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The laws protecting pets in Poland Prawna ochrona zwierząt domowych w Polsce

Streszczenie: Artykuł podejmuje zagadnienie przepisów prawnych chroniących zwierzęta domowe w Polsce. Przedstawiono rozwój prawodawstwa w tym zakresie oraz stan obecny. Celem niniejszej publikacji była analiza przepisów prawnych i dostępnej literatury oraz analiza działalności organów państwa w zakresie nadzoru nad przestrzeganiem prawa ochrony zwierząt.

Słowa kluczowe: akty prawne, zwierzęta, ochrona zwierząt

Abstract: The paper tackles the issue of regulations protecting pets in Poland. The paper presents the development and current status of legislation in this area. The aim of this paper is to analyse the regulations and the available literature and analysis of the activities of state authorities in the supervision of animal protection laws.

Keywords: legal acts, animals, animal protection

Introduction

“The animal, as a living being capable of suffering, is not a thing. Man should respect, protect and care about it” – these words begin the Animal Protection Act (APA) of 1997 (as amended)² which is in force in our country. This first article of the APA clearly specifies what responsibilities rest upon us, that is respect, protection and care of animals. The issue of legal protection of animals in Poland is regulated by the Animal Protection Act of 1997. One of the chapters of the Act is devoted to pets, the animals for which we have special feelings because they are our companions. Over the centuries, approach to animals has changed worldwide. They started to be regarded as a part of nature which, unable to protect themselves, had to be protected by man. People have understood that animals feel pain and suffer in silence. For centuries perceived as objects, even today many animals are treated inhumanely, be it domestic, wild, farm or circus animals. On the other hand, the regulations have been tightened recently, and people in Poland more and more frequently respond to cases of ill-treatment of animals. The current paper presents the historical background and current status of legislation for the protection of pets. As a research problem the author has set herself the goal of analyzing the development of legislation for the protec-

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² Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 19 kwietnia 2013 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie zwierząt (Dz.U. 2013, poz. 856).

tion of domestic animals in Poland and analysis of the activities of state authorities in the supervision of animal protection laws and enforcement of the penal provisions of the APA.

Animals throughout history

Animals have played an extremely important role from the beginning of the history of man. They have accompanied *Homo sapiens* ever since the species came to exist. Initially, people used animals as food, and eventually began using the products of animal origin, such as skin, bones, wool, eggs, honey. The process of the domestication of animals proved to be a turning point in the development of mankind as it helped people who were hunters and gatherers to become farmers raising animals.

The domestication of animals is a process lasting from the upper Paleolithic era to the present day which occurred in two areas: natural and cultural heritage, and has led to radical changes in the lifestyle of people who domesticated animals, and to changes in the structure and functioning of animal organisms. The beginning of the process of the domestication of plants and animals is perceived in archaeology as one of the most important prehistoric events and is called the 'neolithic revolution'. This name suggests the violence of changes which actually were neither rapid nor violent. They were initiated by factors independent of man and were a string of attempts and mistakes³. An interesting fact is that the dog is the oldest domesticated animal.

According to Kleszcz (2014), the process of domestication, the most rapid being in 9000-3000 B.C., coincided with the beginning of the formation of large human settlements, which consequently gave rise to cities as a new form of settlement. During this period animals were mainly used for transportation, security and rearing purposes. With the development of technology, since the end of the eighteenth century, the importance of animals as a means of transport and tractive force gradually decreased until its practical disappearance⁴.

For many centuries animals were treated as objects. Reification (treating living beings as things) trends were seen in ancient times. Through Aristotle, it was widely believed that the main goal of an animal was to serve citizens. At the same time, there were views pointing to anatomical, physiological and intellectual similarities between man and animal. They had but little effect on changing human mentality and the human-animal relationship. Under the influence of Christianity, the animals were denied any rights or even independent moral significance. This involved the recognition that only man was created in the image and likeness of God, and everything that lives is to serve Him. The anthropocentric view was reflected in the meditations of St. Augustine and Thomas Aquinas. As the Christian anthropocentrism developed, greater and greater value was attributed to human life, and the status of animals became lower and lower. The

³ A. Lasota-Moskalewska, *Proces udomowienia zwierząt w świetle badań archeozoologicznych*, „Światowit” 2003, t. V (XLVI), fasc. B, p. 187.

