the world with a constitution that establishes protections for animals.<sup>160</sup> Article 225 of the 1988 constitution provides that: “[e]veryone has the right to an ecologically balanced environment, which is a public good for the people's use and is essential for a healthy life. The Government and the community have a duty to defend and to preserve the environment for present and future generations.”<sup>161</sup>

The constitutional right of a protected environment must therefore be enforced by the government, which has the responsibility to “protect the fauna and the flora, prohibiting, as provided by law, all practices that jeopardize their ecological functions, cause extinction of species or subject animals to cruelty.”<sup>162</sup>

Further, there is a “triple-tier system of accountability” for this article which allows criminal, administrative, and civil proceedings for harm to an animal.<sup>163</sup> Essentially, the constitution requires the prevention of animal cruelty by the government and does not specify certain kinds or species of animals that are protected. Although there are no specific provisions for farmed animals, because Brazil has general welfare protections for animals, federal over state laws play a significant role in regulating farmed animal welfare.<sup>164</sup>

## B. ANIMAL PROTECTION

The Ministry of Agriculture, Livestock and Food Supply (MAPA) regulates animal welfare legislation in Brazil.<sup>165</sup> Policies are implemented by the Superintendences of Agriculture (SFA).<sup>166</sup> Law No. 5.851 of 1972 creates the Brazilian Institution Research on Livestock (EMBRAPA).<sup>167</sup> EMBRAPA is established to “promote, stimulate, coordinate and execute”

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<sup>160</sup> Carolina Maciel, *The Legal Protection of Animals in Brazil: The Awakening of a Giant Potential*, REVISTA (Feb. 9, 2023), <https://revista.dclas.harvard.edu/the-legal-protection-of-animals-in-brazil/>.

<sup>161</sup> CONSTITUIÇÃO FEDERAL [C.F.] [CONSTITUTION] art. 225 (Braz.).

<sup>162</sup> CONSTITUIÇÃO FEDERAL [C.F.] art. 225, para 1, item VII (Braz.) (emphasis added).

<sup>163</sup> Carolina Maciel, *supra* note 160.

<sup>164</sup> Animal Protection Index, *Brazil*, (Oct. 3, 2020), <https://api.worldanimalprotection.org/country/brazil>.

<sup>165</sup> Ministry of Agric., Livestock & Food Supply, *Animal Welfare in Brazil*, BRAZ. GOV'T, <https://www.gov.br/agricultura/pt-br/assuntos/producao-animal/arquivos-publicacoes-bem-estar-animal/folder-animal-welfare-in-brazil-english-version.pdf> (last visited Mar. 2025).

<sup>166</sup> *About Ministry of Agriculture, Livestock, and Food Supply (MAPA)*, AGÊNCIA BRASILEIRA DE COOPERAÇÃO, [https://www.abc.gov.br/training/informacoes/InstituicaoMAPA\\_en.aspx](https://www.abc.gov.br/training/informacoes/InstituicaoMAPA_en.aspx) (last visited Mar. 2025).

<sup>167</sup> Law No. 5.851 of 1972.

research and knowledge for national agricultural development.<sup>168</sup> Law No. 8 of 1962 creates the Federal Fund for Livestock Breeding (FFAP) under MAPA.

*i. Anti-Cruelty*

Federal Decree No. 24.645 of 1934 defines and exemplifies acts of abuse or cruelty to animals.<sup>169</sup> This decree was the first legally recognized action for animal protection in Brazil.<sup>170</sup> It establishes that “*all animals* existing” in Brazil are under protection of the government.<sup>171</sup> The legal interests of animals are protected and assisted by prosecutors, court representatives, and members of non-governmental animal protection organizations<sup>172</sup> who can bring public litigation on their behalf.<sup>173</sup>

Some examples of prohibited acts against animals include committing abuse or cruelty to any animal; confinement in unhygienic places without proper ability to breathe, move, or rest; overworking; abandonment while ill or wounded with no veterinary assistance; to wound injure, or mutilate an animal; and not providing a quick death without suffering when execution is necessary.<sup>174</sup> Violators of this decree are subject to fines up to \$500,000 (USD) and a prison sentence ranging from two to fifteen days.<sup>175</sup>

There is some debate in Brazil as to whether this doctrine is still in use.<sup>176</sup> Increasingly, courts use this decree as a guideline for interpreting what may or may not constitute cruel practices. In application, Federal Law No. 9.605 is usually used as a replacement for this decree.

Federal Law No. 9.605 of 1998, also known as the Environmental Crimes Law, stipulates crimes and their penalties related to wildlife and endangered species. This is the only federal law expressly protecting domesticated animals. Article 32 specifically states that engaging in acts of

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<sup>168</sup> Law No. 5.851 of 1972.

<sup>169</sup> Decree 24.645/1934; *Brazil - Decreto-lei nº 24645*, ANIMAL LEGAL & HIST. CTR., <https://www.animallaw.info/administrative/br-animal-cruelty-decreto-lei-n%C2%BA-24645>.

<sup>170</sup> Ministry of Agric., Livestock & Food Supply, *Animal Welfare in Brazil*.

<sup>171</sup> Decree 24.645/1934 (emphasis added), *supra* note 169.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> Jane Kotzmann, *The Legal Recognition of Animals*, BLOOMSBURY (2024), <https://www.bloomsbury.com/uk/legal-recognition-of-animal-sentience-9781509970452/>.

“abuse, mistreatment, injuring or mutilating wild, domestic or domesticated animals, native or exotic” is a crime punishable by detention and fines.<sup>177</sup> This law does not specify any particular animal as exempt, such as farm animals, thus providing a more extensive classification of animal cruelty.<sup>178</sup>

*ii. Animal Husbandry & Slaughter*

Normative Instruction No. 3 of 2000 is a technical regulation issued by MAPA regarding stunning methods for the humane slaughter of animals used for meat.<sup>179</sup> The instruction establishes minimum requirements for animals “before and during slaughter... to avoid pain and suffering.”<sup>180</sup> Protection extends to butcher animals (mammals such as cattle, horses, pigs, sheep, goats), domestic birds, and wild animals raised in captivity.<sup>181</sup> Pre-slaughter treatment from animals’ arrival at the facility until they are slaughtered is regulated.<sup>182</sup> All handling must be “carried out with the minimum excitement and discomfort” and it prohibits acts or instruments that are aggressive or cause distress to the animals.<sup>183</sup> Electrical, mechanical, and other specific stunning method specifications are covered by the instruction.<sup>184</sup> Federal inspectors conduct random inspections to confirm compliance with this regulation.

Ordinance No. 365 of 2021 approves the technical regulation for pre-slaughter management, and humane slaughter, and the stunning methods authorized by the MAPA.<sup>185</sup> The ordinance establishes humane methods to avoid unnecessary pain and suffering.<sup>186</sup> It is prohibited to beat and attack animals; lift them by their paws, horns, fur, ears, or tail; or any other act that causes unnecessary pain or suffering.<sup>187</sup> However, it is permitted to lift domestic

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<sup>177</sup> Federal Law n. 9.605/1998 art. 32.

<sup>178</sup> Carolina Maciel, *supra* note 160.

<sup>179</sup> Normative Instruction no 03 of 2000; Ministry of Agric., Livestock & Food Supply, *Animal Welfare in Brazil*.

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> Ordinance No. 365 of 2021.

<sup>186</sup> Ordinance No. 365 of 2021, chp. I, art. 3.

<sup>187</sup> Ordinance No. 365 of 2021, chp. III, art. 5, §1.

birds by their legs only during hanging.<sup>188</sup> This regulation also covers religious slaughter, the handling of pregnant animals, and vehicles used for transportation to slaughter.<sup>189</sup>

Normative Instruction No. 113 of 2020 establishes “good animal management and welfare practices on commercial pig farms.”<sup>190</sup> Adopted by MAPA, this instruction introduces design requirements of housing facilities meant to reduce risks of injury, illness, and stress to pigs and to facilitate their safe handling and movement.<sup>191</sup> It also regulates accommodation size by requiring “space for all animals to rest simultaneously and for each animal to be able to lie down, stand up and move freely” in addition to having “sufficient space for access to food and water.”<sup>192</sup> Specific measurements are provided for pre-breeding gilts, pregnant gilts, adult boars, and nursing piglets.<sup>193</sup> Pigs must also be kept in groups to respect their natural behaviors.<sup>194</sup> Further, Ordinance No. 711 of 1995 approves standards for pig slaughter operations. Authorized by MAPA, this ordinance covers requirements for the location and sizes of pigsties, arrival and selection pens, slaughter pens, stunning, the slaughter room, bleeding, scalding, and inspections, in addition to other provisions.<sup>195</sup> Article 16, §2 suggests that all gestation crates should be banned in Brazil by 2045.

*iii. Transportation*

Resolution No. 675 of 2017 regulates the transportation of animals for a variety of purposes, including for production or economic interest.<sup>196</sup> This regulation is published by the National Traffic Council (CONTRAN).<sup>197</sup> It recognizes that “*animal welfare problems are often related to the conditions of the physical and social environment, such as distance travelled, type and condition of vehicles, vehicle handling, density and composition of the group of animals.*”<sup>198</sup>

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<sup>188</sup> Ordinance No. 365 of 2021, chp. III, art. 5, §2.

<sup>189</sup> *Id.*

<sup>190</sup> Normative Instruction n. 113 of 2020.

<sup>191</sup> Normative Instruction n. 113 of 2020; Carolina Maciel, *supra* note 160.

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* chp. III, art. 21.

<sup>195</sup> Ordinance No. 365 of 2021.

<sup>196</sup> Resolution n. 675 of 2017.

<sup>197</sup> *Id.*

<sup>198</sup> *Id.*

“Animals for production or of economic interest” include mammals, such as cattle, pigs, sheep, and poultry.<sup>199</sup> Live animal transport vehicles must meet several requirements, including the ability to avoid unnecessary suffering, injuries, and agitation to animals.<sup>200</sup> Further, these vehicles must be “adapted to the species and category of animals transported, with a height and width that allow the animals to remain standing during the journey,” however, this excludes birds.<sup>201</sup>

The resolution focuses overall on the technical standards of transport vehicles and less on the animal welfare requirements. Penalties for violation of this resolution may include fines, but in most cases, MAPA will give states and municipalities full autonomy over enforcing the legislation and management practices of animals during transport.<sup>202</sup> MAPA is still expected to publish a more stringent and clear resolution over the animal welfare standards.<sup>203</sup>

Normative Instruction No. 46 of 2018 establishes a regulation for the exportation of live cattle intended for slaughter or reproduction.<sup>204</sup> The Health Code for Terrestrial Animals of the World Organization for Animal Health (OIE) is considered for recommendations related to animal welfare during preparation and export.<sup>205</sup> Some characteristics that Pre-Shipment Establishments (EPEs) must have, at the minimum, are adequate quality and quantity of food and clean water, handling pens that cause minimal stress and injuries to the animals, and qualified labor in animal welfare and health protocols.<sup>206</sup> As stated above, usually states and municipalities are granted the authority by the MAPA to enforce these instructions.

### C. ENVIRONMENTAL PROTECTION

Law No. 16.850 of 2024 establishes the National Policy on Air Quality.<sup>207</sup> This regulation is enforced and implemented by the Ministry of Environment and Climate Change.<sup>208</sup>

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<sup>199</sup> Resolution n. 675 of 2017, art. 1, item I.

<sup>200</sup> *Id.*, art. 3, item I.

<sup>201</sup> *Id.*, art. 3, item II.

<sup>202</sup> ANIMAL PROTECTION INDEX, *supra* note 153.

<sup>203</sup> *Id.*

<sup>204</sup> Normative Instruction No. 46 of 2018, art. 1.

<sup>205</sup> *Id.*, chp. II, art. 9.

<sup>206</sup> *Id.*, chp. V, art. 21, items I-II, XIV.

<sup>207</sup> Law No. 16.850 of 2024.

<sup>208</sup> Climate and Clean Air Coalition, *Brazil approves National Air Quality Management System (MonitoAir)*, (May 23, 2024), <https://www.ccacoalition.org/news/brazil-approves-national-air-quality-management-system-monitoar>

Individuals and legal entities are subject to compliance with this law when responsible for managing air quality or emitting atmospheric pollutants.<sup>209</sup> An atmospheric pollutant is defined as any form of matter that can make the air “unfit or harmful to health, inconvenient to public well-being, harmful to materials, fauna and flora or detrimental to safety, the use and enjoyment of property or the normal activities of the community.”<sup>210</sup>

Law No. 6.938 of 1981 establishes the National Environmental Policy, which “aims to preserve, improve and restore environmental quality conducive to life, aiming to ensure, in the country, conditions for socio-economic development, the interests of national security and the protection of the dignity of human life.”<sup>211</sup> The government must protect the environment by considering it a “public asset,” maintain ecological balance, and monitor environmental quality.<sup>212</sup> Additionally, Law No. 12.805 of 2013 creates the National Policy for Livestock, Agroforestry and Silvopastoralism (ILPF).<sup>213</sup>

This law aims to sustainably improve “productivity, quality products and agroforestry income generating activities” through “integrated systems, livestock and forestry activities in deforested areas, as alternative to traditional monoculture at mitigating the deforestation caused by the conversion of native forest areas into pasture or agricultural areas.”<sup>214</sup> ILPF also works toward “agroforestry systems allied to conservation practices and animal welfare.”<sup>215</sup>

Law No. 12.651 of 2012, known as the Brazilian Forest Code, provides protection for native vegetation, Permanent Preservation Areas (APP), Legal Reserve areas, and forest exploitation.<sup>216</sup> Permanent Preservation Areas are defined as “*protected area. . . with the environmental function of preserving water resources, the landscape, geological stability and biodiversity, facilitating the gene flow of fauna and flora, protecting the soil and ensuring the well-being of human populations.*”<sup>217</sup>

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<sup>209</sup> Law No. 16.850 of 2024.

<sup>210</sup> *Id.*, art. 2, item III.

<sup>211</sup> Law No. 6.938 of 1981.

<sup>212</sup> *Id.*

<sup>213</sup> Law No. 12.805 of 2013.

<sup>214</sup> *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> *Id.*

A Legal Reserve Area, on the other hand, is defined as an “*area located within a rural property or possession...with the function of ensuring the sustainable economic use of the natural resources... assisting in the conservation and rehabilitation of ecological processes and promoting the conservation of biodiversity, as well as the shelter and protection of wild fauna and native flora.*”<sup>218</sup>

Law No. 12.305 of 2010 institutes the National Policy on Solid Waste, providing guidelines for the management of solid and hazardous waste.<sup>219</sup> Under this law, agroforestry and pastoral waste is generated in “agricultural and forestry activities, including waste related to inputs used in these activities.”<sup>220</sup> It is prohibited to import solid waste that can cause harm to the environment and the health of the public, animals, and plants, even if used for treatment, reutilization, or recovery.<sup>221</sup> Penalties apply to individuals or legal entities that do not comply with this law, including criminal and administrative sanctions for activities that are harmful to the environment.<sup>222</sup>

#### D. FOOD SAFETY & CONSUMER PROTECTION

Normative Instruction No. 41 of 2017 creates the National Program for the Prevention and Control of Antimicrobial Resistance in Agriculture and Livestock (AgroPrevine) within the scope of MAPA.<sup>223</sup> The goal of AgroPrevine is to strengthen the prevention and control of antimicrobial resistance in agriculture under consideration of One Health, a concept that integrates human, animal, and environmental health.<sup>224</sup> Additionally, Normative Instruction No. 55 of 2011 prohibits the “import, production, marketing and use of natural or artificial substances, with anabolic hormonal activity, for the purposes of growth and weight gain in slaughter cattle.”<sup>225</sup> However, it allows hormonal or similar anabolic steroids “exclusively for therapeutic purposes...and experimental research.”<sup>226</sup> If anabolic hormones are present before

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<sup>218</sup> Law No. 12.651 of 2012.

<sup>219</sup> Law No. 12.305 of 2010.

<sup>220</sup> *Id.*

<sup>221</sup> Law No. 12.305 of 2010, chp. VI, art. 49.

<sup>222</sup> *Id.*, title IV, art. 52.

<sup>223</sup> Normative Instruction No. 41 of 2017.

<sup>224</sup> *Id.*

<sup>225</sup> Normative Instruction No. 55 of 2011.

<sup>226</sup> *Id.*

slaughter, then slaughter will be suspended for six months and those cattle will be permanently branded for identification.<sup>227</sup> After slaughter, carcasses must be incinerated and the herd must be investigated and additionally tested.<sup>228</sup> This instruction prohibits the slaughtering of cattle that have been identified with the official brand.<sup>229</sup>

Law No. 1.283 of 1950 establishes guidelines for the industrial and sanitary inspection of products of animal origin.<sup>230</sup> Animals intended for slaughter and their products, by-products, and raw materials are subject to inspection under this law; including milk, eggs, and both of their derivatives.<sup>231</sup> Animal products, either edible or inedible, are subject to inspection “whether or not they are added to plant products, prepared, processed, handled, received, packaged, deposited and in transit within the country.”<sup>232</sup>

However, Law No. 14.515 of 2022, referred to as Brazil’s Self-Control Law, allows agricultural agents, such as slaughterhouses, to supervise themselves.<sup>233</sup> MAPA oversees the enforcement of this law. The self-control program may permit agricultural agents to conduct their own inspections relating to safety, sanitation, animal welfare, production, and transportation.<sup>234</sup>

Law No. 8.078 of 1990 is Brazil’s Consumer Protection Code establishing standards of protection and defense of public interest for consumers.<sup>235</sup> This law aims to “meet the needs of consumers, respect their dignity, health and safety, protect their economic interests, improve their quality of life, as well as ensure transparency and harmony in consumer relations.”<sup>236</sup> Some established basic rights of consumers include the protection of life, health, and safety against product risks considered dangerous or harmful; protection against misleading, abusive, coercive,

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<sup>227</sup> Normative Instruction No. 55 of 2011.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> Law No. 1.283 of 1950.

<sup>231</sup> *Id.*

<sup>232</sup> *Id.*

<sup>233</sup> Law No. 14.515 of 2022; *Brazil’s Self-Control Law faces Supreme Court scrutiny*, ANIMAL EQUAL. (last updated Feb. 3, 2025), <https://animalequality.org/news/2022/06/28/brazil-self-control-law/>.

<sup>234</sup> *Id.*

<sup>235</sup> Law No. 8.078 of 1990.

<sup>236</sup> *Id.*

or unfair advertising; and access to judicial and administrative bodies meant to prevent and repair these damages.<sup>237</sup>

## IV. CASE LAW

### A. ANIMAL PROTECTION CASES

#### i. *Legal Personhood*

a) Instrument Appeal No. 0059204-56.2020.8.16.0000 3rd Civil Court of Cascavel<sup>238</sup>

In this landmark case issued in September 2021, Brazil's Court of Justice of the State of Paraná considered whether two dogs, Rambo and Spike, could be included as active co-litigants in a damages action for mistreatment and abandonment.<sup>239</sup> This decision was significant as the Court of Justice is the highest state court in Paraná; it sets the precedence for all state matters.<sup>240</sup> The appeal, brought by the non-governmental organization Sou Amigo on dogs' behalf, challenged a lower court decision that had dismissed the claim citing the animals' lack of legal personality.

The appellants argued that animals are subjects of fundamental rights under the Federal Constitution, which recognizes their sentience and dignity and therefore guarantees them access to justice. They cited Article 225 of the Federal Constitution, decrees such as Decree No. 24.645/1934, and stated laws recognizing animals as subjects of law, along with jurisprudence from higher courts in Brazil affirming the duty to protect animals even when it limits human rights.<sup>241</sup>

The Court agreed, holding that non-human animals, as sentient beings, possess intrinsic value and dignity and therefore can be recognized as subjects of rights, endowed with the capacity to be a party in legal proceedings before a court.<sup>242</sup> The decision emphasized Brazil's

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<sup>237</sup> Law No. 8.078 of 1990.

<sup>238</sup> T.J.P.R., Agravo de Instrumento No. 0059204-56.2020.8.16.0000, 14.09.2021, 23.09.2021, (Braz.).

<sup>239</sup> *Id.*

<sup>240</sup> *Id.*

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

“biocentric” constitutional framework, which prohibits cruelty independently of environmental harm, and noted a growing body of state and federal law treating animals not as property but as rights-bearing subjects.<sup>243</sup> Resultantly, the court reinstated Rambo and Spike as active co-litigants in the proceedings, marking a significant step in Brazilian animal law.

Although the case at issue involved two dogs and not farmed animals, its reasoning applies equally to farmed animals, as the relevant legal provisions, such as Article 225 and Decree 24.645/1934 do not make any species-based distinctions. Additionally, the case serves as an important precedent with the potential to lower procedural barriers to litigation on behalf of farmed animals, reinforcing the fact that the constitutional and legal protections afforded to animals under Brazilian law can support standing in court. This is monumental, as standing can often pose an insurmountable hurdle to animal law litigation in jurisdictions like the United States. Finally, the case contributes to an overall cultural shift in the perception of animals’ inherent worth within society. However, the fact remains that companion animals occupy a culturally favored position in most societies, especially compared to farmed animals. As such, while the court’s reasoning can theoretically apply equally to farmed animals, the practical extension of the standing principle to animals in agriculture may remain limited.

*ii. Animal Cruelty (Live Animal Exports)*

b) Public Civil Action No. 5000325-94.2017.4.03.6135

Federal Civil Court of São Paulo

Live animal exports have steadily been rising in Brazil. Brazil exports farmed animal species such as cattle, buffaloes, sheep and goats to a number of countries around the world, historically in the Middle East and North Africa.<sup>244</sup> In 2017, a case was brought by the non-governmental organization Fórum Nacional de Proteção e Defesa Animal against MAPA, seeking an injunction prohibiting the export of live animals by ship from any Brazilian port.<sup>245</sup> The organization claimed that cattle export was conducted in a cruel manner over long distances

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<sup>243</sup> *Id.*

<sup>244</sup> Camilia Aquino, *Livestock and Products Semi-Annual*, USDA (Feb. 28, 2025), [https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Livestock+and+Products+Semi-annual\\_Brasilia\\_Brazil\\_BR2025-0004&utm](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Livestock+and+Products+Semi-annual_Brasilia_Brazil_BR2025-0004&utm).

<sup>245</sup> Public Civil Action No. 5000325-94.2017.4.03.6135-94.2017.4.03.6135.

and caused animals to suffer from trauma, lack of food and water, exhaustion, adverse temperatures, and unsanitary conditions.<sup>246</sup> Additionally, the plaintiffs claimed that the export of live animals should be prohibited when the importing country's method of slaughter does not align with Brazil's methodology for slaughtering.

In 2023, the court found in favor of the plaintiffs and granted an injunction prohibiting the export of live animals in all ports of the country.<sup>247</sup> The decision clarified that "animals are not things" and distinguished them as "sentient living beings...individuals who feel hunger, thirst, pain, cold, anguish, and fear."<sup>248</sup> The court relied on Article 225's prohibition against cruelty and Brazil's duty to protect animal welfare as the legal basis for the injunction.<sup>249</sup> The court emphasized that live transport over long distances inherently subjects animals to unnecessary suffering, and that economic interests could not outweigh constitutional protections and ethical standards dictating human relationships with animals<sup>250</sup>

Ultimately, this case was unsuccessful because the Federal Regional Court of the 3rd Region granted an appeal in February of 2025 to dismiss the initial request for an injunction.<sup>251</sup> The appellate court reiterated that all acts of animal cruelty needed to be prevented but held that the legal system does not prohibit international trade of live animals. Additionally, the Court stated that there is no "*concrete indication that maritime transport, in itself, implies cruelty to animals.*"<sup>252</sup> The appellate court found that the plaintiffs had not demonstrated a legal basis for a total ban and that such a decision would require legislative, not judicial, action.<sup>253</sup> Live animal exports resumed and in the first five months of 2025, more than 400,000 individual animals were exported.<sup>254</sup>

This case marked the first time a Brazilian federal court temporarily suspended all live cattle exports on animal welfare grounds, bringing national attention to the issue. While the ban

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<sup>246</sup> *Id.*

<sup>247</sup> *Id.*

<sup>248</sup> *Id.*

<sup>249</sup> *Id.*

<sup>250</sup> *Id.*

<sup>251</sup> Appeal / Referral Required (1728) No. 5000325-94.2017.4.03.6135.

<sup>252</sup> Appeal / Referral Required (1728) No. 5000325-94.2017.4.03.6135.

<sup>253</sup> *Id.*

<sup>254</sup> Denise Vilera, *Live Cattle Exports Rise in Brazil*, DatamarNews (Jun. 2, 2025), <https://datamarnews.com/noticias/live-cattle-exports-rise-in-brazil-in-2025/?utm>.

was short-lived, the litigation exposed significant welfare concerns inherent in the trade and forced judicial acknowledgment that economic activity must be balanced with constitutional protections for animals. Even if the appellate court did not recognize live transport as inherently cruel, the initial injunction still established the potential of this cruelty and animals' ability to suffer.

## B. ENVIRONMENTAL PROTECTION CASES

### i. *Protected Lands*

#### a) Special Appeal No. 804,918 - to (2005/0208961-0)

Deforestation of protected land and “cattle laundering” is prominent in Brazil. Cattle laundering refers to the movement of cattle from ranches in the Amazon that contribute to deforestation over to “clean” ranches.<sup>255</sup> Of the forest that is cleared in the Amazon, more than ninety percent is used as pasture for cattle.<sup>256</sup> Many of these protected areas are also inhabited by Indigenous people.<sup>257</sup> As the world’s largest beef exporter, Brazil’s cattle ranching industry is a major contributor to global deforestation, especially in the Amazon.<sup>258</sup>

This 2008 case concerned the illegal occupation of land within a National Park that also overlapped with an Indigenous reserve.<sup>259</sup> The Defendants in this case were cattle ranchers occupying lands in the Araguaia Indigenous Park, and prosecutors claimed they used the park’s ecosystem for thousands of cattle to consume natural pastures to the detriment of the constitutional rights of Indigenous peoples and to the balance of the local fauna and flora.<sup>260</sup> In addition to raising cattle, the prosecution alleged that the Defendants treated the land as if it was private and not federal property reserved for the exclusive use of Indigenous communities by installing houses, fences, and corrals there.<sup>261</sup> The invasion of cattle ranchers into the park

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<sup>255</sup> Benji Jones, *Some people launder money. Other people launder cattle.*, Vox (Oct. 19, 2022), <https://www.vox.com/science-and-health/2022/10/19/23403330/amazon-rainforest-deforestation-cattle-laundering>.

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.*

<sup>259</sup> Special Appeal No. 804,918 - to (2005/0208961-0).

<sup>260</sup> *Id.*

<sup>261</sup> *Id.*

interfered with the Federal Union's efforts to defend Indigenous rights and to preserve the environment.<sup>262</sup>

The lower court convicted the defendants, imposing penalties under Brazil's Environmental Crimes Law (Law No. 9.605/1998) and relevant provisions of the Penal Code.<sup>263</sup> The convictions also relied on constitutional protections for indigenous territories and environmental preservation, as enshrined in Articles 225 and 231 of the Federal Constitution.<sup>264</sup>

On appeal, the Defendants challenged the sufficiency of the evidence and argued procedural flaws in the case, including claims that the occupation predated the creation of the park and that they lacked intent to commit environmental crimes.<sup>265</sup> The appellate court upheld the convictions, emphasizing that environmental protection laws apply irrespective of the date of occupation and that any private possession within a national park or indigenous reserve is unlawful without proper authorization.<sup>266</sup>

In a Special Appeal to the Superior Court of Justice (STJ), the defense again argued procedural irregularities and sought to overturn the convictions.<sup>267</sup> The STJ rejected the appeal, affirming that the evidence was sufficient to establish both the environmental damage and the illegal occupation, and that the lower courts had properly applied the law.<sup>268</sup> The Court underscored that constitutional protections for the environment and indigenous lands prevail over individual claims of possession.<sup>269</sup>

This case demonstrates that laws protecting the environment and Indigenous communities can be used to target cattle ranchers who are engaging in an environmentally destructive activity. Cattle ranching was central to the allegations of environmental harm in this case. The introduction and grazing of livestock contributed to deforestation, disrupted native ecosystems, and directly conflicted with the protected status of both the National Park and the Indigenous

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<sup>262</sup> *Id.*

<sup>263</sup> *Id.*

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*

<sup>267</sup> *Id.*

<sup>268</sup> *Id.*

<sup>269</sup> *Id.*

territory. The case thus highlights the intersection of industrialized animal agriculture and broader issues of environmental conservation and Indigenous rights. The viability of the beef industry depends upon an ample supply of cattle to raise for sale to meatpackers. Thus, fines and imprisonment may deter ranchers from illegally expanding their operations into protected environmental areas. Diminishing these operations may keep the cattle industry from growing in Brazil, and the fewer number of animals farmed for food consumption is a step in the right direction.

ii. Pollution

a) AgRg in SPECIAL APPEAL No. 1,418,795 - SC (2013/0383156-9)

In 2014, the Superior Court of Justice granted a procedural appeal filed by the Federal Public Prosecutor's Office against a lower court decision that had acquitted a pig farmer accused of violating Article 54, §2, V of Brazil's Environmental Crimes Law (Law No. 9.605/1998).<sup>270</sup> The provision criminalizes “*causing pollution of any nature at levels that result or may result in harm to human health, or that cause the death of animals or the significant destruction of flora*” if the crime occurs because of “*the release of solid, liquid or gaseous waste, or debris, oils or oily substances, in disagreement with the requirements established in laws or regulations.*”<sup>271</sup>

The Defendant operated a pig farm containing about 2,000 pigs in a confinement system of three vertical pens.<sup>272</sup> Waste from this system was improperly dumped on the ground in open air without any treatment and ran through a ditch that led to the banks of riverbed in a Permanent Preservation Area.<sup>273</sup> The Public Prosecutor argued that the law did not require an actual occurrence of damage to find the defendant guilty. Instead, a polluting action with the potential to result in harm was sufficient to constitute criminal conduct.<sup>274</sup> The Court agreed, finding that the pig farmer's activity had high polluting potential and was conducted without proper

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<sup>270</sup> AgRg in Special Appeal No. 1,418,795 - SC (2013/0383156-9).

<sup>271</sup> Federal Law No. 9.605/1998.

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> *AgRg in Special Appeal No. 1,418,795 - SC (2013/0383156-9) (emphasis added).*

environmental licensing.<sup>275</sup> Further, the court concluded that “one cannot ignore the potential for harm that exists” to human health from the waste of 2,000 pigs flowing into a protected riverbed.<sup>276</sup>

The Court interpreted Article 54 of the Environmental Crimes Law in light of Article 225 of the Brazilian Constitution, concluding that pollution which may cause harm to human health does not require a “naturalistic result” (actual death or destruction of flora or fauna) to constitute criminal conduct.<sup>277</sup> Thus, the Court’s interpretation of the Environmental Crimes Law concluded that a mere possibility of causing harm to human health was suitable to establish the crime of pollution.<sup>278</sup>

While the Court’s analysis centered primarily on the risk of pollution to human health, the decision also carries important implications for the protection of farmed animals. By acknowledging the environmental consequences of industrial pig farming, specifically, the serious water pollution risks associated with discharging untreated waste from thousands of pigs into a protected riverbank area, the Court implicitly recognized the harmful environmental footprint of industrial animal agriculture.

Moreover, the legal reasoning in the case opens the door to extending similar protections to farmed animals. Article 54 of the Environmental Crimes Law refers broadly to “animals” without excluding those raised for food. When read alongside Article 32, which explicitly safeguards wild, domestic, native, and exotic animals from cruelty, the statutory framework provides a plausible basis for applying pollution-related offenses when farmed animals are harmed. This means that legal protections under Article 54 could, in theory, encompass farmed animals, strengthening their position within Brazil’s environmental and animal protection regime.

The Court’s interpretation that a mere risk of harm to human health suffices to establish criminal liability also has broader potential application. Industrial animal agriculture is a highly polluting activity, and if the same reasoning were applied to situations where pollution poses

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<sup>275</sup> *Id.*

<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> *Id.*

clear risks to the health or survival of human beings in surrounding communities, then operators of industrial livestock facilities could similarly be held criminally accountable without proof of actual harm. This legal standard, focused on the potential for harm rather than demonstrable damage, significantly lowers the evidentiary threshold for prosecuting polluting activities by industrial animal agriculture.

Taken together, the decision not only reinforces the legal tools available for addressing the environmental harms of large-scale animal agriculture but also strengthens the foundation for holding such operations accountable for pollution that threatens animals, people, and ecosystems alike. It stands as a potential precedent for advancing environmental and animal protection claims against industrial livestock operations in Brazil.

