

# The Animals in the Law

## A Global Perspective – update 2007 –

11th International Conference on Human-Animal Interactions  
Tokyo, 6th October 2007

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

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[www.tierimrecht.org](http://www.tierimrecht.org) / [www.animallaw.ch](http://www.animallaw.ch) / [www.tierschutz.org](http://www.tierschutz.org)

## 18 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?
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13. **T** The Animal Rights Debate: Do rights or legally protected interests exist?
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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?





## Question 1: The national constitution: Does it include animal welfare? (Part 1)



**Yes**

(Art. 80 BV, since 1973)



**Yes**

(Art. 20a GG, since 2002)



**Yes**

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



**No**



**No**



**No**



**Yes**



**No**



**No**

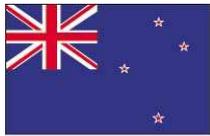
(only indirectly represented in the constitution)



**No**

(no Constitution)

**Question 1: The national constitution: Does it include animal welfare?  
(Part 2)**



**No**



**No**

(no Constitution)



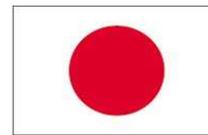
**No**



**No**



**No**



**No**



**No**



**No**

## Question 2: Has the country an uniform animal welfare act? (Part 1)



**Yes**  
(since 1981)



**Yes**  
(since 1933, newest  
version 1998)



**Yes**  
(since 2005)



**No**



**No**



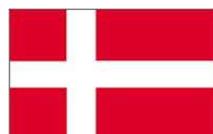
**No**



**No**



**Yes**

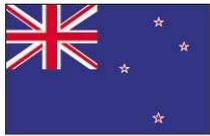


**Yes**  
(since 1991)



**Yes**  
(since 2005)

## Question 2: Has the country an uniform animal welfare act? (Part 2)



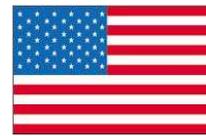
**Yes**  
(since 1999)



**Yes**  
(since 1962)



**No**



**No**



**No**



**Yes**



**Yes**  
(since 1991)



**No**

### Question 3: Existence of sanctions for cruelty to animals on a national level? And if yes, what are the highest penalties? (Part 1)



**Yes**

(Art. 333 Abs. 2 lit. B StGB:  
fine up to 1'080'000 CHF,  
prison up to 3 years)



**Yes**

(§ 38 Abs. 1-3 TSchG: fines  
up to 15'000 €; § 222 StGB:  
prison up to 1 year)



**Yes**



**Yes**

(Art. 36, 121, 122 GWWD:  
fines up to 17'250 €; prison  
up to 3 years)



**Yes**

(prison up to 1 year; § 28 low  
nr 386 of the 6 June 1991)



**Yes**



**Yes**



**No**



**Yes**

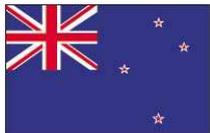
(Fines up to 10'000 €;  
prison up to 12 month)



**Yes**

(Fines up to 20'000 GBP;  
prison up to 51 weeks) 10

### Question 3: Existence of sanctions for cruelty to animals on a national level? And if yes, what are the highest penalties? (Part 2)



**Yes**

Section 25 Animal Welfare Act 1999: fine up to 25'000 NZ\$ for individual, up to 125'000 NZ\$ for corporate entity, prison up to 6 month)



**Yes**

(fine up to 200'000 R, prison up to 2 years)



**Yes**

(fine up to \$ 2000 CAD, prison up to 6 month)

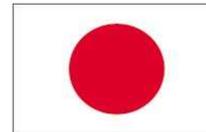


**No**



**Yes**

(Law 14.346/54: prison up to 1 year)



**Yes**

(fine up to 1 Mio Yen, prison up to 1 year)



**Yes**

Art. 12: fine up to 200'000 won or prison; from 27.1.2008 after revision: fine up to 5'000'000 won)



**No**

**Question 4: Are animals treated as an own category by civil law?  
(Legal standing) (Part 1)**



**Yes**

(Art. 641a ZGB, since 2004)



**Yes**

(§ 90a BGB, since 1990)



**Yes**

(§ 285a ABGB, since 1988)



**Yes**

(Art. 524/528 CC)



**No**



**No**



**No**

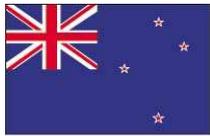


**No**



**No**

**Question 4: Are animals treated as an own category by civil law?  
(legal standing) (Part 2)**



**No**



**No**



**No**



**No**



**No**



**No**



**No**



**No**

**Question 5: Norm for compensation: Does the country pay out adequate reparation in case of injury or death of an animal? (Part 1)**



**Yes**  
(Art. 42 Abs. 3 OR)



**No**



**No**



**No**



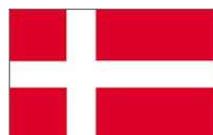
**No**



**No**



**No**



**No**



**No**

**Question 5: Norm for compensation: Does the country pay out adequate reparation in case of injury or death of an animal? (Part 2)**



