

EMILIA KUDASIK - GIL

---

Jagiellonian University, Faculty of Law and Administration, Kraków  
Pablo de Olavide University, Faculty of Law, Seville  
<https://orcid.org/0000-0001-5935-5904>  
e.kudasik@gmail.com

# Spanish Animal Protection Law – an Overview of Civil, Criminal and Administrative Provisions Concerning Animal Welfare

## Introduction

Santiago Muños Machado raises a question: how is it possible that historically law had so little interest in animals, while we have always cohabitated together, using them in so many ways?<sup>1</sup> Law was silent about the human-animal relations for a long time, because animals were not (and they still are not) the subjects of it.<sup>2</sup> First provisions addressing animal issues were established mainly to conserve species for their usefulness to man, and not for the animals – as living beings – themselves.<sup>3</sup> In Spanish law, exceptional lack of concern for the protection of animals against their abuse can be proved through the late incorporation of legal regulations regarding animal welfare.<sup>4</sup> The glaring example is the ratification of the European Convention for the Protection of Pet Animals<sup>5</sup> only 30 years after its promulgation. Moreover, the

---

<sup>1</sup> *Los animales y el derecho*, ed. S. Muños Machado, Madrid 1999, p. 18.

<sup>2</sup> *Ibidem*, p. 23.

<sup>3</sup> *Ibidem*, p. 24.

<sup>4</sup> S.B. Brage Cendán, *Los delitos de maltrato y abandono de animales. Artículos 337 y 337 bis CP*, Valencia 2017, pp. 20–21.

<sup>5</sup> The European Convention for the Protection of Pet Animals, Strasbourg, 13 October 1987, European Treaty Series, No. 12, <https://rm.coe.int/168007a67d> [access: 11.10.2019].

Spanish Government made a reservation to exclude puppies of the hunting breeds (such as *galgos españoles*) from the conventional protection.<sup>6</sup>

There were, however, exceptions in relation to maltreatment of animals, such as *Real Decretos* elaborated in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Unfortunately, according to Muñoz Machado, those regulations were hardly ever applicable, because of lack of concern of the authorities.<sup>7</sup> The European Union accession somehow forced Spain to develop provisions concerning animal issues<sup>8</sup> (standards arising from the European Union regulations were implemented automatically into the Spanish legal system), although Spanish national legislator decided not to adopt a particular act concerning only animal welfare issue, and to this day, it has not elaborated a nationwide animal protection act. However, there are provisions, mainly in the Spanish Civil Code, concerning animals in matters as diverse as: ownership, occupation, finding, usufruct, usage, easements, indemnification for defects in sale and purchase, lease, force majeure, games and betting, or tortious liability.<sup>9</sup>

### Issue of animals in civil law

Art. 333 of the Spanish Civil Code<sup>10</sup> (hereinafter referred to as CC) stipulates that “all things that are or may be the object of appropriation are considered movable or immovable property”.<sup>11</sup> Generally, this division is comprehensive – Art. 334 of CC indicates an enumerative list of assets classified as immovables, and remaining assets should be classified as movable goods. Jacinto Gil Rodríguez defines “things” as all objects “which are not a person and serve men”,<sup>12</sup> not excluding animals from this category. Although it is not said directly, the analysis of Art. 346.I of CC set within Art. 335 of CC indicates that in terms of Spanish law, animals are treated as movable

---

<sup>6</sup> L. Lozano Benito, *Amputación de orejas y rabo en perros de rehala: un escenario de mutilación y maltrato*, “Blog de Derecho de los Animales. Abogacía Española”, 11 octubre 2018, [https://www.abogacia.es/2018/10/11/amputacion-de-orejas-y-rabo-en-perros-de-rehala-un-escenario-de-mutilacion-y-maltrato/?fbclid=IwAR27Awk-V1iIAEJtjDs\\_aTruKOfo1LOLOYjTgW5LRg2XNN5S1WOveE2B4d4](https://www.abogacia.es/2018/10/11/amputacion-de-orejas-y-rabo-en-perros-de-rehala-un-escenario-de-mutilacion-y-maltrato/?fbclid=IwAR27Awk-V1iIAEJtjDs_aTruKOfo1LOLOYjTgW5LRg2XNN5S1WOveE2B4d4) [access: 11.10.2019].

<sup>7</sup> *Los animales y el...*, pp. 80–82.

<sup>8</sup> At the beginning of the 21<sup>st</sup> century, it was emphasized that Spanish law concerning animal welfare should be equated with, or at least approximated to more restrictive regulations of EU member states (see G. Doménech Pascual, *Bienestar animal contra derechos fundamentales*, Barcelona 2004, pp. 152–153).

<sup>9</sup> C. Rogel Vide, *Personas, animales y derechos*, Madrid 2018, p. 31.

<sup>10</sup> Spanish Civil Code of 25 July 1889, Spanish Official Journal No. 206 (repealed on 4 August 2018).

<sup>11</sup> All Spanish-English translations were made by the author of the article.

<sup>12</sup> *Código Civil Comentado*, Vol. I, eds. P. de Pablo Contreras, R. Valpuesta Fernández, Navarra 2011, p. 1354.

property, which is also unanimously accepted in the civil law literature.<sup>13</sup> Utter reification is brightly visible in Art. 355 of CC, which emphasizes that an offspring of an animal is legally considered a natural fruit.