### C. ONGOING CASES

#### a) Direct Action of Unconstitutionality (ADI 7351)

In 2023, the National Food Industry Workers Confederation (CNTA) filed a Direct Action of Unconstitutionality (ADI) with the Federal Supreme Court to challenge the Self-Control Law (Law 14.515/22).<sup>279</sup> CNTA requested the court to grant a “preliminary precautionary measure to suspend the law’s effects pending a final judgment.”<sup>280</sup> The Self-Control Law (“the law”) authorizes agricultural establishments and their employees to conduct their own inspections covering safety, sanitation, animal welfare, and other regulated practices.<sup>281</sup> CNTA argued that the law violated several constitutional provisions, including Article 225, which requires the government to “control the production, sale and use of techniques, methods or substances which represent a risk to life, the quality of life and the environment”<sup>282</sup> and to “protect the fauna and the flora, with prohibition, in the manner prescribed by law, of all practices which represent a risk to their ecological function, cause the extinction of species or subject animals to cruelty.”<sup>283</sup>

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<sup>279</sup> Direct Action of Unconstitutionality 7,351 Federal District, 0069055-46.2023.1.00.0000.

<sup>280</sup> *Id.*

<sup>281</sup> Law No. 14.515 of 2022.

<sup>282</sup> CONSTITUIÇÃO FEDERAL [C.F.] [CONSTITUTION] art. 225, para 1, item V (Braz.).

<sup>283</sup> *Id.*, para 1, item VII (Braz.).

According to CNTA, delegating inspection responsibilities to the very workers employed by agricultural producers removes independent oversight, creating an inherent conflict of interest. This arrangement compromises public health and consumer protection by allowing companies to certify their own compliance.<sup>284</sup> The confederation also emphasized risks to meatpacking and slaughterhouse workers, noting that employees who issue unfavorable inspection results could face retaliation, including replacement with colleagues willing to produce more favorable reports. Such dynamics, CNTA argued, threaten job security and worker safety, while also increasing the likelihood that unsafe or harmful products could enter the market without proper governmental intervention.<sup>285</sup>

Mercy For Animals (MFA) and other nonprofit organizations requested to join the case as *amicus curiae* to assist the CNTA due to the Self-Control Law's potential to create risks to the environment and animal welfare.<sup>286</sup> MFA argued that the Self-Control Law directly impacts agricultural defense activities, which include the preservation and improvement of animal health, because under the law, animals are treated as "agricultural products."<sup>287</sup> The organization stressed that animal agriculture, including breeding, raising, and slaughtering animals for food, carries significant environmental and public health impacts that the state has a constitutional duty to regulate.<sup>288</sup> MFA warned that allowing industry self-inspection could lead to weakened animal welfare standards, reduced enforcement of environmental protections, and greater risks of cruelty to and suffering of farmed animals. The process of this ADI is currently ongoing and awaiting further progress with the Rapporteur Minister André Mendonça.

While the legal challenge focuses on constitutional principles of public health, consumer protection, and worker safety, the case has substantial implications for farmed animal protection in Brazil. By removing independent state oversight and shifting inspection authority to industry-employed workers, the Self-Control Law risks lowering compliance standards for worker safety, sanitation, and animal welfare in agricultural operations, including large-scale industrial livestock facilities.

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<sup>284</sup> Direct Action of Unconstitutionality 7,351 Federal District, 0069055-46.2023.1.00.0000.

<sup>285</sup> ADI/7351 Initial petition (8388/2023).

<sup>286</sup> ADI/7351 Petition (27300/2024)- 102 - Request to join as *amicus curiae*.

<sup>287</sup> *Id.*

<sup>288</sup> *Id.*

Article 225 of the Constitution explicitly mandates state control over production processes that threaten life or the environment and prohibits practices subjecting animals to cruelty. MFA's arguments highlight how this constitutional framework can, and should, extend to farmed animals, as the law's reclassification of inspection responsibilities undermines the enforcement of animal welfare laws.

If upheld, the Self-Control Law could erode enforcement mechanisms designed to prevent pollution, ensure humane treatment of animals, and safeguard food safety, effectively allowing industry interests to override public and ecological protections. Conversely, if struck down, the decision could reaffirm the State's constitutional duty to maintain independent, qualified oversight over practices with significant environmental, public health, and animal welfare consequences.

## **V. ANALYSIS OF LITIGATION STRATEGIES & RECOMMENDATIONS**

Animal protection cases in Brazil have largely removed the hurdle of legal standing. Courts have repeatedly recognized animals' sentience and the legal rights this status entails. The Federal Constitution protects animals from cruelty, and Brazilian jurisprudence has accepted their capacity to be a party in legal proceedings through appropriate representation. Precedents such as Instrument Appeal No. 0059204-56.2020.8.16.0000 underscore and further entrench that recognition. This acknowledgment is foundational: if legal standing for animals is no longer the principal barrier, advocates can focus on proving violations of the law and tailoring remedies to redress harms to animals.

That said, not every case discussed involves farmed animals, and cultural norms still influence which species are considered worthy of protection. Because the governing instruments, such as Federal Decree No. 24.645 of 1934, the Environmental Crimes Law, and Article 225 of the Constitution, do not carve out species-based exemptions, these protections could apply to farmed animals. The opportunity is clear: standing doctrine opens the courthouse door. The challenge is practical and cultural: persuading courts to extend these protections to animals used in agriculture with the same rigor typically afforded to companion animals, and to craft remedies that meaningfully improve on-farm conditions.

Environmental cases have provided valuable leverage on issues adjacent to industrial animal agriculture, even if the victories do not always translate into direct improvements in on-farm practices. Litigation against illegal cattle ranching in protected areas can curb expansion and preserve ecosystems, but it often penalizes unlawful land use rather than transforming conditions for the animals themselves. Such actions may slow geographic growth of illegal cattle ranching without reducing lawful production elsewhere.

By contrast, cases targeting specific environmental hazards tied to animal production seem to be more promising for farmed animal protection. Article 54 of the Environmental Crimes Law, interpreted to require only the possibility of harm to establish the offense, creates a lower threshold in pollution cases (as in *AgRg in Special Appeal No. 1,418,795 – SC*). Because Article 54 references harm to human health, death of animals, or significant destruction of flora, its logic can potentially also extend beyond human health to risks for animals confined in industrial systems. While imprisonment is the statutory penalty, these cases can be paired with civil tools (public civil actions) to secure injunctions, abatement orders, and compliance plans that directly alter harmful practices.

The Direct Action of Unconstitutionality against the Self-Control Law is an important challenge to industry capture of agencies like MAPA and the subsequent destruction of welfare standards in animal agriculture. Less government oversight in raising animals for food fails to accomplish the government's constitutional duty to protect the environment and prevent animal cruelty. Animal welfare is jeopardized when producers have less incentive to comply with standards regulating the treatment of animals. Self-enforced inspections erode the integrity of producers' practices, creating weak enforcement of animal protection legislation and accountability for violations. The arguments of unconstitutionality seem promising. Previous rulings have established the government's duty to protect animals and has explicitly recognized the capacity of farmed animals to suffer. The government's role, enumerated within the Constitution, cannot simply be abdicated with this enactment of the Self-Control Law. A successful decision for this ADI may not inherently advance the welfare of farmed animals, but it will certainly play a role in enforcing foundational welfare practices and preventing further degradation of legal protections.

Animals can clearly have legal standing and certain rights in Brazil, but cultural perspectives dictate which kinds of animals deserve this status. This is clearly exemplified by Article 37 of the Environmental Crimes Law, which states that the slaughter of an animal is not a crime when carried out “in a state of need, to satisfy the hunger of the agent or his family.”<sup>289</sup> Over time, the value of farmed animals could continually expand beyond just their use for food. Ideally, they become viewed in line with pets who provide personal, emotional companionship to humans. Even if continually viewed as a commodity, farmed animals can still fit their “purpose” as food, but they also can have cultural recognition that they are sentient beings who feel pain and should be treated more humanely while facilitating their designated purpose.

Litigation in this area is an opportunity for animal protection. Social and cultural perceptions that view the protection of companion animals as a more acceptable endeavor is predominant, but the rights of farmed animals are continually expanding. Since no animal is technically excluded from the application of these legal protections, advocates could attempt to apply them to farmed animals. As culture moves away from the idea that animals raised for food do not deserve consideration, the success of applying anti-cruelty laws in their favor increases. Advocates could facilitate this shift by choosing to litigate more of these cases on behalf of farmed animals. Even if not initially successful, such action may contribute to moving the cultural needle for farmed animals away from status as a commodity and towards greater legal recognition and protection.

Brazil has a growing interest in environmental protection and implementing regulations to enforce sustainability. Much of the advocacy for environmental sustainability is driven by the country’s interest in ensuring that people can live with healthy air, water, and food. While many environmental laws do not specifically reference farmed animals, there is, nonetheless, opportunity to rely on these growing legal protections to advance farmed animal welfare. Using an integrative approach might be a strategy to push welfare initiatives where there is seemingly little public interest. An example of this might be highlighting the significant impacts of industrial farming on environmental degradation.

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<sup>289</sup> Federal Law n. 9.605/1998 art. 37, II.

The flip side of this integrative legal strategy is that responses might focus on elements other than the welfare of the animals. For example, litigation around environmental pollution from factory farms may result in harsher violations for the farmers, rather than the enforcement of better practices towards raising farmed animals. While the strategy of using environmental protection strategies in conjunction with farmed animal welfare is sound, it needs to be used with sensitivity.

## **VI. CONCLUSION**

While there are still significant improvements needed to advance farmed animal welfare, Brazil has a ripe set of tools available to help with this advancement, and that toolkit is ever growing. As litigators and animal welfare activists continue pushing the needle towards increased farmed animal welfare, they could consider linking animal protection with other social movements to achieve stronger outcomes. As a key agriculture player, should Brazil enhance its animal welfare protections, it could inspire other global agriculture leaders around the world to follow.

**India**

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## EXECUTIVE SUMMARY

India is home to the world's largest dairy sector and vast, rapidly scaling poultry and meat industries. Demand for animal-sourced foods has risen alongside urbanization and income growth, accelerating a shift toward intensive, confined production systems. These changes have heightened concerns about animal welfare, waste and water management, antimicrobial use, and public health, especially in dense urban and peri-urban supply chains where dairies and slaughter operations often operate in close proximity to communities.

India's legal landscape contains multiple footholds for regulating industrial animal agriculture. Constitutionally, Articles 48, 48A, and 51A(g) embed duties to protect animals and the environment. Statutorily, the Prevention of Cruelty to Animals Act, 1960 (and its rules), transport and slaughter standards, and food safety regulations provide enforceable welfare and hygiene baselines. Environmental compliance is policed through air, water, and waste laws and by the National Green Tribunal (NGT).

Recent litigation reveals three recurring dynamics. First, courts have recognized animal welfare principles, including dignity and freedom from unnecessary suffering, yet have also balanced them against cultural and political claims, producing mixed results where traditions are invoked to defend animal-use practices. Second, courts have been particularly receptive when claims are framed through environmental and public-health lenses: challenges premised on pollution, licensing, sanitation, and disease risk have yielded concrete, enforceable directives for dairies, slaughterhouses, and poultry facilities. Third, much of the successful litigation has focused on administrative compliance and oversight, compelling authorities to license, inspect, and enforce existing rules, rather than declaring broad new rights for farmed animals. *Suo motu* interventions and public interest petitions have helped surface systemic cruelty in everyday supply chains, but follow-through by agencies remains the critical bottleneck.

A pragmatic path emerges for advocates. Advocates routinely leverage litigation as a carrot-and-stick to engage early and often with the Animal Welfare Board of India (AWBI), Central/State Pollution Control Boards, and local authorities, using negotiated rulemaking where possible and court enforcement where necessary. Additionally, litigators employ cruelty statutes for incremental victories against egregious practices, while anticipating that sweeping personhood or

absolute bans will meet resistance. A sound strategy seems to be to treat a positive ruling as a beginning, not an end: to plan for legislative or executive backlash, build coalitions to defend wins, and monitor enforcement agencies to ensure orders translate into measurable change. Moving forward, advocates could continue to weave animal welfare into environmental and public-health claims under a One Health frame, and systematically audit licensing and compliance for dairies and slaughterhouses, bringing actions where facilities operate without permits or breach pollution, transport, or slaughter standards.

Taken together, India's experience shows that although much work remains to be done, litigation can meaningfully improve conditions for farmed animals when it is enforcement-focused, environmentally grounded, and paired with sustained agency engagement and public advocacy.

## **GLOSSARY**

### **A. ORGANIZATIONS**

- Animal Welfare Board of India (AWBI):**

Established by the Prevention of Cruelty to Animals Act, 1960, this advisory board is charged with advising the Government on animal welfare, ensuring that animal welfare laws are followed, and awarding grants to animal welfare organizations.<sup>1</sup>

- Central Pollution Control Board (CPCB):**

Constituted through the Water (Prevention and Control of Pollution) Act, 1974, the CPCB is charged with monitoring air and water pollution and improving air and water quality.<sup>2</sup>

- Food Safety and Standards Authority of India (FSSAI):**

Established under the Food Safety and Standards Act, 2006, the FSSAI develops standards for food safety and regulating the “manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.”<sup>3</sup>

- Indian Council of Agricultural Research (ICAR):**

An autonomous organization under the Department of Agricultural Research and Education (DARE) dedicated to “coordinating, guiding and managing research and education in agriculture including horticulture, fisheries and animal sciences in the entire country.”<sup>4</sup>

- Ministry of Agriculture and Farmers’ Welfare:**

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<sup>1</sup> *Animal Welfare Board of India*, ANIMAL WELFARE BOARD OF INDIA, <https://awbi.php-staging.com/>.

<sup>2</sup> *About Us*, CENT. POLLUTION CONTROL BD., <https://cpcb.nic.in/Introduction/>.

<sup>3</sup> *About FSSAI*, FOOD SAFETY & STANDARDS AUTH. OF INDIA, <https://fssai.gov.in/cms/about-fssai.php>.

<sup>4</sup> *About Us*, INDIAN COUNCIL OF AGRIC. RSCH., <https://icar.org.in/about-us>.

A regulatory body that establishes and administers rules, regulations, and laws pertaining to agriculture.<sup>5</sup> It is divided into a number of departments, including DARE.<sup>6</sup>

- **Society for Prevention of Cruelty to Animals (SPCA):**

SPCAs are statutory bodies that serve at the district level as non-profit organizations who help state governments, the AWBI, and local authorities in promoting animal welfare in their respective districts, primarily through running animal shelters and hospitals.<sup>7</sup> Although every state was charged by the Court with constituting SPCAs, some have yet to do so. The governing rules for SPCAs are enacted under the Prevention of Cruelty to Animals Act, 1960.<sup>8</sup>

## B. COURTS

- **National Green Tribunal (NGT):**

Indian court specifically dedicated to the resolution of environmental claims.

## C. CULTURAL TERMS

- **Animal Market:**

“A market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale or auction and includes any lairage adjoining a market or a slaughterhouse and used in connection with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles and includes animal fair and cattle pound where animals are offered or displayed for sale or auction.”<sup>9</sup>

- **Gaushala:**

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<sup>5</sup> Mahak Raikwar, *Ministry of Agriculture and Farmers' Welfare–An Overview*, LAW COLLOQUY (Nov. 12, 2024), <https://lawcolloquy.com/publications/blog/ministry-of-agriculture-and-farmers-welfare-an-overview/328>.

<sup>6</sup> *Id.*

<sup>7</sup> *Society for Prevention of Cruelty to Animals (SPCA)*, INDIA FILINGS, <https://www.indiafilings.com/learn/society-for-prevention-of-cruelty-to-animals-sPCA/>.

<sup>8</sup> *Id.*

<sup>9</sup> Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, §2(b).

Beginning in the third or fourth century B.C.E., cow shelters were established in India to house and care for abandoned, elderly, and infirm cows.<sup>10</sup> Today, gaushalas receive financial support from “philanthropists, temple trusts, the government, and donations from the business community and the general public.”

- **Jallikattu:**

“A type of bovine sport...involv[ing] a bull which is set free in an arena and human participants are meant to grab the hump to score in the ‘game.’”<sup>11</sup>

- **Phooka/doom dev:**

Any process by which air or another substance is forced into the vagina or anus of a milk-producing animal with the goal of drawing milk out of the animal. This practice is rarely used today.<sup>12</sup>

#### D. LEGISLATION

- **Bombay Animal Preservation (Gujarat Amendment) Act:**

One of many state laws in India banning and criminalizing the slaughter of cattle.<sup>13</sup>

- **Food Safety and Standards Act, 2006 (FSSA):**

This Act establishes an authority charged with regulating the food sector to ensure safe and wholesome food.<sup>14</sup>

- **Food Safety and Standards (Licensing and Registration of Food Businesses),  
Regulations 2011 (FSSR):**

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<sup>10</sup> ANIMALS, *Supra* note 7, at 2.

<sup>11</sup> *Animal Welfare Board of India & Ors. v. Union of India and Another*, (2023) 9 SCC 322 ¶45.2 (India).

<sup>12</sup> See *Can a Person Be Punished for Performing Phooka or Doom Dev on Cows?*, LAWNN (May 17, 2024), <https://www.lawnn.com/can-a-person-be-punished-for-performing-phooka-or-doom-dev-on-cows/>.

<sup>13</sup> See generally Bombay Animal Preservation (Gujarat Amendment) Act, 1979.

<sup>14</sup> See generally Food Safety and Standards Act, 2006.

This law outlines the requirements for registering various food production businesses, such as dairies and slaughterhouses. This legislation is delegated under the FSSA.<sup>15</sup>

- **Environment (Protection) Act, 1986 (EPA):**

This Act empowers the government to regulate polluting industries.<sup>16</sup>

- **Gujarat Animal Preservation (Amendment) Act, 2017:**

Amending the Bombay Animal Preservation (Gujarat Amendment) Act, this law heightens the criminal penalties for cow slaughter.<sup>17</sup>

- **Prevention of Cruelty to Animals Act of 1960 (PCA Act):**

This Act establishes the Animal Welfare Board of India and outlines various offenses that constitute animal cruelty.<sup>18</sup>

- **Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2023:**

These Rules established baseline conditions for the housing conditions of egg-laying hens.<sup>19</sup>

- **Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978:**

These Rules require the registration of facilities housing five or more cattle.<sup>20</sup>

- **Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017:**

These Rules ban certain cruel and harmful practices and sets out housing standards at livestock markets.<sup>21</sup>

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<sup>15</sup> See generally Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations 2011.

<sup>16</sup> See generally Environment (Protection) Act, 1986.

<sup>17</sup> See generally Gujarat Animal Preservation (Amendment) Act, 2017.

<sup>18</sup> See generally Prevention of Cruelty to Animals Act, 1960.

<sup>19</sup> See generally Prevention of Cruelty to Animals (Egg-Laying Hens) Rules, 2023.

<sup>20</sup> See generally Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978.

<sup>21</sup> See generally Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017.

- **Prevention of Cruelty to Animals (Slaughter House) Rules, 2001:**

These Rules require that slaughter of animals happens only at registered facilities, and that the facilities meet certain hygienic and welfare standards.<sup>22</sup>

- **Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001:**

These Rules require that animals being transported on foot be healthy and transported without the use of whips or other negative incentives.<sup>23</sup>

- **Transport of Animals Rules, 1978:**

These Rules outline minimum standards to be met for transporting cattle, equines, sheep, goats, and pigs by rail, road, or plane.<sup>24</sup>

- **Water (Prevention and Control of Pollution) Act, 1974:**

This Act establishes the CPCB to regulate polluting industries, and requires polluting industries to register with the CPCB.<sup>25</sup>

## I. INTRODUCTION

As the world's most populous country,<sup>26</sup> India has a highly impactful potential for achieving wins in farmed animal protection. A staggering number of farmed animals are slaughtered in India yearly: in 2020, India ranked sixth in number of bovine slaughtered, fifth in number of chickens slaughtered, and fourth in number of sheep slaughtered worldwide.<sup>27</sup>

Positively, India has a number of laws and rules that have applicability to farmed animal interests, and the existing case law reflects this diversity. Advocates have creatively pursued avenues beyond animal welfare cases, bringing environmental and public health claims as well.

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<sup>22</sup> See generally Prevention of Cruelty to Animals (Slaughter House) Rules, 2001.

<sup>23</sup> See generally Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001.

<sup>24</sup> See generally Transport of Animals Rules, 1978.

<sup>25</sup> See generally Water (Prevention and Control of Pollution) Act, 1974.

<sup>26</sup> Explore the World Population Through Data, WORLD POPULATION REV., <https://worldpopulationreview.com/>.

<sup>27</sup> Karol Orzechowski, *Global Animal Slaughter Statistics & Charts: 2022 Update*, FAUNALYTICS (July 13, 2022) <https://faunalytics.org/global-animal-slaughter-statistics-charts-2022-update/>.

While significant progress has been made in courts considering the welfare of animals in anti-cruelty litigation, there are limits to the application of anti-cruelty legislation, as routine farming practices are considered to be necessary to feed a growing population. This means that anti-cruelty laws will be helpful in preventing only the most egregious forms of animal cruelty farmed animals are subjected to. Overall, farmed animal advocates should focus on bringing environmental and public health claims with a tie to animal interests, as courts are likely to prioritize cases that directly impact humans. This is especially the case because the path to establishing animal legal personhood in India has sadly been forestalled by the decision in *Animal Welfare Board of India vs. Union of India*.<sup>28</sup> To move forward, advocates should focus their efforts on working with governmental agencies to pass favorable rules and regulations pertaining to animal welfare. Additionally, advocates could consider using litigation to ensure existing laws are enforced. Moreover, the National Green Tribunal appears to be well-equipped to consider the complex environmental issues posed by confining large numbers of animals.<sup>29</sup>

## II. STATE OF INDUSTRIAL ANIMAL AGRICULTURE IN INDIA

India does not use a classification scheme akin to the United States’ Environmental Protection Agency’s (EPA’s) regulatory definitions of large, medium, and small Concentrated Animal Feeding Operations (CAFOs) to describe animals farmed at an industrial scale. Rather, particular terms employed depend on the type of animal in question, with classifications such as “developmental” and “commercial” used for poultry production and “small holder” and “large commercial” describing different types of dairy production. Although the terminology employed—as well as the intensity and scope of farming practices in India—differ depending on the animal involved, there is a general trend towards a factory farm model of animal agriculture.<sup>30</sup>

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<sup>28</sup> See generally *Animal Welfare Board of India & Ors. v. Union of India and Another*, (2023) 9 SCC 322 (India).

<sup>29</sup> *Suo Moto the News Paper Article Published in Dainik Bhaskaar Daily Dates 11.12.2023 Regarding Running of Illegal Dairy Farms in the Residential Area of Bhopal, M.P. v. State of Madhya Pradesh & Ors.*, (2024) 185/2023(CZ) (India).

<sup>30</sup> Factory farms are massive, industrialized facilities on which large numbers of animals are raised for food on small amounts of space. Animals at these facilities are kept in close confinement and do not graze. *Industrial Agriculture 101*, NRDC (Jan. 31, 2020), <https://www.nrdc.org/stories/industrial-agriculture-101>.

Seventy percent of India's population participates in agriculture in some form; for the most part at small or medium scales.<sup>31</sup> In 2022, the total number of animals slaughtered in India can be broken down by species as follows: 39,450,000 cows;<sup>32</sup> 11,817,564 buffalo; 2,983,054,000 chickens; 33,704,000 ducks; 9,088,458 pigs; 23,364,016 sheep; and 55,046,729 goats.<sup>33</sup>

There is not yet widespread public awareness about the environmental and animal welfare implications of the intensification of animal agriculture in India.<sup>34</sup> Although India has a global reputation for being a vegetarian nation, this stereotype does not reflect reality, as “no more than 30% and more realistically closer to 20% of the population” is vegetarian, mostly for religious reasons.<sup>35</sup> Current estimates suggest that 83% of men and 71% of women in India are not vegetarian.<sup>36</sup> Unfortunately, given global trends, it would not be surprising if this percentage were to rise in the future, leading to an increased demand for animal products, and a correlative increase in animal suffering.

#### A. BEEF INDUSTRY

In India, the primary beef product is carabeef, or water buffalo, compared to other countries, like the United States, that farm cows. Buffalo farming operations in India produce over 1.43 million tons of meat annually, supplying a quarter of the world’s buffalo meat.<sup>37</sup> With cows, rather than operating from a discrete beef industry, India’s beef industry is largely

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<sup>31</sup> *Livestock: Buffalo*, ICAR-CCARI, <https://ccari.icar.gov.in/dss/buffalo.html>.

<sup>32</sup> *India Animal Numbers, Cattle Total Slaughter by Year*, INDEX MUNDI (2024), <https://www.indexmundi.com/agriculture/?country=in&commodity=cattle&graph=total-slaughter> [hereinafter INDEX MUNDI].

<sup>33</sup> Karol Orzechowski, *Global Animal Slaughter Statistics & Charts*, FAUNALYTICS (May 15, 2024), <https://faunalytics.org/global-animal-slaughter-statistics-and-charts/>.

<sup>34</sup> Krithika Srinivasan, *Debating Animal Agriculture in Contemporary India: Ethics, Politics, Ecologies*, 6 NATURE & SPACE 776, 777 (2023).

<sup>35</sup> Balmurli Natrajan & Suraj Jacob, ‘*Provincialising*’ Vegetarianism: Putting Indian Food Habits in Their Place, 9 ECON. & POL. WKLY. 54, 54–55 (2018).

<sup>36</sup> *India to Set Regulatory Framework to Move Forward Cultivated Meat & Seafood*, CULTIVATED X (Mar. 8, 2024), <https://cultivated-x.com/politics-law/india-regulatory-framework-cultivated-meat-seafood/>.

<sup>37</sup> INDEX MUNDI, *supra* note 32.

composed of undesirable dairy cows, such as older cows that are no longer productive, or male calves.<sup>38</sup> This has helped India become a global leader in beef exporting nations.<sup>39</sup>

The majority of Indian states have passed legislation prohibiting the slaughter of all female and male cattle; Assam and West Bengal allow for the slaughter of cattle that are over fourteen years old and have a “fit-for-slaughter” certificate; Kerala allows for the slaughter of cattle who are deemed to be “unfit from work, cannot breed, or are permanently injured and over 10-years old;” and Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, Tripura, and Lakshadweep lack legislation relating to the prohibition of cattle slaughter.<sup>40</sup>

Cow slaughter bans have faced criticism for the difficulties they pose for small-scale dairy farmers, as well as for unintended adverse consequences for animal welfare.<sup>41</sup> To elaborate, in states with total bans on cattle slaughter, dairy cows who are no longer productive become burdensome for small farmers, who oftentimes are forced to abandon these animals or to transport them on arduous cross-country journeys to states where cow slaughter is legal.<sup>42</sup>

Although slaughter bans are intended to protect cattle, if they are abandoned and left to fend for themselves, or simply transported for longer distances before slaughter, then the suffering of these cows is exacerbated, not reduced. Cow slaughter bans have contributed to an overabundance of cows in the streets, a population numbering over five million, causing problems for traffic safety and public health.<sup>43</sup>

Offering a limited amount of relief, there are more than five hundred gaushalas, or sanctuaries, in the country that aim to care for “cows affected by recurrent droughts and famines,

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<sup>38</sup> Srinivasan, *supra* note 34, at 781, 784.

<sup>39</sup> *Id.* at 781.

<sup>40</sup> U.S. DEP’T OF AGRIC., LIVESTOCK AND PRODUCTS ANNUAL-2021 INDIA 6 (2021), [https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Livestock%20and%20Products%20Annual\\_New%20Delhi\\_India\\_09-01-2021.pdf](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Livestock%20and%20Products%20Annual_New%20Delhi_India_09-01-2021.pdf).

<sup>41</sup> See Srinivasan, *supra* note 34, at 780.

<sup>42</sup> *Id.* at 784.

<sup>43</sup> Arvind Sharma, Catherine Schuetze, and Clive J. C. Phillips, *Public Attitudes towards Cow Welfare and Cow Shelters (Gaushalas) in India*, 9 ANIMALS 1, 2 (2019). Along with cow slaughter bans, the proliferation of street cows has been caused by “[r]apid urbanization, mechanization of farming operations, fragmentation of pastures and grazing lands, and bans on...euthanasia.” *Id.*

as well as old, infirm, infertile, and abandoned cows.”<sup>44</sup> The conditions at gaushalas vastly vary, and many struggle to properly care for their populations due to a general lack of funds.<sup>45</sup>

## B. DAIRY INDUSTRY

In the case of both cows and buffalo, dairy farms in India are mainly small, with 95% of herds including only one to five animals.<sup>46</sup> However, the number of “large commercial dairies” is growing.<sup>47</sup> Moreover, India’s dairy industry is already consolidated in a number of ways: small dairy farmers are often enmeshed in larger co-ops, as well as in procurement arrangements with national processing corporations.<sup>48</sup>

India is the largest consumer of dairy products in the world.<sup>49</sup> An estimated seventy-five to eighty million households depend on dairy farming as their primary source of income.<sup>50</sup> eighty-six percent of dairy farmers are small-scale producers who own seventy-five percent of India’s dairy animals.<sup>51</sup> While in some years, such as 2021, India was the world’s largest producer of milk, the country is not yet deeply enmeshed in the export market, as most of India’s milk is consumed domestically.<sup>52</sup>

India also restricts the importation of the majority of livestock and livestock-derived products.<sup>53</sup> Also of note, India was the world’s second largest emitter of methane in 2021, surpassed only by China.<sup>54</sup> Despite its intense methane production, India is not a part of the

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Jesse A. Robbins, *Dairy Production in India: Animal Welfare Implications and Public Perceptions*, TINY BEAM FUND 1, 2, 11 (2023), <https://www.issuelab.org/resources/41496/41496.pdf> (last visited Sept. 28, 2024).

<sup>47</sup> *Id.* at 5. Large commercial dairies are partially mechanized operations with herd sizes ranging from 150 to 500 cattle. *Id.* at 11.

<sup>48</sup> Srinivasan, *supra* note 34, at 781.

<sup>49</sup> Robbins, *supra* note 46, at 1.

<sup>50</sup> *Id.* at 10.

<sup>51</sup> *Id.*

<sup>52</sup> *Dairy and Dairy Products*, OECD-FAO AGRIC. OUTLOOK 2021-2030, 180–81 (July 5, 2021), <https://openknowledge.fao.org/server/api/core/bitstreams/c767701c-39e4-4acf-b03d-b3cee924a783/content> (last visited Sept. 28, 2024).

<sup>53</sup> Robbins, *supra* note 46, at 8.

<sup>54</sup> *Global Methane Tracker 2022 Overview*, IEA, <https://www.iea.org/reports/global-methane-tracker-2022/overview>.

Global Methane Pledge, a commitment to reducing anthropogenic methane emissions by no less than thirty percent by 2030 when compared to global methane levels in 2020.<sup>55</sup>

Another important issue in India's dairy sector is the ongoing illegal use of oxytocin to increase the output of milk production in cows, which has various problematic side effects for both the cows and humans who consume their milk.<sup>56</sup>

Out of the total amount of milk consumed by India's population, more than fifty-six percent is produced by buffalo.<sup>57</sup> Buffalo farming operations in India produce over fifty million tons of milk annually, supplying approximately two-thirds of buffalo milk worldwide.<sup>58</sup> Buffalo are kept in either "loose housing," where they may freely roam except during milking and treatment, or "conventional buffalo shed[s]," the intensive mode of production.<sup>59</sup>

On a positive note, studies have indicated that there is a demand for dairy products produced in compliance with animal welfare standards.<sup>60</sup> Hopefully, producers will respond to this consumer demand with open arms, leading to welfare improvements for India's buffalo and cows.

### C. POULTRY INDUSTRY

#### i. *Chickens*

India's chicken industry has gone through a dramatic transformation in the span of four decades, allowing it to participate heavily in today's global trade arena for eggs and broiler chickens.<sup>61</sup> There are two major styles of chicken farms in India: "developmental" or "unorganized" chicken farms and "commercial" or "highly organized" chicken farms.<sup>62</sup>

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<sup>55</sup> *Id.*

<sup>56</sup> *Sunaya Sibal & Ors. v. Gov't of NCT of Delhi & Ors.*, W.P.(C) 13236/2022, §22, §24, §27.

<sup>57</sup> INDEX MUNDI, *supra* note 32.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Robbins, *supra* note 46, at 4.

<sup>61</sup> Ryan Tseng, *A Look into India's Poultry Industry*, NEW ROOTS INST. (Mar. 10, 2022), <https://www.newrootsinstitute.org/articles/a-look-into-indias-poultry-industry>.