**Yes**



**No**



**No**



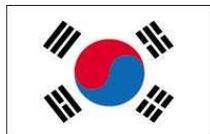
**No**



**No**



**No**



**No**



**No**

**Question 6: In case of death of an animal: Are reasonable costs for the veterinary care paid? (Part 1)**



**Yes**  
(Art. 43 Abs. 1 OR)



**Yes**  
(§ 251 Abs. 2 GG)



**Yes**  
(§ 1332a ABGB)



**No**



**No**



**No**



**No**



**No**

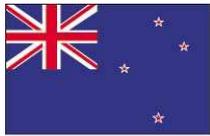


**No**



**No**

**Question 6: In case of death of an animal: Are reasonable costs for the veterinary care paid? (Part 2)**



**No**



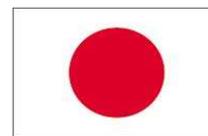
**No**



**No**



**No**



**No**



**No**



**No**

**Question 7: May I, as a tenant, at any rate keep an animal, or if no, under which conditions? (Part 1)**



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease



**Yes**  
(Art. 10 loi 598/1970)



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease

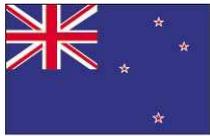


**No:** according to individual lease



**No:** according to individual lease

**Question 7: May I, as a tenant, at any rate keep an animal, or if no, under which conditions? (Part 2)**



**No:** according to individual lease



**No:** according to individual lease



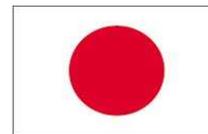
**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease



**No:** according to individual lease

**Question 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 (in divorce cases)? (Part 1)**



**Yes**

(in case of separation,  
Art. 651a ZGB)



**No**



**No**



**No**



**No**



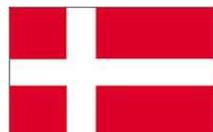
**No**



**No**



**No**

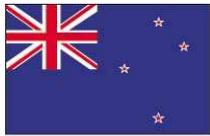


**No**

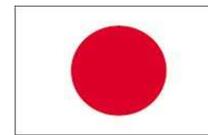
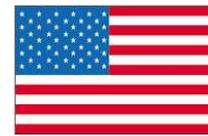


**No**

**Question 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 (in divorce cases)? (Part 2)**



**No**



**No**



**No**



**No**

**Question 9: Lost and found pets: Is there a special delay for the finder of an animal to become the owner of it? (Part 1)**



**Yes**  
(2 month, Art. 722  
Abs. 1<sup>bis</sup> ZGB)



**No**  
(6 month, § 973  
BGB)



**Yes**  
(1 month, § 30 Abs. 7,  
38 Abs. 6 TSchG)



**No**



**Yes**  
(2 month, Art. 2 Abs.  
5 legge 281/91)



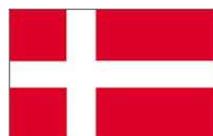
**Yes**  
(20 days, Art. 612  
CC)



**Yes**



**No**

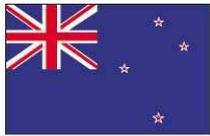


**Yes**



**Yes**  
(Environmental  
Protection Act 1990  
Section 150) 22

**Question 9: Lost and found pets: is there a special delay for the finder of an animal to become the owner of it? (Part 2)**



**No**



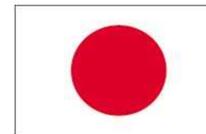
**No**



**Yes**  
(3 days)



**No**



**No**  
(Every local government has different periods of „holding time“)



**No**



**No**

**Question 10: Search for lost pets: Is there a central office to coordinate the owner and the finder to get in touch? (Part 1)**



**Yes**  
(Art. 720a Abs. 2<sup>bis</sup>  
ZGB)



**No**



**No**  
(but: § 30 Abs. 6  
TSchG)



**No**



**No**



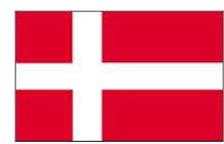
**No**



**No**



**No**

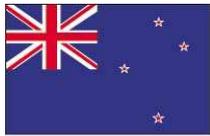


**No**



**No**

**Question 10: Search for lost pets: Is there a central office to coordinate the owner and the finder to get in touch? (Part 2)**



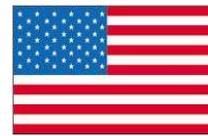
**No**



**No**



**No**



**No**



**No**



**No**



**No**



**No**

**Question 11: Is the intrinsic value or the dignity of the animal protected by the law? (Part 1)**



**Yes**

(Art. 120 Abs. 2 BV,  
since 1992)



**Yes**



**Yes**

(§ 1 TSchG)



**No**



**No**



**No**

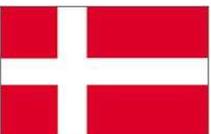


**Yes**

(the principal of  
intrinsic value is more  
and more explicitly  
acknowledged)