⁴ J. Kleszcz, *Zwierzę w mieście – rola zwierząt domowych w kształtowaniu przestrzeni miejskich oraz świadomości społecznej ich mieszkańców*, „Zeszyty Naukowe Politechniki Śląskiej. Architektura”, 2014, z. 54, p. 92.

ideas of renaissance humanism did not refer to humanitarianism towards animals. On the contrary, they exposed the differences between man and animal, which contributed to the development of species chauvinism. Pro-animal views were rare. Advocates for animals of that period included Leonardo da Vinci (vegetarian). An instrumental treatment of animals was reflected in the views of the philosophers of the enlightenment. Descartes had a particular impact on the practice of treatment of animals. He equated animals with machines devoid of soul and consciousness but treated people as masters and owners of nature. Similar claims were those of Kant, who believed that animals could be treated instrumentally because they were not intelligent beings. The views from centuries ago still persist among some people today. Only utilitarianism was the trend which is a good basis to express the position of animal rights. Jeremy Bentham, the leading utilitarian in the eighteenth century, stressed that animals, like humans, were capable of feeling pain. It is worth quoting his words: 'the time will come when humanity will extend its mantle over everything which breathes'. He recognized that conducting experiments on animals should be allowed only when necessary and only if they serve the good of humanity. The understanding of the relationship between humans and animals was changed by the theory of evolution. K. Darwin, in his ground-breaking work 'The Origin of Species', showed how small differences between animals and humans exist. Radical changes in thinking about animals contributed to the work of the authors of the late nineteenth and early twentieth century. It is worth mentioning the work of Polish lawyer B. Łoziński 'Animal Rights. Sociological Study' published in Lviv in 1895⁵.

In modern history, the concept of animal welfare appeared for the first time in mid-eighteenth century writings. The first animal welfare organization, the English RSPCA (Royal Society for the Prevention of Cruelty to Animals) was founded in 1824. The first organization of this type in Austria was WTV (Wiener Tierschutzverein) established in Vienna in 1846. In the same year, the first Austrian law on animals was passed. In 1866, ASPCA (American Society for the Prevention of Cruelty to Animals) was founded in New York. At the end of the nineteenth century, Henry Stephens Salt founded the first English organization dedicated to animal rights – Humanitarian League⁶. An extremely important role in the twentieth century was played by the World Declaration on Animal Rights signed in London in 1978. One of its articles states that animal rights should be disseminated on an equal footing with human rights. The European Convention for the Protection of Companion Animals (European Convention for the Protection of Pet Animals) signed in Strasbourg in 1987 was another document which contributed to an increased awareness of the issue. One of its articles states that every pet owner is responsible for the animal's well-being and health.

In Poland, the first provisions on the protection of animals appeared in the eleventh century, when the beaver was protected by law. Hunting legislation appeared in the fifteenth century. However, there is no mention of other forms of

⁵ A. Brezko, *Od rzeczy do podmiotu. Praktyczne implikacje etyki ochrony zwierząt*, „Białostockie Studia Prawnicze” 2013/14, p. 18-19.

⁶ M. Balluch, *Abolicjonizm kontra reformizm, czyli jaki typ kampanii doprowadzi ostatecznie do praw zwierząt?* zeszytyprawzwierzat.org.pl

legal protection for the next few centuries⁷. In 1864 the Society for Animal Care was created in our country, which focused on prominent representatives of public and state institutions. In 1919 the Temporary State Commission for the Conservation of Nature was created, which was an advisory body to the Ministry of Religion and Public Education. In 1925, the Temporary State Commission for the Conservation of Nature was renamed the National Council for the Protection of Nature, whose actions contributed to the creation of legislation to protect nature⁸.

According to Habuda and Radecki (2008), the history of legal regulations concerning the humanitarian protection of animals in Poland dates back to the 20's of the twentieth century. In March 22, 1928, the Polish President issued a regulation on the protection of animals. In Article 1. a legislator forbade cruelty to animals ('all domestic and tame animals and birds and animals and wild birds, as well fish, amphibians, insects'). Bullying has been defined in nine points, which were the most common form of abuse. In point 10, the abuse was 'all in all infliction of animals suffering without proper important and legitimate needs'. Excluded from the concept of abuse of experiments carried out on animals for scientific purposes, if such experiments are necessary for serious work and research, and are made by persons with a special permit. A characteristic feature of the regulation of 1928 was broad criminalization of the violations. All cases of cruelty to animals were considered an offense. In 1972, at the time of entry into force of the Violations Code (as amended; effective today), the provisions on offence of cruelty to animals in the regulation on the protection of animals have been moved to Chapter VIII Violations Code, entitled 'Offences against public order and tranquillity'. As the authors believe, such a positioning of these provisions was evidence of the fact that the legislature for the good protected by law recognizes public order offence and cruelty to an animal is not treated as an attack on the good nature⁹. It is worth mentioning that the currently applicable Violations Code provides penalties for, among others, disturbance or irritation causing the animal in such a way that it becomes dangerous and for leaving an animal in circumstances likely to cause danger or obstruction in the road. The Violations Code also provides for a penalty for failure to notify the police or another state body in case of finding someone else's pet or not looking for the owner of the animal¹⁰. Regulation of the President of the Polish Republic of 22 March 1928 on Animal Protection took effect in our country until 1997.