<sup>62</sup> *Id.*

With the involvement of an estimated thirty million farmers, developmental chicken farms are commonplace in more rural areas, characterized by low-scale operations and their centrality to rural families' livelihoods.<sup>63</sup> Nowadays, though, the majority of India's chicken production takes place in highly organized farms closer to urban centers, with a range of anywhere from 200 to 50,000 chickens housed in a single facility.<sup>64</sup>

In particular, the broiler industry has become significantly vertically integrated, thanks to the implementation of the contract farming model.<sup>65</sup> In this system, integrators supply contract farmers with chicks to raise, and the birds are returned to the integrators once they are fully grown, at which point the chickens are slaughtered and sold.<sup>66</sup> Though the farmers raise the chicks, at no point in the process do the farmers own the animals.<sup>67</sup>

As for egg-laying hens, while they may be free-range in unorganized backyard farms, the majority of egg-laying hens are confined to battery cages, especially in highly organized farms.<sup>68</sup> Although consumers increasingly demand cage-free eggs, and more food corporations are pledging to source their eggs from only cage-free sources, there has not yet been a correlative shift towards cage-free practices in India's commercial egg-producing facilities.<sup>69</sup> Primary reasons for this lag are economic, such as the costs of transitioning to cage-free facilities and the difficulty of competing with the lower costs of eggs produced in battery cage systems.<sup>70</sup> Other challenges include perceptions that cage-free systems require greater amounts of land, and that it is more challenging to manage and tend to hens when they are not closely confined.<sup>71</sup>

India's chicken industry has grown with the support of government incentives such as feed subsidies, loan deferment programs, and promotional campaigns,<sup>72</sup> as well as a shift away

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Harish Damodaran, *How Broiler Chicken Industry Has Become India's Most Organised and Vertically Integrated Agri-Business*, NEW DELHI (Aug. 15, 2024), <https://indianexpress.com/article/explained/explained-economics/broiler-chicken-chhattisgarh-broiler-meat-poultry-farms-9512568/>.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Jaydip Rokade et al., *The Cage-Free Egg Sector: Perspectives of Indian Poultry Producers*, 11 FRONTIERS VETERINARY SCI. 1 (Aug. 2024).

<sup>69</sup> *Id.* at 2.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 3.

<sup>72</sup> Ricky Thaper, *India's Poultry Industry is Set to Witness Exponential Growth in Coming Years with the Collaborative Efforts of the Industry as well as Government Support*, SR PUBLICATIONS (June 24, 2024),

from vegetarian lifestyles, which is correlative with per capita income growth.<sup>73</sup> As for the future of India's chicken industry, an increase in the concentration of chickens at individual facilities is predicted to lead to a surge in the use of antibiotics, which has troubling implications for public health.<sup>74</sup>

Take, for example, chicken production giant Venky's, which sells antibiotics for growth promotion as well as preventative use.<sup>75</sup> Experts predict that the amount of antibiotics used in India's chicken industry will increase fivefold by the year 2030 when compared to the amount used in 2010.<sup>76</sup> Hopefully, growing global awareness and concern relating to zoonotic disease and antibiotic resistance will curb the use of medically important antibiotics in this industry.

### *ii. Ducks*

In 2023, 33,800,000 ducks were slaughtered for food in India.<sup>77</sup> The majority of duck farming in India is still performed by small, rural farmers.<sup>78</sup> For the most part, ducks roam freely during the day and are housed inside at night.<sup>79</sup> In more confined systems, ducks may be kept permanently enclosed, or may be given access to a run that allows ducks to be outdoors, albeit in a fenced-in area, ideally—but unfortunately not always—with a pond.<sup>80</sup>

Sadly, the traditional status quo of duck farming in India will likely change, as scientific and government studies continue to call for the development of this industry, following the

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<https://www.srpublication.com/indias-poultry-industry-is-set-to-witness-exponential-growth-in-coming-years-with-the-collaborative-efforts-of-the-industry-as-well-as-government-support/>.

<sup>73</sup> Tseng, *supra* note 61.

<sup>74</sup> *Id.*

<sup>75</sup> Rahul M., 'A Recipe for Disaster': *What I Learned Going Undercover on India's Chicken Farms*, BUREAU OF INVESTIGATIVE JOURNALISM (Apr. 10, 2024), <https://www.thebureauinvestigates.com/stories/2024-04-10/a-recipe-for-disaster-what-i-learned-going-undercover-on-indias-chicken-farms/>.

<sup>76</sup> Tseng, *supra* note 61.

<sup>77</sup> Karol Orzechowski, *Global Animal Slaughter Statistics & Charts*, FAUNALYTICS (Apr. 23, 2025), <https://faunalytics.org/global-animal-slaughter-statistics-and-charts/>.

<sup>78</sup> P. K. Naik, B. K. Swain, and C. K. Beura, *Duck Production in India- A Review*, 92 INDIAN J. ANIMAL SCI. 917 (Aug. 2022).

<sup>79</sup> Praween Srivastava, *Emerging Trends in Backyard Duck Farming in India*, p. 2, [https://megcooperation.gov.in/duck\\_farming/Emerging\\_Trend\\_Duck\\_Farming.pdf](https://megcooperation.gov.in/duck_farming/Emerging_Trend_Duck_Farming.pdf).

<sup>80</sup> *Id. See also Ducks*, BEAUTY WITHOUT CRUELTY (Nov. 25, 2023), <https://www.bwcindia.org/web/awareness/learnabout/Ducks.html> (noting that water sufficient to allow for swimming is not a legal requirement for duck rearing at any stage, despite that this differs from ducks' preferred conditions in the wild) [hereinafter BEAUTY WITHOUT CRUELTY].

precedent set by the country's chicken industry.<sup>81</sup> For example, in the words of one such study, “*there is ample scope for duck production to meet egg and meat demand of the country. Suitable duck breeds...need to be developed for rural backyard duck farming...There is a need for establishment of hatcheries and other infrastructures in rural areas to promote duck farming for sustainable livelihood.*”<sup>82</sup> Another publication discusses the benefits of ducks as a species when compared to chickens, including the larger size of duck eggs; higher productivity of ducks, both in quantity of eggs laid and length of time during which they can lay eggs; smaller space needed to house ducks; and a lesser degree of attention required for duck rearing.<sup>83</sup>

While most duck farming in India still operates at a relatively small scale, the Central Duck Breeding Farm (“CDBF”), established in 1981 by the Ministry of Agriculture and Farmers’ Welfare, provides a snapshot into what the future of India’s duck farming might look like.<sup>84</sup> The CDBF breeds ducklings to be raised on faraway farms and also raises ducks for meat for seven to eight weeks in wire cages.<sup>85</sup> The CDBF also provides training in the management and production of ducks, thereby promoting the spread of an intensively industrialized model of duck farming.<sup>86</sup>

From surveying the available resources, it appears that intensive, large-scale confinement practices have not yet taken off in duck farming, but as scientific, government, and industry institutions alike continue to laud the potential of ducks as a largely untapped source of profit, in all likelihood, it is only a matter of time before this transformation takes place.

#### D. PORK INDUSTRY

An estimated half-million people are involved in pig farming in India.<sup>87</sup> The extent of pig farming varies state to state, depending on factors such as climate, geography, and whether pork

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<sup>81</sup> Naik et al., *supra* note 78, at 92; BEAUTY WITHOUT CRUELTY, *supra* note 80.

<sup>82</sup> Naik et al., *supra* note 78, at 92.

<sup>83</sup> Srivastava, *supra* note 79, at 1–2.

<sup>84</sup> BEAUTY WITHOUT CRUELTY, *supra* note 80.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> Pragya Bhadauria, Satbir Singh Aparna, Inderjeet Singh, Parvender Sheoran, *Pig Farming: Techniques and Technologies*, ICAR-AGRIC. TECH. APPLICATION RSCH. CTR. 1 (2023), <https://atariz1.icar.gov.in/pdf/Pig%20farming.pdf>.

consumption is a socially accepted practice.<sup>88</sup> Approximately nine million pigs are raised in India, mainly on small-scale farms.<sup>89</sup> Assam is the state home to the largest pig population.<sup>90</sup> Positively, in 2023, Assam became the latest of twenty Indian states and territories to prohibit “the manufacture, sale, and use of gestation and farrowing crates in pig farming.”<sup>91</sup> The prohibition found its legal basis in The Prevention of Cruelty to Animals Act of 1960, which prohibits confinement of animals “that fails to offer a reasonable opportunity for movement.”<sup>92</sup>

As of August 11, 2023, Chandigarh became the twenty-fourth state or territory to ban gestation and farrowing crates.<sup>93</sup> Beyond the fact that there are still a handful of states and territories permitting the use of gestation and farrowing crates, pigs face a plethora of other welfare issues. A PETA India representative that advocated for the gestation crate prohibition in Assam described the cramped conditions pigs experience whilst being transported to slaughterhouses, as well as the cruel methods of slaughter that pigs are subjected to: “they are stabbed to death in the chest, frequently, after being hit over the head with a hammer.”<sup>94</sup>

Alarmingly, the demand for pig meat is only growing in India, as evidenced by efforts to break into the international market.<sup>95</sup> This growth is championed by organizations such as the Indian Council of Agricultural Research and state universities.<sup>96</sup> With growing consumer demand and institutional support, one can only assume that pig production in India will become increasingly concentrated and industrialized in the near future. On the bright side, successful statewide measures to ban gestation and farrowing crates show that progress is possible in improving conditions for India’s growing pig population.

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<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> Assam Bans Use of Gestation, Farrowing Crates in Pig Farming, THE HINDU BUREAU (Apr. 12, 2023), <https://www.thehindu.com/news/national/other-states/assam-bans-use-of-gestation-farrowing-crates-in-pig-farming/article66728593.ece> [hereinafter Assam].

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> Shreya Manocha, *Chandigarh Becomes 24<sup>th</sup> State or Union Territory to Prohibit Confining Mother Pigs to Crates Following Push from PETA India*, PETA INDIA (Aug. 11, 2023), <https://www.petaindia.com/blog/chandigarh-becomes-24th-state-or-union-territory-to-prohibit-confining-mother-pigs-to-crates-following-push-from-peta-india/>.

<sup>94</sup> Assam, *supra* note 90.

<sup>95</sup> Bhaduria et al., *supra* note 87, at 2.

<sup>96</sup> *Id.* at 4.

## E. SHEEP INDUSTRY

Due to their suitability to India's diverse climate and geography, sheep play an integral role in the livelihoods of India's rural population.<sup>97</sup> Sixty breeds of sheep live in the country, and different breeds have adapted to different climatic regions.<sup>98</sup> Sheep productions in India range from traveling farmers (nomadic), to small farmers sharing a common property resource (extensive), to grazing in land next to a village and returning to the stall for supplemented feed (semi-intensive), to feeding "on roughage and concentrate for commercial production" in urban areas (intensive).<sup>99</sup>

There appears to be vested governmental and industry interests in further consolidating India's sheep production practices. For instance, a 2021 study comparing extensive, semi-intensive, and intensive rearing systems concluded that intensive systems "may extend lifetime productivity" and "evidenced higher gross and net incomes," whereas extensive systems "decreas[ed] the growth rate and bodyweight gains," and the "extensive rearing system...could lead to enormous losses of small ruminant's production ability."<sup>100</sup> Even more troubling, the study also noted "the compromised animal welfare in extensive and semi-intensive systems," in relation to sheep's ability to manage body heat, making the suggestion that animal welfare conditions were improved in intensive systems.<sup>101</sup> This study is just one representation among many showing the increasing industrialization and consolidation of India's agricultural systems, and how scientific authority can be used to legitimize this transition, ultimately to the detriment of farmed animal welfare.

## F. GOAT INDUSTRY

In 2022, India's goat population was the world's largest.<sup>102</sup> India is experiencing a trend toward more intensive systems of goat production encouraged by industry groups such as the

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<sup>97</sup> V. Bhateshwar, D.C. Rai, M. Datt and Aparnna, V.P., *Current Status of Sheep Farming in India*, 13 J. LIVESTOCK SCI. 135, 136 (2022).

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 143.

<sup>100</sup> D. Karthik et al., *Farming Systems in Sheep Rearing: Impact on Growth and Reproductive Performance, Nutrient Digestibility, Disease Incidence and Heat Stress Indices*, PLOS ONE (Jan. 13, 2021).

<sup>101</sup> *Id.*

<sup>102</sup> *Goat Population by Country 2024*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/country-rankings/goat-population-by-country>.

Commercialization of Goat Farming and Marketing of Goats in India (CIRG).<sup>103</sup> Currently, the conditions in which goats are farmed vary, ranging from traditional systems to intensive farming.<sup>104</sup> However, no matter the scale of goat production, animal welfare issues abound. An investigation by PETA India in the state of Rajasthan revealed that goats were not receiving sufficient veterinary care, sticks were tied in the mouths of baby goats to keep them from drinking their mothers' milk, and there was a lack of compliance with pre-slaughter stunning requirements.<sup>105</sup> Presenting yet another challenge in both goat and sheep farming, common resources such as grazing pasture are becoming increasingly depleted as common lands are fenced off.<sup>106</sup> Paired with this land scarcity, the domestic and international demand for goat products has recently increased, further incentivizing the intensification of India's goat production industry.<sup>107</sup>

### III. RELEVANT LEGISLATION

India's twenty-eight states and eight union territories<sup>108</sup> are governed by a common law system, with the judgments of higher courts serving as binding precedent for the decision makers in lower courts.<sup>109</sup> India's Supreme Court and its high courts have the ability to take cases up "suo motu," which allows the Court "to initiate action on its own motion," a power deriving from the judiciary's responsibility to ensure that the public's fundamental rights are protected.<sup>110</sup> The concept of suo motu jurisdiction has come under fire for allowing judicial activism, interrupting the typical flow of the court system's hierarchy, and not allowing sufficient information gathering before action is initiated.<sup>111</sup>

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<sup>103</sup> *Commercial Goat Farming*, INDIAN COUNCIL OF AGRIC. RSCH., <https://icar.org.in/node/>.

<sup>104</sup> *Goat Farming in India: The Growing Industry*, DR. GOEL'S HOMEOPATHY FOR PETS (Apr. 13, 2023), [https://goelvetpharma.com/goat-farming-in-india-the-growing-industry/?srltid=AfmBOopaoFCYxOILGgLfJvxVZhP6qSoYPcvSsG2z0PHaZwWb-isv5C\\_O](https://goelvetpharma.com/goat-farming-in-india-the-growing-industry/?srltid=AfmBOopaoFCYxOILGgLfJvxVZhP6qSoYPcvSsG2z0PHaZwWb-isv5C_O) [hereinafter DR. GOEL].

<sup>105</sup> *Goats Castrated Without Painkillers and Cruelly Killed—Speak Up!*, PETA INDIA, <https://secure.petaindia.com/page/46211/action/1?locale=en-GB> (last visited Sept. 27, 2024).

<sup>106</sup> Srinivasan, *supra* note 34, at 782, 785.

<sup>107</sup> DR. GOEL, *supra* note 104.

<sup>108</sup> *States and Union Territories*, KNOW INDIA, <https://knowindia.india.gov.in/states-uts/> (last visited Sept. 26, 2024).

<sup>109</sup> *Introduction to the Indian Judicial System*, ANIMAL L. & HIST. CEN., <https://www.animallaw.info/article/introduction-indian-judicial-system>.

<sup>110</sup> Yugandhara Pawar Jha, *Supreme Court's Suo Motu Powers: An Analysis*, BAR & BENCH (Aug. 21, 2024), <https://www.barandbench.com/columns/supreme-courts-suomoto-power-an-analysis>; *see also* India Const. art. 32.

<sup>111</sup> *Id.*

India also has a court specifically dedicated to the resolution of environmental claims called the National Green Tribunal.<sup>112</sup> The NGT has “jurisdiction over all cases where a substantial question relating to the environment (including enforcement of any legal right relating to the environment), is involved.”<sup>113</sup>

By no means exhaustive, this Section aims to provide a survey of relevant laws that can—and have been—leveraged in cases relating to industrial animal agriculture. Due to the sheer number of laws on the books, this report will focus primarily on central, federal laws.

#### A. CONSTITUTIONAL PROVISIONS

India’s Constitution provides “*the fundamental political code, rights and duties of citizens, directive principles of state policy, procedures, structures and powers of governmental institutions.*”<sup>114</sup> As the world’s longest written constitution,<sup>115</sup> this document has a number of provisions that have potential value in bringing claims to address industrial animal agriculture’s harms.

Importantly, not all Constitutional articles carry equal weight. Fundamental Rights, found in Part III of the Constitution, delineate “*universal, constitutionally-guaranteed rights essential for the existence and development of all individuals.*”<sup>116</sup> An alleged violation of a Fundamental Right is eligible for direct review by the Supreme Court.<sup>117</sup> Article 21 of the Constitution, which grants the right to life, is one such Fundamental Right.<sup>118</sup> This right to life has been construed broadly by the Supreme Court, encompassing the right to a healthy environment, pollution-free air and water,<sup>119</sup> as well as extending to every species a life “with some intrinsic worth, honor and dignity.”<sup>120</sup>

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<sup>112</sup> The National Green Tribunal Act, 2010, §1.

<sup>113</sup> *Id.* at §14.

<sup>114</sup> Taruni Kavuri, *The Constitutional Scheme of Animal Rights in India*, ANIMAL L. & HIST. CEN. (2020), <https://www.animallaw.info/article/constitutional-scheme-animal-rights-india>.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> India Const. art. 21.

<sup>119</sup> M.K. Ranjitsinh v. Union of India, AIR 2021 SC 209 (2021) (India) (stating that “Article 21 of the Constitution of India protects not only the human rights but also casts an obligation on human beings to protect and preserve a species becoming extinct, conservation and protection of environment is an inseparable part of right to life.”).

<sup>120</sup> Animal Welfare Board of India v. A. Nagaraja & Others, (2014) 7 SCC 547.

Next, Part IV of India's Constitution includes Directive Principles of State Policy, which are not on their own enforceable in court, but rather form the foundation on which states craft legislation.<sup>121</sup> Although not found in the original constitution, the Directive Principles of State Policy was added as a means to allow states to make their own regulations to control the fundamental rights within each state. Article 48 speaks directly to animal agriculture:

*“The State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.”*<sup>122</sup>

Despite this language against cow slaughter, states' stances towards cow slaughter vary.<sup>123</sup> Article 48 also speaks to environmental protection: *“The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.”*<sup>124</sup>

Finally, Part IV-A of the Constitution imposes Fundamental Duties on Indian citizens.<sup>125</sup> Although not legally binding, these Constitutional provisions aid courts in their interpretations of other laws at issue in cases.<sup>126</sup> Along with the right to a clean environment, each citizen has the correlative duty, housed in Article 51A(g), *“to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.”*<sup>127</sup> Although not all Constitutional provisions in India have the same force, it is nonetheless encouraging that there are explicit and repeated references to animals and the environment throughout the text.

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<sup>121</sup> Kavuri, *supra* note 114.

<sup>122</sup> India Const. art. 48.

<sup>123</sup> USDA, *supra* note 40, at 6.

<sup>124</sup> India Const. art. 48.

<sup>125</sup> Kavuri, *supra* note 114.

<sup>126</sup> *Id.*

<sup>127</sup> India Const. art. 51A(g).

## B. ANIMAL PROTECTION LEGISLATION

### *i. The Prevention of Cruelty to Animals Act, 1960*

Commonly referred to as the PCA Act, this Act's purpose is "to prevent the infliction of unnecessary pain or suffering on animals."<sup>128</sup> The Act establishes the Animal Welfare Board of India, a body charged with ensuring that the Act's goals are being promoted through a variety of methods, including but not limited to, educating the public, advising the government, providing financial support to animal welfare organizations, and crafting rules that protect animals in specific situations, such as during transport, slaughter, and confinement.<sup>129</sup> The Act further provides broad magistrat discretion over how animals who have been harmed should be treated and or cared for, and these decisions made by the magistrate cannot be appealed.<sup>130</sup>

As for enforcement, local police officers are charged with taking action "[u]pon receipt of information about the commission of a cognizable offence."<sup>131</sup> The PCA Act places a duty on "every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."<sup>132</sup>

Along with the inherent limitations of preventing only "unnecessary pain or suffering," the Act explicitly exempts "the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner," as well as "the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering" from constituting animal cruelty.<sup>133</sup>

The Act also outlines a number of criminal offences of animal cruelty, including overworking animals, transporting animals in a way that results in unnecessary pain or suffering,

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<sup>128</sup> The Prevention of Cruelty to Animals Act, 1960, Preamble.

<sup>129</sup> *Id.* at §9

<sup>130</sup> Michigan State University, *The Prevention of Cruelty to Animals Act 1960*, <https://www.animallaw.info/statute/cruelty-prevention-cruelty-animals-act-1960>

<sup>131</sup> ANIMAL WELFARE BOARD OF INDIA, LAW ENFORCEMENT HANDBOOK ON ANIMAL WELFARE LAWS 8 [hereinafter ENFORCEMENT].

<sup>132</sup> PCA Act at §3.

<sup>133</sup> *Id.* at §11(3).

keeping animals in confines that do “*not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement*,” and failing to provide “*sufficient food, drink or shelter*” to an animal one owns.<sup>134</sup>

The punishment for such animal cruelty is up to fifty rupees on a first offence and if there is a “*subsequent offence committed within three years of the previous offence*,” a fine of up to one hundred rupees and/or imprisonment for up to three months.<sup>135</sup> Unfortunately, this Act has not been updated since its creation, so the maximum fine for a first violation equates to approximately one U.S. dollar.<sup>136</sup> This paltry penalty makes it less likely that the Act will reach its intended outcome of preventing unnecessary animal suffering.

While the Act itself may not have been updated in decades, it also empowers the Central Government to make rules in order to effectuate the Act’s purposes, including formulating rules for the sale and transport of animals and rules for registering and inspecting “premises in which animals are kept or milked.”<sup>137</sup> In sum, this Act serves as a relatively strong foundation on which more tailored and detailed standards can be crafted through future rules and regulations.

### *ii. Slaughter*

The FSSAI plays a significant role in regulating animal slaughter in India; however, The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 set up a number of standards and restrictions, alongside the FSSAI regulations for animal slaughter.

First off, animals in municipal areas can only be slaughtered in licensed slaughterhouses.<sup>138</sup> Moreover, animals can only be slaughtered if they have been certified by a veterinarian as fit for slaughter, are not pregnant, cannot have an offspring less than three months old, or be younger than three months.<sup>139</sup>

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<sup>134</sup> *Id.* at §11(1).

<sup>135</sup> *Id.* at §11(2).

<sup>136</sup> ACE Team, *Animal Advocacy in India*, ANIMAL CHARITY EVALUATORS (July 30, 2019), <https://animalcharityevaluators.org/blog/animal-advocacy-in-india/>.

<sup>137</sup> The Prevention of Cruelty to Animals Act, 1960, §38(2).

<sup>138</sup> The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, §3(1).

<sup>139</sup> *Id.* at §3(2).

Furthermore, a local authority assigned by the Central Government is charged with setting “the maximum number of animals that may be slaughtered in a day,” a number that depends on “the capacity of the slaughter house and the requirement of the local population of the area.”<sup>140</sup> The Rules also require that slaughterhouses have adequate facilities “for feeding and watering” animals after they have been unloaded from vehicles,<sup>141</sup> isolation pens for animals that are suspected to be sick,<sup>142</sup> and resting grounds with “overhead protective shelters.”<sup>143</sup>

As for the slaughter process itself, animals may not be slaughtered “in sight of other animals.”<sup>144</sup> There is no requirement that the animal be rendered insensible to pain before slaughter. On a positive note, however, “[t]he Animal Welfare Board of India or any person or Animal Welfare Organization authorized by it may inspect any slaughter house without notice to its owner or the person in charge (sic) of it at any time during the working hours.”<sup>145</sup> Following the inspection, a report is sent to the AWBI and the relevant municipal or local authorities “for appropriate action including initiation of legal proceedings...in the event of violation of any provisions of these rules.”<sup>146</sup> A violation of these Rules results in up to a 100 rupee fine, imprisonment for up to three months, or both.<sup>147</sup>

### *iii. Transport*

The Transport of Animals Rules, 1978 require a certificate from a veterinarian before cows or buffalo, collectively referred to as cattle, are allowed to travel by rail or road.<sup>148</sup> Cattle must be provided with sufficient food and water before and throughout the journey.<sup>149</sup> The cattle also must have sufficient ventilation during transport such that they are also not subject to extreme heat or cold and air can flow through their holding block.<sup>150</sup>

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<sup>140</sup> *Id.* at §3(3).

<sup>141</sup> *Id.* at §4(4).

<sup>142</sup> *Id.* at §4(5).

<sup>143</sup> *Id.* at §4(7).

<sup>144</sup> *Id.* at §6(1).

<sup>145</sup> *Id.* at §9(1).

<sup>146</sup> *Id.* at §9(2).

<sup>147</sup> ENFORCEMENT, *supra* note 131, at; PCA Act §38(3).

<sup>148</sup> The Transport of Animals Rules, 1978, §47.

<sup>149</sup> *Id.* at §52, 54.

<sup>150</sup> *Id.* at §54(3).

Similarly, sheep and goats transported by rail or road for more than six hours require a certificate of health from a veterinarian,<sup>151</sup> and the animals must be provided food and water regularly,<sup>152</sup> as well as adequate ventilation.<sup>153</sup>

The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001 applies to all cattle, buffalo, equines, goats, sheep, and pigs<sup>154</sup> who are traveling on foot for a journey of at least five kilometers.<sup>155</sup> Animals transported on foot must “be healthy and in good condition,” and must be accompanied by a certificate from a veterinarian guaranteeing that the animals are not diseased and have been vaccinated.<sup>156</sup>

There are a number of welfare considerations within these rules, such as not allowing the transport of newborn animals or animals who have given birth within the previous seventy-two hours,<sup>157</sup> transporting animals within an on-farm social group that is established at least a week before the journey,<sup>158</sup> making arrangements for food and water,<sup>159</sup> and preventing the use of a whip to speed up the animals’ pace.<sup>160</sup> The rules also lay out the maximum distance, number of hours, period of rest, and acceptable temperature range for the included animals.<sup>161</sup>

The rules also empower police officers to require that animals who appear to be suffering in contravention of the rules be taken to the nearest magistrate.<sup>162</sup> Slaughtering an animal in sight of other animals, slaughtering an animal outside a registered slaughterhouse, or slaughtering an animal without a fitness certificate from a veterinarian results in up to a 100 rupee fine, imprisonment for up to three months, or both.<sup>163</sup>

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<sup>151</sup> *Id.* at §64–65.

<sup>152</sup> *Id.* at §70.

<sup>153</sup> *Id.* at §74(b).

<sup>154</sup> The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001, §2.

<sup>155</sup> *Id.* at §3.

<sup>156</sup> *Id.* at §4.

<sup>157</sup> *Id.* at §5.

<sup>158</sup> *Id.* at §6.

<sup>159</sup> *Id.* at §9–10.

<sup>160</sup> *Id.* at §11.

<sup>161</sup> *Id.* at §12.

<sup>162</sup> *Id.* at §14.

<sup>163</sup> ENFORCEMENT, *supra* note 131, at 24–25; PCA Act §38(3).

In addition to the above, in 2024, a draft amendment was proposed, namely the Captive Elephant Transfer or Transport Rule 2024, which liberalizes the way elephants may be transported between states.<sup>164</sup>

*iv. Registration of Cattle Premises*

In implementing the Prevention of Cruelty to Animals Act, 1960, the Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978 require that each person that owns or is in charge of a premises with at least five cattle<sup>165</sup> “kept for the purpose of profit,” must register their premises with the relevant State or local authority.<sup>166</sup>

The registering authority is directed to consider the applicant’s ability to “adequately” provide for the animals’ welfare and ensure “that they are not likely to undergo any unnecessary suffering” before issuing the registration certificate.<sup>167</sup> The certificate must be reviewed every three years,<sup>168</sup> and the registered premises must be “open for inspection at all reasonable times by any veterinary or public health officer of the local authority or of the State Government.”<sup>169</sup> If the premises are not kept in compliance with these rules, then the certificate will be cancelled.<sup>170</sup>

Finally, registered cattle premises must prominently display language from the PCA Act disallowing the practices of *phooka* and *doom dev* and the corresponding punishment of a fine of up to one thousand rupees and/or a two-year term of imprisonment.<sup>171</sup> In 2024, the Delhi High Court observed that the statutory authorities charged with the enforcement of these rules were failing to fulfill their mandate, resulting in poor welfare for dairy cows confined next to garbage

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<sup>164</sup> <https://www.drishtijudiciary.com/editorial/captive-elephant-transfer-or-transport-rules-2024>

<sup>165</sup> The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978, §3 (Defined to include “oxen, buffaloes, cows, bullocks and horses including their young ones”).

<sup>166</sup> *Id.* at §2–3 (The registration application must include the number and kind of animals kept, why they are being kept, the conditions in which they will be kept, including “floor space, flooring, ventilation, supply of food and water, disinfection, drainage, [and] disposal of dung or unwanted matter.”).

<sup>167</sup> *Id.* at §5(i).

<sup>168</sup> *Id.* at §5(ii).

<sup>169</sup> *Id.* at §6.

<sup>170</sup> *Id.* at §7.

<sup>171</sup> *Id.* at §9.

landfills in Delhi.<sup>172</sup> The court ordered the relevant authorities to ensure the cows were not feeding on garbage and to enforce the 1978 Rules.<sup>173</sup>

#### *v. Cattle Protection Legislation*

The legality of cattle slaughter varies state by state. An example of a law banning the slaughter of cattle is the Bombay Animal Preservation (Gujarat Amendment) Act, 1979. This Act makes it so that in the state of Gujarat, no certificate for slaughter can be granted regarding “(a) a cow; (b) the calf of a cow, whether male or female and if male, whether castrated or not; (c) a bull below the age of sixteen years; (d) a bullock below the age of sixteen years.”<sup>174</sup>

Penalties for violating cattle slaughter prevention laws vary in terms of severity,<sup>175</sup> with the most serious penalties in Gujarat: ten years imprisonment extending up to imprisonment for life and a maximum fine of 500,000 rupees, or \$6,860 USD.<sup>176</sup> The startling severity of this penalty stands in sharp contrast to the penalties for every other criminal offence against animals described in this section, where the most severe penalty is two years of imprisonment.<sup>177</sup>

In 2005, the Supreme Court of India upheld the Gujarat Amendment as constitutional on the basis that cows are not only indispensable in agriculture but that they hold economic and environmental significance as well.<sup>178</sup> This holding provided a precedent for other states to affirm their cattle protection laws.

### C. ENVIRONMENTAL PROTECTION LEGISLATION

The Environment Protection Act empowers the Central Government to take all measures necessary to protect and improve the environment, including preventing and stopping

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<sup>172</sup> Sunayana Sibal & Ors. v. Government of NCT of Delhi and Ors., 2024 W.P.(C) 13236/2022 (High Court of Delhi), <https://indiankanoon.org/doc/19143722/> para 11.

<sup>173</sup> *Id* para 16.

<sup>174</sup> The Bombay Animal Preservation (Gujarat Amendment) Act, 1979, §2(1).

<sup>175</sup> For a state-by-state survey of India’s cow protection laws, penalties, and offenses, *see generally* HUMAN RIGHTS WATCH, APPENDIX: INDIA NATIONAL AND STATE COW PROTECTION LAWS (2019).

<sup>176</sup> *Id.* at 84; Gujarat Animal Preservation (Amendment) Act, 2017, §4.

<sup>177</sup> The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978, §3.

<sup>178</sup> *Supreme Court Upholds Gujarat’s Amendment Prohibiting Slaughter of Cow Progeny: A Comprehensive Commentary*, CASEMINE, (Oct. 27, 2005), <https://www.casemine.com/commentary/in/supreme-court-upholds-gujarat's-amendment-prohibiting-slaughter-of-cow-progeny:-a-comprehensive-commentary/view>.

pollution.<sup>179</sup> The Central Government's powers are far-ranging, including the ability to set standards for different pollutants, to restrict areas where industries may operate, investigating environmental pollution, inspecting any premises, and more.<sup>180</sup> The Act also sets out penalties for failure to comply with its provisions.<sup>181</sup>

The Water (Prevention and Control of Pollution) Act, 1974 establishes a Central Pollution Control Board (CPCB) that is responsible for advising the Central Government on preventing and controlling water pollution, studying methods for treating and disposing of waste and effluents, setting water quality standards, and more.<sup>182</sup> The Act also establishes State Boards, who perform a similar function to the CPCB, albeit on a smaller scale.<sup>183</sup> Under the Act, the CPCB is beholden to directions from the Central Government and each State Board is beholden to directions from the CPCB and the relevant State Government.<sup>184</sup> In cases where a State Board is given conflicting directives from the CPCB and the State Government, the Central Government will resolve the dispute.<sup>185</sup>

The Act also forbids any person from establishing an industry “which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land” without first getting consent from the State Board.<sup>186</sup> Making a false statement to gain consent for operation is subject to a fine of up to ten thousand rupees and/or imprisonment up to three months.<sup>187</sup>

#### *i. Industrial Sector Classification System*

The CPCB classifies industrial sectors based on their size, resource use, and extent of pollution into different categories.<sup>188</sup> This classification system aids the CPCB with decision making in siting industries, as well as in establishing industry standards and allowing for

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<sup>179</sup> The Environment Protection Act, 1986, §3(1).

