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Animal Rights Regulation and the Concept of the “Multispecies Family” in Latin American Countries

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Abstract. The aim of the article is to provide a comparative analysis of the ethical, legal, and cultural foundations regulating the relationships between people and pets, especially in the context of reinforcing the traditional value of a harmonious family in Latin American countries. In several of these countries, legislation has established a clearer legal regime that recognizes the fundamental rights and well-being of animals within the framework of “responsible ownership” in families and seeks to overcome the practice of speciesism. Methodologically, the study combines critical animal studies with a sociological analysis of power inspired by Foucauldian biopolitics. Through legal and technical analysis, comparative methods, and the doctrinal perspectives of Ibero-American and North American legal scholars, the article conceptualizes key categories and explores proposed solutions in the field of animal rights protection. A separate section of the article focuses on the status of pets within the “multi-species family”, analyzing this both as a legal concept and as an emerging sub-institution in the legislation of several Latin American countries. Using Brazil as a specific example, the article examines recent legislative innovations regarding the rights of domestic animals and the judicial interpretation of their status within the context of the “multi-species family”.

Key words: fundamental animal rights, biopolitics, *ius cosmopoliticum*, non-human sentient animals, speciesism theory, animal protection

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Регламентация прав животных и концепция «многовидовой семьи» в странах Латинской Америки

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Аннотация. Цель статьи – сравнительное исследование этико-правовых и культурологических основ регламентации отношений людей с домашними животными в контексте укрепления традиционной ценности гармоничной семьи в странах Латинской Америки. В целом ряде из них законодательно закрепляется более четкий правовой режим, предполагающий учет основных прав животных и их благополучие в рамках «ответственного владения» в семьях и преодоления практики «видового спесиизма». Методологически исследование построено на сочетании критических исследований теории прав животных (*critical animal studies*) и социологического анализа власти с фукоистскими корнями (концепт биополитики). Используя юридико-технический анализ, приемы компаративистики и доктринальные концепции ибероамериканских и североамериканских правоведов, авторы концептуализировали ключевые категории и предлагаемые решения в области защиты прав животных. Отдельная часть статьи посвящена положению домашних животных в составе «многовидовой семьи», которая проанализирована нами как правовая концепция и как новый субинститут законодательства в ряде стран Латинской Америки. На конкретном примере в Бразилии выявлены и проанализированы законодательные инновации о правах домашних животных и судебная интерпретация их статуса в «многовидовой семье».

Ключевые слова: основные права животных, биополитика, *ius cosmopolitanum*, нечеловеческие животные, теория специальных видов, защита животных

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Introduction:

Animal rights legitimization of in the context of biopolitics

Against the backdrop of rapid scientific and technological progress and the biotechnological revolution in Latin American countries, new vectors of national biopolitics are emerging. Strategic documents from several countries, including members and partners of BRICS+ and the Organization of American States (OAS), set ambitious goals to resolve pressing issues of biosecurity, genomic sovereignty, development of highly effective biotechnologies, expansion of legal regulation of biomedicine, and control of genetic technologies and ecosystems (Travieso, 2021:85-89). In Latin America, a specialized legal and ethical regulatory framework is gradually taking shape to govern the procedures and consequences of genomic and other biotechnological research, protect genetic integrity, and safeguard the rights of future generations.

These innovative areas of jurisprudence raise not only evident legal challenges but also profound moral and cultural questions that affect scientific research and the practical implementation of its results in medicine, agriculture, forensics, and other fields. While scientific research on the human genome and related safety issues is closely monitored by state authorities in most Latin American countries (Trikoz, Mustafina-Bredikhina & Gulyaeva, 2021:67-86), significant gaps remain regarding other animal organisms, particularly in clinical practice, social policy, and legislation. For example, the methods used to achieve genetic modification of animals raise concerns about animal welfare, including the safety and sometimes fatal consequences of genetic engineering (West, 2006:413-442). Most biomodification of farm animals aims to increase productivity, improve the quality of animal-derived food and biomedical products, enhance disease resistance, and promote environmental sustainability (Laible, 2009:123-127). Gene manipulation is also increasingly applied to companion animals, raising questions about their legal protection. Cloned animals are considered genetically modified due to the direct intervention involved in their creation. Veterinary clinics report growing demand from clients seeking genetic engineering services to clone their deceased but beloved pets, which are often regarded as family