Spanish doctrine elaborated the special legal term – *semoviente*<sup>14</sup> – to classify animals<sup>15</sup> as exceptional movables, “living things” capable of reproduction and movement, in contrast within animate things. It follows that *semovientes* are not a third category of things, different from movables and immovables, as Spanish law stands by the classic, Roman dichotomy between objects and subjects of law.<sup>16</sup> Nevertheless, Carlos Rogel Vide, representative of the Spanish civil law doctrine, accentuates that despite the existence of dichotomous terms – subject and object of law – animals do not necessarily have to be classified as things (whether movables or immovables), because the term “object”, containing also energy or intangible assets, is much wider than the term “thing”.<sup>17</sup> The author subscribes to the thesis that animals “are neither things, nor persons”,<sup>18</sup> they are something in between – a “third genre”. It is also indicated in the literature that, although provisions concerning animals are part of common civil law regime, in certain cases, being *semoviente* leads to the necessity of applying appropriate, peculiar rules in order to respect the effective separation of animals from things.<sup>19</sup> This conclusion demonstrates that in reality animals enjoy superior status than actual things, however, it does not imply that animals are subjects of law or that they were given any individual rights.<sup>20</sup>

In 2014, the problem of poor animal welfare in Spain was noticed by the World Animal Protection organization while creating the worldwide ranking concerning the commitment to animal protection in 50 countries.<sup>21</sup> The Animal Protection Index assesses the animal welfare policy of each country using 15 different indicators. Spain was ranked with “C” (on the A–G scale), and was last but one (of all EU countries), followed only by Romania. The most highlighted issue in the report is the lack of

<sup>13</sup> Among others: S.B. Brage Cendán, *op. cit.*, pp. 30–31; C. Gil Membrado, *Régimen jurídico civil de los animales de compañía*, Madrid 2014, p. 16; *Los animales y el...*, p. 24, 47; M.P. Sánchez González, *Los animales como agentes y víctimas de daños en el Derecho Civil*, [in:] *Los animales como agentes y víctimas de daños*, ed. J.M. Pérez Monguió, Barcelona 2008, pp. 19–20.

<sup>14</sup> This term can be translated into “livestock”, but a rough translation is “a thing moving itself”.

<sup>15</sup> Traditionally, it included only farm and labour animals, but nowadays it refers to all animals, as they can move from one place to another by themselves without any help of their owners and sometimes even against their will (see C. Rogel Vide, *Los animales en el Código Civil*, Madrid 2017, pp. 14–15).

<sup>16</sup> Muñoz Machado indicates that civil law only recognises two categories of legal entities: persons and things. So, if animals are not human beings, they are things (see *Los animales y el...*, p. 47).

<sup>17</sup> C. Rogel Vide, *Personas...*, pp. 33–34.

<sup>18</sup> *Ibidem*, p. 76.

<sup>19</sup> M.P. Sánchez González, *op. cit.*, p. 20.

<sup>20</sup> *Ibidem*, p. 24.

<sup>21</sup> For more information: <https://api.worldanimalprotection.org/> [access: 11.10.2019].

formal recognition of animal sentience in nationwide legislation.<sup>22</sup> Neither the Spanish Constitution nor the Civil Code nor any other nationwide regulation identifies animals as “living beings” or explicitly recognises their sentience. At the same time, in view of the fact that Spain is a part of the European Union, it applies in its legal order Art. 13 of the Treaty on the Functioning of the European Union<sup>23</sup> which considers animals as sentient beings.<sup>24</sup> Moreover, the Act on Care for Animals on Farms, during Transport, Slaughter and Experimentation,<sup>25</sup> applicable to vertebrate animals used in production or for scientific experimentation, in several provisions makes references to animal suffering, which can be understood as indirect acknowledgement of the fact that animals are sentient beings, although, unfortunately, in Art. 2.2, the Spanish legislator explicitly excluded wild animals (even in captivity), bulls used in bullfights and pet animals from the scope of the Act application.

It is also worth noting that each Spanish Autonomous Community is entitled to legislate in the field of animal protection. Nowadays it is exactly the autonomous law which mainly regulates those problems in Spain through regional animal protection acts. The Autonomous Community of Catalonia was a pioneer in establishing regulations concerning animal welfare.<sup>26</sup> It is known as the most animal-friendly region in the whole Spain, as evidenced by the text of the current, repeatedly amended Catalan Animal Protection Act, saying that its purpose is to “(...) reach the greatest

<sup>22</sup> *Animal Protection Index, Kingdom of Spain*, p. 1, [https://api.worldanimalprotection.org/sites/default/files/api\\_spain\\_report\\_.pdf](https://api.worldanimalprotection.org/sites/default/files/api_spain_report_.pdf) [access: 11.10.2019].

<sup>23</sup> Consolidated version of the Treaty on the Functioning of the European Union, Official Journal C 326/47, 26/10/2012, pp. 0001–0390, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT&from=EN> [access: 11.10.2019].

<sup>24</sup> This provision states that: “In formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage”. It is considered as both the general principle of EU law and legal norm, and therefore EU law and Spanish law must respect animal welfare in the relevant fields, in accordance with the derogation clause. In other case, the European Union Court of Justice has a right to rule annulment of those regulations which are not compliant with Art. 13 TFEU (see E. Alonso, *El artículo 13 del Tratado de Funcionamiento de la Unión Europea: Los animales como seres «sensibles [sentientes]» a la luz de la jurisprudencia del Tribunal de Justicia de la Unión Europea*, [in:] *Animales y Derecho. Animals and the Law*, eds. D. Favre, T. Giménez-Candela, Valencia 2015, p. 18, 25–27, 31; M. Wartenberg, *Art. 13 Lisbon Treaty/TFEU – Historical, Constitutional and Legal Aspects*, [in:] *Animales y...*, pp. 336–337, 345–346).

<sup>25</sup> The Act of 7 November 2007 on Care for Animals on Farms, during Transport, Slaughter and Experimentation, Spanish Official Journal, No. 268, 8 November 2007, pp. 45914–45920.

<sup>26</sup> First Animal Protection Act was elaborated in 1988 and was considered to be very progressive and animal friendly (Animal Protection Act of 4 March 1988, Spanish Official Journal, No. 75, 28 March 1988, pp. 9594–9603).

level of animal protection and welfare” (Art. 2.1).<sup>27</sup> Moreover, Art. 2.2 of the Act says that: “(...) animals are living beings endowed with physical and psychic sensibility, as well as a voluntary movement, and should receive the treatment corresponding to their ethological needs, which, additionally, would ensure their well-being”. Also, the Catalan Civil Code<sup>28</sup> distinguishes animals from things, indicating in Art. 511.1.3 that “(...) animals, which are not considered things, are under the special protection of law. The rules regarding property are applied only when the nature of animal allows it”.