<sup>180</sup> *Id.* at §3(2).

<sup>181</sup> *Id.* at §15.

<sup>182</sup> The Water Prevention and Control of Pollution Act, 1974, §16.

<sup>183</sup> *Id.* at §17.

<sup>184</sup> *Id.* at §18(1).

<sup>185</sup> *Id.*

<sup>186</sup> *Id.* at §25(1).

<sup>187</sup> *Id.* at §42(1)(g).

<sup>188</sup> *Classification of Sectors into Red, Orange, Green, White and Blue Categories*, CPCB i (Jan. 2025), <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS9fMTczNzYxMzk2OV9tZWRpYXBob3RvMTEzODMucGRm>.

inspections.<sup>189</sup> The classification system scores industrial sectors based on their potential for “water pollution, air pollution, and hazardous waste generation,” and divides the sectors into four different categories.<sup>190</sup> Each of the pollutant categories are scored out of one hundred, with industries with the highest pollution indexes classified as red, the second highest orange, the third highest green, and the industries with the lowest pollution index ranges are classified as white.<sup>191</sup>

Integrated milk and dairy projects and slaughterhouses are classified as a red industrial sector, whereas small-scale dairy projects using coal or biomass as fuel are in the orange category.<sup>192</sup> Unfortunately, despite their potential for pollution, poultry, piggery, and hatchery industries are classified in the green category.<sup>193</sup>

#### *ii. Food Safety Legislation*

The Food Safety and Standards Act, 2006, requires all food businesses to be licensed in order to operate.<sup>194</sup> The Act establishes the Food Safety and Standards Authority,<sup>195</sup> whose responsibilities include regulating and monitoring “the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food,”<sup>196</sup> as well as setting limits for food additives, antibiotics, and contaminants in food and for food labeling standards.<sup>197</sup>

The corresponding Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations 2011 give detailed requirements about the treatment of animals during transport and slaughter.<sup>198</sup> Although formulated with the goal of preserving the quality of meat and preventing adulteration, these regulations detail requirements regarding animal welfare throughout,<sup>199</sup> such as requiring stunning before slaughter.<sup>200</sup>

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<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> *Id.* at i–ii.

<sup>192</sup> *Id.* at 52, 69.

<sup>193</sup> *Id.* at 62.

<sup>194</sup> Food Safety and Standards Act, 2006, §31(1).

<sup>195</sup> *Id.* at §4(1).

<sup>196</sup> *Id.* at §16(1).

<sup>197</sup> *Id.* at §16(2).

<sup>198</sup> Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations, 2011, Part IV.

<sup>199</sup> *Id.*

<sup>200</sup> *Id.* at Part IV, §4.1.

### *iii. Proposed Legislation: The Animal Factory Farming (Regulation) Bill, 2020*

The Animal Factory Farming (Regulation) Bill 2020 was an interesting proposal to address the harms of industrial animal agriculture. This proposed Act would have, among other things, required factory farms to limit the use of antibiotics,<sup>201</sup> demonstrate their compliance with all of the Act's obligations,<sup>202</sup> and undertake a "consumer health impact assessment" before engaging in "any production involving new technologies or large-scale production in animal factory farming, or any other production which carries a risk of significant harm to consumers."<sup>203</sup>

More generally, regulated entities would have had a number of duties spanning from reducing their greenhouse gas emissions, to ensuring animal welfare, to improving working conditions, to reducing consumption of water and release of waste and water pollution.<sup>204</sup> The Bill would also have established an Animal Factory Farming Regulatory Board of India, which would have regulated animal factory farming, prevented misuse of harmful chemicals in animal factory farming, ensured compliance with the provisions of the Act, and promoted awareness in animal factory farming.<sup>205</sup> Although not passed into law, the Bill offers an example of the kind of legislation that could have a real impact on the industrial animal agriculture industry in India.

## **IV. CASE LAW**

### **A. ANIMAL PROTECTION CASES**

#### *i. Constitutional Cases*

##### Animal Welfare Board of India v. A. Nagaraja

Although this case is not about farmed animal protection, it is a foundational animal welfare case in India, and its positive outcome is valuable in illustrating that the Supreme Court can engage thoughtfully and extensively with the issue of animal welfare. In this case, the

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<sup>201</sup> Animal Factory Farming (Regulation) Bill, 2020, §4.

<sup>202</sup> *Id.* at §7.

<sup>203</sup> *Id.* at §8.

<sup>204</sup> *Id.* at §11.

<sup>205</sup> *Id.* at §17.

practices of Jallikattu<sup>206</sup> and bull cart racing (referred to collectively as “Jallikattu” from now on) were challenged under multiple sections of the PCA Act, and Articles 51-A(g) and 21 of the Constitution.<sup>207</sup> The Animal Welfare Board of India documented the abusive conditions bulls experienced during Jallikattu: “*one bull died and many more were injured... bulls were forced to participate and were deliberately taunted, tormented, mutilated, stabbed, beaten, chased and denied even their most basic needs, including food, water and sanitation.*”<sup>208</sup>

In finding that the challenged practices violated both the PCA Act as well as the Constitution, the Court used powerful language that took animal interests quite seriously:

*We have to examine the various issues raised in these cases, primarily keeping in mind the welfare and the well-being of the animals and not from the standpoint of the organizers, bull tamers, bull racers, spectators, participants or the respective States or the Central Government, since we are dealing with a welfare legislation of a sentient being... the standards we have to apply in deciding the issue on hand is the ‘species’ best interest,’ subject to just exceptions, out of human necessity.*<sup>209</sup>

With the factual context in mind, the Court provided a thorough analysis of the bulls’ ethology to emphasize how Jallikattu violates their welfare.<sup>210</sup> The Court noted that bulls are prey animals who flee when threatened, feel anxious when removed from the herd, and avoid loud noises.<sup>211</sup> After describing these characteristics, the Court detailed the treatment that the bulls are subjected to in Jallikattu: “*many animals are observed to engage in a flight response as they try to run away from the arena when they experience fear or pain, but cannot do this, since the area is completely enclosed.*”<sup>212</sup>

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<sup>206</sup> *Animal Welfare Board of India & Ors. v. Union of India and Another*, (2023) 9 SCC 322 ¶45.2 (India)(Jallikattu is a sport where bulls are provoked and chased in an arena as a testament to the human participants’ bravery.)

<sup>207</sup> *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547, ¶3, 5 (India).

<sup>208</sup> *Id.* at ¶21.

<sup>209</sup> *Id.* at ¶15.

<sup>210</sup> *Id.* at ¶16–18.

<sup>211</sup> *Id.* at ¶16–17.

<sup>212</sup> *Id.* at ¶18.

In Jallikattu, the bulls’ ears were commonly cut, and their tails were often twisted and bitten.<sup>213</sup> Bulls’ ears and tails are sensitive areas, and the Court found that mutilation of these body parts constituted unnecessary pain and suffering in violation of §11(1) of the PCA Act.<sup>214</sup> Along with the physical agony bulls were subjected to, the Court discussed the psychological torture the bulls endured: “[a]s a prey animal, bulls are better controlled using behavioural techniques instead of crude and painful restraining techniques that cause intense mental suffering and physical injuries. Such a painful experience will cause long-lasting psychological and behavioural changes.”<sup>215</sup>

After a thorough discussion of the facts, the Court dove into its legal analysis. Beginning with the PCA Act, the Court noted that such welfare laws must be construed broadly “in favour of the weak and infirm.”<sup>216</sup> In describing the duties that the PCA Act imposes on individuals having charge of animals, the Court said the Act grants “corresponding rights on animals...and if those rights are violated, law will enforce those rights with legal sanction.”<sup>217</sup>

The Court read two distinct requirements into §3 of the PCA Act, both of which must be independently satisfied: (1) “to take all reasonable measures to ensure the well-being of the animal” and (2) “to take reasonable measures to prevent the infliction upon such animal of unnecessary pain and suffering.”<sup>218</sup> The Court defined well-being as the “state of being comfortable, healthy or happy.”<sup>219</sup> In finding a violation of §3 of the PCA Act, the Court reprimanded the Jallikattu organizers for “depriving the rights guaranteed to the bulls...Organisers...feel that their bulls have only instrumental value to them, forgetting their intrinsic worth.”<sup>220</sup> The Court also found that the organizers violated the second prong of §3 through the physical and mental torture they inflicted on bulls.<sup>221</sup>

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<sup>213</sup> *Id.* at ¶21(II)(1), ¶21(III)(1).

<sup>214</sup> *Id.*

<sup>215</sup> *Id.* at ¶21(III)(12).

<sup>216</sup> *Id.* at ¶33.

<sup>217</sup> *Id.* at ¶34.

<sup>218</sup> *Id.* at ¶35.

<sup>219</sup> *Id.*

<sup>220</sup> *Id.*

<sup>221</sup> *Id.* at ¶36.

Next, the Court analyzed §11(a) of the PCA Act, which disallows any person from treating animals cruelly, subject to the doctrine of necessity, which exempts certain practices such as dehorning cattle and acts taken in preparing animals for food production.<sup>222</sup> Unfortunately for farmed animals, the doctrine of necessity sacrifices animal interests in favor of human ones. Notably, the court observed: “Parliament has recognized the rights of animals...without...sacrificing the interest of human beings under the doctrine of necessity...animals like cows, bulls, etc. are all freely used for farming, transporting loads, etc., subjecting them to some pain and suffering which is also unavoidable.”<sup>223</sup>

Positively, in this case, the Court did not extend the doctrine of necessity to Jallikattu.<sup>224</sup> This is despite the fact that the state of Tamil Nadu attempted to provide statutory approval to the practice of Jallikattu by exempting the practice from the PCA Act due to the “historic, cultural, and religious significance [of the practice] in the State.”<sup>225</sup> The Court was not convinced that Jallikattu was truly a deeply embedded practice of cultural and religious import, and instead found an overriding cultural context in the respect for bulls via the ancient tradition of bull worship.<sup>226</sup> Further, the Court reasoned that even if the more recent iteration of Jallikattu is enmeshed in a state’s cultural life, the PCA Act overrides the cultural interest as a legislation with remedial goals.<sup>227</sup>

Significantly, the Court combined relevant sections of the PCA Act with Article 51-(A)(g) of the Constitution, which places fundamental duties on citizens regarding all living creatures.<sup>228</sup> The Court referred to Articles 51-A(g) and (h) when read in tandem with the PCA

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<sup>222</sup> *Id.* at ¶38, ¶41.

<sup>223</sup> *Id.* at ¶70.

<sup>224</sup> *Id.* at ¶41.

<sup>225</sup> *Id.* at ¶52. An argument for the cultural significance of Jallikattu is as follows: “Jallikattu is about showing the quality of cattle, the breeding skills of cattle rearers, the centrality of cattle in an agrarian economy, and the power and pride they bring to farmers and land-owning castes in rural Tamil Nadu. As a tradition, it links an agrarian people to the elemental aspect of their vocation; where a man risks his life to tame unpredictable nature.” Amrit Lal, *SC Backs TN Position on Jallikattu: This is Why the Cultural Argument In Favour of the Bull-Taming Sport Needs a Hearing*, THE INDIAN EXPRESS (May 18, 2023), <https://indianexpress.com/article/explained/explained-culture/sc-backs-tn-position-on-jallikattu-cultural-argument-bull-taming-sport-8616607/>.

<sup>226</sup> *AWBI*, 7 SCC 547 at ¶53.

<sup>227</sup> *Id.* at ¶54.

<sup>228</sup> *Id.* at ¶42.

Act as “the magna carta of animal rights.”<sup>229</sup> This opinion, replete with aspirational language, was heartening coming from the highest court in the country., Although the precedential value of this case is cabined, as it does not take place in a farmed animal context, it still is a landmark decision.

The *A. Nagaraja* judgment was an early global animal law case that elevated the constitutional status of animals. By grounding its reasoning in Articles 21, 48, and 51A(g) of the Constitution, the Court framed animal welfare not merely as statutory policy but as an extension of the right to life and the State’s fundamental duties. Importantly, the Court explicitly recognized animals as sentient beings entitled to dignity and protection and endorsed the “five freedoms” framework developed in international animal welfare law. However, this victory was strongly curtailed in 2023 by another decision of the Supreme Court, limiting this case’s powerful implications.

#### Animal Welfare Board of India & Ors. v. Union of India & Another

Where in 2014, *A. Nagaraja* found Jallikattu and bullock cart races (hereinafter Jallikattu) to be inherently violative of the PCA Act, this 2023 decision revisited the issue.<sup>230</sup>

Following *A. Nagaraja*, a number of states crafted statutes permitting Jallikattu as a customary, traditional practice.<sup>231</sup> These statutes purported to change the legislative framework considered by *Nagaraja* because they contained “conditions seeking to reduce the pain and suffering of bulls while being used in such sports.”<sup>232</sup> These limitations prohibited acts such as beating and poking bulls with sharp objects or sticks, pouring chilli powder in their eyes, or twisting their tails.<sup>233</sup>

Advocates challenged the Amendment Acts as continuing to violate the PCA Act, viewing the statutes as attempts to undermine the judgment in *A. Nagaraja* by paying lip service to animal welfare and attempting to institutionalize the sport by referencing tradition and

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<sup>229</sup> *Id.* at ¶66.

<sup>230</sup> *Animal Welfare Board of India & Ors. v. Union of India and Another*, (2023) 9 SCC 322 (India).

<sup>231</sup> *Id.* at ¶3.

<sup>232</sup> *Id.*

<sup>233</sup> *Id.* at ¶17.

culture.<sup>234</sup> Moreover, plaintiffs argued that the Constitutional provisions discussed in *A. Nagaraja*, in concert with the PCA Act granted the bulls an unqualified right to not participate in Jallikattu and bullock cart racing.<sup>235</sup>

A larger bench of the Supreme Court was not swayed by the advocates' understanding of *A. Nagaraja*, stating that the judgment "does not lay down that animals have fundamental rights,"<sup>236</sup> despite the lofty rights-based language used in *A. Nagaraja*. The Court was unwilling to venture into the discussion of animals' fundamental rights, instead only acknowledging animals' statutory rights, in part because it believed such an exercise was better left to the legislature.<sup>237</sup>

The Court then analyzed whether or not the Amendment Acts sufficiently cured the defects of how Jallikattu was carried out at the time of *A. Nagaraja*. The court concluded that the defects had been cured by observing "*[w]e cannot come to the conclusion that in the changed circumstances, absolutely no pain or suffering would be inflicted upon the bulls while holding these sports. But we are satisfied that the large part of pain inflicting practices...have been substantially diluted by the introduction of these statutory instruments.*"<sup>238</sup>

Moreover, the Court appeared to have a different, broader understanding of the doctrine of necessity than in *A. Nagaraja*:

[T]he 1960 Act...proceeds on the basis of perceived human necessity to employ animals in certain load carrying and entertainment activities. For instance, while other means of carriage of goods are available, why should bulls be permitted to undertake such activities—which are apparently involuntary and subject these sentient bovine species to pain and suffering?...Here, the focus shifts from causing pain and suffering to the degree of pain and suffering to which a sentient animal is subjected to while being compelled to undertake certain activities for the benefit of human beings. Similarly, proponents of vegetarianism may argue that

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<sup>234</sup> *Id.* at ¶18, 21.

<sup>235</sup> *Id.* at ¶28.

<sup>236</sup> *Id.* at ¶29.

<sup>237</sup> *Id.*

<sup>238</sup> *Id.* at ¶35.

slaughtering animals is not necessary as human beings can survive without animal protein. In our opinion, we should not take up this balancing exercise which has societal impact in discharge of our judicial duties.<sup>239</sup>

This passage demonstrates the doctrine of necessity's dangerous nature, as what is necessary for humans can be construed broadly to undermine animal interests. As the Court put it, “[o]ur jurisdiction...does not extend to provide an absolute protection to the animals...the broad theme of the 1960 Act is that the animals must be protected from unnecessary pain and suffering...the legislature appears to have undertaken a balancing exercise without disturbing the concept of” animal ownership.<sup>240</sup>

The Court's sparse analysis does not engage with the reasoning in *A. Nagaraja* sufficiently, and does not clearly articulate *why* animals do not, in fact, have the constitutional rights that were extended to them in the preceding case.

Furthermore, likely as a result of the cultural backlash in the aftermath of *A. Nagaraja*,<sup>241</sup> the Court was uncomfortable with evaluating the degree to which Jallikattu is actually an integral part of the cultural heritage of the relevant states, punting such evaluation to the legislative branch.<sup>242</sup> The Court concluded by calling for the strict enforcement of the Amendment Act and associated Rules by the relevant authorities.<sup>243</sup>

As one commentator about these cases opined, “But how does one reconcile a conflict between human culture and non-human suffering? The answer was simple: a false reassurance of animal welfare.”<sup>244</sup> Unfortunately, and unsurprisingly, investigations following this judgment found that rampant animal abuse continues to be part and parcel of Jallikattu events.<sup>245</sup>

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<sup>239</sup> *Id.* at ¶36.

<sup>240</sup> *Id.* at ¶41.

<sup>241</sup> Alok Hisarwala, *Jallikattu Violates the Dignity and Civil Liberties of Non-Human Animals*, PUCL (June 26, 2023), <https://pucl.org/manage-writings/jallikattu-violates-the-dignity-and-civil-liberties-of-non-human-animals/>.

<sup>242</sup> *AWBI* at ¶45.2.

<sup>243</sup> *Id.* at ¶47.

<sup>244</sup> Hisarawala, *supra* note 244.

<sup>245</sup> *PETA India Moves Supreme Court with New Investigations into Jallikattu, Kambala and Bull Races*, PETA INDIA,

<https://www.petaindia.com/features/peta-india-moves-supreme-court-with-new-investigations-into-jallikattu-kambala-and-bull-races/> (last visited Mar. 29, 2025) (describing physical abuse of bulls at Jallikattu events, from

For advocates, this outcome underscores both the promise and fragility of litigation strategies rooted in constitutional animal welfare. On the one hand, *A. Nagaraja* remains authoritative, affirming that animals are entitled to dignity and freedom from unnecessary suffering. On the other, the *Union of India* decision illustrates how quickly these principles can be diluted when courts prioritize cultural and political considerations over animal welfare. The decision reflects the judiciary's reluctance to confront entrenched traditions, especially where state legislatures have mobilized cultural identity in defense of animal-use practices.

### *ii. Humane Slaughter Cases*

#### Laxmi Narain Modi v. Union of India & Ors.

This case concerned a number of petitions looking for appropriate regulatory bodies to regulate slaughterhouses by enforcing the PCA (Slaughter House) Rules, 2000, and the PCA (Transport of Animals on Foot) Rules, 2000, among others.<sup>246</sup> The petitions were supported by an affidavit filed by the CPCB, which discussed the vast quantity of waste generated by slaughterhouses, as well as that most slaughterhouses in the nation were outdated and required modernization.<sup>247</sup>

In its decision, the Court referred to its past orders requiring state governments to implement various provisions of the law regarding slaughterhouse operations, including those concerning environmental protection and animal welfare, but noted that the states had since failed to act.<sup>248</sup> <sup>249</sup> States were not ensuring that effluents and solid waste at slaughterhouses were being handled properly, nor were they ensuring that outdated slaughterhouses be upgraded with proper flooring and ventilation.<sup>250</sup>

As for animal welfare, states were not ensuring that animals were being transported in compliance with the Transport of Animals Rules, 1978, the PCA (Transport of Animals on Foot)

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being "pelted with rocks," to deprivation of food and water, as well as detailing the human and bull death toll as a result of these practices).

<sup>246</sup> *Laxmi Narain Modi v. Union of India*, (2014) 2 SCC 417, ¶1 (India).

<sup>247</sup> *Id.* at ¶2.

<sup>248</sup> *Id.* at ¶4.

<sup>249</sup> *Id.* at ¶10.

<sup>250</sup> *Id.* at ¶2.

Rules, 2000 or the PCA (Slaughter House) Rules, 2000.<sup>251</sup> Ultimately, the Court directed the state governments to constitute committees to be responsible for implementing relevant rules and regulations, and required the states to report back their progress in a month.<sup>252</sup> The Court also ordered the CPCB to direct all state governments in the proper functioning of slaughterhouses and to take action against all slaughterhouses who fail to comply via State Pollution Control Boards.<sup>253</sup>

This case demonstrates the need for follow-through and constant monitoring for compliance with the law. Even though there may be a number of promising laws on the books, as is the case in India, if enforcement bodies fail to keep track of whether or not regulated entities are complying with the law, then the legislation becomes meaningless. This case also demonstrates the patience and endurance that farmed animal advocates must possess, applying continued pressure to regulatory bodies and courts in order to ensure that the laws meant to protect animals are being properly implemented. This approach has the advantage of being less politically sensitive than challenging cultural practices such as *Jallikattu*, while still exposing cruelty inherent in the industrial slaughter system.

The limitations, however, are clear. The Court's directives were primarily procedural. As such, while the case provided advocates with leverage to demand stricter enforcement of licensing regimes, it did not significantly advance the recognition of farmed animals' interests as an independent constitutional or moral concern. Still, the case demonstrates a pathway for advocates: pushing courts to enforce and expand regulatory duties can serve as an incremental step toward improving farmed animal welfare.

### *iii. Battery Cage Cases*

#### Mrs. Gauri Maulekhi v. State of Uttarakhand & Ors.

A victory for animal welfare, this judgment from the High Court of Uttarakhand outlawed the use of battery cages in the state.<sup>254</sup> The petitioner sought a prohibition of the use of battery

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<sup>251</sup> *Id.* at ¶1.

<sup>252</sup> *Id.* at ¶11–12.

<sup>253</sup> *Id.* at ¶12.

<sup>254</sup> *Mrs. Gauri Maulekhi v. State of Uttarakhand & Ors.*, (2018) SCC Utt 746 (India).

cages, instead seeking for the law to provide each egg-laying hen enough space to “fully spread its wings, stand up straight, turn round without touching another bird or the side of the cage,” as well as access to a vertical perch and a nest box.<sup>255</sup> The petitioner also demanded housing for broiler birds that complied with §1(1) of the PCA Act, that poultry be transported in compliance with applicable rules, and that all illegal slaughterhouses be closed down.<sup>256</sup>

The Court recited relevant passages of the PCA Act,<sup>257</sup> the FSSR,<sup>258</sup> and Transport of Animals Rules,<sup>259</sup> referenced the Five Freedoms,<sup>260</sup> and detailed the conditions experienced by hens in battery cages.<sup>261</sup> The Court also discussed a decision by the Delhi High Court in *People for Animals v. M.D. Mohazzim*, which held that “birds have fundamental rights including the right to live with dignity...human beings have no right to keep them in small cages for the purposes of their business or otherwise.”<sup>262</sup> Eventually, the High Court of Uttarakhand banned the use of battery cages in the State of Uttarakhand, and mandated that each egg-laying hen must have enough space “to spread its wings, stand up straight, turn round without touching another bird or the side of the cage,” as well as access to a nest box.<sup>263</sup>

Further, the State Government was instructed to ensure that containers for transporting poultry are properly cleaned,<sup>264</sup> that poultry are not “exposed to sunlight, rain and direct blast of air during transport,”<sup>265</sup> and are protected from extreme temperatures.<sup>266</sup> The High Court of Uttarakhand also requested that the Union of India “consider framing the Prevention of Cruelty to Animals (Egg Laying Hens) Rules [as] well as the Prevention of Cruelty to Animals (Broiler Chicken) Rules.”<sup>267</sup>

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<sup>255</sup> *Id.* at ¶1.

<sup>256</sup> *Id.*

<sup>257</sup> *Id.* at ¶7–11.

<sup>258</sup> *Id.* at ¶3.

<sup>259</sup> *Id.* at ¶12–14.

<sup>260</sup> *Id.* at ¶4.

<sup>261</sup> *Id.* at ¶6.

<sup>262</sup> *Id.* at ¶19 (quoting *People for Animals v. M.D. Mohazzim*).

<sup>263</sup> *Id.* at ¶21(A).

<sup>264</sup> *Id.* at ¶21(B).

<sup>265</sup> *Id.* at ¶21(C).

<sup>266</sup> *Id.* at ¶21(D).

<sup>267</sup> *Id.* at ¶21(J).

Not only was this case a win for animal advocates at the state level, it also demonstrates how decisions by individual states can add up to nationwide change. This change can at times be fleeting, however, as the order by Uttarakhand was stayed by the Supreme Court pending a final decision in *Dev Bhumi Poultry Operators Welfare Society v. Gauri Maulekhi & Ors.* The Supreme Court case is still pending and could affect the ultimate enforceability of the Uttarakhand order.<sup>268</sup>

On the Central level, the Animal Welfare Board published the Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2023.<sup>269</sup> However, these Rules are a somewhat limited victory, a frustrating outcome for animal law advocates in India. For instance, under the Rules, the new minimum space requirement per bird is 550 square centimeters,<sup>270</sup> smaller than an A4 piece of paper.<sup>271</sup> . However, on a brighter note, the Rules prohibit feeding laying hens dead chick remains,<sup>272</sup> using antimicrobials prophylactically,<sup>273</sup> and starvation-induced molting.<sup>274</sup> The Rules also require the registration of farms,<sup>275</sup> grant State Animal Husbandry Departments and State or District Society for Prevention of Cruelty to Animals the right to authorize inspections of registered facilities,<sup>276</sup> and financial penalties in the case of noncompliance, though the penalty amounts are not listed.<sup>277</sup> While the Rules apply immediately to new farms,<sup>278</sup> existing farms have until the first day of 2029 to bring their facilities into compliance.<sup>279</sup>.

#### *iv. Cattle Protection Cases*

##### State of Gujarat v. Mirzapur

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<sup>268</sup> Akshay Singh and Yatan Kwatra, *Waiting for Justice: A Critique on the Continuing Use of Battery Cages in India*, LAW SCHOOL POLICY REVIEW (Aug. 23, 2021), <https://lawschoolpolicyreview.com/2021/08/23/waiting-for-justice-a-critique-on-the-continuing-use-of-battery-cages-in-india/>.

<sup>269</sup> Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2023.

<sup>270</sup> *Id.* at §8.

<sup>271</sup> An A4 piece of paper has an area of 623.7 square centimeters. *Areas of a Series Paper Sizes*, PAPER SIZES, <https://www.papersizes.org/a-paper-size-areas.htm>.

<sup>272</sup> *Id.* at §10(i).

<sup>273</sup> *Id.* at §10(ii)–(iii).

<sup>274</sup> *Id.* at §10(iv).

<sup>275</sup> *Id.* at §5.

<sup>276</sup> *Id.* at §7.

<sup>277</sup> *Id.* at §17.

<sup>278</sup> *Id.* at §2.

<sup>279</sup> *Id.* at §18(2).

This Supreme Court case addressed the constitutionality of a cattle slaughter ban in the State of Gujarat.<sup>280</sup> The challenged legislation was the Bombay Animal Preservation (Gujarat Amendment) Act, 1994,<sup>281</sup> which in effect amounted to “a total prohibition imposed on the slaughter of cow and her progeny.”<sup>282</sup> Although the High Court of Gujarat found that the cow slaughter ban was unconstitutional,<sup>283</sup> the Supreme Court reversed course and found no constitutional conflict.<sup>284</sup>

The Constitutional challenges against the Amendment were brought by butchers who slaughtered cows as part of their business.<sup>285</sup> Before being reversed by the Supreme Court, the High Court held that the Amendment unreasonably restricted the petitioners’ fundamental right to trade<sup>286</sup> and declared the Amendment unconstitutional.<sup>287</sup>

The Supreme Court began its analysis with a lengthy review of the legislative history leading up to the challenged Amendment.<sup>288</sup> In its original form, the Act prohibited slaughtering animals without getting a fit for slaughter certificate, which could not be granted for any animal who “is useful or is likely to become useful for the purpose of draught or any kind of agricultural operations,” breeding, or producing milk.<sup>289</sup> The Act exempted animals older than fifteen “for bona fide religious purposes” from the slaughter prohibition, so long as a fit for slaughter certificate was acquired.<sup>290</sup>

After tracing the history of the law, the Court reached the amendment at issue.<sup>291</sup> The Amendment’s preamble contains strong language as to the importance of cow protection:

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<sup>280</sup> *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat and Ors.*, (2005) 8 SCC 534, ¶12–13 (India).

<sup>281</sup> *Id.* at ¶12.

<sup>282</sup> *Id.* at ¶78.

<sup>283</sup> *Id.* at ¶1.

<sup>284</sup> *Id.* at ¶142.

<sup>285</sup> *Id.* at ¶13.

<sup>286</sup> India Const. art. 19(1)(g).

<sup>287</sup> *State of Gujarat*, *supra* note 283, at ¶13.

<sup>288</sup> *Id.* at ¶3–9.

<sup>289</sup> *Id.* at ¶3.

<sup>290</sup> *Id.*

<sup>291</sup> *Id.* at ¶10.

[T]he cow and her progeny sustain the health of the nation by giving them the life-giving milk which is so essential an item in a scientifically balanced diet; and whereas the working bullocks are indispensable for our agriculture for they supply power more than any other animal...and whereas it is established that the backbone of Indian agriculture is...the cow and her progeny and have, on their back, the whole structure of the Indian agriculture and its economic system; and whereas it is expedient to give effect to the policy of the State towards securing the principles laid down in Articles 47, 48 and in clauses (b) and (c) of Article 39 of the Constitution and to protect, preserve and sustain cow and its progeny...<sup>292</sup>

However, despite the State's strong, multifaceted interest in cow protection, there remains the conflicting rights of the butchers' livelihoods.

This case teased out a conflict between directive principles and fundamental rights in the Indian Constitution.<sup>293</sup> The proper balance of the two categories is to “bear[] in mind the directive principles of State policy while judging the *reasonableness of the restriction* imposed on fundamental rights” (emphasis added).<sup>294</sup> Legislation pursuing directive principles that is in tension with fundamental rights is reasonable if there is no clear conflict with the fundamental right and has been properly enacted.<sup>295</sup>

After laying out these broader principles, the Court outlined the fundamental rights, directive principles, and fundamental duties at issue in this case.<sup>296</sup> As discussed earlier, Article 48 of the Constitution, a state directive, instructs the State to protect the environment as well as to preserve and improve cattle breeds and prohibit their slaughter. In defining “milch and draught cattle” that fall into Article 48’s protective ambit, the Court referred to cattle species that can produce milk, no matter their age or disability.<sup>297</sup> Article 51 delineates a fundamental duty held by each citizen to have compassion for animals.<sup>298</sup> The Court discussed the complimentary

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<sup>292</sup> *Id.* at ¶11.

<sup>293</sup> *Id.* at ¶36.

<sup>294</sup> *Id.* at ¶39.

<sup>295</sup> *Id.* at ¶41.

<sup>296</sup> *Id.* at ¶48.

<sup>297</sup> *Id.* at ¶68.

<sup>298</sup> *Id.* at ¶48

interplay of Articles 48 and 51 as assigning environmentally protective roles to individuals and the state alike.<sup>299</sup>

The fundamental right at issue was petitioners' right to trade<sup>300</sup> This right is qualified by reasonable restrictions that are in the interests of the general public.<sup>301</sup> In this case, although the Amendment Act completely disallowed the slaughter of "one particular class of cattle," the Court did not view this as an unreasonable restriction on the activities of butchers, as they could still slaughter animals that did not fall within the Amendment Act's prohibitions.<sup>302</sup> After analyzing the extent of the restriction, the Court discussed whether the Amendment Act was in the public interest.<sup>303</sup>

The Court brushed off the potential negative impact that the cow slaughter ban would have on the livelihood of butchers, pointing out that butchers could slaughter any number of other animals, and on the whole, "[b]y prohibiting slaughter of bullocks the economy is likely to be benefitted."<sup>304</sup> The Court also made an environmental argument: by encouraging the preservation of cows, there will be a higher supply of manure as fertilizer which would promote the development of organic farming,<sup>305</sup> and an increased supply of manure would also increase the production of manure biogas.<sup>306</sup> Furthermore, the Court cited a study that found beef to comprise only 1.3% of Indian meat intake, meaning that a cow slaughter ban would not meaningfully exacerbate food insecurity.<sup>307</sup> After a long discussion of cows' environmental, economic, and cultural importance, the Court concluded that the Amendment Act was in the public interest, and was therefore constitutional.<sup>308</sup>

On the one hand, the judgment affirmed that protecting animals can be a legitimate state interest under the Constitution and recognized animals' role in sustaining ecological balance.