members and companions (Lee et al., 2005:436). Another example is the creation of hypoallergenic cats, where genetic engineering is used to remove the gene encoding the main allergen, thus altering the pet's biological makeup (Ormandy, Dale & Griffin, 2011:544–550).

In recent years, the relationship between humans and animals has undergone significant philosophical and ethical transformation, accompanied by expanded normative regulation and evolving human rights practices (Denisenko & Trikoz, 2020:1–7). Scientific attention has shifted toward new forms of social organization that challenge traditional concepts of legal personality and the foundations of the legal status of individuals.

One such emerging phenomenon attracting the increasing interest among legal scholars and practitioners is the so-called “multispecies” or “interspecies” family (English: multispecies family; Spanish: la familia multiespecie). Contemporary academic research has produced specialized studies, monographs, and journal issues dedicated to this subject (Wise, 2005; Beauchamp, 2011; Francione, 2014) offering critical analyses of the dynamics, benefits, and challenges associated with multi-species families from various disciplinary perspectives, including legal regulation itself¹.

The concept of the multi-species or interspecies family is closely related to the theory of species discrimination, or speciesism, which actively challenges the expansion of biopolitics. Proponents of the speciesism theory argue that humanity has long assumed its own species' superiority, thereby infringing upon the rights and interests of other biological species and discriminating against animals and plants. Ecophilosophers, bioethicists, and anthropologists formed the foundation of the anti-speciesist movement, contending that human exclusivity no more justified than discrimination based on race or gender. They advocate for recognizing the vital interests of higher animals – creatures capable of feeling, empathy, pleasure, and pain – arguing that these beings should be embraced as members of the human family and granted rights to protection, well-being, and a dignified life (Singer, 1977).

Legal status of animals and rights protection in legal theory

The World Society for the Protection of Animals, which comprises approximately three-hundred-member organizations worldwide², emphasizes the humanization of education systems and national legislation, the reduction of the homeless animal population through sterilization, and the rescue and assistance in during natural disasters, among other initiatives.

¹ For example, a special issue of the Colombian scientific journal *Tabula Rasa* (published by Universidad Colegio Mayor de Cundinamarca, Bogota, Colombia) is dedicated to the topic of the multispecies family and its social, cultural, and legal implications. 2024. Issue 49. URL: <https://www.revistatabularasa.org/numero49> (accessed: 20.05.2025).

² Russian public non-profit organization *Center for the Protection of Animal Rights “VITA”*. Vegan Society of Russia. URL: <http://www.vita.org.ru/about-us.htm> (accessed: 20.05.2025).

In the international classification of animal protection organizations, two key concepts define the legal status of animals: (1) “animal rights” understood as quasi-subjective rights and freedoms of living non-human beings, and (2) “animal welfare”, which refers to the well-being of animals and their right to a dignified existence.

An authoritative advocate of the animal rights movement, American philosopher Tom Regan, highlighted the inherent value of all creatures who are “subjects-of-a-life”. He argued for the moral rights of animals, comparable to the respect we afford to “non-rational beings such as infants and the severely mentally disabled” (Regan, 1975:181–183). Similarly, Australian bioethicist Peter Singer, of the University of Melbourne, following the utilitarian tradition of John Bentham, contended that animals’ interests must be considered due to their capacity to experience suffering and pain (Singer, 2001:35).