World Animal Protection organization also pointed out “socio-cultural barriers to improving animal welfare”,<sup>29</sup> referring mainly to bullfights and hunting. The report also states that improvement of animal welfare is not a priority for the government, however, since 2014, governmental approach to animal welfare issues began to change. As regards the shaping of legislation concerning animal welfare, the recently proposed amendment to the Spanish Civil Code submitted by the parliamentary group *Ciudadanos* in 2016,<sup>30</sup> suggests recognition of a special legal status of animals, distinct from things, and goes even further with suggesting that companion animals should be located outside the person’s estate for all legal purposes, so that they are unattachable, absolutely indivisible in situations of co-ownership and non-transferable in the case of onerous contracts. This project has sparked the debate on the nationwide animal welfare law, or more precisely, the lack of it. During the parliamentary discussion about the draft law in 2017, members of Congress noted that nationwide law considering animal protection should be enacted, because of immense differences between different Autonomous Communities’ regulations<sup>31</sup> which commonly lead to legal uncertainty.

Additionally, in 2017, the parliamentary group *Popular* proposed another amendment to the Civil Code, Mortgages Act and Civil Procedure Code<sup>32</sup> regarding the legal status of animals. The proposition of revision concerns in particular the issue of nature

<sup>27</sup> Legislative Decree of 15 April 2008, which approves the repealed version of the Catalan Animal Protection Act, Catalan Official Journal, No. 5113, 17 April 2008.

<sup>28</sup> Catalan Civil Code of 10 May 2006, Spanish Official Journal, No. 148, 22 June 2006 (repealed on 22 February 2017).

<sup>29</sup> *Animal Protection Index...*, p. 2.

<sup>30</sup> Official Bulletin of the Cortes Generales – Congress of Deputies XII legislature, series D, No. 8 of 25 October 2016, proposition of law on the modification of the legal regime of pets in the Civil Code, pp. 74–75, <http://www.infoconline.es/pdf/BOCG-12-D-38-C1.pdf>. [access: 11.10.2019].

<sup>31</sup> C. Rogel Vide, *Personas...*, pp. 49–51 and the references therein. An example of imbalance between particular laws are the amounts of fines which have to be paid as consequence of committing administrative offences in different autonomous communities (see J.M. Pérez Monguió, *Los animales como agentes y víctimas de daños en el Derecho administrativo* [in:] *Los animales...*, pp. 339–340) or penalization of certain conducts, e.g. the Canary Islands permits traditional cockfighting, forbidden in other Spanish communities (see C. Bécares Mendiola, M. González Lacabex, *Avances y retos del Derecho animal en España*, [in:] *El Derecho de los animales*, ed. B. Baltasar, Madrid 2015, p. 251).

<sup>32</sup> Official Bulletin of the Cortes Generales – Congress of Deputies XII legislature, series B, No. 167-1 of 13 October 2017, propositions of law, [http://www.congreso.es/public\\_oficiales/L12/CONG/BOCG/B/BOCG-12-B-167-1.PDF](http://www.congreso.es/public_oficiales/L12/CONG/BOCG/B/BOCG-12-B-167-1.PDF) [access: 11.10.2019].

of animals, naming them “sentient living beings” (no longer things), but still including them in the category of objects.<sup>33</sup> The proposed changes in law affect a lot of provisions of the Civil Code, such as animals’ status during and after the divorce<sup>34</sup> or obligations of the owner in relation to animals.<sup>35</sup> Regarding the Mortgages Act,<sup>36</sup> there would be no longer the possibility of burdening farm or recreational animals with a mortgage. Furthermore, it would be forbidden to seize pet animals, according to the new Art. 605.1 of the Spanish Civil Procedure Code.<sup>37</sup> During the parliamentary debate on the amendment,<sup>38</sup> it was emphasized that a state law of animal welfare should be adopted and that the Spanish Parliament should elaborate the regulations concerning the appearance of animals in festivals and other public spectacles, with special reference to those during which bulls are tortured or slaughtered. Moreover, the opinion that bull-involving festivities (especially *corridos de toros*) should be removed from the declaration of cultural assets of national interest was presented.

Both of the above-mentioned amending proposals were very well received by the Congress of Deputies, but neither of them was enacted yet. What is more, the language of new provisions still uses the term “object” in regard to animals, and in reality, treats them as things.<sup>39</sup> That is why, in my opinion, new regulations do not bring any value, but rather constitute an attempt to reach the average European standard in terms of animal protection. Nevertheless, those initiatives are commendable, but their adoption is highly unlikely.

### Problem of bullfighting

Bullfighting (*la tauromaquia*) in Spain goes back several centuries. Forbidden in other European countries, it is still admired in the Iberian Peninsula. The “spectacle” is divided into three parts: the aim of the first (*tercio de varas*) and second (*tercio de*

---

<sup>33</sup> The proposed new Art. 333 bis explicitly says that animals also could be objects of appropriation but with limits established by other legal regulations.

<sup>34</sup> The most important amendment obliges to establish the custody on animals during and after the divorce, taking into consideration their welfare (Art. 90 nueva letra c).

<sup>35</sup> The owner would have to enjoy and dispose of an animal respecting its sentience and guarantee its welfare depending on the species.

<sup>36</sup> Mortgages Act of 8 February 1946, Spanish Official Journal, No. 58, 27 February 1946, pp. 1518–1532 (repealed on 16 March 2019)

<sup>37</sup> Spanish Civil Procedure Code of 7 January 2000, Spanish Official Journal, No. 7, 8 January 2000 (repealed on 15 April 2019).

<sup>38</sup> Cortes Generales, Journal of Sessions of the Congress of Deputies, Plenary and Permanent Deputation, No. 97 of 12 December 2017, p. 6ff, [http://www.congreso.es/public\\_oficiales/L12/CONG/DS/PL/DSCD-12-PL-97.PDF](http://www.congreso.es/public_oficiales/L12/CONG/DS/PL/DSCD-12-PL-97.PDF) [access: 11.10.2019].

<sup>39</sup> The new Art. 333.3 mentions the “value of the animal”, and Art. 357.2 still stands that offspring of animals are natural fruits.

