

# **The Animals in the Law – A Global Perspective**

10th International Conference on Human-Animal Interactions  
Glasgow, 7th October 2004

**Foundation for the Animal in the Law (Stiftung für das Tier im Recht),  
Zurich / Berne (Switzerland)**

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## Questions

1. **T** The national constitution: Does it include animal welfare?
2. **H** Has the country an uniform animal welfare act?
3. **E** Existence of sanctions for cruelty to animals on a national level? And if yes, what are the highest penalties?
4. **A** Are animals treated as an own category by civil law? (Legal standing)
5. **N** Norm for compensation: Does the country pay out adequate reparation in case of injury or death of an animal?
6. **I** In case of death of an animal: Are reasonable costs for the veterinary care paid?
7. **M** May I, as a tenant, at any rate keep an animal, or if no, under which conditions?
8. **A** Are judges legally entitled to assign the ownership from one person to another, if the other person is a better pet keeper, even if he/she is not the owner? (e.g. in divorce cases)
9. **L** Lost and found pets: is there a special delay for the finder of an animal to become the owner of it?
10. **S** Search for lost pets: is there a central office to co-ordinate the owner and the finder to get in touch?
11. **I** Is the intrinsic value or the dignity of the animal protected by the law?
12. **N** No bill paid: Are pets or other animals protected of being seized if the owner is in debt?
13. **T** The Animal Rights Debate: Do rights or legally protected interests exist?
14. **H** Hospitals and job – are there legal acts, which allow bringing animals to these places?
15. **E** Education of pet owners, pet breeders and lawyers in animal welfare aspects; are they compulsory by law?
16. **L** Lawyers for animals: Are the animal's interests in punishing the perpetrator protected during an investigation and at court by special lawyers?
17. **A** Animals as heirs? Is there an animal's right for heritage?
18. **W** What should the future bring for a better legal perspective in human-animal-interaction?



# 1. The national constitution: Does it include animal welfare?



Switzerland

yes (Art. 80 BV, since 1973)



Italy

no



Germany

yes (Art. 20a GG, since 2002)



Spain

no



Austria

yes (Art. 11 Abs. 1 BVG, since 2004)



U.K.

no (no constitution)



France

no



USA

no

## 2. Has the country an uniform animal welfare act?



Switzerland

yes (since 1981)



Italy

no



Germany

yes (since 1933, newest version 1998)



Spain

no



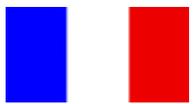
Austria

yes (comes into force in 2005)



U.K.

no



France

no



USA

no

### 3. Existence of sanctions for cruelty to animals on a national level? And if yes, what are the highest penalties?



Switzerland

yes (Art. 27-29 TSchG)  
prison up to 3 years and 40'000 CHF fine



Italy

yes (legge 189/2004)  
prison up to 3 years and 10'000 € fine



Germany

yes (§§ 17/18 TierSchG)  
prison up to 3 years



Spain

???



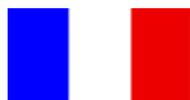
Austria

yes (§ 5/38 TSchG)  
fines up to 15'000 €



U.K.

???



France

???



USA

???

#### 4. Are animals treated as an own category by civil law? (Legal standing)



Switzerland

yes (Art. 641a ZGB, since 2004)



Italy

no



Germany

yes (§ 90a BGB, since 1990)



Spain

no



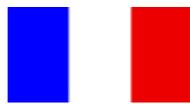
Austria

yes (§ 285a ABGB, since 1988)



U.K.

no



France

yes (Art. 524/528 CC)



USA

no

5. Norm for compensation: Does the country pay out adequate reparation in case of injury or death of an animal?



Switzerland

yes (Art. 42 Abs. 3 OR)



Italy

no



Germany

no



Spain

no



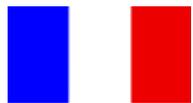
Austria

no



U.K.

???



France

no



USA

???

6. In case of death of an animal: Are reasonable costs for the veterinary care paid?



Switzerland

yes (Art. 43 Abs. 1bis OR)



Italy

no



Germany

yes (§ 251 Abs. 2 Satz 2 BGB)



Spain

no



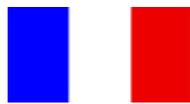
Austria

yes (§ 1332a ABGB)



U.K.