Elizabeth McLampi, an animal rights lawyer and advocate at Harvard Law School, addresses the exploitation of wild animals in contemporary world. Whether through camel racing, butterfly parades, lobster festivals, rattlesnake hunting, frog jumping competitions, ostrich races, Groundhog Day celebrations, or similar rituals, animals are often used as symbols to express cultural identity, social pride, and historical traditions. Yet beneath the spectacle lies a deeper ethical question: is our fascination with these events justified given the suffering and discomfort endured by animals involved? McLampi call for compassionate and thoughtful approaches that honor traditions while respecting both the rights of animals and the cultural practices that honor traditions while respecting both the rights of animals and the cultural practices they inspire (McLampy, 2025). Scholarly discourse identifies four prominent theoretical approaches to guide corrective action regarding the legal status and treatment of *non-human sentient animals*.

The first approach, known as *So Like Us*, is associated with Stephen Wise and the anthropocentric *Nonhuman Rights Project*. This perspective adheres to a “linear hierarchy” of beings, disregards species diversity, and assesses animal dignity based on their similarity to humans, thereby extending legal protections only to certain animals.

The second approach is grounded in the utilitarian theory of Australian philosopher and bioethicist Peter Singer, who draws ideologically from the teachings of Jeremy Bentham and J.S. Mill. This approach emphasizes pain and pleasure as “universal norms guiding the lives of all rational beings.” Singler uses the term “species discrimination” to describe the exploitative treatment of animals (Singer, 2001). Critics argue that this utilitarian perspective “ignores adaptive preferences and the distinctness of individuals, and fails to recognize valuable emotions” (Nussbaum & Sunstein, 2004:299–320). Moreover, by focusing primarily on the pain experienced by sentient beings, this approach tends to overlook other important aspects of animal life and status, including the actual conditions necessary for their flourishing (Nussbaum, 2023:74).

The third approach, advanced by American Kantian philosopher Christina Korsgaard, a student of John Rawls, is rooted in Kantian moral philosophy. In her book *Kindred Creatures: Our Obligations to Other Animals*, she argues that Kantian

ethics supports animal rights (Korsgaard, 2018). According to Korsgaard, animals should be treated “as ends in themselves”. it is permissible to use them as companions or in the armed forces if treated accordingly, but it is incompatible with their moral status to eat them or use them in medical experiments (Korsgaard, 2018:220–221). She further asserts that “forming relationships with animals and trying to understand how they think and what they feel is part of the specifically understood human good” (Korsgaard, 2018:237).

However, K. Korsgaard’s commitment to “human moral exceptionalism” creates a divide between humans and animals, positioning humans as “normative self-governing beings” fundamentally distinguished by their unique “moral rationality” (Nussbaum, 2023:103-104). She contrasts the rational mind of humans with the instinctive self-awareness of animals (Besedin, 2020:99-103).

The fourth approach, known as the *capabilities approach*, is elaborated in a volume edited by American philosophers and law professors Cass Sunstein and Martha Nussbaum (Sunstein & Nussbaum, 2012). This approach is a variant of the human rights framework that emphasizes justice in relation to the rights of people with disabilities and extends to animal rights. It calls for a rethinking of the intersubjective sphere between humans and non-human animals, addressing key legal and political issues underlying the animal rights and welfare movements, including ethical considerations of animal ownership, protection from unnecessary suffering, and animals’ capacity to make choices free from human control.

Professor Martha Nussbaum’s recent book *Justice for Animals: Our Collective Responsibility*, proposes a modernization of the traditional social contract theory to incorporate animal rights within a comprehensive theory of justice, (Nussbaum, 2023). She argues that injustices against animals are pervasive – in homes, laboratories, zoos, aquariums, farms, and degraded habitats – wherever humans interfere, actively or passively, with sentient beings who deserve a “decent chance to thrive” (Nussbaum, 2023:9). Nussbaum calls for a “collective responsibility” to address these widespread injustices, supported by “an adequate theory to guide our efforts” (Nussbaum, 2023:16-17, 312). She proposes a “comprehensive philosophical-political theory,” or a special *capabilities approach*, as the foundation for inclusive and stable political institutions in pluralistic societies. However, this approach has been criticized by some scholars for exhibiting an unjustified anthropocentric bias (Brooks, 2015:139–174).