*banderillas*) stages is to injure and debilitate a bull, while in the third one (*tercio de muerte*), the bull is put to death.<sup>40</sup> Bullfighting is still very popular in Spain, however, according to Juan Madueño,<sup>41</sup> the opinion poll conducted in 2019 shows that more than half of the Spanish people would want to either totally ban bullfights or at least limit them somehow. Responding to the social landscape, three out of seventeen Autonomous Communities elaborated laws referring to this matter. The first Spanish region which banned bullfights was the Canary Islands, in 1991,<sup>42</sup> although it was not done explicitly, since Art. 5 indicates that “the usage of animals in fights, shows, and other activities that lead to their abuse, cruelty or suffering is prohibited”. In 2010, Catalonia, as the first region in mainland Spain, passed the laws directly prohibiting this activity.<sup>43</sup> Moreover, the Balearic Islands made an attempt to forbid bullfights in 2017.<sup>44</sup> As in the case of the Canary Islands, the Parliament of the Balearic Islands prohibited bullfighting indirectly, but to effectively make it unviable, it imposed strong restrictions, banning hurting or killing animals in any way during the fight (Art. 9).

Unfortunately, those positive initiatives have been withdrawn by the Constitutional Court (hereinafter referred to as TC), which examined two constitutional motions initiated by 50 Senators (regarding Catalonia) and the President of the Government (regarding the Balearic Islands). Both verdicts were based on the 18/2013 Act,<sup>45</sup> which classified bullfighting as Spanish cultural heritage. In case of the Catalan Act, nine out of twelve TC judges made a decision on the annulment of the legal provision prohibiting bullfighting in Catalonia.<sup>46</sup> According to the reasoning of TC, Catalonia had exceeded its legislative powers in terms of banning bullfights, because the “preservation of common cultural heritage” was the responsibility of the state. In other words, Autonomous Communities have no power to legislate in this scope, therefore, they cannot prohibit bullfighting. Moreover, it is the state which is obliged to preserve and promote bullfighting. Taking the Balearic Islands into consideration, the TC annulled

<sup>40</sup> For more information about *corrida de toros*, see: J. Mosterín, *La tortura como espectáculo*, [in:] *Los derechos de los animales*, ed. M. Tafalla, Barcelona 2004, pp. 240–244.

<sup>41</sup> J. Madueño, *Más de la mitad quiere “limitar o prohibir” los toros y la caza*, “El Español”, 12 enero 2019, [https://www.elespanol.com/espana/20190112/mitad-quiere-limitar-prohibir-toros-caza/367963207\\_0.html](https://www.elespanol.com/espana/20190112/mitad-quiere-limitar-prohibir-toros-caza/367963207_0.html) [access: 11.10.2019]. Moreover, already in the 1990s, opinion polls showed that the majority of Spanish citizens did not like bullfights (see J. Mosterín, *op. cit.*, p. 245).

<sup>42</sup> Animal Protection Act of 30 April 1991, Spanish Official Journal, No. 152, 26 June 1991, pp. 21196–21199.

<sup>43</sup> Act of 3 August 2010, amending Art. 6 of the revised text of the Animal Protection Act, approved by Legislative Decree 2/2008, Spanish Official Journal, No. 205 of 24 August 2010, pp. 73974–73975.

<sup>44</sup> Act of 3 August 2017 for regulating bullfights and animal protection in the Balearic Islands, Spanish Official Journal, No. 223, 15 October 2017, pp. 91030–91038.

<sup>45</sup> Act of 12 November 2013 for regulating bullfighting as cultural heritage, Spanish Official Journal, No. 272, 13 November 2013, pp. 90737–90740.

<sup>46</sup> Judgment of the Constitutional Court 177/2016 of 20 October 2016, Spanish Official Journal, No. 285, 25 November 2016.



the part of regional 2017 Animal Welfare Act regarding prohibition of killing bulls in bullfights.<sup>47</sup> In general, it has been said that without killing a bull, which is the crucial part of a bullfight, the spectacle cannot be named *corrida de toros*, hence the Act, in fact, prohibits bullfighting, which is Spain's cultural heritage. The question relating to the validity of the Canary Islands Law at present time remains open.

### Animal abuse in the Spanish Penal Code

Since 1995, the Spanish Penal Code (hereinafter referred to as CP) provides criminal sanctions for animal abuse. However, it was not until 2003, when an amendment introduced a criminal offence of animal cruelty into the Penal Code.<sup>48</sup> Previously, the now non-existent Art. 632 of CP<sup>49</sup> merely provided for animal abuse-related misdemeanour, punishable by fine. The Art. stated that only "cruel mistreatment of pet animals or other animals in unauthorized spectacles" would lead to criminal liability. Unfortunately, the tenor of this provision was unclear. Some of Spanish legal commentators approve the interpretation that it does not matter whether it comes to pets or other animals, it is essential in all cases, that the maltreatment takes place during unauthorized spectacles. In 1998, Audiencia Provincial in Segovia<sup>50</sup> interpreted the provision mentioned above, indicating that two different interpretations are admissible. According to the judge, the grammatical interpretation indicates that cruel mistreatment of pet animals always leads to criminal liability, but in regard to other animals, only if it is conducted in unauthorized spectacles.<sup>51</sup> As stated by the judge, this way of understanding Art. 632 of CP is also correct regarding systematic analysis of law in which pets, as being closer to the humans than other animals, are protected more extensively.<sup>52</sup> However, in spite of favourable interpretation, Audiencia

<sup>47</sup> Judgment of the Constitutional Court 134/2018 of 13 December 2018, Spanish Official Journal, No. 13, 15 January 2019.

<sup>48</sup> Teresa Giménez-Candela mentions that this reform was carried out after the widely known, cruel incident which took place in Tarragona in 2003. Group of people broke into the dogs' kennel and brutally killed fifteen dogs, firstly hanging them on the tree and then cutting off their legs and leaving them to bleed to death. This incident led to the harsh criticism of the then criminal norms among the majority of Spaniards and ended with tightening of provisions concerning animals in the Penal Code (see T. Giménez-Candela, *The Overview of Spanish Animal Law*, [in:] *Animales y Derecho...*, p. 205).

<sup>49</sup> Spanish Penal Code of 23 November 1995, Spanish Official Journal, No. 281, 24 November 1995, pp. 33987–34058 (repealed on 2 March 2019). The whole *Libro III* of Spanish Penal Code, including Art. 632, has been repealed by the amendment in July 2015.