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<sup>299</sup> *Id.* at ¶52–57.

<sup>300</sup> *Id.* at ¶73 (quoting India Const. art. 19(1)(g)).

<sup>301</sup> *Id.* at ¶73.

<sup>302</sup> *Id.* at ¶78.

<sup>303</sup> *Id.* at ¶80–109.

<sup>304</sup> *Id.* at ¶82.

<sup>305</sup> *Id.* at ¶92–94.

<sup>306</sup> *Id.* at ¶97.

<sup>307</sup> *Id.* at ¶131.

<sup>308</sup> *Id.* at ¶142.

This provides advocates with strong doctrinal support for framing animal protection as a matter of constitutional duty rather than mere policy preference. On the other hand, the Court's reasoning largely centered on the utilitarian value of cows to human society, rather than their intrinsic welfare or dignity. In this sense, the case reinforced the idea of animals as instruments of economic and cultural significance, rather than beings with rights independent of human utility.

Strategically, the decision shows the double-edged nature of constitutional litigation for farmed animals. Where religious or cultural symbolism aligns with protection, as in the case of cows, courts may uphold strong prohibitions. But this reasoning does not easily extend to other farmed animals, such as poultry or pigs, that lack comparable cultural resonance. Additionally, the court did not address the fact that India is struggling to support its large cow population, which is negatively affecting both animal welfare and human interests. The Court's perspective also ignores the social and cultural conflicts surrounding cow slaughter bans in India, which need to be addressed with nuance and sensitivity.

## B. ENVIRONMENTAL PROTECTION CASES

### Suo Moto: The News Paper Article v. State of Madhya Pradesh & Ors.

This case was taken up *suo moto* by the NGT after the Times of India News reported on the proliferation of illegal dairies in Bhopal, violating "the guidelines for Environmental Management of Dairy Farms and Gausalas issued by the CPCB...the Water Pollution (Prevention & Control of Pollution) Act, 1974, [the] Air (Prevention & Control of Pollution) Act, 1981, [the] Environment (Protection) Act, 1986, [and the] Solid Waste Management Rules, 2016," among others.<sup>309</sup>

The NGT incorporated its observations from a previous case dealing with dairies, describing the environmental impact of enteric methane emissions, citing the high contribution of India's livestock to this problem.<sup>310</sup> The NGT also incorporated by reference the primary

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<sup>309</sup> *Suo Moto the News Paper Article Published in Dainik Bhaskaar Daily Dates 11.12.2023 Regarding Running of Illegal Dairy Farms in the Residential Area of Bhopal, M.P. v. State of Madhya Pradesh & Ors.*, (2024) 185/2023(CZ), ¶1 (India).

<sup>310</sup> *Id.* at ¶6(9).

environmental issues at dairy farms and gaushalas as “discharges of dung and urinal wastewater...[and] [t]he poor handling of dung and wastewater.”<sup>311</sup>

The NGT charged the State PCBs with enforcing relevant legislation for the protection of water, air, and the environment.<sup>312</sup> The Tribunal also ordered dairy operators to properly treat wastewater and comply with the CPCB’s Guidelines for Environmental Management of Dairy Farms and Gaushalas.<sup>313</sup>

This case exemplifies the NGT’s familiarity with the environmental impacts of animal agriculture, spanning from water pollution to the impact of methane in climate change. It appears that the NGT is a promising forum for future cases dealing with the environmental impacts of industrialized animal agriculture facilities.

## **V. ANALYSIS OF LITIGATION STRATEGIES & RECOMMENDATIONS**

Positively, advocates have a number of laws and rules on the books that they can use to pursue farmed animals’ interests. When such laws and rules are not enforced, advocates have to approach the courts in order to ensure that the laws are more than a dead letter. Moreover, advocates are aware of the potential for backlash that a positive judgment may face, such as the disheartening aftermath of *A. Nagaraja*.<sup>314</sup> Given the potential for the legislative and executive powers to undermine a positive judicial outcome, a fruitful strategy seems to be to proactively work with agencies to develop rules, and leveraging the possibility of future litigation as a motivator.

From a survey of the caselaw, it appears that a strictly animal welfare-based approach is not the most promising avenue in India. While cases such as *A. Nagaraja* appeared to have the potential for “taking animals out of the closed trap of animal welfare” and allowing for judicial consideration of animal rights and legal personhood; this avenue has likely been shuttered by the outcome of *AWBI v. Union of India*.<sup>315</sup> This series of cases revealed how divisive an issue that

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<sup>311</sup> *Id.*

<sup>312</sup> *Id.* at ¶7.

<sup>313</sup> *Id.* at ¶9.

<sup>314</sup> Hisarwala, *supra* note 244.

<sup>315</sup> *Id.*

animal legal personhood continues to be, and that incremental, welfare-based improvements are more feasible. Unfortunately, *AWBI v. Union of India* also means that a certain degree of animal suffering is considered to be justified, so long as it serves some human interest, whether that be for food or entertainment.<sup>316</sup>

Using animal cruelty laws to protect farmed animals seems to be effective to prevent only the most egregious, harmful practices that have no meaningful tie with a human interest. However, advocates are still trying to make headway by calling for stronger protection for animals without operating in a rights-based paradigm, by showing that the practice is needlessly cruel, and that a change would not unduly burden relevant human interests. This possibility for incremental change is illustrated in the slow but steady improvement on the battery cage front, leading to the recent development of rules for egg-laying hens.<sup>317</sup>

While the socio-cultural complexities and nuances of cow protection legislation are beyond the scope of this report, it would be remiss to ignore this phenomenon writ large. Rather, laws that appear to provide cows protection might in practice increase cows' suffering, due to the limited infrastructure for providing care to enormous cow populations.<sup>318</sup> Focusing advocacy efforts on ensuring that dairies are properly licensed and operated have the potential to improve cow and human welfare alike. Moreover, it is essential that international advocates do not perpetuate the stereotype of India as a monolithic vegetarian, cow-worshipping society, as this perspective obscures the intricacies of India's varied sociopolitical landscape.

Evaluating cases that have had the greatest degree of success in the courts, it appears that attaching animal welfare arguments to other interests, such as environmental and public health interests, is a sound strategy. While ecocentric-focused environmental cases are a promising avenue for pursuing the interests of wildlife, farmed animal advocacy requires environmental cases that are more human-interest focused. That is because farmed animals are more integrated into the human environment, while wildlife are farther removed.

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<sup>316</sup> See generally *Animal Welfare Board of India & Ors. v. Union of India and Another*, (2023) 9 SCC 322 (India).

<sup>317</sup> See Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2023.

<sup>318</sup> See generally Sharma *et al.*, *supra* note 43.

Promising environmental litigation strategies for farmed animals focus on the polluting potential of keeping large numbers of animals confined in a small amount of space. The right to a clean environment as has been interpreted in Article 21 of the Constitution, paired with specific violations of waste management, air, and/or water pollution laws remain a viable path forward for advocates. Furthermore, it is positive that India has a court specifically dedicated to the resolution of environmental claims. Given that the NGT has taken up the issue of illegal dairies in *State of Madhya Pradesh*, it is clear that this Tribunal is aware of the detrimental environmental impacts posed by housing large numbers of animals in confinement.<sup>319</sup> The NGT has demonstrated its capacity to closely engage with issues of water and air pollution.<sup>320</sup> An important angle for advocates in the future will be to problematize the assumption that manure biogas is a panacea to the environmental consequences of manure management.

Taken together, India's litigation experience underscores the importance of pursuing incremental, enforcement-based, and coalition-driven strategies. While sweeping constitutional recognition of animal rights remains elusive, courts have shown openness to advancing farmed animal protection when claims are framed in tandem with human-centered concerns such as public health, environmental integrity, and regulatory compliance. Building alliances with environmental and social justice movements, while continuing to push for incremental welfare reforms, seems to represent the most promising path for advancing the welfare of farmed animals in India.

## VI. CONCLUSION

It is encouraging to see the growing global awareness of the interrelated interests of human health, animal welfare, and environmental protection. The tireless work of animal advocates in India has helped contribute to this trend, and their perseverance and dedication in the face of a chronic lack of enforcement is commendable. Although the mechanization and scale of animal agriculture in India is increasing, so too are the legal tools that advocates can use to continue their important work.

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<sup>319</sup> See generally *Suo Moto the News Paper Article Published in Dainik Bhaskaar Daily Dates 11.12.2023 Regarding Running of Illegal Dairy Farms in the Residential Area of Bhopal, M.P. v. State of Madhya Pradesh & Ors.*, (2024) 185/2023(CZ) (India).

<sup>320</sup> *Id.*

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## EXECUTIVE SUMMARY

Mexico's animal protection laws are dispersed across federal and state levels. Key federal instruments include the Ley General de Sanidad Animal (Federal Animal Health Act) and specific regulations such as NOM-033-SAG/ZOO-2014, which governs the methods for humane slaughter. Additionally, the Animal Protection Law of Mexico City (2022) marks a major step forward in recognizing animal sentience and prohibiting cruelty, including in ritual practices. Despite these developments, enforcement gaps and limited agency capacity remain persistent challenges. Agencies such as the Secretariat of Agriculture and Rural Development (SADER) are often reluctant or slow to fulfill their statutory oversight duties.

Litigation in Mexico has revealed several themes. Courts have been asked to evaluate agency accountability, particularly in ensuring compliance with existing animal welfare standards. Amparo actions (constitutional remedies similar to writs of mandamus) have been instrumental in compelling agencies like SADER to carry out their oversight responsibilities.

Cases have also focused on cultural practices such as bullfighting and religious rituals, where courts have been forced to balance animal protection laws against constitutional guarantees of cultural expression and religious freedom. These cases highlight both the potential of animal protection statutes and the cultural and political sensitivities that shape their application.

Another theme is the push for better regulation of industrial farming practices, especially in poultry and egg production. Advocates have argued for differentiation between caged, cage-free, and free-range systems, and for stronger oversight of animal welfare conditions in industrial facilities. Courts have responded by affirming the state's responsibility to regulate and monitor production systems in line with animal welfare legislation, although industry resistance has limited the pace of reform.

Mexico demonstrates the potential of amparo litigation as a tool to compel agency compliance, provided cases are carefully framed and procedurally sound. Incremental welfare gains, such as differentiating production systems or strengthening slaughterhouse oversight, are more likely to succeed than sweeping rights-based claims. At the same time, litigators have to navigate cultural sensitivities around bullfighting and ritual practices, where courts have proven cautious.

Ultimately, the most promising strategies combine litigation with agency engagement, situating animal welfare within broader concerns about public health, consumer protection, and environmental sustainability.

## **GLOSSARY**

### **COURTS**

- **Tribunales Colegiados de Circuito (TCC)**

The Collegiate Tribunals are the equivalents, to some extent, of the U.S. federal courts of appeals. They are courts composed of three justices that are located throughout the country in 32 jurisdictions known as Circuitos Judiciales Federales, one for each state and one for Mexico City. They have jurisdiction over direct Amparo suits against definitive rulings, appeals (Recursos de Revision) against sentences (related to any legal matter except criminal trials) issued by district judges, and administrative complaints (Quejas).<sup>1</sup>

### **AGENCIES**

- **Secretariat of Agriculture and Rural Development (SADER, for its acronym in Spanish)<sup>2</sup>**

This agency is the equivalent of the U.S. Department of Agriculture. Formerly known as the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food<sup>3</sup> (SAGARPA, for its acronym in Spanish), this agency lies under the federal executive branch. Its mission is to promote the sustainable development of agriculture, aquaculture, and fisheries. It engages in public policies and strategic actions that contribute to national food self-sufficiency and the well-

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<sup>1</sup> Gabriel Ferreyra, *Unpacking the Mexican Federal Judiciary: An Inner Look at the Eothos the Judicial Branch*, [Mex. Law Rev.] 11, 1 Ciudad de Mexico (2018) (Mex.)

[https://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1870-05782018000200057](https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-05782018000200057).

<sup>2</sup> Also denominated “Ministry of Agriculture and Rural Development.”

<sup>3</sup> Among the decisions made by ex-president Andrés Manuel López Obrador was the purported reform and renewal of the country's public and social life under the so-called Fourth Transformation (4T). To this end, structural changes were implemented within the Secretariats of State. As part of these changes, the agency formerly known as SAGARPA was renamed SADER on December 1, 2018. See Proceedings of International Conference on Humanities, Social and Education Sciences (*ISTES Organization*). Denver, CO. 2023.

being of populations in rural and coastal areas. SADER is tasked with ensuring the production and supply of safe and nutritious food.<sup>4</sup>

- **Servicio de Información Agroalimentaria y Pesquera (SIAP, for its acronym in Spanish)**

This agency operates under SADER within the federal executive branch. SIAP is the national agriculture statistics agency. It collects and analyzes data from all of the states to help further policy development for Mexico's agricultural and fisheries industries. Part of its work includes publishing and quantifying the number of animals raised and slaughtered each year across all of the Mexican states.<sup>5</sup>

- **Mexico's Institute of National Statistics and Geography (INEGI, for its acronym in Spanish)**

An autonomous public body responsible for generating, integrating, and providing statistical and geographic information of national interest. INEGI is in charge of conducting a Population and Housing Census every 10 years (last done in 2020), which provides a count of the population and provides demographic, socioeconomic, and cultural characteristics. It also generates agricultural statistics through a national agricultural survey (ENA, for its acronym in Spanish)<sup>6</sup>, which collects economic and development information on activities related to the production of the country's main crops and livestock species. This is the most complete and detailed source of agricultural, livestock, and forestry economic information in the country—it's essential for decision-making, analysis, and research. It was last conducted in 2022.<sup>7</sup>

## TRADE OR PROFESSIONAL ORGANIZATIONS

- **Mexican Pork Producers Association**

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<sup>4</sup> Agricultura, Gobierno de Mexico, (Mex.), formato HTML, <https://www.gob.mx/agricultura>.

<sup>5</sup> Anuario Estadístico de la Producción Ganadera, Gobierno de Mexico (Mex.), formato HTML, [https://nube.agricultura.gob.mx/cierre\\_pecuario/](https://nube.agricultura.gob.mx/cierre_pecuario/).

<sup>6</sup> This type of survey was renamed to "Censo Agropecuario" for the one conducted in 2022. The 2019 survey is still referred to as ENA by INEGI.

<sup>7</sup> Bruno Alfonso Díaz Bou. Estudio de caso “Propuesta de factibilidad de contratos derivados sobre productos agropecuarios en el mercado Mexicano” (MEXDER) (2024).

This is an association made up of twelve different pork producers in Mexico. It receives financial assistance from the Mexican Government through different plans to implement a variety of programs and promote the pork industry in Mexico and the world.

## ACTS/RULES/REGULATIONS

- **National Service for Agro-Food Health, Safety and Quality (SENASICA, for its Spanish acronym)**

A decentralized sub-agency of SADER that safeguards animal health status through the prevention, control, and eradication of pests and diseases affecting livestock, aquaculture, and fisheries.

- **CAFO/AFO**

Industrial farm animal production (IFAP) systems have been commonly described as those that concentrate thousands, or often even hundreds of thousands of farmed animals along with their waste, on a limited land area, frequently in cages, crates, and pens.<sup>8</sup> These models are most commonly employed for pigs, chickens (both broilers and laying hens), dairy and beef cattle, but apart from terrestrial animals, intensive production systems are also regularly used for aquaculture operations.<sup>9</sup>

IFAP facilities, depending on their size and production methods, may be considered animal feeding operations (AFOs) or concentrated animal feeding operations (CAFOs) by the United States Environmental Protection Agency (EPA).<sup>10</sup>

AFOs are defined by the EPA as facilities where “animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period,

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<sup>8</sup> Chetana Mirle, The industrialization of animal agriculture: implications for small farmers, rural communities, the environment, and animals in the developing world, Humane Society International (2012).

<sup>9</sup> Elein Hernández, Pol Llonch, Patricia V. Turner; Applied Animal Ethics in Industrial Food Animal Production: Exploring the Role of the Veterinarian, 12 ANIMALS 678, 2 (2022).

<sup>10</sup> American Public Health Association (APHA), Precautionary Moratorium on New and Expanding Concentrated Animal Feeding Operations – Policy Number: 20194, POLICY STATEMENT DATABASE (Nov. 2019), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2020/01/13/precautionary-moratorium-on-new-and-expanding-concentrated-animal-feeding-operations>.

and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”<sup>11</sup> The EPA can further classify these facilities as CAFOs if they meet the definition of an AFO and certain criteria, regulated under the National Pollutant Discharge Elimination System (NPDES)<sup>12</sup>. In turn, CAFOs can be Large, Medium or Small, depending on their number of animals and “method of discharge”.<sup>13</sup> To be considered a large CAFO, the facility must confine at least 1,000 beef cattle, 700 dairy cows, 2,500 hogs, 125,000 broiler hens, or 82,000 laying hens.<sup>14</sup> Notably, the term IFAP does not implicate a legal definition, whereas AFOs and CAFOs do.

- **Norma Oficial Mexicana (NOM)**

A NOM is an Official Mexican Standard. These are technical federal regulations containing information, requirements, specifications, procedures and methodologies that allow different government departments to establish measurable parameters to avoid risks to people, animals and the environment.<sup>15</sup> They are mandatory and issued by federal agencies. This helps define how laws are to be applied in practice.

- **Normas Mexicanas (NMX): Mexican Standards**

These are developed by a national standardization body and are voluntary standards or reference guides.

## LINGUISTIC OR CULTURAL TERMS SPECIFIC TO MEXICO

- **Diario Oficial de la Federación (DOF): Official Federal Gazette**

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<sup>11</sup> United States Environmental Protection Agency (EPA), Animal Feeding Operations, EPA: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (May 2024), <https://www.epa.gov/npdes/animal-feeding-operations-afos>.

<sup>12</sup> *Id.*

<sup>13</sup> United States Environmental Protection Agency (EPA), Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs, EPA: NPDS (Sep. 2024), [https://www.epa.gov/sites/default/files/2015-08/documents/sector\\_table.pdf](https://www.epa.gov/sites/default/files/2015-08/documents/sector_table.pdf).

<sup>14</sup> EPA, *supra* note 11.

<sup>15</sup> Mexican official norms: Concept, background and legal scope. Rev Med Hosp Gen Méx. 2016; 79: 115-116.

The DOF contains up-to-date information of the reforms and modifications to laws and regulations, as well as the publications of new laws and regulations.

- **Amparo:**

This is a judicial action that protects an individual (or individuals) from the acts or omissions of authorities that violate the human rights and guarantees that are protected by the constitution of Mexico<sup>16</sup>.

## OTHER

- **Small body problem**

Smaller animals, such as chickens, must be killed in greater numbers to produce the same amount of meat that could derive from larger animals. This translates into more animal suffering.

- **Cenotes**

These are naturally occurring pits or sinkholes that are formed when limestone bedrock collapses to expose an underground supply of freshwater.

- **Five Freedoms**

Internationally recognized standards of care and provide valuable guidance in animal welfare.

The World Organization for Animal Health defines them as:

- Freedom from hunger, thirst and malnutrition
- Freedom from fear and distress
- Freedom from physical and thermal discomfort
- Freedom from pain, injury and disease
- Freedom to express normal patterns of behavior

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<sup>16</sup> *What is Amparo?*, MEXICANLAWS.COM (Aug. 28, 2025), <https://mexicanlaws.com/amparo.htm>.

## I. INTRODUCTION

Mexico, located in southern North America, is the third largest country in Latin America after Brazil and Argentina.<sup>17</sup> With a population nearing 130 million, abundant natural resources, diverse geography, and a rich cultural history, it stands among the fifteen largest economies in the world and is the second largest in the region.<sup>18</sup>

Mexico is a federal republic that consists of thirty-one individual state governments and one Federal District: Mexico City (CDMX). Over half the population lives in the central region, leaving much of the arid north and tropical south sparsely populated. Nearly 80% of the population now lives in urban areas, with Mexico City ranking among the largest metropolitan areas in the world.<sup>19</sup> This nation hosts a wide range of climate zones and ecosystems - including deserts, steppes, alpine zones, mangrove swamps, and tropical rainforests - and is one of the most biologically diverse in the world.<sup>20</sup>

## II. EXTENT OF INDUSTRIAL ANIMAL AGRICULTURE

Mexico's vast land area and diverse range of climates make it an ideal location for large-scale agricultural activities. According to SADER (see Glossary), Mexico is the world's 12th-largest livestock producer. The industry is expected to experience continued growth, driven in part by strong consumer demand and a growing middle class.<sup>21</sup>

In spite of the multiple negative environmental impacts and ethical ramifications of CAFOs (see Glossary), this model of industrial animal production has gained traction in some

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<sup>17</sup> Mexico, BRITANNICA (Aug. 27, 2025), <https://www.britannica.com/place/Mexico>.

<sup>18</sup> Mexico Overview, THE WORLD BANK GROUP (Apr. 23, 2025), <https://www.worldbank.org/en/country/mexico/overview>.

<sup>19</sup> Britannica, *supra* note 17.

<sup>20</sup> Mexico: Plant and Animal Life, BRITANNICA (Aug. 27, 2025) <https://www.britannica.com/place/Mexico/Plant-and-animal-life>.

<sup>21</sup> Juan Herrera, Mexico - Country Commercial Guide: Agribusiness, INTERNATIONAL TRADE ADMINISTRATION (Nov. 2023), <https://www.trade.gov/country-commercial-guides/mexico-agribusiness>.

Latin American countries, such as Mexico, where there are no crate-free regulations, and the use of cages for avian species, sows and rabbits is predominant.<sup>22</sup>

Presently, Mexico's industrial animal agriculture is a significant component of its economy. In 2023, the broader sectors encompassing Agriculture, Animal Production, Forestry, Fishing and Hunting accounted for 3.8% of the national Gross Domestic Product (GDP).<sup>23</sup>

The production of commonly exploited domestic species (chickens, cows, pigs) positions Mexico among the world's leading producers, with consistent growth in recent years. Even though Mexico, unlike the U.S., does not have a formalized system to classify the facilities of industrial farm animal production, it does provide some distinctions regarding production systems in certain industries, and a general trend towards more intensive and large-scale operations is palpable across the agri-business floor, especially for pigs and chickens. However, not all data is readily available for each species, thus drawing conclusions and making accurate comparisons can be a challenge.

To be sure, certain painful management practices in cattle raised for milk or meat that are banned in other countries—such as castration, tail-docking and dehorning—remain lawful in Mexico, and are commonly performed with no anesthetics.<sup>24</sup> In a study that explored management activities related to cattle welfare in the state of Oaxaca, 77.8% of farmers stated that they dehorn the animals, out of which 76.2% use scissors or hot iron as the disbudding method.<sup>25</sup>

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<sup>22</sup> See Antón Aguilar, UIA ALC International Laws Impacting Farmed Animals in Canada, Mexico and Poland, YOUTUBE (June 4, 2024) (discussing the laws and regulations in Mexico that impact farmed animals, and the current application of these laws) [hereinafter UIA Animal Law Commission].

<sup>23</sup> Agricultura, Cria, y Explotacion de Animales, Aprovechamiento, Forestal, Pesca y Caza, Gobierno De Mexico (Mex.) (Aug. 28, 2025), <https://www.economia.gob.mx/datamexico/es/profile/industry/agriculture-animal-production-forestry-fishing-and-hunting?yearSelectorGdp=timeOption0>.

<sup>24</sup> Elein Hernandez and Einar Vargas-Bello-Pérez, Animal welfare in Mexican poultry and livestock production at a glance – Letters to the editor, 9 VETERINARIA MEXICO OA (2022).

<sup>25</sup> César J. Martínez-Castro et al., Personal features and management activities related to cattle welfare, AGRO PRODUCTIVIDAD (2021).

## Types of Animals Commonly Farmed

Official statistics from SIAP illustrate the number of animals (in millions) slaughtered for agriculture in 2024<sup>26</sup>

Species	Amount Per Ton (million)
Birds (includes broiler and laying hens, cocks, and turkeys)	5.21
Cows	4.05
Pigs	2.38
Goats	.07
Sheep	.13

### *i. Socio-cultural aspects*

Despite these dire figures, according to the NielsenIQ Global Health and Ingredient-Sentiment Survey (2016), Mexico was positioned as the Latin American country with the most people consuming plant-based diets<sup>27</sup>, which attests to the diversity in perspective and sentiment of the Mexican people. The survey further classified them into vegetarians (19%), flexitarians

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<sup>26</sup> Servicio de Información Agroalimentaria y Pesquera (SIAP), Panorama Agroalimentario 2024, GOBIERNO DE MÉXICO: SIAP (Aug. 2024), <https://panorama.siap.gob.mx/vista/panorama-agroalimentario.php> [hereinafter Panorama Agroalimentario SIAP]. [https://nube.agricultura.gob.mx/cierre\\_pecuario/](https://nube.agricultura.gob.mx/cierre_pecuario/).

<sup>27</sup> Rangel-Frías et al., Microhortalizas: Una Opción de Mercados Emergentes Alimenticios, in MEMORIA DE RESÚMENES, 6º FORO DE AGRONEGOCIOS: UNIVERSIDAD DE GUANAJUATO 38,40 (Jesús Hernández-Ruiz et al. eds., Oct 2018).

(15%) and vegans (9%).<sup>28</sup> Another survey directed towards vegans revealed that their primary motivation for avoiding animal-based products was ethical concerns, including love and respect for animals, and environmental care (82.4%). Other reasons were health (14.8%), religious beliefs (2.5%), and social influence (0.4%).<sup>29</sup> The findings highlight strong concern for animal welfare, with over 80% having discussed animal rights with non-vegans, more than 80% owning pets, and 60% participating in animal rights campaigns.<sup>30</sup>

Furthermore, a different and more recent study found that Mexicans, compared with respondents from Australia, Canada, the United Kingdom, and the United States, were more likely to make efforts to consume less meat and dairy.<sup>31</sup> In addition, Mexico was the country with the highest percentage of participants that follow a vegan diet.<sup>32</sup> Some authors believe Mexican empathy towards animal welfare could be a strategy for redirecting the frustration in regard to solving issues of inequity and social exclusion.<sup>33</sup>

Mexico currently has no commercial supply of cultured meat, but a study conducted in 10 countries indicated that Mexican consumers would have a relatively high acceptance of this alternative product.<sup>34</sup> This openness may stem from the diverse influences on Mexican cuisine, which encourage a willingness to try new foods, and suggests potential for the development of a domestic market for cultured meat in the future.<sup>35</sup> Following the same line of logic, Mexican consumers might also be willing to accept other alternatives to animal protein, such as precision fermentation.

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<sup>28</sup> *Id.*

<sup>29</sup> Vegan-Police. 1er Censo Vegano en México 2016, resultados generales. <https://www.scribd.com/document/335692527/Censo-Vegano-Mexico-2016ok>.

<sup>30</sup> *Id.*

<sup>31</sup> Lana Vanderlee, Clara Gómez-Donoso, Rachel B Acton, Samantha Goodman, Sharon Kirkpatrick, Tarra Penney, Christina A. Roberto, Gary Sacks, Martin White, David Hammond; Meat-Reduced Dietary Practices and Efforts in 5 Countries: Analysis of Cross-Sectional Surveys in 2018 and 2019, 152 THE JOURNAL OF NUTRITION 57S, 63S (2022).

<sup>32</sup> *Id.* at 60S.

<sup>33</sup> Einar Vargas-Bello-Pérez et al., Farm Animal Welfare Influences on Markets and Consumer Attitudes in Latin America: The Cases of Mexico, Chile and Brazil, 30 J Agric Environ Ethics 697, 703 (2017).

<sup>34</sup> M. Siegrist, C. Hartmann, *Perceived naturalness, disgust, trust and food neophobia as predictors of cultured meat acceptance in ten countries*. APPETITE, 155 (2020).

<sup>35</sup> *Id.*

Rich agricultural heritage in Mexico is rooted in plant-centered food systems, attesting to its vast biodiversity.<sup>36</sup> However, a loss of connection and memory with its Mesoamerican legacy has posed intricate challenges to developing a robust, plant-focused food system.<sup>37</sup> Nowadays, "traditional" (post-colonial) cuisine is deeply embedded in the culture. A typical example is *cochinita pibil*, a dish from the Yucatan Peninsula made from pork marinated in a mixture of achiote, sour orange juice, and sometimes habanero. Originally, an un-weaned piglet was slaughtered for this purpose, but pork shoulder is now more common.<sup>38</sup> That said, pigs were not present in Mexico before the colonial era—they were brought hand in hand with the Spanish conquest.

## A. BEEF INDUSTRY

### i. *Cattle*

In 2023, Mexico was the fifth largest global beef producer. Out of the total number (36 million), 92.7% are raised for beef production and dual-purpose systems, and only 7.3% are cows raised to produce milk.<sup>39</sup> Cattle farming occupies more than half of the national territory, and the industry is driven both by national consumption and exports.<sup>40</sup>

Cattle raised for human consumption are organized under different production systems that vary from small-scale, backyard type, pasture-based ranches (principally operated by and oriented towards farming families and used as self-supply and income), to concentrated feedlot production systems.<sup>41</sup> An increasing number of cattle are being kept under intensive or semi-intensive feeding systems, where animals spend at least some of their lives in feedlots.<sup>42</sup>

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<sup>36</sup> Mexico Impact Report 2024 [plantfuturesinitiative.org/latam](http://plantfuturesinitiative.org/latam).

<sup>37</sup> *Id.*

<sup>38</sup> Alex Ketchum, Guest Post: Colonialism, Pigs, and a Hole in the Ground, The Historical Cooking Project (May 14, 2015), <https://www.historicalcookingproject.com/2015/05/colonialism-pigs-and-hole-in-ground.html>.

<sup>39</sup> Oscar Guadalupe Barrón Bravo, Ricardo Avilés-Ruiz, César Ángel-Sahagún, Juan Alcalá-Rico, José Arispe-Vázquez, Rubén Garza-Cedillo; Characterization of cattle family production units, Llera, Tamaulipas, Mexico, 2 ABANICO BOLETÍN TÉCNICO 1,2 (2023).

<sup>40</sup> SIAP, *supra* note 26.

<sup>41</sup> R. Rojo-Rubio et al., Dual purpose cattle production in Mexico, 41 TROP ANIM HEALTH PROD 715, 716 (2009).

<sup>42</sup> *Id.*

Cattle breeding systems (also known as cow-calf operations) can be found throughout the country as extensive grazing systems, occupying a vast and valuable stretch of Mexican territory.<sup>43</sup> Their main “commercial product” is weaned calves, with the majority being sent to domestic feedlots via intermediary local buyers or middlemen.<sup>44</sup>

### *ii. Dual Purpose*

Dual-purpose systems (DPS), implemented mainly in tropical areas of the country, are characterized by milk production (regularly obtained manually and with the calf’s presence)<sup>45</sup> coupled with the production of meat from culled cows and the weaned calves<sup>46</sup>, who are sold at local feedlots or exported.<sup>47</sup> DPS are widely used in Latin America, not only in Mexico—they include more than 75% of all dairy cows in and produce 40% of total milk production.<sup>48</sup>

The calves stay with their mom, who is milked daily, until they are weaned. The age of weaning varies depending on the state (area) and characteristics of the production unit, but it can be anywhere from 6.9 months<sup>49</sup> to 1 year<sup>50</sup>. The cows’ average time of permanence with the herd—before culling—is 11-12 years, and they deliver approximately 6 calves (their birth interval is 2 years).<sup>51</sup>

These systems use the crosses from *Bos indicus* (Zebu breeds) and *Bos Taurus* (European breeds).<sup>52</sup> Dual-purpose cattle are usually raised in low-input systems based on natural resources,

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<sup>43</sup> Everardo González-Padilla, Arantzazu Lassala, Mariana Pedernera, Carlos G Gutiérrez, Cow-calf management practices in Mexico: Farm organization and infrastructure, 6 VETMÉXOA 1,2 (2019).

<sup>44</sup> *Id.*

<sup>45</sup> Yuridia Bautista Martínez et al., Technical optimum milk and meat production levels in dual-purpose cattle systems in tropical Mexico, 10 Rev. Mex. de Cienc. Pecu. 933, 935 (2019).

<sup>46</sup> Lorenzo Danilo Granados-Rivera et al., Characterization and classification of dual-purpose cattle system in the Rural Development District 151, Tabasco, Mexico, 28 ACTA UNIVERSITARIA 47,48 (2018).

<sup>47</sup> Rojo-Rubio, *supra* note 41.

<sup>48</sup> Ricardo Gonzalez-Quintero, et al., *Carbon footprint, non-renewable energy and land use of dual-purpose cattle systems in Colombia using a life cycle assessment approach*, LIVESTOCK SCIENCE, 244 (Feb. 2021), <https://www.sciencedirect.com/science/article/pii/S1871141320313937>

<sup>49</sup> Benigno Ruiz-Sesma, *Characterization of the double purpose bovine system and reproductive evaluation of bulls in the state of Chiapas*, ECOSIST. RECUR. AGROPEC. 1,4 (2021).