A new theory of *ius cosmopolitanum* has been proposed in the literature as a democratic ideal of global justice grounded in human logocentrism and territorial ownership. Its proponents argue against treating “non-human animals” as outsiders or members of a limited species community. Instead, they advocate applying an ethic of universal hospitality and Kantian cosmopolitanism to animals, recognizing them as fellow citizens within our political communities. This approach calls for managing human-animal interactions on fair terms that respect their dignity and well-being (Cooke, 2014:930-944).

In their book *Zoopolis* (Donaldson & Kymlicka, 2011), professors Sue Donaldson and Will Kymlicka, present a political theory of animal rights aimed at establishing positive and just relationships with different animal species. Their

framework includes granting animals rights such as voting, political representation, residence, and membership within a multi-species family (Bailey, 2013:1–13). In their essay *Animals and the Limits of Citizenship*, the authors emphasize that ensuring the dignity and well-being of animals participating in human society requires developing mutually beneficial relationships. They propose granting domesticated animals “citizenship status”, including corresponding civil rights.

The earliest animal rights legislation was enacted in 1822 by the British Parliament with the Martin and Erskine Bill³. This law was inspired by a high-profile animal cruelty case in which two men were fined 20 shillings for beating a horse in London (Legge & Brooman, 1997:41). The Act made it punishable by a fine of up to £5 or two-months’ imprisonment for «beating, ill-treating or cruelly treating any horse, gelding, mule, ass, ox, cow, bullock, sheep or other cattle» (Phelps, 2007:100–101). The Martin's Act was subsequently amended in 1835, 1849, and 1876, including provisions banning dog and cock fighting. In 1878, Great Britain passed the first law regulating the use of animals in experiments, introducing requirements for pain relief and a licensing system. The Animal Law of 1911 extended legal protections to all animal species, including birds, fish, and reptiles.

The world's first “animal charter” was the Declaration of Animal Rights of 1866, adopted by the New York State Legislature at the initiative of Henry Berg, founder of the American Society for the Prevention of Cruelty to Animals (ASPCA).

A century and a half later, Spain became the first country to adopt a parliamentary resolution on animal rights in 2008. This resolution recognized the partial legal personality of great apes and introduced bans on experiments involving monkeys, their use in circus and television programs, and the deterioration of conditions in zoos (Glendinning, 2008).

More recently, Austrian animal rights activists petitioned the European Court to grant legal personhood to a chimpanzee named Matthew (Hall, 2008), reflecting ongoing efforts to expand legal protection for non-human animals.

An important international initiative in the legalization of animal rights is the *Great Apes Project* (GAP), which has made significant progress in addressing species inequality in the policies of several countries. For example, in 2014, at GAP’s request, a court in Argentina granted basic personal rights to an orangutan at the Buenos Aires Zoo. Similarly, in 2016, another Argentine court extended comparable basic rights to a chimpanzee.

The ‘multi-species family’ and comparative pet legislation

When families keep pets or domesticated animals and regard them as *family members* due to their active and emotional participation in daily life, the relationship transcends the traditional notion of animals as mere pets. Instead, these animals may be recognized as genuine family members, thanks to a strong and voluntary emotional attachment. As a result, they are seen as deserving the same treatment and care as other family members, and some legal frameworks

³ An Act to Prevent the Cruel and Improper Treatment of Cattle, 1822 July 22 (3 Geo. 4. C. 71).

now grant them a special legal status (Oliveira, 2006:25-39). This recognition is grounded in the idea that emotional bonds with animals enhance family dynamics and reinforce the institution of the traditional family by fostering a harmonious environment. In such an environment, people care for animals not only physically, but also respect them as sentient beings and value their contribution to coexistence. These emotional ties also promote the well-being and psychological balance of the pet caregivers themselves.