<sup>50</sup> Judgment of a Provincial Court of Segovia, 15 September 1998 (ARP 3755) discussed by Alonso Sánchez Gascón (*Jurisprudencia sobre perros*, Madrid 2002, pp. 253–255).

<sup>51</sup> This way of interpretation is also presented by S.B. Brage Cendán, *op. cit.*, pp. 105–106.

<sup>52</sup> Both interpretations were applied by the Spanish jurisprudence, but it seems like the supporters of the second one are in the minority (see *Código Penal concordado y comentado con jurisprudencia*



Provincial passed the verdict acquitting the owner of an abused horse. The maltreatment did not take place during legally unauthorized spectacle and according to the majority of the doctrine, it is impossible to extend the concept of pet animals so that it includes a horse.<sup>53</sup>

In addition to the above, Chapter IV of Title XVI of Book II of the Spanish Penal Code has been repeatedly amended. At the very beginning, it contained only 6 articles in relation to flora and fauna protection, mostly concerning hunting and fishing. Some changes were made through the amendments in 2003 and 2010, but the most relevant one was the 2015 reform of the Spanish Penal Code. Thenceforth, Art. 337 of CP<sup>54</sup> provides for the crime of unjustified mistreatment of animals which causes injuries, severely damaging their health or which subjects them to sexual exploitation. The term “animals” in the discussed provision refers only to pets, tamed, or generally domesticated animals, the animals which live temporarily or permanently under the human control and to any other animals except those living in the wild. Moreover, Section 3 provides for the aggravated type of the basic crime if the consequence of maltreatment is death of an animal, providing for, at the same time, increased penalties for the perpetrator. Exhaustive enumeration of specific kinds of animals, which are protected under the Spanish penal law differs from modern animal protection regulations in other European countries such as Germany or Poland. German Animal Protection Act<sup>55</sup> covers all vertebrate animals, while Polish Animal Protection Act<sup>56</sup> regulates the proceedings with vertebrate animals (Art. 2.1), at the same time stating that all animals, as living and sentient beings, are not things (Art. 1.1). That legislative technique appears to be more transparent and, as a consequence, ensures greater legal certainty. Also, because of the fact that bullfights are not classified as unjustified mistreatment of a bull, as long as they are authorised, those animals do not enjoy legal protection.<sup>57</sup>

---

*y leyes penales especiales y complementarias*, ed. L. Rodríguez Ramos, Madrid 2015, p. 1786; S.B. Brage Cendán, *op. cit.*, p. 104 and references therein).

<sup>53</sup> In judgment of a Provincial Court of Madrid 16a, 335/2008, of 21 May 2008, it is said that the term “domestic animal” should be understood as an animal which accompanies its owner and cohabitates with them. However, Brage Cendán mentions other interpretation, based on the definition offered by the *Diccionario de la Lengua Española*, according to which, domesticated animals are not only pets, but also those depending on humans for their subsistence, supported by the majority of doctrine and jurisprudence (see S.B. Brage Cendán, *op. cit.*, p. 65 and references therein).

<sup>54</sup> Spanish Penal Code of 23 November 1995, Spanish Official Journal, No. 281, 24 November 1995 (repealed on 2 March 2019).

<sup>55</sup> Animal Welfare Act as published on 18 May 2006 (Federal Law Gazette I p. 1206, 1313), which was last amended by Art. 1 of the Law of 17 December 2018 (Federal Law Gazette I p. 2586), <http://www.gesetze-im-internet.de/tierschg/BJNR012770972.html> [access: 11.10.2019].

<sup>56</sup> Animal Protection Act of 21 August 1997 (consolidated text, Journal of Laws of 2019, item 122, as amended).

<sup>57</sup> T. Giménez-Candela, *op. cit.*, pp. 220–221.

Nonetheless, it seems that the major change in penal law was introduced between the lines. In the literature on the subject before 2015, and in the current discussion there is no consensus on what the object of legal protection under Art. 337 of CP is. Most common concepts suggest that the legally protected good is related to human interests. In this scope, legal goods such as animal's owner property, environment, human morality or feelings are mentioned. However, according to Santiago B. Brage Cendán, the 2015 amendment replaced the traditional, anthropocentric character<sup>58</sup> of penal regulations with zoocentric viewpoint.<sup>59</sup> In the author's opinion, since 2015, the animal welfare – more precisely animal's interest in lack of suffering<sup>60</sup> – is considered a legally protected good under Art. 337 of CP. In addition, the author states that its interest should be understood as the animal's right not to suffer unnecessary and unjustified abuse, although noting that it is not a homogenous view.<sup>61</sup> On the other hand, Luis Ruiz Rodríguez considers that the protected good is an abstract relation between man and animal.<sup>62</sup> Nowadays, each of the approaches presented above has its supporters and critics in the Spanish doctrine.

Brage Cendán states that reforms in criminal law provided by the 2015 amendment were introduced on the basis of the increased sensibility of Spanish society concerning animal welfare.<sup>63</sup> That thesis can be supported by the data published in the Annual Report elaborated by the State Attorney General's Office, presenting that 163 sentences for mistreatment of domestic animals were delivered in 2017, which is a 58% increase in convictions compared to the previous year, which can be explained

<sup>58</sup> "Anthropocentric" means believing that humans are more important than anything else. Such an approach means that "animals are creatures serving man, completely dominated by him" (see *Los animales y el...*, p. 43). The author also emphasizes that before the 2003 amendment (the book was published in 1999), all regulations of the Spanish Civil Code were made only with regard to human interest, without paying attention to animal protection as a living being (*Ibidem*, p. 48). The anthropocentric approach is highly visible in the idea that animal protection is indirectly based on constitutional rules, only because the Spanish constitution protects goods such as possession or ownership. In this concept, certain animals' freedom from suffering or death must serve their owners, consumers, biodiversity or environment, etc. The Spanish Constitution does not establish provisions in animals' interest and does not postulate the animal welfare (see G. Doménech Pascual, *op. cit.*, p. 133).

<sup>59</sup> S.B. Brage Cendán, *op. cit.*, pp. 59–60, 69.

<sup>60</sup> This proposition is rarely presented and widely criticized by today's authors, because of the generally supported view that law has an anthropocentric character (see L. Ruiz Rodríguez, *Posición y tratamiento de los animales en el Sistema penal*, [in:] *Los animales...*, pp. 185–186). However, J.M. Pérez Monguió also indicates that the animal itself is a legally protected good in Spain (see J.M. Pérez Monguió, *op. cit.*, p. 244).