In April of 2008 Poland signed the European Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes, and the reflection of its assumptions include amendment of the law on the protection of animals used for scientific or educational purposes, ultimately determined after consideration of Senate amendments and in force in Poland since 15 January 2015. The document includes all animals used in experimental and scientific procedures, which can cause pain, distress or lasting harm. The purpose of the

⁷ J. Walczak (ed.), *Prawo a dobrostan zwierząt – przepisy i ich oddziaływanie*, Kraków 2005, p. 8.

⁸ T. Gardocka, A. Gruszczyńska (eds.), *Status zwierzęcia, Zagadnienia filozoficzne i prawne*, Toruń 2012, p. 255-257.

⁹ A. Habuda, W. Radecki, *Przepisy karne w ustawach o ochronie zwierząt oraz o doświadczeniach na zwierzętach*, „Prokuratura i Prawo” 2008, 5, p.23-24.

¹⁰ Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 3 lipca 2015 r. w sprawie ogłoszenia jednolitego tekstu ustawy – Kodeks wykroczeń (Dz.U. 2015, poz. 1094).

Act is to reduce the degree of exploitation of defenceless animals for experimental purposes, and to minimize their suffering to the optimum level is essential for the development of science and civilization¹¹.

Current laws protecting pets in Poland

The most important piece of legislation protecting pets in Poland is the Animal Protection Act 1997. The fourth article of APA defines pets as animals traditionally staying with a man in his house or in another suitable space, maintained by a man as his companion¹². The most common pets in Polish homes are dogs and cats. They point to a study conducted by TNS Poland in 2014. Studies have shown that nearly half of Polish people have a pet. The largest number of people who have animals in their home has a dog (83%) and cat (44%). Much less popular are other animal species, such as birds (4%), rodents (mice, rats, hamsters, 3%) and reptiles (1%). The study showed that almost every respondent living in the countryside has a dog. The vast majority of respondents agreed that man's best friend is a dog (87%), care for a pet is a big responsibility (91%) and children should grow up among animals (80%)¹³.

Chapter 2 of the APA is entirely devoted to pets. Article 9 points 1. APA defines responsibilities for a permanent pet, namely the obligation to provide him with a room that protects him against cold, heat and rain, with access to daylight, which allows him to change the position of his body, appropriate food and permanent access to water. What is extremely important, the article prohibits the keeping of pets on a leash on a regular basis for more than 12 hours per day or to cause them injury or suffering, and must offer the possibility of necessary activity. The length of the tether cannot be shorter than 3 metres. Further, the legislator requires a person who comes across an abandoned dog or cat, especially left tethered, to inform the next animal shelter, municipal police or police. APA prohibits: marketing and acquisition of domestic animals at fairs and markets; lead markets, fairs and exchanges with the sale of pets; marketing of dogs and cats off-site breeding or rearing; reproduction of dogs and cats for commercial purposes; leaving dogs without the possibility of their control and without marking enabling the identification of the owner or guardian. The above mentioned prohibitions do not apply to the acquisition of dogs and cats from entities running an animal shelter and social organizations whose statutory objective is the protection of animals. Acquisition of dogs and cats from illegal breeding is a popularly known phenomenon in Poland on a large scale. Most often these places want to make money, exploit animals and do not care for their welfare. Organizations for animals try through education to limit the illegal trade in dogs and cats, encouraging the adoption of dogs, or buying them in registered breeding establishments. When describing the APA it should be mentioned the responsibilities of municipalities for dealing with homeless animals (such as

¹¹ M. Jarosz, *Ochrona zwierząt w Polsce na przestrzeni dziejów*, „Wiadomości Zootechniczne” 2016, R. LIV, p. 116.

¹² Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 19 kwietnia 2013 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie zwierząt (Dz.U. 2013, poz. 856).