Within this context, emotional interactions and communication between humans and their companion animals become a foundational element of the multi-species family, an emerging legal institution in several Latin American countries. This legal concept emphasizes the importance of mutual affection and daily interaction, treating animals as genuine members of the family, who receive care, love and attention on an equal footing with others.

Amid evolving social paradigms and legal innovations, animals – once considered mere “physical objects” under civil law – have moved to the forefront of legal attention in various jurisdictions. They are increasingly seen not as simple property, but as special beings with subjective rights to “care” or “guardianship”. This shift reflects the growing responsibility placed on individuals to ensure the proper treatment and well-being of their pets in everyday life (Leão, Marangoni & Oliveira, 2024:351).

According to Professor S.P. Santos, a three-dimensional approach to pet guardianship is particularly relevant in this changing legal and social landscape. In cases of divorce or dissolution of a marital partnership, it is necessary to consider not only the interests of the individuals and the family as a unit, but also the future of the pet, highlighting the importance of care and guardianship (Santos, 2020:19–25).

The proposed “three-dimensional approach” to pet guardianship is founded on three core principles: (1) the prohibition of cruelty as a fundamental legal tenet; (2) recognition of animal sentience, meaning their capacity to experience pain and pleasure; and (3) respect for the best interests of the family, including the welfare of children and the socio-economic circumstances of the former spouses. This approach prompts a reexamination of animal care and guardianship, considering the well-being of all parties involved in the legal relationship or dispute, and giving equal weight to people, animals, and the overall family dynamic (Santos, 2020:19-39).

At the national level, several states – particularly those within the Ibero-American legal tradition and among BRICS members – have enacted specialized legislation focused on wildlife protection. These laws include criminal and administrative measures establishing liability for environmentally harmful activities affecting animals, as well as for acts of cruelty. Nevertheless, in most countries, civil legislation continues to classify animals as property or “things” without granting them even partial legal personality.

For example, the Civil Code of Chile defines domestic animals as “animals belonging to species whose life usually depends on man, such as chickens and sheep” (Article 608). The same Article extends the definition to include domesticated animals, described as those “which, despite being wild by nature, are accustomed to a domestic

life and recognize, in a certain sense, the dominion of man,” and which “while maintaining the habit of returning to the protection or dependence of man, follow the dominion of domestic animals.”

In 2022, Chile adopted a new Law on Joint Ownership of Real Estate, aiming to resolve a longstanding dispute over whether “pets or companion animals” could be legally prohibited in apartments (González, 2024:19-25). Under this law, condominium regulations cannot prevent co-owners, tenants, or residents from keeping pets and companion animals within their private premises. However, restrictions and prohibitions may be imposed on the use of such animals in common areas to ensure peace, safety, health, and habitability within the condominium. This is particularly relevant for potentially dangerous dog breeds, for which special safety measures and ownership conditions apply.

Key responsibilities and requirements for pet owners under Chilean law include:

- Owners are liable for any damage or mess caused by their animals in common areas, as well as for harm to people or third-party property.
- Pet owners must maintain up-to-date records of vaccinations and health checks for their animals.
- In cases of non-compliance, the condominium may file a claim with the competent local court⁴.

Recent legal scholarship and practice in Chile are increasingly attentive to the implications of the new Law on Common Ownership in Condominiums, integrating current animal welfare legislation and standards of care (Corral, 2018). Scholars note that this law advances the “principle of animal welfare”, raising standards for the protection of animal well-being and introducing specific rules for “responsible ownership” (Spanish: *tenencia responsable*) (Henríquez, 2021:235-243). Under Law No. 21.020, owners or occupants may only keep pets if they comply with identification requirements, including contact information on the animal’s collar and registration in a record maintained by the building administrator, specifying the type of animal, owner, and address.