<sup>61</sup> *Ibidem*, pp. 47–58. However, the majority of the authors refuse to recognize even basic animal rights, like the right to live or not to suffer, indicating that it is only human legal obligation to take care of animals and provide them with it (see L. Ruiz Rodríguez, *op. cit.*, p. 184).

<sup>62</sup> *Ibidem*, p. 187.

<sup>63</sup> S.B. Brage Cendán, *op. cit.*, p. 69.

by “an increasing awareness of the existence of the natural environment”.<sup>64</sup> On the other hand, statistics show that convicting judgements were given only in 17.8% of all 914 conducted judicial procedures, however, the sheer number of proceedings increased by 18% compared to 2016.<sup>65</sup> Also, the jurisprudence line opposing the animal abuse in the name of the tradition has been already initiated in Spain, but as Teresa Giménez-Candela emphasizes, Spain is still far from defending animals’ “interests”, because it is not grounded in social awareness yet.<sup>66</sup>

### The galgos case

Spain is known for its strong hunting tradition – approximately 90% of the Spanish land is an area intended for this national sport.<sup>67</sup> Unfortunately, the current Spanish Hunting Act of 1970<sup>68</sup> states in Art. 1 that its main objective is to protect, conserve and promote national hunting wealth, but mentions nothing corresponding to wild animals’ welfare. Furthermore, Art. 28 explicitly allows hunting with dogs. One of the hunting dog breeds is *galgo español*. Those dogs are treated more like hunting tools, like things, rather than living beings capable of feeling, and they are commonly abandoned or slaughtered when no longer needed. It is estimated that each and every year in Spain, 50,000 *galgos* are abandoned or killed,<sup>69</sup> particularly in February, when the hunting season ends.<sup>70</sup> Oscar Horta noticed that hunting dogs are the victims of

<sup>64</sup> M.J. Segarra Crespo, *Memoria elevada al Gobierno de S.M. presentada al inicio del año judicial por la Fiscal General del Estado*, Madrid 2018, p. 26, 597–598, <https://www.elconfidencialdigital.com/media/elconfidencialdigital/files/2019/06/28/MEMFIS18.pdf> [access: 11.10.2019].

<sup>65</sup> *Ibidem*, p. 596.

<sup>66</sup> T. Giménez-Candela, *op. cit.*, p. 223 and the references therein.

<sup>67</sup> J. Santarén, *El negro misterio de los galgos abandonados*, “El País”, 14 mayo 2019, [https://elpais.com/elpais/2019/05/07/animalesycia/1557216912\\_339358.html?fbclid=IwAR1dsZO-hN-q6cX-eeIWqeahRgUSEnZpLeU2xmwO69UoWE5MTNbkLkSBOf2w](https://elpais.com/elpais/2019/05/07/animalesycia/1557216912_339358.html?fbclid=IwAR1dsZO-hN-q6cX-eeIWqeahRgUSEnZpLeU2xmwO69UoWE5MTNbkLkSBOf2w) [access: 11.10.2019].

<sup>68</sup> Hunting Act of 4 April 1970, Spanish Official Journal, No. 82, 6 April 1970 (updated on 23 December 2009).

<sup>69</sup> Brage Cendán (*op. cit.*, p. 12) refers to the data mentioned by Carmen Requejo Conde in *El delito de maltrato a los animales*, “Diario La Ley” 2007, n° 6690, p. 1. The same number (including abandoned, as well as murdered *galgos*) is mentioned by Jenifer Santarén. The author refers to the data published by the No a la Caza (NAC) platform (see J. Santarén, *El negro misterio de los galgos abandonados*, “El País”, 14 May 2019, [https://elpais.com/elpais/2019/05/07/animalesycia/1557216912\\_339358.html?fbclid=IwAR1dsZO-hN-q6cXeeIWqeahRgUSEnZpLeU2xmwO69UoWE5MTNbkLkSBOf2w](https://elpais.com/elpais/2019/05/07/animalesycia/1557216912_339358.html?fbclid=IwAR1dsZO-hN-q6cXeeIWqeahRgUSEnZpLeU2xmwO69UoWE5MTNbkLkSBOf2w) [access: 11.10.2019]). However, since there is no official register of abandoned dogs, numbers change depending on different associations connected with animal protection; L. Villa, *Acaba la temporada de caza, arranca la del abandono de perros*, “Público”, 2 febrero 2018, <https://www.publico.es/sociedad/maltrato-animal-acaba-temporada-caza-arranca-abandono-perros.html> [access: 11.10.2019].

<sup>70</sup> R. Argullo, *La jauría humana*, [in:] *Los derechos...*, p. 155.

hunting equally with killed animals, as they are killed when they get old or they are shot by mistake during the chase.<sup>71</sup>

The above situations happen despite the fact that since 2003, Spain penalizes abandonment – firstly only of pet animals, but after the 2015 amendment – of all animals mentioned in Art. 337 of CP (Art. 337 bis CP). To commit this crime it is, however, required that abandonment is conducted in conditions at least endangering the life or integrity of an animal (abstract or hypothetical risk). Moreover, almost every Autonomous Community in its regulations concerning animal protection refers somehow to abandonment, penalizing it as an administrative offence, and determining the process of catching animals, recollecting them from shelters, and transferring the rights to the animal to its new owners (*cession*). Sadly, only the Catalan Animal Protection Act directly prohibits the rescued animal's slaughter,<sup>72</sup> while other laws provide for conditions under which this action could be conducted.<sup>73</sup> However, it is foreseen as the final option, because the adoption of an animal should be given priority and is generally preferred by the law.<sup>74</sup>

### Animal protection in administrative law

Finally, a few words about administrative law. In Spain, it is mainly the public law which regulates the human-animal relations within the scope of animal protection.<sup>75</sup> This legal system is composed almost exclusively of norms elaborated by Autonomous Communities,<sup>76</sup> such as, *inter alia*, the Catalan Animal Protection Act. It was mentioned above that Spain lacks nationwide animal welfare laws, although there exists the Act on Care for Animals on Farms, during Transport, Slaughter and Experimentation, which contains administrative provisions concerning animal protection, implemented in order to fulfil requirements imposed by the European Union.