<sup>50</sup> Epigmenio Castillo Gallegos, Producción de doble propósito tropical, CENTRO DE ENSEÑANZA, INVESTIGACIÓN Y EXTENSIÓN EN GANADERÍA TROPICAL (CEIEGT), FMVZ-UNAM (2016-2020), <https://fmvz.unam.mx/zootecnia/ceiegletropical.html>.

<sup>51</sup> Benigno Ruiz-Sesma, *supra* note 50.

<sup>52</sup> Rojo-Rubio, *supra* note 41.

with low technology and investment in facilities—they are considered to be subsistence systems.<sup>53</sup> Cows are fed by rotational grazing on pastures and receive a variable level of supplemental feeds.<sup>54</sup>

In the state of Tabasco, a study revealed wide variation in the number of cows and surface area of the dual-purpose production systems—on average, there were 1.2 adult animals per hectare of land, and the number of cows ranged from 20 to 70.<sup>55</sup> 45% percent of the national bovine inventory is allocated to dual-purpose systems<sup>56</sup> accounting for 19.5% of the national milk production and 50% of the meat production.<sup>57</sup>

## B. DAIRY INDUSTRY

There are more than 300,000 small-scale dairy production units with a total of 2.49 million cows approximately, representing more than 78% of dairy farms in Mexico. This type of production system is characterized by having 3–35 cows in production plus their replacements and 4–7 hectares of land, where most feed inputs are cultivated.<sup>58</sup>

## C. POULTRY INDUSTRY

Backyard poultry farming is an important activity in rural zones of Mexico since it is performed in household backyards. However, little is known about this production system because of the lack of registries; it is mainly an activity to support the family economy and is carried out primarily by women, children and elderly people.<sup>59</sup>

Mexico is a major player in the global poultry industry, ranked as the seventh largest chicken producer in 2023<sup>60</sup>, thus contributing immensely to the “small body problem.” Poultry

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<sup>53</sup> Jaime Rangel et al., *Structural and Technological Characterization of Tropical Smallholder Farms of Dual-Purpose Cattle in Mexico*, 10 Animals 1,2 (2020).

<sup>54</sup> Lorenzo Danilo, *supra* note 47.

<sup>55</sup> *Id.* at 50,53

<sup>56</sup> *Id.*

<sup>57</sup> Secretaría de Agricultura y Desarrollo Rural (SADER), Nuestra Riqueza el ganado Cebú, GOBIERNO DE MÉXICO – SADER (Jan. 31, 2023), <https://www.gob.mx/agricultura/articulos/nuestra-riqueza-el-cebu?idiom=es>.

<sup>58</sup> Jesús Armando Salinas-Martínez et al. Cost analysis and economic optimization of small-scale dairy production systems in Mexico, 237 Livestock Science (2020).

<sup>59</sup> J.M. Cuca-García, D.A. et al., *Backyard Poultry Farming in Mexico: History and characterization*, 8 AgRO PRODUCTIVIDAD 30, 31, 35 (2018).

<sup>60</sup> Panorama Agroalimentario, *supra* note 26.

products are the main protein source for the Mexican population, which is reflected in its high per capita consumption.<sup>61</sup>

According to INEGI's 2022 census, a total of 522, 409, 099 chickens in the country were distributed as follows: 49.4% broiler chickens, 36.5% laying hens, 12.9% baby chickens and 1.2% roosters<sup>62</sup> (of note, cockfighting in Mexico is still permitted).

In 2019, almost 63% of the country's animal protein production came from eggs and poultry meat. The preference of the consumers for poultry products has various reasons. Given their feed conversion rate, the production costs of eggs and broiler meat are much lower than for beef and pork, and there is a long-standing use of eggs and meat in the Mexican traditional cuisine. Additionally, the consumer price is lower than for other types of meat, making chicken an affordable option for low-income families.<sup>63</sup>

Other motivations for consuming chicken in the country include the perception that it is healthier than other meats, as well as the facility with which it can be cooked.<sup>64</sup>

#### *i. Broiler Chickens*

Although Mexico does not have a legislative framework on broiler housing and welfare, SADER, in conjunction with SENASICA, advises keeping broiler chickens at a maximum density of 15 to 19 birds per m<sup>2</sup>.<sup>65</sup> Broilers are kept in similar housing houses as in the U.S.: long poultry houses with tunnel ventilation and litter on the floor.<sup>66</sup>

The sector is mostly composed of highly integrated (vertical), large-scale operations which have slaughterhouses, feed mills and hatcheries. Only a few companies share most of the market:

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<sup>61</sup> Panorama Agroalimentario, *supra* note 26.

<sup>62</sup> Censo Agropecuario 2022, Existencias de aves de corral según función zootécnica, INEGI: ECONOMÍA Y SECTORES PRODUCTIVOS: GANADERÍA (2022), <https://www.inegi.org.mx/temas/ganaderia/>.

<sup>63</sup> Hans-Wilhelm, *supra* note 63.

<sup>64</sup> Laura X. Estévez-Moreno, Genaro C. Miranda-de la Lama; Meat consumption and consumer attitudes in México: Can persistence lead to change? 193 MEAT SCIENCE 1,3 (Nov. 2022).

<sup>65</sup> SADER/SENASICA, Bienestar Animal: Condición ambiental, in MANUAL DE BUENAS PRÁCTICAS PECUARIAS EN LA PRODUCCIÓN DE POLLO EN ENGORDA 37,37 (2019).

<sup>66</sup> Peter van Horne, Robert Hoste, Coen van Wageningen; Poultry Meat, in PRODUCTION COSTS OF THE MEXICAN POULTRY AND PIG SECTOR; QUICK SCAN ON THE CONSEQUENCES FOR THE EU POULTRY AND PIG SECTOR AFTER FREE TRADE WITH MEXICO 13,13 (Wageningen Livestock Research, March 2018).

Industrias Bachoco, Pilgrim's de Mexico and Tyson de Mexico. Together, they have a combined market share of around 50%.<sup>67</sup>

On a commercial poultry farm study, flock size per barn ranges from 1,000 to 38,000 broiler chickens. More than 50% of the visited farms contained two to six barns, and 39% of them contained 7 to 16 barns.<sup>68</sup> Even though this is only a small sample of all Mexican commercial poultry farms, the analysis provides valuable information regarding the categorization of these facilities. When compared to CAFO definitions in the U.S., some of these farms could easily meet the size threshold for a large CAFO.

#### *ii. Layer Hens*

As of 2023, Mexico is the world's fifth largest producer of eggs.<sup>69</sup> Additionally, it has the highest annual per capita egg consumption in the world—eggs produced by 202 million laying hens.<sup>70</sup>

Ninety percent of eggs produced in the country originate from cage rearing systems (battery cages) located in medium to large integrated farms.<sup>71</sup> SADER/SENASICA, in their respective manual of good husbandry practices for layer hens, suggest a space allowance of 300-400 cm<sup>2</sup> per bird.<sup>72</sup> This is even smaller than the average space of 432.3 cm<sup>2</sup> afforded in commercial egg production systems in the U.S., thus severely compromising the hens' welfare.<sup>73</sup> The national egg industry is dominated by five major companies that hold 40% of the market: Proan, Bachoco, Guadalupe, Calvario and Gena—hens are mostly kept in cage-based systems.<sup>74</sup>

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<sup>67</sup> *Id.* at 14.

<sup>68</sup> Erika Ornelas-Eusebio, Gary García-Espinosa, Karine Laroucau, Gina Zanella; Characterization of commercial poultry farms in Mexico: Towards a better understanding of biosecurity practices and antibiotic usage patterns, 15 PLOS ONE 1,5 (2020).

<sup>69</sup> Unión Nacional de Avicultores (UNA), Compendio de Indicadores Económicos del Sector Avícola 2022, INDICADORES ECONÓMICOS (2022), <https://una.org.mx/indicadores-economicos/>.

<sup>70</sup> Laura X. Estévez-Moreno, Morris Villarroel, Genaro C. Miranda-de la Lama; Do Mexican consumers really care about hen welfare? Understanding their attitudes, constraints and willingness to pay for cage-free eggs, 122 FOOD QUALITY AND PREFERENCE 1,2 (Aug. 2024).

<sup>71</sup> *Id.* at 2

<sup>72</sup> SADER/SENASICA, Buenas prácticas de manejo en la unidad de producción, in MANUAL DE BUENAS PRÁCTICAS PECUARIAS EN LA PRODUCCIÓN DE HUEVO PARA PLATO 17,19 (2019).

<sup>73</sup> Humane Society International, Egg Production Systems, in WELFARE ISSUES WITH FURNISHED CAGES FOR EGG-LAYING HENS 3,4 (June 2024).

<sup>74</sup> Laura X. Estévez-Moreno, *supra* note 72 at 2.

The average size of layer caged farms is approximately 100,000 hens, although 80% of domestic production is from farms with more than 700,000 hens.<sup>75</sup> Again, the size threshold for a Large CAFO would be met. The remaining 10% of egg production comes from family farms and small and medium-sized enterprises, in which hens may be kept in backyards, caged or free-range systems.<sup>76</sup> Besides providing advice on the density of hens, SADER/SENASICA also provides guidelines for light hours per day, forced molting and other cruel practices, such as debeaking.<sup>77</sup>

### *iii. Turkeys*

Throughout the years, turkeys have been raised in rural indigenous communities under backyard poultry farming conditions based on grazing. In rural communities, their meat is mainly intended for in-house family consumption, and they represent a mechanism for money saving and sociocultural distinction.<sup>78</sup>

Regardless of this important space they fill, information on their numbers and distribution is limited. According to the Unión Nacional de Avicultores (Mexican Poultry Producers Association), in 2021, there were 918,000 national turkeys ready to be slaughtered for the Christmas festivities.<sup>79</sup> If it weren't for these "special occasions", there would be even fewer data points available for turkeys.

## D. PORK INDUSTRY

In 2023, according to SADER, Mexico was ranked 12<sup>th</sup> in pig production worldwide.<sup>80</sup> As in the case of chickens, there is a high consumption of pork in the country, which can be

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<sup>75</sup> Francisco Pérez Soto, Esther Figueroa Hernández, José Alberto García Salazar, Lucila Godínez Montoya; *La Avicultura en México: Retos y Perspectivas*, in APOTACIONES EN CIENCIAS SOCIALES: ECONOMÍA Y HUMANIDADES, UNIVERSIDAD AUTÓNOMA CHAPINGO 293,295 (2014).

<sup>76</sup> Laura X. Estévez-Moreno, *supra* note 72 at 2.

<sup>77</sup> SADER/SENASICA, *supra* note 74 at 20, 23, 42.

<sup>78</sup> Rodrigo Portillo Salgado, José Guadalupe Herrera-Haro, Jaime Bautista-Ortega, Alfonso Juventino Chay-Canul, Francisco Antonio Cigarroa Vázquez; Guajolote – A poultry genetic resource native to Mexico, WORLD'S POULTRY SCIENCE JOURNAL 1, 2 (Feb. 2022).

<sup>79</sup> Unión Nacional de Avicultores (UNA), Para esta Navidad 2021, existirá suficiente oferta de pavos en el mercado mexicano, INDICADORES ECONÓMICOS (2022), [https://una.org.mx/pavo\\_para-esta-navidad-2021/](https://una.org.mx/pavo_para-esta-navidad-2021/) (accessed Mar. 5, 2025).

<sup>80</sup> Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria, *Agriculture and the pork industry work together to guarantee pork health and supply*, Gobierno de Mexico (2023),

explained by its use in traditional dishes (*cochinita pibil, carnitas*) and its price, enabling its consumption by middle and low-income households.<sup>81</sup> In the southern part of the country, especially in states like Yucatan, the industrial production of pigs is expanding rapidly.<sup>82</sup>

As noted for poultry and cattle, Mexico has no actual welfare regulations for on-farm pigs. There are some general recommendations in the government's (SADER/SENASICA) manual for good husbandry practices in pig production farms<sup>83</sup>, but these are more geared towards biosecurity measures and infectious disease prevention than on animal welfare. Moreover, the manual is somewhat unclear on minimal area requirements, as the numbers in the main text deviate from the numbers in the annexure, and there is no information available on the degree to which these “good” practices are being implemented.

The reality is pigs are kept in intensive husbandry conditions with sows individually housed in gestation stalls (0.65 m x 2.20 m) and farrowing crates. Tail-docking and castration without anesthesia or analgesia occur on a regular basis, and most pigs are kept on fully slatted floors.<sup>84</sup> It is advised in the manual for good farming practices to provide new weaners a space of 0.11 m<sup>2</sup>/pig and 1.0 m<sup>2</sup> for growing-finishing.<sup>85</sup>

Increasingly, pigs are being produced in vertically integrated companies and it is estimated that over half of the pig production is vertically integrated. Mexican Pork is an association of 10 large pork producers ([mexicanpork.org](http://mexicanpork.org)) who jointly produce an estimated one third of the Mexican pig production.<sup>86</sup>

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<https://www.gob.mx/señasica/documentos/agriculture-and-the-pork-industry-work-together-to-guarantee-pork-health-and-supply>.

<sup>81</sup> Laura X. Estévez-Moreno, *supra* note 72.

<sup>82</sup> Karen Hudlet, *A human rights approach for resisting CAFOs: The Mayan community of Homún against a 49,000-pig operation in Yucatan, Mexico*, TINY BEAM FUND (2022), <https://www.issuelab.org/resources/40708/40708.pdf>.

<sup>83</sup> SADER/SENASICA, MANUAL DE BUENAS PRÁCTICAS PECUARIAS EN LA PRODUCCIÓN DE GRANJAS PORCÍCLOAS (2019).

<sup>84</sup> Marc B.M. Bracke, Herman M. Vermeer and Rick A. van Emous; Pigs, in *Animal Welfare Regulations and Practices IN 7 (POTENTIAL) TRADE-AGREEMENT PARTNERS OF THE EU WITH A FOCUS ON LAYING HENS, BROILERS AND PIGS* 17,18 (Wageningen Livestock Research, 2019).

<sup>85</sup> SADER, *supra* note at 63.

<sup>86</sup> Peter van Horne, *supra* note 68 at 20.

Production System	Size/Capacity	Facilities	Characteristics	Production location
<b>Technical facilities</b>	Large farms that can house up to 100,000 pigs. 30% of inventory and 50% of meat production	Automated with cutting-edge technology	- Vertical integration - Biosecurity - TIF slaughterhouses - Export	Exporting states: Sonora and Yucatán
<b>Semi-technical facilities</b>	Different sizes, usually > 100 pigs. 25-30% of inventory and 20-30% production	Traditional with some level of technology	- Deficient health conditions - Municipal slaughterhouses - Complete cycle and fattening	Central states: Guanajuato, Michoacán, Jalisco, and EDOMEX
<b>Backyard, rural or subsistence systems</b>	Few animals, generally <10. 40% of inventory and 20-30% of production	Rustic corrals without technology	- Local consumption on-site - No biosecurity management	Rural areas of the country

Figure 1. Swine production systems in Mexico<sup>87</sup>

<sup>87</sup> Adapted from: SADER/SENASICA, Producción Porcina en México, in ANÁLISIS DE POSIBLES IMPACTOS ECONÓMICOS POR FIEBRE PORCINA AFRICANA EN LAS ZONAS PORCÍCOLAS DE MÉXICO, 5,9 (Dec. 2021).

There is no publicly available data on the number of sows owned by the largest companies, but some websites consider Granjas Carroll to be the largest company in Mexico, with approximately 135,000 sows.<sup>88</sup> PORCIMEX (Mexican Confederation of Pig Producers) provided some information to the Mexican government on its members, who account for 645,350 sows. According to the data, 6 companies concentrate 63.7% of the total reported.<sup>89</sup> The information gathered is displayed in Figure 2.

<b>No</b>	<b>Company</b>	<b>Number of Sows</b>	<b>Participation in the Industry</b>
<b>1</b>	A	85,400	13.2%
<b>2</b>	B	76,000	11.8%
<b>3</b>	C	75,000	11.6%
<b>4</b>	D	62,000	9.6%
<b>5</b>	E	58,000	9.0%
<b>6</b>	F	55,000	8.5%

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*Figure 2. Market participation of companies<sup>90</sup>*

### **III. RELEVANT LEGISLATION**

#### **A. THE CONSTITUTIONAL AND LEGAL STRUCTURE**

Mexico is a democratic republic and has a federal government. At the federal level, the government is divided into the executive, legislative and judicial branches. Mexico's president is the nation's head and oversees the executive branch. Congress—consisting of the Senate and the

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<sup>88</sup> *SADER*, *supra* note at 14

<sup>89</sup> *Id.* at 16

<sup>90</sup> *Id.*

Chamber of Deputies—is the head of the legislative power. Its main role is to discuss and approve legislation, and to ratify presidential appointments.<sup>91, 92</sup>

As a former Spanish colony, it comes naturally that Mexico follows the civil law tradition. In the Mexican legal system, the texts of the laws are closely examined and their interpretations debated. When a specific code or law does not directly address a particular case, multiple articles may be used in combination in order to reach an outcome. Compared to common law systems, statutory codes in Mexico (and in other civil law jurisdictions) feature substantially more detail.<sup>93</sup> Therefore, it can be said that the starting point for Mexican legal research is legislation. Federal law is dominant and tends to override state law in cases of conflict.<sup>94</sup>

*i. Constitutional Provisions*

Currently, some state constitutions—Mexico City, State of Mexico, Baja California, Oaxaca and Durango—have recognized animals as “sentient beings” in an attempt to raise the standard for their legal protection, but without properly granting them rights. All states have enacted anti-cruelty statutes or criminalized animal abuse within their penal codes.<sup>95</sup> Of all these states, only three cover farmed animals: Hidalgo, Colima, and Oaxaca.<sup>96</sup>

Public policy focusing on animals is significantly deficient—at the national level, animals are still classified as property and there are no federal anti-cruelty laws. However, in December 2024, Mexican President Claudia Sheinbaum signed a historic set of constitutional amendments that formally recognize and mention animals within the federal constitution. Notably, these amendments apply to all animals, including farmed animals. This sets Mexico apart from legal

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<sup>91</sup> Sunil Rao, *Mexico Legal Research Guide: Introduction*, UW-MADISON LIBRARIES RESEARCH GUIDES <https://researchguides.library.wisc.edu/mexico#:~:text=Legal%20System%20and%20Political%20Structure,on%20the%20civil%20law%20tradition>.

<sup>92</sup> Angie Vega, *Mexico*, MICHIGAN STATE UNIVERSITY COLLEGE OF LAW: ANIMAL LEGAL & HISTORICAL CENTER (2023), <https://www.animallaw.info/intro/mexico>.

<sup>93</sup> Laura Whyte, *The Mexican Legal System at a Glance*, RIVERSIDE COUNTY LAW LIBRARY, <https://rclawlibrary.org/news/mexican-legal-system-glance>.

<sup>94</sup> Sunil Rao, *supra* note 93.

<sup>95</sup> Angie Vega, *supra* note 94.

<sup>96</sup> *Id.*

frameworks in other countries, such as the U.S., and acknowledges the inherent value of all animals as beings worthy of respect and protection.<sup>97</sup>

The reforms involve changes to three key articles. Article 73 now grants Congress clear authority to create federal legislation on animal welfare and protection, opening the door for a nationwide, comprehensive animal welfare law. Article 4 prohibits animal mistreatment and commands the state to ensure the protection, proper treatment, care, and conservation of all animals. Lastly, Article 3 mandates the inclusion of animal welfare education in grade school and high school curricula, helping to foster awareness and respect for animals from an early age.<sup>98</sup>

Although it is too early to know the precise impacts of these constitutional changes, they lay a legal foundation that could significantly advance animal protection for all animals in Mexico, including farmed animals. These changes create stronger, more uniform regulations, recognize the state's responsibility to safeguard animals' well-being, and provide another avenue for future litigation.

## B. ANIMAL PROTECTION LEGISLATION

In general terms, the development of the law has been relatively slow at the national level (aside from the recent constitutional enshrinements), and even at the state level. Laws are often not implemented and do not have actual applicability due to a lack of enforcement.<sup>99</sup> Therefore, even though Mexico might have a broader body of law that protects animals than some other jurisdictions, oversight and implementation remain a critical issue.

The Federal Animal Health Act<sup>100</sup> (Ley Federal de Sanidad Animal), published in the DOF in 2007, sets the basis for all other animal welfare legislation by mandating the Five Freedoms be respected for all animals (see Glossary). Implemented by SADER, it provides the

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<sup>97</sup> Sam Delgado, *Mexico just put animal welfare into its national constitution*, Vox (Dec. 7, 2024), <https://www.vox.com/future-perfect/390144/mexico-constitution-reform-animal-rights>.

<sup>98</sup> *Id.*

<sup>99</sup> Angie Vega, *supra* note 94.

<sup>100</sup> Also known as Federal Law of Animal Health.

framework for animal health and food safety.<sup>101</sup> However, the main focus of this bill is to ensure animal health and therefore the public's health, so this context must be considered while examining its provisions. Some of its goals are to:

- Prevent, control and eradicate animal disease
- Promote animal welfare and good husbandry practices in production units, slaughterhouses, and processing facilities. Includes language regarding traceability.
- Manage veterinary activities and pharmaceutical, chemical, and feed products for animal intake
- Regulate foreign trade (imports and exports) of animals and animal products<sup>102,103</sup>

Regulations of the Federal Law of Animal Health have been promulgated pursuant to the Federal Animal Health Act. The regulations focus on the practical implementation of animal health measures, common husbandry practices in Federal Inspection Type establishments, as well as in slaughterhouses and other facilities that process animal products for human consumption. They also regulate animal imports, exports and international transit; quarantines and zoosanitary campaigns; and the operation of the “National Animal Health Emergency Device” (including mass depopulation during outbreaks).<sup>104</sup> Article 30 (II) of the Regulations states that housing should be spacious enough to allow the animals free movement and enable natural behaviors such as feeding, resting, grooming, standing, lying down, and easily stretching their limbs. The facilities should also provide protection from the weather.<sup>105</sup>

The NOM-033-SAG/ZOO-2014 (hereinafter NOM-033) *Métodos para dar muerte a los animales domésticos y silvestres* addresses methods for humane slaughter to ensure there are high welfare standards that minimize pain, suffering, anxiety, and stress. It applies to all public and private establishments where animals are killed for purposes such as food supply, research, testing, education, hunting, fur production, or other uses. It also covers facilities managing wild

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<sup>101</sup> Ley Federal de Sanidad Animal, Última reforma publicada DOF 21-05-2024 (Mex.).

<sup>102</sup> Antón Aguilar, *supra* note 22.

<sup>103</sup> Ley Federal de Sanidad, *supra* note 103.

<sup>104</sup> Reglamento de la Ley federal de Sanidad, Gobierno Mexico (Mex.), Animal <https://www.gob.mx/senasica/documentos/reglamento-de-la-ley-federal-de-sanidad-animal>.

<sup>105</sup> *Id.*

animals in captivity (e.g., zoos, wildlife management units, educational farms, animal stores, breeding centers, rehabilitation centers, and conservation facilities).<sup>106</sup> Non-compliance can result in administrative sanctions that range from temporary and permanent closures or suspensions; revocations of permits, authorizations, and certifications; and fines. There are no religious exemptions that circumvent these sanctions due to non-compliance; however, the enforcement of these sanctions differs from year to year.<sup>107</sup> In 2021, there were no complaints in violation of this law; conversely, in 2018, there were fifteen violations, and applicable penalties were imposed.<sup>108</sup>

NOM-051-ZOO-1995 *Trato humanitario en la movilización de animales* pertains to animal transport systems that reduce suffering and minimize stress throughout the process. The responsibility falls upon the owner of the animals being transported, as well as the person or company involved in the sale, the operator, caretaker, or any other person responsible for their transportation.

Similarly, NOM-024-ZOO-1995 also addresses animal transportation, as well as animal products and by-products. It, too, addresses chemical, pharmaceutical, biological, and feed products intended for animal consumption. The following are important provisions found in chapter 8:

- Transporting sick animals is prohibited, except for medical treatment or for slaughter at authorized facilities (under the supervision of a veterinarian)
- Vehicles used for animal transport must be cleaned and disinfected before and after each trip
- Vehicles transporting animals for over 8 hours must have a designated space to store dead animals, with room for up to 10% of the animals being transported<sup>109</sup>

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<sup>106</sup> Norma Oficial Mexicana, NOM-033-SAG/ZOO-2014, Diario Oficial de la Federacion [DOF] 26-08-2015 (Mex.).

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> Norma Oficial Mexicana, NOM-024-ZOO-1995, Diario Oficial de la Federacion [DOF] 16-10-1995 (Mex.).

NOM-009-ZOO-1994 is part of the *Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria* (SENASICA), and sets the hygiene and sanitation standards for slaughterhouses that handle meat processing, packaging, and storage. Included in this standard is the implementation of inspection systems, made up of trained personnel, that ensure facilities are meeting the designated optimal hygiene standards. These standards are set to diminish the spread of zoonotic diseases that could affect public health, the economy, and ensure that processed meat is fit for human consumption. Under this, the Secretariat of Agriculture is also responsible for establishing specifications for the packaging labels that are used on meat products. Once the veterinarian has completed their report, determinations will be made as to whether the meat may be used for human consumption or whether it will be denatured or incinerated. Meat that may be used for consumption will be transported in vehicles that have good air conditioning and are clean.<sup>110</sup>

Part of the standard also includes monitoring livestock for deceased animals. The responsible and appointed veterinarian must be informed if there is a fallen animal in any pen, and they must then render a decision as to how the animal is to be dealt with. Only with veterinary approval can the deceased animal be brought to the slaughter room, but this also requires a separate vehicle transport that is dedicated to deceased animals. After slaughter, the veterinarian will conduct a thorough exam of the animal to help determine the cause of death. If bacteria are present that require further laboratory testing, then the carcass will be held in a storage room.<sup>111</sup> Failure to comply with these guidelines may result in sanctions as generally outlined in the Federal Animal Health Act.<sup>112</sup>

The Ley de Protección a los Animales de la Ciudad de México, published in 2022, is probably the strongest law for animal protection on a state level, specifically for Mexico City, as it is the only law in the country that recognizes animals have certain rights.<sup>113</sup> The law's objective is to protect animals—including farmed animals—, ensure their welfare, care, humane treatment, sustenance, shelter, natural development, and health. It seeks to prevent mistreatment,

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<sup>110</sup> Norma Oficial Mexicana, NOM-009-Z00-1994, Diario Oficial de la Federacion [DOF] 16-11-1994 (Mex.).

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> La Ley Protección a los Animales de la Ciudad de Mexico, MICHIGAN STATE UNIVERSITY (Oct. 2023), <https://www.animallaw.info/statute/ley-de-protecci%C3%B3n-los-animales-de-la-ciudad-de-m%C3%A9xico>.

cruelty, suffering, zoophilia, and the distortion of their physical characteristics, ensuring animal health, public health, and the Five Freedoms (see Glossary). According to Article 24, the following are considered acts of cruelty and mistreatment:

- Killing an animal using any method that prolongs agony or induces suffering
- Killing animals using methods other than those established by Mexican official standards and environmental standards
- Depriving animals from air, light, food, water, space, shelter from weather, medical care, and appropriate accommodations for their species, resulting in harm (or potential for harm)
- Slaughtering farmed animals in establishments that lack the necessary authorizations, notices, or permits to operate
- According to Article 5, animals, including farmed animals, have the right to live freely, reproduce, and live and grow in conditions that are appropriate to the species.<sup>114</sup>

This law prohibits mutilations (alterations) of physical integrity unless medically necessary or justified.<sup>115</sup>

## C. ENVIRONMENTAL PROTECTION LEGISLATION

### *i. Water Pollution*

NOM-008-ZOO-1994 Especificaciones zoosanitarias para la construcción y equipamiento de establecimientos para el sacrificio de animales y los dedicados a la industrialización de productos cárnicos

This statute concerns the requirements that facilities must meet in terms of location, construction, and equipment. It applies to all facilities engaged in the slaughter of livestock,

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<sup>114</sup> Juan Jose Garcia Rebollo del Rio, *Hacia La Abolicion de la Cosificación Jurdica de Los Demas Animales en Mexico* (2025), <https://dalps.tirant.com/index.php/dalps/article/view/165/102>.

<sup>115</sup> La Ley Protección a los Animales de la Ciudad de Mexico (Mar. 1, 2023), [www.congresocdmx.gob.mx/media/documentos/19078e2d6b6bd459d8636cb980f5f1d8fb6a1647.pdf](http://www.congresocdmx.gob.mx/media/documentos/19078e2d6b6bd459d8636cb980f5f1d8fb6a1647.pdf).

including slaughterhouses, packing plants, and facilities that process meat and meat by-products. Enforcement of this law falls under the jurisdiction of SADER (formerly SAGARPA).

Section 5.3. relates to water supply, sewage and waste and wastewater disposal systems. This section ensures that buildings have proper drainage and can maintain sanitary environments by disposing of fecal matter, blood, and any other waste products.<sup>116</sup> The specific sanitation requirements vary by region and are determined by the relevant authority that is in charge of overseeing the facility. Sections 5.13. – 5.17 set specifications for facilities that slaughter cattle; sheep, goats and calves; swine; equines; and poultry. These specifications cover a range of details, including but not limited to, the types of conveyor belts allowed for use, the appropriate size and slope of the facility, how to remove and rid of hide after slaughter, and how to transport the animals.<sup>117</sup>

### *ii. Climate Change*

The General Law on Climate Change (Ley General de Cambio Climático), published in 2012, provides a comprehensive framework to address climate change. The law aims to protect the environment, promote sustainable development, and restore ecological balance. Key aspects mentioned: right to a healthy environment, reducing greenhouse gas emissions, adapting to climate change, fostering research and innovation, promoting a low-carbon economy and aligning with international climate goals (Paris Agreement).<sup>118</sup>

This law could potentially serve as a useful strategy to combat CAFOs and their externalities, as it has language on: sustainable animal agriculture practices, halting and reversing deforestation, expanding areas of vegetation by using sustainable management practices in livestock lands, reconversion of degraded livestock agricultural land into productive land through sustainable agricultural practices, or designating the land as ecological conservation areas and aquifer recharge zones. It also mentions decreasing greenhouse gas emissions per sector (8% for agriculture and livestock).<sup>119</sup>

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<sup>116</sup> Norma Oficial Mexicana, NOM-009-Z00-1994, Diario Oficial de la Federacion [DOF] 16-11-1994 (Mex.).

<sup>117</sup> *Id.*

<sup>118</sup> La Ley General de Cambio Climático (Apr. 1, 2024), <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGCC.pdf>.

<sup>119</sup> *Id.*

### *iii. Biodiversity/Conservation & Land Use*

The General Act of Ecological Balance and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente) focuses on the sustainable use of the environment and wildlife, and the preservation and restoration of ecosystems. It is implemented by Mexico's environmental agency, the Secretariat of Environment and Natural Resources. It seeks to protect the national biodiversity and establish and manage protected areas. These articles offer provisions that can relate to CAFOs:

- Art. 79 – In order to protect and sustainably use flora and fauna it is important to encourage dignified and respectful treatment of animals, which will in turn avoid cruelty against them
- Art. 28 – Those intending to carry out fishing, aquaculture, or agricultural activities that could endanger the preservation of one or more species or cause harm to ecosystems, must first obtain authorization regarding environmental impact
- Art. 104 – Focuses on the implementation and widespread adoption of soil protection and restoration practices in agricultural activities. Ensures that environmental impact studies are conducted before granting permits for land-use changes, especially when there is severe soil degradation and ecological imbalance in the affected area.
- Art. 105 – Support (through tax incentives or other financial assistance) provided for agricultural and livestock activities must be compatible with the protection of forest soils, ensuring that no change in land use occurs from forest to agricultural/livestock.
- Art. 120 – Discharges from agricultural and livestock activities are subject to federal or local regulation to prevent water pollution<sup>120</sup>

The General Law of Wildlife (Ley General de Vida Silvestre) regulates conservation of wildlife and wildlife habitat through protection and promotion of optimal levels of sustainable

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<sup>120</sup> *Id.*

use. Article 19 specifies that authorities involved in activities related to the use of natural resources for agricultural/livestock purposes are to follow the dispositions in the law. They must ensure that these activities avoid, prevent, mitigate, repair, or compensate for their negative impacts on wildlife and its habitat.<sup>121</sup>

#### D. FOOD SAFETY & CONSUMER PROTECTION LEGISLATION

##### Federal Consumer Protection Law (Ley Federal de Protección al Consumidor)

The purpose of this law is to promote and protect the rights and culture of consumers and to ensure fairness, certainty, and legal security in the relationships between suppliers and consumers. Article 32 provides that information or advertising regarding goods, products, or services that are disseminated through any medium or form must be truthful, verifiable, and free of texts, dialogues, sounds, images, brands or other descriptions that could mislead or confuse due to being deceptive or abusive.<sup>122</sup>

### IV. CASE LAW

#### A. ANIMAL PROTECTION CASES

##### *i. Anti-Cruelty Laws*

###### AnimaNaturalis & CAS International v. SADER<sup>123</sup>

This case, though not directly about farmed animals, is relevant because it demonstrates the judiciary's capacity to compel an agency—SADER—to fulfill its oversight obligations, much like a “writ of mandamus” in the U.S. This decision, issued by the Fourth Collegiate Tribunal in Administrative Matters of the First Circuit, dealt with the enforcement of animal protection standards in the context of bullfighting in Mexico. Binding within the First Circuit persuasive for

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<sup>121</sup> *Id.*

<sup>122</sup> La Ley Federal de Protección al Consumidor (Apr. 9, 2012), [https://www.profeco.gob.mx/juridico/pdf/l\\_lfpc\\_ultimo\\_camdip.pdf](https://www.profeco.gob.mx/juridico/pdf/l_lfpc_ultimo_camdip.pdf).