The introduction of clearer legal criteria in Chilean legislation regarding the rights and welfare of animals under the regime of “responsible ownership,” particularly in the context of joint ownership of real estate, represents an important initial step toward addressing the emerging need to legally regulate the “multispecies nature” of society (Pezzetta, 2020:29–36). This legislative shift aims to protect the so-called “multispecies families”, many of whom reside within jointly owned residential properties (González, 2023:115–127) by recognizing the complex relationships that exist between humans and their companion animals.

In Mexico, academic attention has turned to the study of “xeno-families” and the phenomenon of “contra-specismo” (Spanish: *contra-especismo*). Mexican legal scholar D.A. Varela Trejo of the National School of Anthropology and History has explored the emotional bonds and “interspecies kinship” that develop between elderly individuals with disabilities and their companion dogs

⁴ Resolución 721 exenta del Ministerio de Vivienda y Urbanismo de 2023, art. 8.

(Varela Trejo, 2024:33–54), highlighting the depth of these relationships and their significance for social policy. Spanish scholar J. Sáez Olmos further notes that the rise of “multispecies families” is transforming the social role of certain animal species, now seen as “alter-humanoids” in modern Western or Westernized societies, and generating new perspective on their place within the social structure (Sáez, 2021).

Colombia’s Animal Protection Law of 2016 marked a significant development by amending the national Civil Code to grant animals an intermediate status between property and humans. Judicial practice has since seen animals shift between these poles, depending on the species and the legal context. For example, the Supreme Court of Colombia in 2017 recognized animals as subjects of law, while the Constitutional Court in 2020 classified them as objects of constitutional and legal protection. Notably, the same court has issued several rulings recognizing various non-human entities, including animals, as them subjects of law (Gaitán, 2024:111). In 2016, the Constitutional Court went further by recognizing the Atrato River in northwestern Colombia and its basin as a living entity, granting the state and ethnic communities the right to protect, preserve, maintain, and restore it⁵.

President Gustavo Francisco Petro Urrego of Colombia has publicly affirmed that the concept of multi-species family (Spanish: *familia multiespecie*) encompasses not only humans, but also dogs, cats, and many other species of living beings. He emphasized that “animalism is not just a fashion trend, it is a special philosophy that proceeds from the fact that if we want to continue to live, we must come to terms with nature and in unity with it, with animals” (Petro, 2022).

In 2021, Colombia adopted a special law establishing family police units dedicated to addressing family related issues, including those involving animals. Their structure and powers were also developed⁶. These police stations perform judicial functions, recognizing animals under their jurisdiction not only as members of the family unit in a sociological sense but also as bearers of certain recognized rights. This legal recognition allows for the resolution of disputes concerning the animals’ welfare and future. For example, in cases of family breakdown, the law defines special responsibilities related to the care of animals, visitation rights, and alimony obligations.

A notable case occurred in Medellin in 2019, where the Family Police Department conducted a conciliation hearing regarding alimony visitation, and care for a pet dog following the separation of a human couple. In this instance, the police station acknowledged the dog as a subject within an interrelated family relationship, rather than merely as a property or an object of dispute (Gaitán, 2024:112).

⁵ *Corte Constitucional de Colombia*. Sentencia T-622 de 2016 que reconoce al río Atrato como sujeto de derechos. URL: <https://justiciaambientalcolombia.org/sentencia-rio-atrato> (accessed: 20.05.2025).

⁶ *Congreso de Colombia*. 2021. Ley 2126 de 2021. Por la cual se regula la creación, conformación y funcionamiento de las comisarías de familia, se establece el órgano rector y se dictan otras disposiciones.