¹³ TNS Polska, *Zwierzęta w polskich domach*, K.073/14, październik 2014 r., p. 2-6.

escaped, lost or those who have been abandoned by man, and it is not possible to determine the owner or other person under whose care they remained permanently). APA specifies that the provision of care to homeless animals and catching them lies with communes. Article 11. of the APA concerns obligations imposed on municipal councils. Municipal councils in fulfilling their obligations (...) determine, by resolution, every year until 31st March, the programme of taking care of homeless animals and preventing animal homelessness. The costs of the programme shall be born by the municipality. This programme includes, among others: ensuring homeless animals a place in the animal shelter; care for displaced cats, including their feeding; catching homeless animals; obligatory sterilization or castration of animals in shelters; seeking owners for homeless animals; culling blind litters; providing full time care for veterinary cases of road accidents involving animals. The programme may include a plan for marking animals in the community¹⁴. Some municipalities in Poland carry out animal identification. It is intended to quickly identify them and may help to reduce the problem of homeless animals.

A shelter for homeless animals, operates in Poland under the Animal Protection Act 1997; Act on maintaining cleanliness and order in municipalities 1996; Regulation of the Minister of Agriculture and Rural Development 2004 in veterinary requirements for the running of shelters for animals; Law on the protection of animal health and combating infectious diseases 2004.

It is worth quoting the conclusions of the report "Preventing animal homelessness" of the Supreme Chamber of Control (SCC) of 2016. The audit was conducted in 11 offices of the municipalities (cities); two associations of municipalities; in 14 shelters; the two entities involved, on the basis of agreements with municipalities contracts, snaring animals; 10 county veterinary inspectorates. Research audit covered the period from 1st January 2014 until the end of the control units. SCC states that municipalities have taken a number of measures aimed at providing care for homeless animals, but they did not bring real results in the prevention of homelessness. The majority of controlled municipalities, in a small way, benefited from the ability to pursue complex and multi-prevention activities within care programmes for homeless animals and preventing their homelessness, including marking and recording all domestic animals, introducing real incentives to carry out treatment such as castration or sterilization of animals. The activities of municipalities focused heavily on trapping animals and transferring them to shelters. More than one-third of the municipalities do not have permanent mandated shelters marking homeless animals and performing mandatory castration or sterilization of the total number of collected animals, or orders despite these treatments not executed the their performance. Mainly for these reasons, as many as 77% of controlled shelters mandatory castration or sterilization covered less than 30% of the animals. In controlled municipalities expenditure on capturing and maintaining shelters in four years increased by more than one-third and accounted for about 94% of the total costs incurred for the implementation of municipal programmes, care for homeless animals and preventing their homelessness. Almost half of the audited municipalities, orga-

¹⁴ Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 19 kwietnia 2013 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie zwierząt (Dz.U. 2013, poz. 856).

nized to provide care for the homeless animals collaborated with entities not covered by veterinary supervision. Municipalities also did not enforce effective conduct of the adoptive hostel activities, because the new owners were only 23% of detained animals. Animal adoption is still much less than that of going into shelters. Especially few adoptions were in large shelters, increasingly chosen by the community because of its readiness to accept all animals and offer lower cost of care. Almost half of the audited municipalities, organized to provide care for the homeless animals collaborated with entities not covered by veterinary supervision. Municipalities also did not enforce effective conduct of the adoptive hostel activities, because the new owners found only 23% of animals. In relation to the findings of 2012 there is an improvement of the living conditions of animals in shelters and non-veterinary supervision shelters¹⁵.

APA also defines the notion of killing animals, which can be done only in a humane manner involving minimum physical and mental suffering. The legislator has entrusted to the Veterinary Inspection the supervision of compliance with animal protection provisions. The Inspection can co-operate with social organizations whose statutory objective is the protection of animals. In practice, organizations such as the Viva Foundation call to veterinary inspectors in case of violation of animal rights to carry out intervention aimed at improving the living conditions of animals. Article 11 of the APA, which is dedicated to the criminal law, provides for a fine and imprisonment of up to 2 years for killing or abusing an animal, and for actions with particular cruelty imprisonment up to 3 years. The court may also order the forfeiture of the animal and ban on pet ownership from 1 to 10 years. In the case of a decision about picking up the animals, these usually go to a shelter or to the care of social organization dealing with the protection of animals. In the case of conviction for killing or abuse, the court may order payment to the amount of 500 to 100 000 (Polish zloty) for the purpose related to the protection of animals, as indicated by the court. Importantly, the APA also forbids the widespread practice which was trimming the dogs ears and tails (copy), causing painful mutilation of the animal¹⁶.