<sup>123</sup> Sentencia recaída al Recurso de Revisión 82/2024, Cuarto Tribunal Colegiado en Materia Administrativa del Primer Circuito, Ponente: Ministro José Patricio González-Loyola-Pérez, 24 de abril de 2024.

the other Mexican circuits, the decision strengthens the precedent for judicial oversight over agency responsibilities.

The dispute arose when a civil association<sup>124</sup> alleged that SADER had failed to enforce NOM-033-SAG/ZOO-2014 (hereinafter NOM-033), which establishes methods for the humane slaughter of domestic and wild animals. Specifically, the plaintiff alleged that SADER had neglected its duty to supervise bullfighting events and initiate proper administrative proceedings. This Tribunal overturned a lower court decision and granted the *amparo*. In its decision, the court held that SADER failed to exercise its duty under the Federal Animal Health Act, specifically relating to cattle used in bullfighting events. In essence, the court held that SADER should have ensured compliance with the NOM-033 during bullfighting events that took place in Aguascalientes city.

At the same time, the court recognized an inherent tension in the law: the Federal Animal Health Act and NOM-033 are designed to protect animals slaughtered to produce goods for human consumption (e.g., food, supplements, hides, among others). However, fighting bulls are bred and raised for a different purpose: the public's entertainment. Bullfighting, the court noted, is still lawful in the country, even if morally contested. By ordering NOM-033's application to bullfighting, the Tribunal effectively introduced a regulatory conflict that may indirectly outlaw core aspects of the practice. The court admitted this could generate uncertainty for administrative oversight in states where bullfighting is still permitted.<sup>125</sup>

Despite this caveat, the ruling was a major victory for the anti-bullfighting movement in Mexico. It not only underscored the judiciary's willingness to compel agency action but also opened the door to similar *amparo* actions targeting other facilities, such as IFAP operations, by allowing the court to ask whether SADER has fulfilled its inspection duties. The judgment

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<sup>124</sup> In Mexican legal proceedings, for the most part, the resolutions (cases) do not explicitly name the plaintiffs and defendants.

<sup>125</sup> The sequential stages of bullfight, from the moment the bull enters the ring until, after being killed by the matador and then dragged away to sell his meat and blood. Merritt Clifton, *Mexico City again bans Spanish-Style bullfights, now by public demand*, ANIMALS 24-7 (Mar. 23, 2025), <https://www.animals24-7.org/2025/03/23/mexico-city-again-bans-spanish-style-bullfights-now-by-public-demand/>.

illustrates how NOM-033 can be leveraged beyond slaughterhouses, potentially extending to any context where animals are killed without compliance with humane slaughter requirements.

The case also resonated politically and socially. On March 18, 2025, lawmakers passed a bill to ban “violent” bullfighting in Mexico City. This legislation—“bullfighting without violence”—prohibits killing or injuring bulls in the ring. The use of sharp objects like swords and spears by *matadores* is no longer allowed. Additionally, it limits the time a bull can be in the ring: no more than 15 minutes.<sup>126</sup> This decision came after years of debate, protests, and legal challenges. With it, Mexico City emerges victorious and joins several other states that have already banned bullfighting, reflecting a growing national trend toward greater animal welfare.

#### The Humane League Mexico v. SADER (via SENASICA & DGNA)

Mexico currently lacks specific legislation regulating the housing of egg-laying hens or the labeling of eggs for consumers. Because of the lack of regulatory oversight, it is the responsibility of the consumer to make ethical choices. These decisions are influenced by third-party agencies, such as Humane Certified. The federal agency SAGARPA (now SADER) only certifies organic production, which does not encompass housing conditions or the welfare of hens.

In this case, brought before the Mexican Federal Judiciary, the Humane League Mexico argued that SADER had failed to comply with its legal obligations to advance animal welfare in the egg industry. Specifically, SADER had not implemented regulations under the relevant NOM to distinguish between caged, cage-free, and free-range systems. The lower court agreed, holding that SADER’s omission violated existing animal welfare standards.

On appeal, SADER contended that the Humane League’s proposals were aimed solely at improving animal welfare, which it argued was not a matter of substantial public interest absent a link to public health or food security. The appellate court rejected this position, affirming the lower court’s ruling. It emphasized that Mexico’s legal framework already recognizes animal

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<sup>126</sup> In progress for animals, Mexico City moves toward 'violence-free' bullfights. [humaneworld.org](http://humaneworld.org).

welfare as a legitimate concern and that SADER had a duty to regulate egg production accordingly.

This litigation is significant because it directly challenged the regulatory inaction of SADER, pushing the agency to recognize animal welfare as a legitimate matter of public concern. By affirming that the duty to regulate extends beyond food safety and public health to include animal welfare, the court opened a pathway for advocates to push for higher standards across the egg industry.

For farmed animal protection advocates, the ruling demonstrates that litigation can be an effective tool for holding government agencies accountable when they fail to implement or enforce welfare obligations. The Humane League's strategy of grounding its arguments in existing NOMs and statutory responsibilities allowed the case to succeed despite SADER's attempt to frame animal welfare as outside its mandate. This approach shows that advocates can leverage gaps in enforcement, rather than waiting for new legislation to secure meaningful protection for animals.

At the same time, the case highlights ongoing challenges. Regulations in Mexico remain fragmented, and enforcement at the federal level is inconsistent. Without sustained advocacy, there is a risk that the ruling will not translate into meaningful change on the ground. Moreover, SADER's resistance, arguing that animal welfare is not of "substantial public interest", illustrates the cultural and political hurdles that remain in advancing farmed animal protection in Mexico.

*ii. Ritual Slaughter*

Cases regarding Santería and Ley de Protección a los Animales de la Ciudad de México.  
Plaintiffs (individuals) v. Agencies<sup>127</sup>

After the Ley de Protección a los Animales de la Ciudad de México was enacted in 2022, several cases have questioned its constitutionality, particularly at the intersection of animal protection laws and religious freedom within the context of ritual practices.

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<sup>127</sup>Four similar cases were found upon this research and analyzed.

One of the more recent cases involved the Santería religious faith and was decided by the Noveno Tribunal Colegiado en Materia Penal del Primer Circuito in Mexico City, in 2024. The case examined the constitutionality of Articles 350 and 350 of the Mexico City Penal Code in relation to Articles 4 (sections XXII and XXIX) and 24 (sections I, II, and IV). Article 25, Section XIII of the law was especially central to the controversy, as it explicitly prohibits the use of animals in rituals and traditional practices.<sup>128</sup>

The plaintiff, a practitioner of Santería, initiated legal action, arguing that Article 25, Section XIII of the law infringed upon their constitutionally guaranteed right to freedom of religion. Their argument rested on the assertion that their religious practices inherently involve animal sacrifice, which was directly impacted by the legal prohibitions in question.

The court considered whether banning animals in rituals directly infringed upon that right. Ultimately, it held that the prohibition did not violate the Constitution. While religious freedom is protected, the legislature has broad authority to regulate conduct that contravenes animal protection laws. The court emphasized the need to balance constitutional rights with environmental protection and animal welfare and concluded that the legislature may restrict ritual use of animals without infringing on religious freedom.

This decision illustrates how Mexican courts are increasingly prioritizing animal protection within the broader constitutional framework. By upholding Article 25, section XIII of the Animal Protection Law, the court reinforced the principle that religious freedom, though fundamental, is not absolute and may be subject to limitations when other constitutionally significant interests are at stake. The ruling reflects a growing judicial trend in Latin America toward recognizing animals as subjects of legal protection rather than mere property and situates animal welfare alongside environmental protection as legitimate grounds for restricting individual liberties.

However, despite its progressive stance, the decision is not without critiques. It is possible that the judgment may inadvertently marginalize minority religious communities by restricting practices that are central to their faith, raising concerns about selective enforcement

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<sup>128</sup> Santeria 3.

and cultural bias. Additionally, while the ruling advanced animal protection, it did so without articulating a clear standard for balancing fundamental rights, leaving future cases vulnerable to inconsistent application.

## B. ENVIRONMENTAL PROTECTION CASES

### i. *Biodiversity & Conservation*

#### Plaintiffs v. PROFEPA<sup>129</sup>

This case—brought against a large pig CAFO (Granja Santa María) in Homún, Yucatán—showcases the intersectionality of environmental justice, human rights and animal protection.<sup>130,131</sup>

The case involved a challenge to a pig farm housing 49,000 pigs near culturally and ecologically vital cenotes, which are geological formations made of highly permeable limestone. The limestone makes the groundwater, which flows through underground rivers and connects to the *cenotes*<sup>132</sup>, exceptionally susceptible to contamination. Members of the local Mayan community, including youth acting as guardians of the cenotes ('Ka'anan Ts'onot') were plaintiffs in the case.

The legal challenge considered the risks associated with managing waste from the thousands of pigs, citing potential pollution from nitrates, phosphorus, and pathogens leaching into the aquifer—the primary source of drinking water for the community and vital for the unique cenote ecosystems.<sup>133</sup> This contamination risk was framed legally as a direct violation of the constitutional right to a healthy environment and access to clean water.

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<sup>129</sup> Sentencia recaída al Recurso de Amparo Indirecto 396/2025, Juzgado de Distrito, Mérida., Ponente: Juez Mariely del Carmen Cruz Fierros, 10 de marzo de 2025.

<sup>130</sup> Sentencia recaída al Recurso de Amparo Indirecto 396/2025, Juzgado de Distrito, Mérida., Ponente: Juez Mariely del Carmen Cruz Fierros, 10 de marzo de 2025.

<sup>131</sup> Karen Hudlet. A human rights approach for resisting CAFOs: The Mayan community of Homun against a 49,000- pig operation in Yucatan, Mexico.

<sup>132</sup> Cenotes are sinkholes of freshwater in a karstic soil; the word comes from Ts'ono'ot, meaning cave with water. In Homun more than 20 cenotes are open for tourism, providing services such as cabins, restaurants, guides and transportation. Karen Hudlet.

<sup>133</sup> Amicus Curiae No. 1757/2019, Lic. Rogelio Eduardo Leal Mota, Juez De Distrito, Juzgado Segundo de Distrito en el Estado de Yucatán, 25 de febrero de 2022.

Parallel to the environmental arguments, the case strongly invoked Indigenous rights. The Mayan community argued that the authorization process for the pig farm failed to adhere to national and international standards requiring free, prior, and informed consultation and consent for projects impacting their territory and way of life.<sup>134</sup> The cenotes are not merely water sources but hold deep cultural and spiritual significance for the Mayan people, intrinsically linked to their identity and traditions.<sup>135</sup>

Plaintiffs sought judicial intervention to halt the project based on these environmental and rights violations. The court granted an injunction that prevented the Granja Santa María from operating as planned, based upon their failure to guarantee a healthy environment or respect Indigenous rights protocols.<sup>136</sup>

This case underscores how framing CAFOs multiple externalities through a human rights lens—as a violation of self-determination, cultural rights, and the right to maintain connection to ancestral lands—can be a key strategy. The Plaintiffs’ approach shifted the narrative away from the industrial pig operation as simply being an economic development project, towards recognizing its detrimental impact on the fundamental rights of the Indigenous community, and their successors (future generations).

Additionally, the favorable decision in this case underlines the judiciary's role in ensuring that the rights of indigenous communities to a healthy environment are protected and that authorities are held accountable for their obligations in environmental protection. It also illustrates the potential for allyship between animal welfare and other social justice movements, especially the welfare of farmed animals. In this case, that allyship is demonstrated through a One Health/One Welfare approach, whereby the environment is protected, and consequently so are humans and animals.

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<sup>134</sup> Karen Hudlet, *supra* note 132.

<sup>135</sup> Karen Hudlet, *supra* note 132.

<sup>136</sup> Sentencia recaída al Recurso de Amparo Indirecto 396/2025, Juzgado de Distrito, Mérida., Ponente: Juez Mariely del Carmen Cruz Fierros, 10 de marzo de 2025.

## V. ANALYSIS OF THE LITIGATION STRATEGIES & RECOMMENDATIONS

### A. THE CONSTITUTIONAL AMENDMENTS

The recent constitutional amendments in Mexico, specifically to Articles 3, 4, and 73, have created significant potential for animal welfare litigation at the national level. These amendments mark a turning point as they explicitly mention animals in the Constitution for the first time and establish a governmental duty to protect them.

Article 4 now explicitly prohibits animal cruelty and mistreatment, and mandates the government to ensure the protection, adequate treatment, and conservation and care of all animals.<sup>137</sup> This offers a direct constitutional basis for litigation against practices considered animal mistreatment across various sectors, including factory farming. In the future, advocates may use this to challenge existing practices, and even perhaps laws that permit animal mistreatment, arguing their unconstitutionality. “Mistreatment” can potentially be used to challenge intensive confinement practices like gestation crates and battery cages.

Advocates also make use of *amparos* to demand government agencies fulfill their constitutional duty under Article 4 to investigate cases of animal mistreatment in farms. In order to file an *amparo*, one must prove a legitimate interest in the case. With regard to *amparos* related to animal protection, they are often dismissed for lack of legitimate interest. Legitimate interest is similar to standing, and courts will usually dismiss cases where this is not present.<sup>138</sup> There are no clear criteria to determine whether a party has a legitimate interest in a case; this is decided on a case-by-case basis. However, enshrining a constitutional animal protection framework in the constitution could reduce some barriers to litigation, such as making it easier to establish legitimate interest.

Article 73 of the Constitution now grants the federal Congress the power to legislate animal protection and welfare. It centralizes the authority to create national animal welfare standards, aiming to overcome the inconsistencies and limitations of the previous state-level

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<sup>137</sup> Julia Tomkins Wisner, *Progress for Animals in Mexico, and the Global Animal Welfare Movement*, THE HUMANE LEAGUE (Jan. 12, 2025), [//thehumaneleague.org/article/progress-for-animals-in-mexico](https://thehumaneleague.org/article/progress-for-animals-in-mexico).

<sup>138</sup> *Victims of Corruption: Damage Reparation and Legal Standing*, UNCA COALITION (2022), <https://www.dlmex.org/storage/services/victims-of-corruption-in-mexico-damage-reparation-and-legal-standing.pdf>.

regulatory framework.<sup>139</sup> This lays the groundwork for the creation of comprehensive national animal welfare laws, and litigation can be used to push for strong federal legislation and to defend its validity against potential challenges.

In line with this, in February 2025, the Green Party (Partido Verde Ecologista de México<sup>140</sup>) introduced an initiative for a general animal welfare bill (Ley General de Bienestar, Cuidado y Protección Animal)<sup>141</sup>—a concrete step toward realizing the potential granted by this constitutional amendment. The law, if passed, could provide uniform protection for animals across all states and address various forms of animal exploitation more effectively.

Another positive development is that the amendments are broad in their scope: they encompass "all animals". This approach is a notable advancement, particularly concerning farmed animals. Even though the recognition of animals as sentient beings is not explicitly stated, the emphasis on protection and prohibition of mistreatment can be understood to imply an underlying acknowledgment of their capacity to experience both suffering and positive emotional states.

However, despite covering all species, the constitutional provisions are framed in general terms; they lack specific definitions for key concepts such as "adequate treatment" or "mistreatment". This ambiguity could pose hurdles for the immediate enforcement of these provisions and may be subject to further clarification through legislative action and judicial interpretation. Hence, the effectiveness of the amendments might largely depend on federal rulemaking under the authority granted by Article 73, as discussed above. Additionally, the deep-seated interests of the animal agriculture industry can potentially influence the development of laws such as a general animal welfare bill. Without knowing the exact substance of future

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<sup>139</sup> *Mexico Includes Animal Welfare in Federal Constitution: Reforms affect all species*, OIPA INTERNATIONAL (Feb. 7, 2025), <https://www.oipa.org/international/mexico-animal-reforms/>.

<sup>140</sup> It is worth noting that PVEM has been subject to numerous critiques for its seemingly anti-Green political agenda in recent decades. See: <https://globalgreen.news/the-green-party-of-mexico-a-bystander-to-the-climate-crisis/>.

<sup>141</sup> Lic. Fausto Gallardo García. Iniciativa con Proyecto de Decreto por el que se Expide la Ley General De Bienestar, Cuidado y Protección Animal; y se Reforman y Derogan Diversas Disposiciones de la Ley Federal de Sanidad Animal. 25 de Febrero 2025.

legislation, it remains difficult to predict the extent to which farmed animals will be covered by any legislation.

Moreover, the historical challenge of inconsistent enforcement of animal welfare laws in Mexico remains a concern. When push comes to shove, the constitutional amendments may not guarantee improved welfare conditions for farmed animals without the allocation of sufficient resources, effective enforcement mechanisms and special animal welfare training for law enforcement.

## B. LITIGATION STRATEGIES

The federal judiciary plays a central role in constitutional adjudication through the amparo system, which functions as the country's primary mechanism for protecting civil and human rights. Derived from the Spanish word meaning "protection, aid, or shelter," the amparo trial allows individuals to challenge government actions and enforce constitutional guarantees.<sup>142</sup> In practice, however, amparos face substantial barriers. More than 60% of cases are dismissed, largely due to case overload and the highly technical procedural requirements.<sup>143</sup>

Even when granted, remedies are often limited to financial compensation rather than structural reforms, which diminishes the potential for lasting improvements in government conduct.<sup>144</sup>

Adding to these challenges, not all federal court resolutions are made public, limiting transparency and making it difficult to assess the broader success or failure of particular litigation strategies.

Despite these hurdles, litigation remains a meaningful tool in advancing animal protection in Mexico. As the cases analyzed in this report demonstrate, litigants challenging

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<sup>142</sup> Unpacking the Mexican Federal Judiciary: An Inner Look at the Ethos of the Judicial Branch. [https://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1870-05782018000200057](https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-05782018000200057) (an amparo is a constitutional provision peculiar to Mexico which resembles writs of prohibition, certiorari, injunction, and habeas corpus in the U.S. Although the Amparo was an original Mexican creation, it combines national and international influences from legal principles like the habeas corpus, injunction, certiorari, and error of mandamus).

<sup>143</sup> Ana E. Fierro, Administrative Courts: A Defence against Populism in Mexico, 13 BRIT.

J. AM. LEGAL STUD. 345 (Fall 2024) p. 361

<sup>144</sup> *Id.*

animal protection measures (such as bans on bullfighting or ritual slaughter) have often invoked constitutional rights, particularly religious freedom, cultural heritage, and economic liberty, as a basis for overturning protective laws. Courts, however, have consistently adopted a balancing approach, affirming that while such rights are constitutionally protected, they are not absolute and must be harmonized with competing constitutional values like the right to a healthy environment and the growing recognition of animal welfare as a legitimate public interest. This jurisprudential pattern suggests that while constitutional challenges may continue to be filed, their likelihood of success is diminishing in a context where the judiciary is willing to prioritize animal welfare over more traditional claims.

For advocates, this shift provides both opportunities and strategic lessons. First, test cases using companion animals, whose protection already enjoys wider social acceptance, may serve as effective vehicles for establishing progressive precedents. Second, ritual slaughter and other practices may be increasingly subject to constitutional limits, given courts' willingness to interpret religious freedom in harmony with animal protection. Finally, animal advocates may benefit from adopting an eco-justice framework, building coalitions with environmental and social justice movements to leverage existing legal protections for environmental health, biodiversity, and community well-being. This integrative approach reflects the trajectory of Mexican jurisprudence: moving beyond narrow constitutional claims toward a broader balancing of rights where animal welfare is recognized as part of a collective interest in environmental and social sustainability.

## **VI. CONCLUSION**

Litigation is only one strategy to advocate for animals, but in Mexico, access to justice through the judiciary is an extremely formal process, and sometimes lengthy. Although the importance behind litigation cannot be undermined, there are other types of avenues and initiatives to achieve the increased protection of animals' interests, such as strengthening and enforcing existing state anti-cruelty laws, corporate engagement, education and public advocacy. In amending the constitution in favor of animal welfare laws, the Mexican government has shown a clear interest in advancing animal welfare standards. Whether through lobbying or

pursuing litigation, animal rights activists and lawyers have a growing arsenal to create better outcomes for farmed animals.

## **ZIMBABWE**

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## EXECUTIVE SUMMARY

Zimbabwe's agricultural sector is dominated by smallholder farming, but the country has also seen growth in commercial livestock operations, including poultry, pigs, and cattle. As demand for animal products rises, intensive production systems are beginning to emerge, raising questions about animal welfare, environmental sustainability, and regulatory oversight. The country's legal system provides some protections through environmental law, public health regulations, and anti-cruelty statutes, yet these frameworks remain underdeveloped and underutilized in addressing the conditions of farmed animals.

The Prevention of Cruelty to Animals Act is the primary legislation governing animal welfare, supplemented by provisions in the Environmental Management Act and sector-specific regulations. While these laws could provide avenues for farmed animal protection, enforcement has been weak, and prosecutors and courts have often lacked training in applying them to farmed animal contexts. In practice, protections are applied more consistently to companion animals or wildlife, while animals raised for food remain largely overlooked.

Litigation in Zimbabwe has addressed several themes. First, environmental protection cases have challenged the impacts of mining and industrial activity on water quality and grazing lands, with courts recognizing the harms these pose to livestock and wildlife. These cases show the potential of environmental law to indirectly protect farmed animals by safeguarding the ecosystems on which they depend.

Second, anti-cruelty enforcement has been uneven, with courts sometimes acquitting defendants in cruelty cases involving owned livestock due to lack of proof of intent or misunderstanding of statutory provisions. These cases highlight both the potential and the limitations of using anti-cruelty statutes to protect farmed animals.

Third, stock theft litigation has underscored the seriousness with which courts treat the theft of cattle and other livestock, imposing mandatory minimum sentences. While these laws aim to protect farmers' property, they raise concerns for animal advocates, as the same statutes could be used against activists engaged in open rescue or similar interventions.

Zimbabwe highlights the importance of capacity-building within the judiciary and prosecution services so that existing anti-cruelty statutes can be more effectively applied to farmed animals, ideally when the offenders are corporations. Advocates could push for the creation of specialized courts or units, such as environmental crimes courts, which could provide more consistent oversight. The most promising near-term strategy is to apply environmental law to regulate intensive animal agriculture, ensuring that dairies, slaughterhouses, and farms comply with licensing and environmental impact requirements. At the same time, advocates should press for greater transparency in case reporting and judicial reasoning, so litigation strategies can be evaluated and refined. Ultimately, Zimbabwe demonstrates both the challenges of litigating in a context with limited formal protections for farmed animals and the opportunities for creative use of environmental and administrative law to begin closing that gap.

## **GLOSSARY**

- **Agro-Census**

A national survey aimed at collecting data on agricultural activities, including types of farming, livestock populations, and land use. Zimbabwe has not conducted a comprehensive agro-census since 1980.

- **Communal Farming**

A system in which land is collectively used by local communities, common in Zimbabwe. Animals in these systems typically graze freely, unlike in industrial operations.

- **Environmental Impact Assessment (EIA)**

A legal process that evaluates the likely environmental effects of a proposed project (e.g., mining or factory farming). Required under Section 97 of Zimbabwe's Environmental Management Act.

- **Harare (Meat) By-Laws, 2017**

Municipal regulations governing slaughterhouse conditions and sanitary practices in Zimbabwe's capital city, Harare.

- **Indigenous Poultry**

Local breeds of chickens, turkeys, and guinea fowl kept by small-scale farmers in Zimbabwe. Valued for their resilience and lower input requirements.

- **Mens Rea**

A legal term referring to the mental state or intent of a person when committing a crime. Relevant in animal cruelty cases, as shown in *\*S v Lamprecht SC 129/83\**.

- **Padenga Holdings**

A Zimbabwean company that operates one of the largest crocodile farms globally, raising reptiles for leather, meat, and oil.

- **Public Health (Abattoir, Animal and Bird Slaughter and Meat Hygiene) Regulations, 1995**

National regulations that specify health, hygiene, and licensing requirements for slaughterhouses in Zimbabwe.

- **Rights-Based Environmental Approach**

A legal and policy framework focused on human rights (e.g., right to a healthy environment) as the basis for environmental protection, often criticized for insufficient attention to animal suffering.

- **Rotational Grazing**

A pasture management strategy used by communal farmers in Zimbabwe where animals are rotated across multiple paddocks to allow vegetation to regenerate.

- **Stock Theft**

The crime of stealing livestock. In Zimbabwe, it carries a minimum sentence of nine years, which could pose legal risks for animal rescuers.

- **Urban Councils Act Chapter 29:15**

Grants local councils authority to regulate the keeping of animals within municipal boundaries.

- **ZELA (Zimbabwe Environmental Law Association)**

A public interest legal organization that has brought environmental litigation related to pollution and its impact on livestock and farming communities.

- **Zoonotic Disease**

An infectious disease that is transmitted between animals and humans. Prevention is a key focus of the Animal Health Act Chapter 19:01

## I. INTRODUCTION

The welfare of farmed animals in Zimbabwe is heavily affected by climate change, poor nutrition, zoonotic diseases, and a lack of infrastructure.<sup>1</sup> At present, there are few laws and regulations in place to address these concerns. The government of Zimbabwe is in the process of addressing its agricultural management practices to ensure better food security for the population.<sup>2</sup> This, in turn, has presented Zimbabwe with an opportunity to strengthen its legal framework around farmed animals across the country. While Zimbabwe does not currently contribute heavily to the global meat market, it has the potential to create more humane management practices and become a model for other developing nations.<sup>3</sup>

Zimbabwe is a landlocked country in southern Africa with a population size of around sixteen million.<sup>4</sup> With roughly 4,130,000 hectares of arable land and subtropical temperatures, Zimbabwe has an active agriculture scene.<sup>5</sup> The agriculture sector in Zimbabwe is the country's largest employer and second-largest export industry.<sup>6</sup> The industry is characterized by subsistence, extensive, and production systems and is primarily run by smallholder farmers.<sup>7</sup>

The primary farmed animals in Zimbabwe are cattle, goats, and poultry<sup>8</sup>. Over the past several years, there has been an increase in the amount of cattle slaughtered each year, and they

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<sup>11</sup> *Zimbabwe at a Glance*, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS <https://www.fao.org/zimbabwe/fao-in-zimbabwe/zimbabwe-at-a-glance/en/>.

<sup>2</sup> Kevin Mazorodze, *FAO Support Zimbabwe to Prepare for the National Agriculture and Livestock Census*, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (January 22, 2025), <https://www.fao.org/africa/news-stories/news-detail/fao-supports-zimbabwe-to-prepare-for-the-national-agricultural-and-livestock-census/en>.

<sup>3</sup> *Bovine Meat in Zimbabwe*, OEC (2019), <https://oec.world/en/profile/bilateral-product/bovine-meat/reporter/zwe>.

<sup>4</sup> *History of Zimbabwe*, ZIMBABWE GOVERNMENT (Aug. 28, 2025) <https://www.zim.gov.zw/index.php/en/my-government/government-ministries/about-zimbabwe/460-history-of-zimbabwe?showall=1>; <https://www.fao.org/zimbabwe/fao-in-zimbabwe/zimbabwe-at-a-glance/en/>.

<sup>5</sup> *Zimbabwe*, *supra* note 1.

<sup>6</sup> *Zimbabwe Country Commercial Code*, INTERNATIONAL TRADE ADMINISTRATION, <https://www.trade.gov/country-commercial-guides/zimbabwe-agricultural-sectors>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

now hold the highest slaughter rates. For example, in 2023, roughly 2,748,622 cows were slaughtered, 290,746 pigs, and 61,523 chickens.<sup>9</sup> Zimbabwe exports livestock primarily to other countries in Africa, including Mozambique, Zambia, South Africa, and Botswana.<sup>10</sup>

While Zimbabwe has a Prevention of Cruelty to Animals Act, farmed animals are not defined within the act and are rarely extended protection under it.<sup>11</sup> Stronger anti-cruelty laws for farmed animals need to be put in place for prosecutors to rely on. Other advocacy strategies include utilizing existing environmental and human rights regulations, such as food safety laws, to push back against industrial farming operations and ensure the well-being of farmed animals.

## II. STATE OF INDUSTRIAL ANIMAL AGRICULTURE IN ZIMBABWE

Zimbabwe's animal agriculture sector is undergoing significant changes towards more industrialization. The movement is driven by increased demand for animal products and government initiatives aimed at boosting agricultural production and taking advantage of the potential market growth in Zimbabwe.<sup>12</sup> The sector faces various challenges and opportunities, including growing concerns around animal welfare and environmental sustainability. As the sector continues to evolve, its future trajectory will depend on the interplay of these factors. So far in Zimbabwe, there has not been a proper government agro-census since 1980, and the government recently announced plans to conduct an agro-census in 2025.<sup>13</sup> This census highlights data gaps in Zimbabwe's agricultural sector that need to be strengthened to help ensure food security for the country's population and guide policy decisions moving forward.<sup>14</sup> The Food and Agriculture Organization ("FAO") is supporting and providing technical assistance to conduct this census. This prolonged gap in collecting comprehensive data on the agricultural sector has likely resulted

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<sup>9</sup> Karol Orzechowski, *Global Animal Slaughter Statistics & Charts: 2023 Update*, FAUNALYTICS (July 13, 2022) <https://faunalytics.org/global-animal-slaughter-statistics-and-charts/>.

<sup>10</sup> Zimbabwe, World Integrated Trade Solution (2022), [https://wits.worldbank.org/CountryProfile/en/Country/ZWE/Year/LTST/TradeFlow/Export/Partner/by-country/Product/01-05\\_Animal](https://wits.worldbank.org/CountryProfile/en/Country/ZWE/Year/LTST/TradeFlow/Export/Partner/by-country/Product/01-05_Animal).

<sup>11</sup> Prevention of Cruelty to Animals Act Chapter 19:09.

<sup>12</sup> Mazorodze, *supra* note 2.

<sup>13</sup> Annie Coleman, *Zimbabwe to conduct first agri sector census since independence*, (2025) <https://www.farmersweekly.co.za/agri-news/africa/zimbabwe-to-conduct-first-agri-sector-census-since-independence/#:~:text=>.

<sup>14</sup> Mazorodze, *supra* note 2.

in a lack of accurate and reliable information, hindering informed decision-making and policy development.

#### A. BEEF INDUSTRY

As of 2023, there were an estimated 5.5 million cattle in Zimbabwe<sup>15</sup>. Of these, 89% are living in communal areas, where they roam freely<sup>16</sup>. Communal farmers depend on open grazing land, since they lack financial capacity to supplement their animals' diets with commercial feedstuffs.<sup>17</sup> Farmers practice rotational grazing where cattle graze one paddock for a period of time, rotate to another paddock to allow the other paddocks to regrow, and then repeat the same process.<sup>18</sup>

#### B. DAIRY INDUSTRY

There are an estimated 65,660 dairy cows in Zimbabwe.<sup>19</sup> The dairy sector in Zimbabwe is made of predominantly two groups; large-scale commercial farms and communal farmers, with 98% of production coming from the bigger industry players operating at a commercial scale.<sup>20</sup> Only a small chunk of milk production still occurs through traditional, small-scale farming methods, characterized by limited mechanization and technological innovation.<sup>21</sup> Notably, milk production in Zimbabwe is on the decline.<sup>22</sup> The smallholder sector fluctuated from producing 2.7 million liters in 1990 to 1.5 million liters in 1998 and 1.13 million liters in 2011.<sup>23</sup> The reasons for the decline include poor breeding methods, insufficient knowledge on dairy farming and inadequate financing. In 2025, the total import of milk products dropped.<sup>24</sup> In January 2022, the

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<sup>15</sup> Homann-Kee Tui et al, *Production decisions and food security outcomes of smallholder's livestock market participation: empirical evidence from Zimbabwe*.7 FSUFS (2023).