**No**

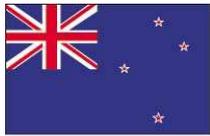


**No**



**No**

**Question 11: Is the intrinsic value or the dignity of the animal protected by the law? (Part 2)**



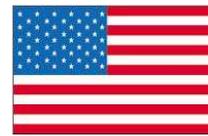
**No**



**No**



**No**



**No**



**No**



**No**



**No**

**Question 12: No bill paid: Are pets protected of being seized if the owner is in debt? (Part 1)**



**Yes**

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



**Yes**

(§ 811c ZPO)



**Partly** (§ 250 Abs. 1 Z 4 EO, up to a value of 750 €)



**No**



**No**



**No**



**Yes**



**Question 12: No bill paid: Are pets protected of being seized if the owner is in debt? (Part 2)**



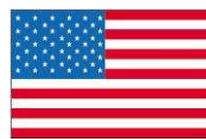
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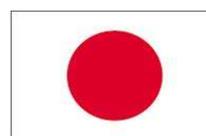
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**No**



**No**



**No**

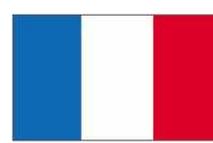
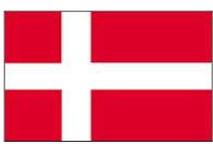


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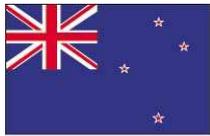


**No**

**Question 13: The Animal Rights Debate: Do rights or legally protected interests exist? (Part 1)**

	<b>No</b>		<b>No</b>
	<b>No</b>		<b>No</b>
	<b>No</b>		<b>No</b>
	<b>No</b>		<b>No</b>
	<b>No</b>		<b>No</b>

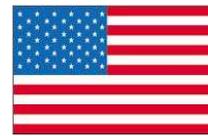
**Question 13: The Animal Rights Debate: Do rights or legally protected interests exist? (Part 2)**



**No**



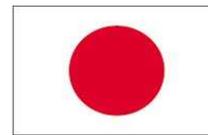
**No**



**No**



**No**



**No**



**No**

**Question 14: Hospitals and job – are there legal acts, which allow bringing animals to these places? (Part 1)**



**No**



**No**



**No**



**No**



**No**



**No**



**No**



**No**



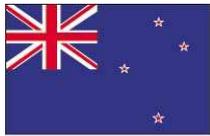
**No**



**No**



**Question 14: Hospitals and job – are there legal acts, which allow bringing animals to these places? (Part 2)**



**No**



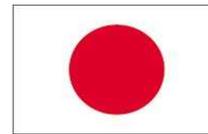
**No**



**No**



**No**



**No**



**No**

**Question 15: Education of pet owners, pet breeders and lawyers in animal welfare aspects; are they compulsory by law? (Part 1)**



**No**



**No**



**No**



**No**



**No**



**No**



**No**



**No**

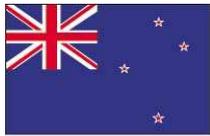


**No**



**No**

**Question 15: Education of pet owners, pet breeders and lawyers in animal welfare aspects; are they compulsory by law? (Part 2)**



**No**



**No**



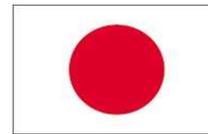
**No**



**No**



**No**



**No**



**No**



**Question 16: Are the animal's interests in punishing the perpetrator protected during an investigation and at court by special lawyers?  
(Part 1)**



**No**

!!!: some exceptions  
e.g. canton Zurich



**No**



**No**

!!!: "exception": § 41  
TSchG



**No**



**No**

!!!: exception: Art. 7  
legge 189/2004



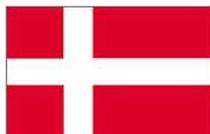
**No**



**No**



**No**



**No**



**No**

**Question 16: Are the animal's interests in punishing the perpetrator protected during an investigation and at court by special lawyers?  
(Part 2)**



**No**



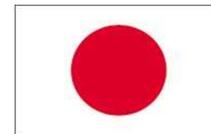
**No**



**No**



**No**



**No**



**No**



**No**

**Question 17: Animals as heirs? Is there an animal's right for heritage?  
(Part 1)**



**No**

!!!: Art. 482 Abs. 4  
ZGB



**No**



**No**



**No**



**No**



**No**



**No**



**No**

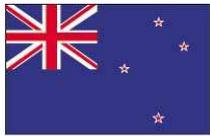


**No**



**No**

**Question 17: Animals as heirs? Is there an animal's right for heritage?  
(Part 2)**



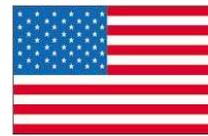
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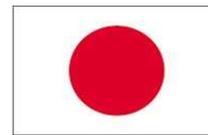
**No**



**No**



**No**



**No**



**?**



**No**