In the current Act of 6 June 1997 Criminal Code, Article 202 states that whoever in order to spread, produces, perpetuates, or imports, stores or possesses or distributes or presents (...) pornographic content related to the presentation of violence or the use of an animal, is subject to imprisonment from 2 to 12 years¹⁷. This provision regulates procedures in the case of zoophilia.

As indicated by Malinowski (2014), in Polish legal literature there are voices about the need to grant legal personality to animals, which is to be the cure for their inhuman treatment and more precisely breaking the law in this area. The author says that in the current legal system, subjectivity legal concerns only human¹⁸.

¹⁵ NIK, *Informacja o wynikach kontroli, Zapobieganie bezdomności zwierząt*, 2016, p. 6-8.

¹⁶ Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 19 kwietnia 2013 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie zwierząt (Dz.U. 2013, poz. 856).

¹⁷ Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 5 lipca 2016 r. w sprawie ogłoszenia jednolitego tekstu ustawy – Kodeks karny. Dz.U. 2016, poz. 1137.

¹⁸ D. Malinowski, *Problematyka podmiotowości prawnej zwierząt na przykładzie utilitaryzmu Petera Singera*, „Przegląd Prawa Ochrony Środowiska” 2014, 2, p. 191.

The activities of state authorities in the field of supervision of animal protection laws and enforcement of the penal provisions of the APA

Table 1. Police and judicial statistics about cruelty to animals

Year	The number of initiated procedures	The number of discovered crimes	Detection rate (%)	The number of suspects
2014	2 214	1 483	58,0	806
2013	2 174	1 439	60,1	789
2012	2 170	1 503	60,4	829
2011	1 956	1 441	62,0	786
2010	1 754	1 272	65,4	803
2009	1.785	1 386	66,5	815
2008	1 940	1 504	65,6	870
2007	1 522	1 237	70,2	768
2006	1 526	1 132	69,5	677
2005	1 418	1 129	69,1	666
2004	1 283	991	69,4	590
2003	1 187	845	64,8	450

Source: www.statystyka.policja.pl

The Foundation Black Sheep Of Mr Cat and the Association for the Protection of Animals Eco-Guard from Wrocław for many months realized a project "Let them have rights!", Aimed at monitoring the activities of state bodies in the supervision over the observance of animal rights protection and enforcement of criminal proceedings of APA. Monitoring activities of law enforcement agencies and courts of general jurisdiction in the prosecution and punishment of the perpetrators of crimes and offenses against animals was carried out on a continuous basis from January to December 2015. This included provincial police headquarters (in some provinces the district police stations), 147 randomly selected district prosecutor's offices and 146 district courts throughout the country. The authors also conducted a nationwide media monitoring. In 2015, there were more than 300 reports of various forms of violence against animals and their inhumane treatment. They are always associated with a lively reaction of public opinion and provoked questions of ordinary people, when finally someone, for violence against animals, will be punished "as it should be". 32% of respondents expressed their belief that their reports on violence against animals had not been taken seriously by law enforcement agencies. 58% respondents and representatives of non-governmental organizations that participated in the survey, negatively rated the involvement of the police in the investigations conducted as a result of their applications. In 2012-2014, the district prosecutor's offices surveyed recorded 4475 cases of crimes against animals. 74% of them resulted in the refusal to initiate an investigation or redemption. Courts in 2012-2014 resolved 897 cases for offenses against animal protection, which involved 984 offenders. Mainly

men were accused of crimes. Most of the cases (83.5%) related to pets. 86% of prison sentences against perpetrators of crimes against animals imposed a conditional suspension of the execution on the sample period. Predicated penalties of prison were sporadic, usually corresponding to the perpetrators at the same time for committing several crimes. The penalties predicated provided for in the APA were predicated only half of the cases examined and decided by the courts. In general, they were predicated on targets related to the protection of animals. The average fine was about 740 PLN¹⁹.