???



France

no



USA

???

7. May I, as a tenant, keep an animal, and if so, under which conditions?



Switzerland

no; according to individual lease



Italy

no; according to individual lease



Germany

no; according to individual lease



Spain

no; according to individual lease



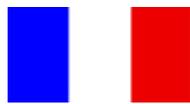
Austria

no; according to individual lease



U.K.

no; according to individual lease



France

yes (Art. 10 loi 598/1970)



USA

no; according to individual lease

8. Are judges legally entitled to assign the ownership from one person to another, if the other person is a better pet keeper, even if he/she is not the owner? (e.g. in divorce cases)



Switzerland

yes (in case of separation;  
Art. 651a ZGB)



Italy

no



Germany

no



Spain

no



Austria

no



U.K.

???



France

no



USA

???

9. Lost and found pets: is there a special delay for the finder of an animal to become the owner of it?



Switzerland

yes (2 months; Art. 722 Abs. 1bis ZGB)



Italy

yes (2 months; Art. 2 Abs. 5 legge 281/91)



Germany

no (6 months; § 973 BGB)



Spain

yes (20 days; Art. 612 CC)



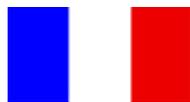
Austria

no (1 year; § 395 ABGB)



U.K.

???



France

no



USA

???

10. Search for lost pets: is there a central office to co-ordinate the owner and the finder to get in touch?



Switzerland

yes (Art. 720a Abs. 2 ZGB)



Italy

no



Germany

no



Spain

no



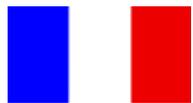
Austria

no



U.K.

no



France

no



USA

no

# 11. Is the intrinsic value or the dignity of the animal protected by the law?



Switzerland

yes (Art. 120 Abs. 2 BV; since 1992)



Italy

no



Germany

no



Spain

no



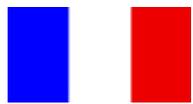
Austria

no



U.K.

no



France

no



USA

no

12. No bill paid: Are pets or other animals protected of being seized if the owner is in debt?



Switzerland

yes (Art. 92 Abs. 1 Ziff. 1a SchKG)



Italy

no



Germany

yes (§ 811c ZPO)



Spain

???



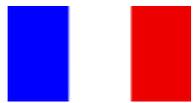
Austria

???



U.K.

???



France

???



USA

???

### 13. The Animal Rights Debate: Do rights or legally protected interests exist?



Switzerland

no



Italy

no



Germany

no



Spain

no



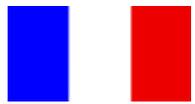
Austria

no



U.K.

no



France

no



USA

no

#### 14. Hospitals and job – are there legal acts, which allow bringing animals to these places?



Switzerland

no



Italy

no



Germany

no



Spain

no



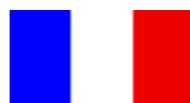
Austria

no



U.K.

no



France

no



USA

no

15. Education of pet owners, pet breeders and lawyers in animal welfare aspects; are they compulsory by law?



Switzerland

no



Italy

no



Germany

no



Spain

no



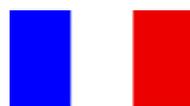
Austria

no



U.K.

no



France

no



USA

no

16. Lawyers for animals: Are the animal's interests in punishing the perpetrator protected during an investigation and at court by special lawyers?



Switzerland

no (some exceptions, e.g. canton Zurich)



Italy

no (exception: Art. 7 legge 189/2004)



Germany

no



Spain

no



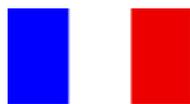
Austria

no ("exception": § 41 TSchG)



U.K.

???



France

no



USA

???

## 17. Animals as heirs? Is there an animal's right for heritage?



Switzerland

no, but Art. 482 Abs. 4 ZGB



Italy

no



Germany

no



Spain

no



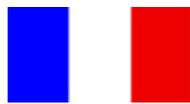
Austria

no



U.K.

???



France

no



USA

???