

Summary

This Dissertation – “*Legal dispositions relative to the protection of animals*” – analyses the legal protection of animals both in the Czech Republic and in Italy. The principal aim of this dissertation is to provide a comparison between Czech legislation and Italian legislation regarding that matter.

The first chapter defines the concept of animal, both in the biological sense and legal sense. This chapter also treats of animals’ status in private law and in public law. The Czech Civil Code (n.40/1964) defines the legal status of an animal as being a “thing”, with the difference, however that animals are considered “sui generis”, because of animals being living creatures, and able to feel pain and sadness, like man does. The proposal for a new Czech Civil Code contains a new definition of the concept of animals, labeling them “animals” rather than “things”. In Italian legislation, animals are unfortunately also defined as being “things”, but a current law proposal also suggests adopting the legal notion of “animals”.

On January 1st, 2010, the new Czech Penal Code (n. 40/2009) has come into effect. This Code has given the inspiration for an offence of animal mistreatment, and established, in §303, a new crime, that of animal mistreatment in cases of severe negligence.

In Italy, a new chapter (IX-bis) has been added to Book II of the Penal Code, with through Law n. 189 of July 20th, 2004. This chapter, “*Dei delitti contro il sentimento per gli animali*”, contains five dispositions, the first four of which create new criminal offences, while the final one provides grounds for confiscation and accessory special punishments. Article 2 of Law n.189/2004 introduces the prohibition of using cats and dogs for the manufacturing of fur, fur clothes and its derived accessories.

The second chapter looks at international treaties in the field of the protection of animal rights. The first part of this chapter is concerned with global international treaties for the protection of wild animals, while the second is concerned with regional international treaties for the protection of domestic animals.

European Union legislation in the field of animal protection is studied within the third chapter of the dissertation, in which is described the legal protection of wild and domestic animals by EU Directives and Regulations.

The fourth chapter of the dissertation regards the legal protection of wild animals and domestic animals in Czech legislation. The main norm for the protection of wild animals is Law n. 144/1992, which treats of the protection of nature, and contains the general measures and the special measures for the protection of animals.

This chapter also includes the important rules for animal protection which are found in legislation: the law on hunting, the law on fishing, the law on the commerce of animals, the law on zoos etc.

For domestic animals, the law of reference is Law n. 246/1992 for the protection of animals against mistreatment. This Law regulates the protection of domestic and wild animals against mistreatments, their protection in the field of vivisection, the condition for livestock farming, the rules for slaughtering animals etc.

In Czech legislation, the slaughtering of animals is defined as the killing of an animal by means of loss of blood, and according to Law n. 246/1992, pre slaughter dazing is compulsory, though there exists an exception in this rule for religious purposes, for slaughter by religious communities. Every year, the Ministry of Agriculture gives this exception to the Jewish community, which is thus allowed to slaughter animals without the dazing requirement of Law n. 246/1992. When dazing is done right, it leads to loss of consciousness, and the animal to be slaughtered does not feel anything before dying. Slaughtering animals without dazing is cruel. A partial solution is the “boxing” method, in which the animal is put into a special device before being slaughtered. This helps change the way the animal is currently prepared for slaughter by the religious community, by which it experiences vast amounts of stress before its death.

In Italian Legislation (Decreto Legislativo n. 333/1998), it is allowed to slaughter animals without dazing. The slaughter without dazing is allowed in Italy for ritualistic and religious purposes (for the Muslim and Jewish communities). It is also allowed for familial use. Cases of slaughter in the family sector are more numerous than those made for religious purposes. However the latter become more and more prominent with the increase of the Muslim community. Animals that are slaughtered without dazing are conscious at the moment of killing. The slaughter must happen by way of cutting the trachea.

The final chapter of my Dissertation studies Italian legislation, and in it I wished to show similarities and differences between Italy and the Czech Republic on the subject of the protection of animals. Both states are members of the European Union, and for this reason must abide by Union laws and obligations. Italy, like the Czech Republic, has ratified the important international treaties in the field of the protection of wild and domestic animals.

The principal norms for the protection of animals in the field of hunting in Italy are Law n. 157/1992 (the law for the protection of wild fauna and for hunting), Decreto Legislativo n. 73/2005, in which Italy, akin to the Czech Republic, has put into effect Directive 1999/22/EC relative to the custody of wild animals in zoological gardens, and finally the s“Decreto Ministeriale Ambiente” n. 469/2001 which regulates treatment of dolphins in dolfinariums.

The most important norm for the protection of domestic animals is Law n. 189/2004, the “Regolazione di Polizia veterinaria” (dpr. N. 320/1954) and Decreto Legislativo n. 33/1998 which treats of the slaughter of animals.

Livestock farming is regulated by Decreto Legislativo n. 158/2006, to which are added the more specific decrees for laying hens, for chickens, for pigs, and for veals, which apply the European Union norms for these animals.

The vivisection of animals is regulated by Decreto Legislativo n. 116/1992 in which is put into effect the European Directive (1986). Animal vivisection for the purpose of testing cosmetics is treated in Decreto Legislativo n. 50/2005 which has put into effect Directives 2003/15/CE and 2003/80/CE on that matter. By this decree, finished cosmetic products which are tested on animals may not be commercialised. From 2013 onwards, tests upon animals will also be forbidden for single ingredients.

As for the problem of animal abandonment in Italy, it means to be resolved by Law n.281/1991 for the prevention of animal abandonment which finally recognises the right to life of cats and dogs, which changes the previous measures in place because of which found abandoned animals were being put down after only three days detention.

The final chapter of my Dissertation also treats of the Palio, the sienese bi-annual horse race, and one of the most famous events in Italy, in which unfortunately many horses are periodically injured, due to what 48 horses have died from 1970 to 2007.