Summary

For many centuries, the approach to animals has changed definitely in their favour. The approach to animals can be seen in many dimensions. Different views represent vegans and meat-eaters, people engaged in the production of animal foods, or hunters. Pets often are treated better than others – farm or circus animals. Although they all equally feel pain or discomfort. The rules are designed to protect animals, but often it is difficult to prove guilt for the abuse of animals. Cases of mistreatment of animals are often discontinued due to lack of evidence or detection of the perpetrator and settled judgments are low. As Habuda and Radecki believed (2008), the cause of a small number of published decisions in criminal matters covered by the laws on the protection of animals and on animal experiments is that they are legally uncomplicated, and the judgments are very mild and approved by law enforcement. Cases usually end up in court of the first instance, and do not go to the higher court of justice²⁰. Attention should be paid to the results of SCC. As noted SCC animals adopted are still much fewer than those going into shelters. Not all animals are subjected to treatments of sterilization and castration, which is the main action to prevent homelessness. Not all animals are labelled with a microchip, which also contributes to the reduction of homelessness. However, as noted SCC, in the past few years, have improved the living conditions of animals in shelters. Still existing in Poland, are shelters for animals that do not function properly, and not all municipalities comply properly with their tasks in the field of animal protection. The most important weapon in the fight against animal homelessness are sterilization and castration. The introduction of compulsory sterilization, castration of dogs and cats not originating from registered breeding could contribute significantly to the reduction of homelessness. The introduction of universal compulsory marking of dogs, may also contribute to the reduction of homelessness and to quickly determine the animal's guardian in the event of loss or of committing a crime against an animal. Shown in the table on police and judicial statistics concerning the abuse of animals in the years 2003-2014, the number of cases initiated and the number of detected crimes suspects increased. The increase in the number of detected crimes can be attributed to a more and more aware approach of Polish society for the protection of animals. People increasingly report cases to

¹⁹ D. Karaś, *Jak Polacy znęcają się nad zwierzętami. Raport z monitoringu sądów, prokuratur i policji*, Kraków-Wrocław 2016, p. 6-46.

²⁰ A. Habuda, W. Radecki, *Przepisy karne w ustawach o ochronie zwierząt oraz o doświadczeniach na zwierzętach*, „Prokuratura i Prawo” 2008, 5, p. 34-35.

police of ill-treatment of animals and more and more organizations operate to protect animals. The number of detected crimes has increased. The detection rate decreased over the years, which may be connected with the specificity of cases. Victims are animals that are not themselves able to identify the culprit. It should also be referred to the monitoring report of the Foundation Black Sheep Of Mr Cat and the Association for the Protection of Animals Eco-Guard from Wrocław, which indicates a negative assessment of the involvement of police officers in the investigation conducted in connection with animals. As a result of the monitoring of activities of state bodies in the supervision over the observance of the rights of animal protection and enforcement of criminal laws of APA, prosecutors' offices in the surveyed district recorded 4,475 cases of crimes against animals. Nearly 75% of cases of crimes against animals resulted in a refusal to initiate an investigation or redemption. Monitoring results clearly show that mostly men commit crimes against animals, and the majority of cases in courts applies to pets. A significant part of the penalties were imposed in the courts with a conditional suspension. Noteworthy is the fact of adjudication of few severe financial penalties. Severe financial penalties can be an effective means of preventing ill-treatment of animals. As indicated by the author of the report monitoring the provisions of the APA establishing the symptoms of the crime of cruelty to animals are too a complicated structure, which makes them difficult to use, and the only effective way to change the situation of the animal victims of inhumane treatment is a change of the subjective elements of the offences specified in APA. According to the author, the minimum change should include the inclusion of the symptoms of the subjective signs of mistreatment of animals to the perpetrator with the possible intention²¹.

While in Europe and the United States there are laws to protect animals, in many Asian countries, the animals are still treated as an object. Still, among others, in Asian countries dog meat is consumed, which causes resentment among Western societies. Asians, in turn, responding to these allegations claim that they have the right to consume dog meat the same as Europeans have the right to eat pork or beef. However, it seems that more than consumption of dog meat, people are indignant at the cruelty to which they are subjected before sacrifice. In Poland, the existing legislation is still considered by part of society that are not sufficient to protect the animals and the Polish people are demanding their exacerbation. Pets are kept in our homes for their company and we treat them as our favourites. It should be remembered that in addition to the pleasure it also involves taking care of them. Compliance with the law is the duty of every citizen, as well as the responsibility to respond to violations of these provisions. Effectively, preventing acts of violence against animals can be done by the education and inculcate sensitivity of children from an early age. Recent press reports suggest that in the near future provisions on the protection of animals may be strengthened. To summarize this article, one can quote a scientist Thomas A. Edison 'Non-violence leads to the highest ethics, which is the goal of all evolution. Until we stop harming all other living beings, we are still savages'.

²¹ D. Karaś, *Jak Polacy znęcają się nad zwierzętami. Raport z monitoringu sądów, prokuratur i Policji*, Kraków-Wrocław 2016, p. 57.

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