<sup>16</sup>Bruce Tavirimirwa, et al, *Communal Cattle production in Zimbabwe: A Review*, 25(12) LLRD2013.

<sup>17</sup> Ngongoni NT et al, *Evaluation of cereal-legume intercropped forages for smallholder dairy production in Zimbabwe*. 19 LRRD,129.(2007).

<sup>18</sup> *Id.* at 2

<sup>19</sup> Zimbabwe's dairy cattle herd reaches 65,660, 119% above target DairyNews, (February 4 2025).

<sup>20</sup> Tawedzegwa Musitini, Feeding Management and Extent of Commercialization among the Smallholder Dairy Farmers in Zimbabwe, 11(4) JEBS 32 (2019).

<sup>21</sup> *Id.* at 6

<sup>22</sup> Washday S & Chifamba C, *Smallholder Dairy Farming: A Solution to Low Milk Production in Zimbabwe*, 8(2) JDVS. (2018).

<sup>23</sup> *Id.*

<sup>24</sup> Zimbabwe's milk imports drop 23% as local production rises, DAIRY BUSINESS MIDDLE EAST & AFRICA (Feb. 11, 2025), <https://dairybusinessmea.com/2025/02/11/zimbabwes-milk-imports-drop-23-as-local-production-rises/>.

government imposed a five-percent levy on dairy imports with the aim of enhancing national production.<sup>25</sup>

Despite numerous studies in Zimbabwe focusing on the nutrition, breeding, physiology, and health of farmed cows, the welfare of these animals has been largely overlooked.<sup>26</sup> Consequently, the country, like many other developing nations, still lags behind in prioritizing and implementing effective cow welfare policies and practices.<sup>27</sup>

### C. POULTRY INDUSTRY

Zimbabwe's poultry industry is driven by small-scale informal producers (65%), primarily in urban areas (73%).<sup>28</sup> The chicken industry consists of broiler chickens and laying hens. Typically, laying hens are confined to battery cages, which over time can cause the hens to become weak and thin.<sup>29</sup> While Section 3(g) of the Prevention of Cruelty to Animals Act prohibits unnecessarily tying up or confining animals, this protection has not yet been applied to laying hens housed in battery cages.<sup>30</sup> Broilers account for 70% of commercial production, and they are raised in intensive farming facilities, akin to concentrated animal feeding operations with the added intent of allowing for large scale feeding.<sup>31</sup> A lot of Zimbabwean subsistence farmers raise indigenous poultry (chickens, guinea fowls, turkeys) for climate resilience because these indigenous species do not rely on pastures and have lower water intake and feeding needs.<sup>32</sup> They provide a low-input, high-benefit contribution to farming systems and rural economies.<sup>33</sup>

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<sup>25</sup> Zimbabwe surpasses NDSI herd growth target, achieving 65,660, DAIRY BUSINESS MIDDLE EAST & AFRICA (Feb. 1, 2025), <https://dairybusinessmea.com/2025/01/29/zimbabwe-surpasses-nds1-herd-growth-target-achieving-65660-cattle/>.

<sup>26</sup> Matore Zivanai et al, *Welfare status of dairy cows reared from large scale dairy farms in Midlands Province Zimbabwe*.48(6) VET RES COMMUN. (2024).

<sup>27</sup> *Id.*

<sup>28</sup> Gororo Eddington & Kashangura Mabel, *Broiler production in an urban and peri-urban area of Zimbabwe*. 33(1), DSA, 99–112. (2016).

<sup>29</sup> Yvonne Gurira, *Creating Change for Farmed Animals in Zimbabwe*, CENTER FOR ANIMAL LEGAL STUDIES (Nov. 15, 2022), <https://law.lclark.edu/live/news/49942-creating-change-for-farmed-animals-in-zimbabwe>.

<sup>30</sup> *Id.*

<sup>31</sup> Eddington, *supra* note 28.

<sup>32</sup> Joshua Ndiweni, *Prudent Poultry Farming as a source of livelihood and food security in a changing climate: The case of Zhombe communal lands, Zimbabwe*, 3(10)IJSRP (2013); <https://www.sciencedirect.com/science/article/pii/S2405844022028675>.

<sup>33</sup> Bartholomeow Mupeta, *A Comparison of the performance of village chickens, under improved feed management, with the performance of hybrid chickens in tropical Zimbabwe* (the performance of village chickens under intensive management compared with hybrid white Leghorn in Zimbabwe).

The country's biggest poultry industry player, Irvines, produces over 4.8 million eggs per week.<sup>34</sup> The rest of the egg industry is supplemented by small-scale farming initiatives that utilize local scavenging chickens which are known to lay as much as 30-80 eggs per hen per year.<sup>35</sup>

#### D. PORK INDUSTRY

There are an estimated 300,000 pigs in Zimbabwe<sup>36</sup>. The largest corporation running the pig farming industry is Colcom Foods.<sup>37</sup> It created the voluntary Zimbabwe Quality Assured Pork (ZQAP) Certification Scheme, which aims to encourage suppliers of pigs to adhere to standard welfare requirements, including freedom from malnutrition, discomfort, and injury and the freedom to express normal patterns of behavior.<sup>38</sup> The ZQAP system is still voluntary, but pig producers wishing to achieve the ZQAP status are encouraged to follow the continual guidelines of the certification scheme and have a welfare officer, a licensed veterinarian, come conduct a site visit monthly to advise on the status of the pigs and outline any spots for improvement.<sup>39</sup> The voluntary status of ZQAP means that its suggestions have no binding legal authority and there is no way to enforce compliance with these recommendations. There is potential for ZQAP to serve as a model for future mandatory regulations or amendments to the Prevention of Cruelty to Animals Act; however, these suggestions have not yet been put to effect. There are no laws that prohibit use of farrowing or gestation crates in Zimbabwe. Gestation and farrowing crates are still used in some areas of Zimbabwe where farmers argue that it is easier for them to help manage individual pigs.<sup>40</sup>

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<sup>34</sup> The Herald, Irvines Increases egg production by 9pc, (October 13 2021).

<sup>35</sup> LAMBROU, L et al, *Indigenous Poultry in Zimbabwe*, 19 FARMING WORLD 11-12 (1993).

<sup>36</sup> Animal Advocacy in Zimbabwe (November 15 2023) <https://www.animalask.org/post/farmed-animal-advocacy-in-zimbabwe#:~:text=>.

<sup>37</sup> Colcom CSR, INNSCOR AFRICA LIMITED, <https://www.innscorafrica.com/colcom-csr/>.

<sup>38</sup> Zimbabwe Quality Assured Pork (ZQAP) Scheme Certification Standards (ZQAP Certification Standards).

<sup>39</sup> Livestock Identification Trust, *Zimbabwe Quality Assured Pork (ZQAP) Scheme*, Zimbabwe Pig Producers Association (2021), <https://livestockzimbabwe.com/zqap1.pdf>.

<sup>40</sup> Sanele Ndlovu, *Farmer perspectives on uses of battery cages in egg production, and of sow stalls and farrowing crates in pig production in Zimbabwe*, ANIMAL ADVOCACY AFRICA (2022), <https://www.animaladvocacyafrica.org/blog/farmer-perspectives-on-uses-of-battery-cages-in-egg-production-and-of-sow-stalls-and-farrowing-crates-in-pig-production-in-zimbabwe>.

## E. OTHER ANIMALS

The Goat Breeders Association further estimates that there are 3-4 million goats<sup>41</sup> in Zimbabwe. Crocodiles are also farmed in concentrated animal feeding operations for their meat, oil and skin which is used to make leather<sup>42</sup>. In 2018, an Al Jazeera report classified Zimbabwe as one of the largest exporters of crocodile skins in the world<sup>43</sup>. The biggest corporation which runs a crocodile farm, known as *Padenga Holdings*, owns an estimated 100 000 crocodiles and is reported to have sold up to 43 254 crocodile skins in 2020<sup>44</sup>.

## III. RELEVANT LEGISLATION

### A. CONSTITUTIONAL STRUCTURE

Zimbabwe has ten provinces and seven administrative districts.<sup>45</sup> The Parliament has the legislative authority in Zimbabwe and can create laws.<sup>46</sup> The Parliament is bicameral, consisting of the House and National Assembly. Case law is what sets judicial precedent.<sup>47</sup> The constitution is the supreme law of Zimbabwe.<sup>48</sup> The High Court is the court of inherent jurisdiction, otherwise known as original jurisdiction, for all civil and criminal matters.<sup>49</sup> The Supreme Court is the final court of appeal for all civil and criminal matters.<sup>50</sup> The constitutional court deals with constitutional issues only.<sup>51</sup> The Administrative court presides over administrative issues (cases concerning decisions made by government agencies).<sup>52</sup> The decisions made by the Constitutional

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<sup>41</sup> The Sunday Mail, *Goat Farming: Low-hanging fruit for communities* (25 August 2024).

<sup>42</sup> Tosun Deniz, *Crocodile Farming and its Present State in Global Aquaculture*, 7 J FISHERIESSCIENCES 43-57 (2013).

<sup>43</sup> Tendai Marina, *Zimbabwe's Crocodile Industry Rises Against the Tide*, Al Jazeera, 21 May 2018.

<sup>44</sup> Id. at 13.

<sup>45</sup> Provinces of Zimbabwe, OFFICIAL GOVERNMENT OF ZIMBABWE, <https://www.zim.gov.zw/index.php/en/my-government/provinces>.

<sup>46</sup> The Expanded mandate and Role of the Parliament of Zimbabwe, PARLIAMENT ZIMBABWE <https://www.parlzim.gov.zw/what-we-do/>.

<sup>47</sup> Otto Saki and Tatenda Chiware, *The Law in Zimbabwe*, NYU LAW <https://www.nyulawglobal.org/globalex/zimbabwe.html>.

<sup>48</sup> Section 2 of the Constitution of Zimbabwe Amendment No.20 Act 2013.

<sup>49</sup> Section 171 of the Constitution.

<sup>50</sup> Section 168 of the Constitution.

<sup>51</sup> Section 167 of the Constitution.

<sup>52</sup> Section 173 of the Constitution.

court bind the Supreme Court, the High Court and all other lower courts. The lower courts hear civil and criminal cases. All appellate decisions bind lower court decisions.<sup>53</sup>

There are no constitutional provisions that directly address farmed animal welfare. The bill of rights in Chapter 4 of the Constitution only makes provision for human rights and environmental rights.<sup>54</sup> Section 73(1)(a) of the Constitution provides that '*every person has the right to an environment that is not harmful to their health or well-being*', and section 73(1)(b) that:

*"[e]very person has the right to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution, promote conservation, and secure ecologically sustainable development and use of natural resources while promoting economic and social development.*<sup>55</sup>

The only problem with the current rights-based approach is that environmental degradation can have devastating impacts on ecosystems and non-human species, even if it does not directly affect human populations.<sup>56</sup> This would mean that where a human being is not affected by the suffering of animals directly, the law may not protect the animals' interests under the constitutional environmental law framework. Critics argue that a rights-based approach to environmental protection is insufficient, as it tends to be retrospective and reactive, rather than proactive and preventative, which is a more desirable strategy for effective environmental conservation.<sup>57</sup>

## B. ANIMAL PROTECTION LEGISLATION

### The Prevention of Cruelty to Animals Act Chapter 19:09

The Prevention of Cruelty to Animals Act (PCA Act) is the main act that criminalizes cruelty to animals. It is primarily enforced by the Zimbabwe National Society for the Prevention of Cruelty to Animals (ZNSPCA), although local law enforcement may respond to specific

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<sup>53</sup> NYU Law, *supra* at 47.

<sup>54</sup> Section 73 of the Constitution.

<sup>55</sup> *Id.* at 28

<sup>56</sup> D Tladi '*Of course for humans: A contextual defense of intergenerational equity*' 9 SAJELP 182-185 (2002).

<sup>57</sup> Tinashe Madebwe, *A rights-based approach to environmental protection: The Zimbabwean Experience*, 15(1) AFR. HUM. RIGHTS LAW J. (2015).

claims.<sup>58</sup> It does not define or mention farmed animals specifically, but only defines animals. The PCA Act in Zimbabwe criminalizes beating, kicking, ill treatment of animals and any act of commission or omission that is likely to infuriate or terrify an animal<sup>59</sup>. In terms of this act, an animal means any kind of domestic vertebrate animal, any kind of wild vertebrate animal in captivity or the offspring thereof.<sup>60</sup>

#### The Animal Health Act Chapter 19:01

This Act is enforced by the Ministry of Agriculture and creates a framework for monitoring animal diseases. The purpose of the Act is to:

*“provide for the eradication and prevention of the spread of animal pests and diseases in Zimbabwe, for the prevention of the introduction into Zimbabwe of animal pests and diseases and for incidental matters”<sup>61</sup>*

While it does not have specific welfare provisions for farmed animals, its main purpose is to control and monitor the spread of zoonotic diseases. While the act was specifically designed with the narrow intent of addressing disease management; it was brought under review in 2024 to consider opportunities to incorporate explicit animal welfare provisions.<sup>62</sup>

#### C. ENVIRONMENTAL PROTECTION LEGISLATION

##### The Environmental Management Act 20:27

This Act is enforced by the Environmental Management Agency. It classifies animals as natural resources<sup>63</sup> but does not define animals themselves. It protects the environment that animals live in. Section 113 provides as follows:

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<sup>58</sup> ZIMBABWE NATIONAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ZNSPCA), <https://www.znspca.org/About-Us>.

<sup>59</sup> Section 3 of the Prevention of Cruelty to Animals Act Chapter 19:09.

<sup>60</sup> Section 2 of the Prevention of Cruelty to Animals Act Chapter 19:09.

<sup>61</sup> Preamble; Animal Health Act [Zim.]

<sup>62</sup> Yvonne Gurira, *Overview of Zimbabwean Animal Law*, Elgar Law 2025, 332-334 (2025), <https://www.elgaronline.com/display/book/9781803923673/chapter86.xml>.

<sup>63</sup> Section 2 of the Environmental Management Act Chapter 20:27 <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC047834/>.

*“No person shall, except in accordance with the express written authorization of the Agency, given in consultation with the Board and the Minister responsible for water resources-... (b) disturb any wetland by drilling or tunnelling in a manner that has or is likely to have an adverse impact on any wetland or adversely affect any animal or plant life therein ”<sup>64</sup>*

#### D. FOOD SAFETY & CONSUMER PROTECTION LEGISLATION

##### Food and Food Standards Act Chapter 15:04

The preamble of the Food and Food Standards Act states that it is

*“An Act to provide for the sale, importation and manufacture for sale of food in a pure state; to prohibit the sale, importation and manufacture for sale of food which is falsely described; and to provide for the fixing of standards relating to food and matters incidental thereto. ”<sup>65</sup>*

However, it does not have specific provisions that address animal rights or welfare. The Act aims to ensure that humans have access to food that is processed and kept in sanitary conditions.<sup>66</sup> Under this Act, the local authority appoints an inspector to conduct regular site visits and ensure that food safety regulations are being followed.

##### Harare (Meat) By-Laws, 2017

This is a subsidiary piece of legislation for Harare province (the capital of Zimbabwe). It was enacted through the Ministry of Local Government, Public Works and National Housing. Its provisions provide for the slaughter of farmed animals in sanitary conditions<sup>67</sup>. Public Health (Abattoir, Animal and Bird Slaughter and Meat Hygiene) Regulations, 1995 (S.I. 50 of 1995).

These Regulations provide for conditions for slaughtering of animals and birds and the health and hygiene requirements in slaughter-houses. Part II of the Regulations requires a

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<sup>64</sup> Section 113 (b) of the Environmental Management Act Chapter 20:27.

<sup>65</sup> Preamble, Food and Food Standards Act, Zimbabwe Chapter 15:04.

<sup>66</sup> *Id.*

<sup>67</sup> Section 5 of the Harare Meat By-Laws of 2017 (no person shall slaughter any livestock in the council area, other than at an abattoir).

slaughter-house to be registered and prohibits sale of any meat or offal unless obtained from a registered slaughter-house.<sup>68</sup>

## E. OTHER LAWS

### City By-Laws

The capital city of Zimbabwe is called Harare. It enacted the Harare Public Health Amendment By-Laws of 2019 which regulate backyard farming of animals.<sup>69</sup> In terms of these regulations, only 25 poultry animals per household can be kept at a residential premise which is 300 square meters.<sup>70</sup> However, any residential unit which is 301 square meters to 900 square meters is allowed to keep 100 poultry animals.<sup>71</sup> Only 405 animals can be kept in residential units of 901 square meters to 2000 square meters.<sup>72</sup> Those with units of 2000 square meters and above are allowed to keep a maximum number of 800 birds.<sup>73</sup>

### The Public Health Act Chapter 15:17

The Public Health Act makes provision for the licensing of slaughter houses.<sup>74</sup> However, the Act does not address animal welfare or humane slaughter methods. The Act does require that all animals and birds have to be slaughtered in registered abattoirs that are licensed by a local authority through the Minister of Health.<sup>75</sup>

### The Urban Councils Act Chapter 29:15

This Act makes provision for giving local councils the power to make regulations for the prohibition, regulation or licensing of the keeping of any animals, bees, reptiles or birds<sup>76</sup>.

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<sup>68</sup> Part II & Section 3 of the Public Health (Abattoir, Animal and Bird Slaughter and Meat Hygiene) Regulations, 1995 (S.I. 50 of 1995).

<sup>69</sup> Section 4 of Harare (Public Health)(Amendment) By-laws, 2019 (No. 6).

<sup>70</sup> Section 5(i) of Harare (Public Health)(Amendment) By-laws, 2019 (No. 6).

<sup>71</sup> Section 5 (ii) of Harare (Public Health)(Amendment) By-laws, 2019 (No. 6).

<sup>72</sup> Section 5(iii) of Harare (Public Health)(Amendment) By-laws, 2019 (No. 6).

<sup>73</sup> Section 5(iv) of Harare (Public Health)(Amendment) By-laws, 2019 (No. 6).

<sup>74</sup> Public Health Act Chapter 15:17 No.11/2018.

<sup>75</sup> Zimbabwe, SWIM SUSTAINABLE WILDLIFE MANAGEMENT, <https://www.swm-programme.info/en/legal-hub/zimbabwe/food-safety>.

<sup>76</sup> Part X; Section 82 of the Urban Councils Act.

## IV. CASE LAW

### A. ANIMAL PROTECTION CASES

#### *S v Lamprecht SC 129/83*

In this case, the appellant, Lamprecht, was charged with malicious injury to property for killing his neighbor's bull after he restrained the animal using a wrench clamp and the bull was strangled to death. He also faced a charge under section 3(1)(a) of the Prevention of Cruelty to Animals Act for cruelly killing the animal. The magistrate acquitted Lamprecht of malicious injury, finding no intent to harm the complainant's property, but convicted him of cruelty on the basis that clamping the bull constituted ill-treatment.<sup>77</sup>

On appeal, however, the Supreme Court overturned the conviction. The Court found there was no evidence Lamprecht had beaten the bull or broken its jaw, and the complainant's lack of urgency when informed that the bull was clamped undermined any inference of cruelty. Crucially, the Court emphasized that section 3(1)(a) required proof of *mens rea*: an intention or knowledge that the act would cause suffering. Because such intention was not established, the conviction could not stand. The appeal was upheld and the conviction quashed.<sup>78</sup>

This case demonstrates that it can be difficult to successfully prosecute animal cruelty claims against farmed animals, in part because of the burden of proof required for *mens rea*. In this case, after the bull had been placed in a clamp, because the complainant was made aware of this fact and showed no signs of being bothered, the court held this was not cruelty but rather an ordinary management technique. There was no realization amongst the parties that the act of putting a bull in restraints would cause pain. Here the court noted that had there been concrete evidence linking the appellant to the beating of the bull, then there might have been a case for *mens rea*, but given that the restraints were considered routine and neither party seemed concerned that the bull was restrained in such a manner, the case could not move forward.

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<sup>77</sup> *S v Lamprecht*, Crim. Appeal 304 of 1983; SC 129 of 1983 ZWSC 129 (1983) [Zim.], <https://zimlii.org/akn/zw/judgment/zwsc/1983/129/eng@1983-11-14>.

<sup>78</sup> *Id.*

This highlights a need to reevaluate what constitutes routine practices when it comes to farmed animals. Here, where the state tried to allege that the cruelty came from placing the bull in a clamp and beating him, the court was unpersuaded. There was no *mens rea* for the crime because the placing in the clamp was considered a routine process. Without redefining what practices might cause cruelty and invoke *mens rea*, there are few legal avenues to pursue prosecution for routine practices in animal agriculture that regularly inflict pain and suffering on farmed animals.

. This is in part because of existing barriers. Some of these include existing outdated and vague statutory frameworks. One example of this is the Prevention of Cruelty to Animals Act. Although this is a principal doctrine in animal welfare, the statutory language is outdated and aligns poorly with modern science and animal ethic awareness, such as acknowledging animal sentience, and it excludes invertebrates, and does not define language like “cruelty” or “confined.” This lack of awareness extends to stakeholders as well and can make it even harder to implement change. Continued education, training, and developing materials for stakeholders such as veterinarians, agricultural officers, or stalk handlers might facilitate the social change to challenge these barriers. Suggest human handling for emerging laws or those under review, as discussed earlier in this section. One example of this might be the fisheries bill.

## B. ENVIRONMENTAL PROTECTION CASES

### ZELA & Ors v Anjin Investments (Pvt) ltd [2015] ZWHC 523

This case was brought by the Zimbabwe Environmental Law Association (ZELA), together with individual farmers from the Marange Communal Lands, an area also known for its diamond reserves. The dispute arose from pollution caused by mining activities carried out by Anjin Investments (Pvt) Ltd. The plaintiffs alleged that waste discharged from mining operations had polluted nearby rivers, rendering the water unfit for livestock consumption and thus causing harm to their livelihoods.<sup>79</sup>

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<sup>79</sup> ZELA & Ors v Anjin Inv. (Pvt) Ltd & Ors (HC 9451 of 2012) ZWHC 523 (2015) [Zim.], <https://zimlii.org/akn/zw/judgment/zwhc/2015/523/eng@2015-06-16>.

The plaintiffs sought (1) a declaratory order confirming that the defendants had polluted the rivers, and (2) an interdict<sup>80</sup> to prevent further discharge of waste into the rivers. In response, the defendants raised a special plea, arguing that the plaintiffs should have sought relief from the Environmental Management Agency (EMA) rather than approaching the High Court directly.

The High Court dismissed the special plea. It held that the EMA did not have the authority to grant the type of relief sought. Instead, the High Court affirmed its own inherent jurisdiction to determine the existence and protection of rights. Consequently, the matter was properly before the court.

This case is significant for several reasons. First, it affirms the High Court's broad jurisdiction to hear environmental disputes and to grant remedies even where specialized agencies exist. By rejecting the defendants' attempt to limit the plaintiffs to administrative remedies under the EMA, the court preserved judicial oversight as a critical avenue for protecting environmental and community rights.

Second, the case highlights the close link between environmental harm and agricultural livelihoods. The pollution at issue directly affected the farmers' livestock by contaminating water sources, demonstrating how industrial activities can threaten not only the environment but also food security and community well-being.

For farmed animal advocates, the decision provides a potentially important tool. The court's recognition that pollution making water unsafe for livestock constitutes actionable harm sets a precedent for framing environmental degradation as both an ecological and an animal welfare issue. While the case was not explicitly argued on animal welfare grounds, its reasoning can be extended: harm to animals, whether through unsafe drinking water, loss of grazing land, or other industrial impacts, can be litigated as a violation of both human and animal interests.

The case therefore signals an opening for advocates to argue that cruelty or harm to farmed animals need not always be pursued exclusively through animal protection statutes (which may be weak or under-enforced). Instead, environmental and constitutional rights litigation can serve as

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<sup>80</sup> Interdicts are similar to injunctions in that they are summary court orders by which a person is ordered to refrain from doing something or prevent an infringement of a certain right. In other words, it is an order by the court to stop or require a certain action by an individual.

an indirect but powerful vehicle for advancing farmed animal protection, particularly where state oversight is inadequate.<sup>81</sup>

Debshan v The Provincial Mining Director [2017] ZWBHC 11

In this case, the provincial authorities authorized mining activities to be undertaken near the Applicant's farm, Shangani Ranch. The farm contained about 4200 cattle for beef production and 4000 wild animals. The dispute arose because an Environmental Impact Assessment, which is required under section 97 of the Environmental Management Act [Chapter 20:27] was not conducted before the grant of a mining license near the Applicant's farm.

The court noted that illegal and unplanned activities pose a significant risk as they could devastate vast grazing areas for livestock and wildlife. Uncontrolled mining activities endanger cattle and wildlife and they also cause environmental degradation. The court ordered all mining permits which had been issued to mining firms situated on Shangani Ranch to be null and void.

The Debshan case underscores the fundamental importance of Environmental Impact Assessments (EIAs) in safeguarding both ecological systems and the animals that depend on them. By declaring null and void all mining permits issued for Shangani Ranch in the absence of an EIA, the High Court emphasized that compliance with section 97 of the Environmental Management Act is not a procedural formality but a substantive legal requirement designed to protect land, livestock, and wildlife. The judgment recognized that unregulated mining poses serious risks, including the destruction of grazing land, water contamination, and broader environmental degradation, all of which directly endanger cattle and wild animals alike. For farmed animal advocates, this decision provides a valuable precedent: it establishes that industries whose operations threaten environmental stability can be held accountable for failing to undergo the legal procedures required to safeguard the environment. Since industrial animal agricultural facilities are expressly subject to EIAs under the Environmental Management Act,<sup>82</sup> the reasoning in Debshan can be applied to challenge industrial farming projects that commence or expand without

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<sup>81</sup> *Id.*

<sup>82</sup> Section 97 read alongside section 5(g) of the First Schedule of the Environmental Management Act.

proper assessment. In this way, the case not only protects ecological integrity but also creates an avenue for advancing the welfare of farmed animals through environmental litigation.

Both cases discussed above demonstrate Zimbabwe's recognition of the importance of conducting EIAs. While the two cases consider the effects of pollution and mining on farming projects, the effect of their holdings lends the possibility of extending the value of EIAs to agricultural production itself. In both cases, the high court and provincial authorities recognized that environmental degradation could have a negative effect on cattle and other farmed animals, and any industry that causes environmental degradation could be subject to an EIA. It could follow then that factory farming, which can cause environmental degradation and harm animals, could be subject to this as well.

## C. OTHER CASES

### i. *Stock Theft Cases*

In Zimbabwe, livestock is considered indispensable to rural livelihoods, cultural traditions, and national food security.<sup>83</sup> Hence, under Zimbabwean law, stock theft is defined as the unlawful taking of a variety of animals such as cattle, sheep, goats, pigs, poultry, rabbits, and equines.<sup>84</sup> The Criminal Law (Codification and Reform) Act mandates a minimum nine-year sentence per count of stock theft,<sup>85</sup> with a maximum of 25 years for certain offences,<sup>86</sup> underscoring legislative intent to deter the crime. As one judge noted, “[Stock theft] has always been regarded as serious by both the Courts and the legislature for a very long time... The value of stock to an agricultural economy obviously drove this reasoning.”<sup>87</sup>

In *S v Sibanda [2022] ZWBHC 159*,<sup>88</sup> the accused was charged with two counts of stock theft for stealing two dairy cows, each valued at USD \$400. The trial court imposed an aggregate

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<sup>83</sup> Kainos Manyeruke, et al., *Determinants of Stock Theft and Its Implication on Household Dietary Diversity in Semiarid Regions of Zimbabwe: Case of Gwanda District*, SCIENTIFIC WORLD JOURNAL (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10474954/?utm>.

<sup>84</sup> Criminal Law (Codification and Reform) Act, s.114 (1).

<sup>85</sup> *Id.* at 114(2)(e).

<sup>86</sup> *Id.* at 114(2)(f)(ii).

<sup>87</sup> *The State v. Garikai Mugabe*, CRB 1237/02, High Court of Zimbabwe.

<sup>88</sup> *S v Sibanda (159 of 2022) ZWBHC 159 (2022) [Zim.]*,

<https://zimlii.org/akn/zw/judgment/zwbhc/2022/159/eng@2022-06-23>.

sentence of 18 years' imprisonment, calculated as nine years for each count. On appeal, the High Court clarified the correct interpretation of the statutory minimum under the Stock Theft Act. Specifically, the court emphasized that the mandatory minimum sentence of nine years applies per count of stock theft i.e., one incident of theft, regardless of the number of animals stolen in that count. The appellate court upheld the conviction but set aside the sentence.<sup>89</sup>

This case underscores the harsh penal consequences associated with livestock theft in Zimbabwe. The statutory nine-year minimum sentence per count reflects the legislature's prioritization of protecting agricultural and rural livelihoods, given the centrality of cattle to Zimbabwe's economy and communities. From a farmed animal advocacy perspective, however, the ruling has broader implications.

First, the rigidity of the sentencing framework highlights the risks for activists who might engage in open rescues or other direct actions involving the removal of farmed animals from abusive conditions. Even if such actions are motivated by animal welfare concerns, they would almost certainly be prosecuted as stock theft under Zimbabwean law, with a minimum sentence of nine years that cannot be reduced, even if a judge were sympathetic or inclined toward leniency.

Second, the decision illustrates how property-based legal frameworks governing animals can directly conflict with welfare-oriented or rights-based arguments. Zimbabwe's mandatory sentencing regime in stock theft cases leaves little room for judicial discretion. This significantly narrows the legal space for animal advocates to advance arguments centered on rescue or necessity defenses.

## **V. ANALYSIS OF LITIGATION STRATEGIES & RECOMMENDATIONS**

Litigation strategies for advancing farmed animal protection in Zimbabwe must be viewed against the backdrop of limited statutory protections and a judiciary that is willing to enforce environmental governance but is hesitant to expand the reach of anti-cruelty law. This landscape presents both opportunities and challenges for advocates.

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<sup>89</sup> *Id.*

One of the strongest avenues lies in leveraging environmental law. Zimbabwe's Environmental Management Act imposes duties such as the requirement to conduct Environmental Impact Assessments before establishing industrial farming operations. Framing intensive farming projects as environmental threats, through their waste, water use, and pollution, allows advocates to challenge them procedurally. High Courts have already recognized their role in enforcing such duties, and litigation can be used to ensure compliance, stop unlawful developments, or highlight the environmental consequences of industrial farming. Similarly, advocates can draw on constitutional environmental rights provisions, positioning farmed animal protection as part of broader environmental justice claims.

Another opportunity lies in pushing for greater institutional specialization. The establishment of a dedicated environmental crimes court, for instance, could improve consistency and seriousness in addressing harms linked to industrial agriculture. Even without such reform, advocates can strengthen their litigation by demanding transparency in decision-making, challenging regulatory inaction, and ensuring that violations of environmental and public health standards are escalated beyond lower courts. These strategies are especially important given that many farmed animal-related cases remain invisible at the magistrate level.

The largest obstacle for advocates is the weakness of Zimbabwe's animal welfare framework. Anti-cruelty provisions are narrow and require proof of intention (*mens rea*), which makes them ineffective against systemic harm in industrial agriculture where suffering is routine but not tied to individual acts of deliberate cruelty. This evidentiary barrier means prosecutors are often unwilling, or unable, to bring charges. A key strategy for advocates, therefore, is to push for prosecutorial training, so that existing statutes are applied rigorously and strategically within their limits, and to the extent possible, to prioritize charging corporations over individuals. Legislative reform will ultimately be needed to introduce strict liability standards for farming corporations and expand the scope of cruelty protections to cover the realities of farmed animal confinement and slaughter.

Another challenge comes from the severity of Zimbabwe's stock theft laws. With mandatory minimum sentences of nine years, they pose a significant risk to activists who might attempt direct rescue of animals from abusive conditions. Unlike in the U.S. and some other

jurisdictions, where courts or juries have occasionally acquitted rescue activists, Zimbabwe's punitive framework leaves no room for leniency. Unless reforms create exemptions for rescues undertaken to prevent animal suffering, this avenue remains closed to advocates.

## **VI. CONCLUSION**

Advocacy for farmed animal protection in Zimbabwe is gaining momentum. The continued efforts should focus on enacting more legal protections that govern farmed animals specifically and ensuring that prosecutors are well versed on existing anti-cruelty laws. Farmed animal protection is intersectional by nature and can be supported by applying environmental and human rights laws. Within the judicial system, Zimbabwe may benefit from specialized courts, such as those dedicated to environmental crimes, and better publishing systems so that cases around farmed animals can be well publicized. Zimbabwe is currently sitting at a crossroad that has incredible potential to allow for improved farmed animal welfare across the country.