Judicial approaches to animal status in multi-species families: The Brazilian perspective

The Brazilian Law of January 3, 1967, on wildlife protection defines wild animals as “animals of any species, at any stage of development, that live naturally outside captivity”⁷. Another Law, enacted on February 12, 1998, establishes criminal and administrative penalties for environmentally harmful activities and classifies animals into categories such as wild, domestic, and domesticated, including both native and exotic species. Regarding “domesticated animals”, which dependent directly on human care, Brazilian scholars have identified specific criteria to distinguish animals considered mere property (family property) from those recognized as members the family unit (Félix, Beserra & Napolis, 2024:380). These criteria include close emotional ties, participation in family rituals, moral respect, family recognition, and mutual affection.

According to P. Singer, animals possess intrinsic value, rights, and interests independent of their utility or benefit to humans, and there have been significant shifts in how people relate to pets and domesticated animals (Singer, 2010). These relationships are increasingly characterized by mutual affection, where individuals seek to maintain close bonds with particular animals, demonstrating care and prioritizing these connection (Ramires, 2003; Félix, Beserra & Napolis, 2024).

In 2018, the Supreme Court of Justice of Brazil addressed the legal status of animals in Special Complaint No. 1.713.167 – São Paulo (2017/0239804-9). Minister Luiz Felipe Salomão noted that, under the Brazilian Civil Code as amended on January 10, 2002, animals are classified as property or “things,” rather than persons or legal entities, and thus lack legal personality. Even when an animal is a beloved pet cared for as a family member, this emotional bond does not alter its legal classification. However, the minister emphasized that companion animals hold a unique subjective value for their owners, forming deep emotional bonds that distinguish them from other objects of private property. He also explained that the existing legal framework governing property is inadequate for resolving family disputes involving pets, as such sensitive issues fall outside traditional property or ownership law⁸.

Addressing the court in this case, Minister Luiz Felipe Salomão argued that the modern Brazilian legal system can no longer ignore the significance of the special bond between people and their pets. When a family breaks up and a dispute arises over a pet, the legal solution must consider the specific circumstances of the case, the broader social context, and evolving societal values.

⁷ *Brasil*. de 03 de enero de 1967. Dispone sobre la protección a la fauna y da otras providencias. Publicada en el Diario Oficial de la Unión, 04/01/1967. URL: http://www.planalto.gov.br/ccivil_03/leis/15197.htm (accessed: 20.05.2025).

⁸ *Brasil*. Superior Tribunal de Justicia. Recurso Especial Nº 1.713.167 – SP (2017/0239804-9). Relator Ministro Luis Felipe Salomão. Recurrido: V.M.A. Juzgado, 2028. URL: <http://www.stj.jus.br/websecstj/cgi/revista/REJ.cgi/ATC?seq=88441759&tipo=5&nreg=201702398049&SeqCgrmaSessao=&CodOrgaoJgdr=&dt=20181009&formato=PDF&salvar=false> (accessed: 20.05.2025).

In 2023, Bill 179/2023 was introduced in the Chamber of Deputies of the Brazilian Parliament. The bill emphasizes the importance of fostering harmonious and compassionate relationships that enhance the quality of life for all members of the “multi-species family”. It advocates treating animals with dignity and respect, integrating them into the family, and addressing their physical, emotional, and medical needs. The bill also introduces the concept of the “community multi-species family,” wherein a group of people collectively care for community animals without designating a single individual as the sole guardian (Articles 16 and 17).

Furthermore, the law mandates the identification and registration of companion animals to facilitate the recovery of lost animals and prevent abandonment (Articles 18–22). These provisions align with international animal welfare standards and promote responsible, harmonious coexistence between people and animals within society.

Central to the bill, Article 4 outlines the fundamental rights of companion animals, including the right to life, protection from unlawful and arbitrary euthanasia; access to adequate and nutritious food; safe housing that meets hygienic standards; veterinary care; interaction with family members, freedom of movement; and reasonable working hours for service animals.