It has to be emphasized, that before the incorporation into the penal system provisions concerning animal mistreatment (like, e.g. Art. 337 of CP), animal abuse was considered as an administrative offence, recognised by particular regional laws. In accordance with the principle *ne bis in idem*, those regulations, although still legally

<sup>71</sup> O. Horta, *Un paso adelante en defensa de los animales*, Madrid 2017, p. 68.

<sup>72</sup> C. Bécares Mendiola, M. González Lacabex, *op. cit.*, p. 251.

<sup>73</sup> For example, Pets Protection Act of Castilla y León Community of 24 April 1997 in Art. 21.1 states that, in addition to sanitary reasons regulated in the corresponding regulations, animals may be slaughtered by the Public Administrations or their collaborating entities after the reasonably carried out unsuccessful search for the owner, and only if it is impossible to care for them in an animal shelter or other facility.

<sup>74</sup> M. González Lacabex, *La adopción de animales de compañía en el Derecho español*, [in:] *Animales y Derecho...*, pp. 238–239.

<sup>75</sup> J.M. Pérez Monguió, *op. cit.*, p. 212.

<sup>76</sup> *Ibidem*, p. 211.

binding, shall only apply to the conducts which do not comply with conditions included in provisions provided by criminal law (such as killing an animal, but without viciousness, cruelty or injustice), which means that those acts are still punishable under the administrative provisions. The foreseen sanction for an infraction is a fine up to EUR 30,000.<sup>77</sup> But it is not only the animal abuse which is punishable under the public law. Individual, autonomous laws introduce different offences or prohibitions in relation to animal protection, e.g. an offence of mutilation or prohibition of animal fights.

## Conclusions

Spain is widely considered as an animal-unfriendly country<sup>78</sup> due to numerous traditions like *sanfermines*, *toro embolado* (“burning of the bulls”), bullfighting or hunting. Recently, activists in Europe recognized the problem of abandoning, abusing and killing Spanish *galgos* by their owners immediately after the hunting season is over. Not only the *galgo* massacre issue shows Spanish citizens’ attitude to animals. Every year lots of people cultivate tradition and take part in numerous festivals during which bulls and other animals are abused and murdered.<sup>79</sup> In addition, the Spanish law, which does not favour animals, treats them as things.

Therefore, on the basis of the above it seems surprising that the wide discussion about the status/situation of animals during and after the divorce has been recently raised in Spain. Even in current literature on the subject, it is said that pet animal in majority of cases is “an additional member of the family” and that the relation between humans and pets are similar to those between parents and their children.<sup>80</sup> It is quite common that in the separation or divorce agreements or in last wills, the custody of the animal and visiting schedules are determined.<sup>81</sup> However, according to the Spanish jurisdiction, it is unclear whether those agreements are enforceable

<sup>77</sup> *Ibidem*, p. 248.

<sup>78</sup> Even Spanish academic writers emphasize that, indeed, Spain is considered as an animal-unfriendly country (see O. Horta, *op. cit.*, p. 14). Alfredo Merino, referring to the words of Jesús Mosterín, indicates that Spaniards are one of the most cruel societies in the world as far as the approach towards animals is concerned (see A. Merino, *Los europeos más crueles con los animales*, [in:] *Los derechos...*, p. 237). On the other hand, some authors emphasize that this is important to notice, that not all Spanish people support bullfights, some of them even denounce it and feel ashamed of it (see M. Vincent, *Antitauromaquia*, [in:] *Los derechos...*, p. 252; J. Mosterín, *op. cit.*, p. 248).

<sup>79</sup> For example: running the bulls (Pamplona), fire bulls (Soria), the bull of La Vega in Tordesillas (Valladolid), the Cazalilla turkey (Jaen), but many other cities and villages have their own more or less known festivals (see T. Giménez-Candela, *op. cit.*, p. 219).

<sup>80</sup> C. Gil Membrado, *op. cit.*, p. 59.

<sup>81</sup> Admissibility Decision of a Provincial Court of Barcelona of 5 April 2006 (JUR\2006\171630); Judgment of a Provincial Court of León of 25 November 2011 (JUR\2011\427786).

or unenforceable.<sup>82</sup> It also seems unusual that in the Spanish legal system, in which animals are considered as goods, most autonomous laws incorporate term “adoption” to name the legal action consisting of transfer of all rights to the pet to new owner by the animal shelters.<sup>83</sup>

Those cases show, however, that Spanish people’s unfavourable approach to animals has become to change, although it mainly refers to pet animals. The author’s intention was to show that in recent years there has been made progress in the Spanish animal protection law. According to the cited statistics, the number of people convicted of animal abuse increases. Likewise, during some *fiestas*, live animals are replaced with plastic models.<sup>84</sup> However, much remains to be done to improve the situation of animals in Spain. The adoption of proposed amendments to Civil Code, presented in the Parliament by two political parties, would be a step towards adjusting the law to the current standards backed by the latest scientific research, indicating that animals are sentient beings. In consequence, this would lead to an improvement of animal welfare. As long as Spanish law treats animals as movables and does not directly recognise animal sentience, its regulations will remain at the lower end of the whole European Union. However, without changing Spaniards’ attitude towards animals and without the application of new provisions by the relevant authorities, even the best written laws will remain only symbolic.

## References

- Alonso E., *El artículo 13 del Tratado de Funcionamiento de la Unión Europea: Los animales como seres «sensibles [sentientes]» a la luz de la jurisprudencia del Tribunal de Justicia de la Unión Europea*, [in:] *Animales y Derecho. Animals and the Law*, eds. D. Favre, T. Giménez-Candela, Valencia 2015.
- Argullo R., *La jauría humana*, [in:] *Los derechos de los animales*, ed. M. Tafalla, Barcelona 2004.
- Bécares Mendiola C., González Lacabex M., *Avances y retos del Derecho animal en España*, [in:] *El Derecho de los animales*, ed. B. Baltasar, Madrid 2015.
- Brage Cendán S.B., *Los delitos de maltrato y abandono de animales. Artículos 337 y 337 bis CP*, Valencia 2017.
- Código Civil Comentado*, Vol. I, eds. P. de Pablo Contreras, R. Valpuesta Fernández, Navarra 2011.
- Código Penal concordado y comentado con jurisprudencia y leyes penales especiales y complementarias*, ed. L. Rodríguez Ramos, Madrid 2015.
- Doménech Pascual G., *Bienestar animal contra derechos fundamentales*, Barcelona 2004.
- Gil Membrado C., *Régimen jurídico civil de los animales de compañía*, Madrid 2014.
- Giménez-Candela T., *The Overview of Spanish Animal Law*, [in:] *Animales y Derecho. Animals and the Law*, eds. D. Favre, T. Giménez-Candela, Valencia 2015.