The bill specifies that animals must be provided with sufficient space to move freely, avoiding unnecessary confinement that can cause physical and psychological harm. This right is essential to prevent stress and destructive behaviors often resulting from improper care. For working animals, such as guide dogs or service animals, the bill guarantees reasonable working hours that do not impose excessive strain, thereby preventing exploitation and ensuring adequate rest and recovery. It also clarifies that companion animals cannot exercise civil rights directly and must be represented by their human guardians (Article 3).

The bill equates companion animals to children in terms of emotional attachment and places them under the care of guardians responsible for upholding and enforcing their rights. This guardianship includes the right to name the animal, oversee its upbringing and training, provide care and supervision, appoint a specific guardian, represent the animal in legal matters, and manage any property related to the animal (Articles 8 and 9). Guardians are also held liable for any damage caused by their animals, except in cases where the victim is at fault or the damage results from force majeure (Article 10).

Bill 179/2023 represents an innovative and forward-looking legal framework that formally recognizes companion animals as integral members of the “multi-species family.” It marks a significant shift in Brazilian law acknowledging companion animals as part of the family unit. Subsequent case studies have reinforced the bill’s underlying principle that emotional bond between humans and animals is fundamental to the formation of “multi-species families.” Emotional attachment is the core element structuring Bill 179/2023, which is expected to have a positive impact on the broader Brazilian legal landscape by granting pets and domesticated animals full recognition as family members.

Future directions in animal rights development

Today, in several BRICS+ countries, the current legislation, legal doctrine, and law enforcement practices reflect a modern humane approach to protecting animal rights. As our study shows, although still fragmented, basic animal rights are increasingly established, guardians' responsibilities are clearly defined, and rules governing the care and protection of animals in various situations are set. These frameworks prioritize animal welfare and include measures to prevent abuse and mistreatment of companion animals.

In Latin American countries, two main approaches have developed for resolving disputes over animals when parties cannot agree or fail to implement agreements regarding their care.

The first approach strictly applies traditional ownership rules, requiring evidence to resolve disputes in favor of one of the family members – such as purchase receipts, adoption certificates, or proof of expenses for veterinary care, food, or insurance. Courts tend to side with the party that proves legal ownership and financial responsibility for the animal (González, 2019:163–170).

The second approach treats such disputes analogously to issues concerning the status of children within families. Decisions are made not on property rights but based on what is conventionally called the “best interests of the animal”. Family courts or animal commissioners prioritize the emotional bond and caregiving capacity of the parties, which differs fundamentally from mere ownership or maintenance of property. This approach effectively positions the animal as a subject, an active participant, or a protagonist within the “multi-species family” relationship. It aligns with the view that the defining feature of family is the emotional connection among its members (Gaitán, 2024:111-112).

As noted earlier, some BRICS+ countries have implemented legal requirements for animal registration and identification, facilitating effective control and care policies. These measures contribute to safer, healthier environments for both animals and humans. This approach promotes a more harmonious and ethical coexistence, granting companion animals respect and dignity within the family and establishing higher standards of responsibility and care in human-animal relationships (Faria, 2012:67-76).

Conclusion

The innovative institution of the “multi-species family” and the corresponding legal regime for the protection of companion animals, as illustrated by examples from various countries – particularly in Latin America and Brazil – serve a clear purpose: to guarantee, restore and prevent violations or abuses of the rights of family members, including domestic animals and birds.

The doctrinal foundation and official adoption of the “multi-species family” concept are closely linked to the prospect of legislatively abolishing the classification of animals as property, commodity, resources, or objects of ownership. The gradual integration of this concept into national legal systems has been driven by sociological insights and evolving ethical practices. These recognize

that the relations between people and their companion animals within the family is not primarily property-based but is instead characterized by an affective, emotionally expressed bond.

The emerging institution of the “multi-species family” represents a practical synthesis of ecocentric (biocentric) and animalistic (sentience-centric) perspectives within animal rights discourse. This framework enables a rethinking of the emotional and material conditions of coexistence among the involved parties – recognizing animals as subjects with intrinsic value, rather than merely as objects.

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