<sup>82</sup> C. Gil Membrado, *op. cit.*, pp. 61–69 and references therein.

<sup>83</sup> M. González Lacabex, *op. cit.*, p. 242.

<sup>84</sup> J.M. Pérez Monguió, *op. cit.*, p. 277 and references therein.



- González Lacabex M., *La adopción de animales de compañía en el Derecho español*, [in:] *Animales y Derecho. Animals and the Law*, eds. D. Favre, T. Giménez-Candela, Valencia 2015.
- Horta O., *Un paso adelante en defensa de los animales*, Madrid 2017.
- Los animales como agentes y víctimas de daños*, ed. J.M. Pérez Monguió, Barcelona 2008.
- Los animales y el derecho*, ed. S. Muños Machado, Madrid 1999.
- Lozano Benito L., *Amputación de orejas y rabo en perros de rehala: un escenario de mutilación y maltrato*, “Blog de Derecho de los Animales Abogacía Española”, 11 octubre 2018, [https://www.abogacia.es/2018/10/11/amputacion-de-orejas-y-rabo-en-perros-de-rehala-un-esenario-de-mutilacion-y-maltrato/?fbclid=IwAR27Awk-V1iIAEJtjDs\\_aTruKOfO1LOLOY-jTgW5LRg2XNN5S1WOveE2B4d4](https://www.abogacia.es/2018/10/11/amputacion-de-orejas-y-rabo-en-perros-de-rehala-un-esenario-de-mutilacion-y-maltrato/?fbclid=IwAR27Awk-V1iIAEJtjDs_aTruKOfO1LOLOY-jTgW5LRg2XNN5S1WOveE2B4d4) [access: 11.10.2019].
- Madueño J., *Más de la mitad quiere “limitar o prohibir” los toros y la caza*, “El Español” 12 enero 2019, [https://www.elespanol.com/espana/20190112/mitad-quiere-limitar-prohibir-toros-caza/367963207\\_0.html](https://www.elespanol.com/espana/20190112/mitad-quiere-limitar-prohibir-toros-caza/367963207_0.html) [access: 11.10.2019].
- Merino A., *Los europeos más crueles con los animales*, [in:] *Los derechos de los animales*, eds. M. Tafalla, Barcelona 2004.
- Mosterín J., *La tortura como espectáculo*, [in:] *Los derechos de los animales*, ed. M. Tafalla, Barcelona 2004.
- Rogel Vide C., *Los animales en el Código Civil*, Madrid 2017.
- Rogel Vide C., *Personas, animales y derechos*, Madrid 2018.
- Santarén J., *El negro misterio de los galgos abandonados*, “El País”, 14 mayo 2019, [https://elpais.com/elpais/2019/05/07/animalesycia/1557216912\\_339358.html?fbclid=IwAR1dsZO-hN-q6cXeeI-WqeahRgUSEnzpLeU2xmwO69UoWE5MTNbkLkSBOF2w](https://elpais.com/elpais/2019/05/07/animalesycia/1557216912_339358.html?fbclid=IwAR1dsZO-hN-q6cXeeI-WqeahRgUSEnzpLeU2xmwO69UoWE5MTNbkLkSBOF2w) [access: 11.10.2019].
- Sánchez Gascón A., *Jurisprudencia sobre perros*, Madrid 2002.
- Sánchez González M.P., *Los animales como agentes y víctimas de daños en el Derecho Civil*, [in:] *Los animales como agentes y víctimas de daños*, ed. J.M. Pérez Monguió, Barcelona 2008.
- Segarra Crespo M.J., *Memoria elevada al Gobierno de S.M. presentada al inicio del año judicial por la Fiscal General*, Madrid 2018, <https://www.elconfidencialdigital.com/media/elconfidencialdigital/files/2019/06/28/MEMFIS18.pdf> [access: 11.10.2019].
- Villa L., *Acaba la temporada de caza, arranca la del abandono de perros*, “Público”, 2 febrero 2018, <https://www.publico.es/sociedad/maltrato-animal-acaba-temporada-caza-arranca-abandono-perros.html> [access: 11.10.2019].
- Vincent M., *Antitauromaquia*, [in:] *Los derechos de los animales*, ed. M. Tafalla, Barcelona 2004.
- Wartenberg M., *Art. 13 Lisbon Treaty/TFEU – Historical, Constitutional and Legal Aspects*, [in:] *Animales y Derecho. Animals and the Law*, eds. D. Favre, T. Giménez-Candela, Valencia 2015.

**Abstract:** The article is an analysis of the Spanish law and jurisdiction in the field of animal protection and welfare. Its aim is to present and discuss the most important civil, criminal and administrative provisions, at the same time highlighting the recent changes in regulations concerning animal welfare in both nationwide laws and regional legislation adopted by Autonomous Communities. It is an important issue for the reason that Spanish law is considered as animal hostile and is being widely criticised since it still considers animals as only movable things and not as sentient beings. This attitude towards animals reflected in the law is derived from various firmly rooted national traditions, such as bullfights or hunting. However, the social landscape concerning animal abuse in Spain has changed, although



unfortunately, animal mistreatment is still commonly conducted, particularly towards wild animals. Regarding the development of social sensibility to animal harm, the article presents the problem of attempts to proscribe bullfights in Catalonia, Canary Islands and Balearic Islands, as well as the discussion recently took place in the Parliament about the Civil Code revision in relation to animal sentience and animal legal status. Moreover, the paper addresses more practical issues in the scope of animal protection, i.e. lately resounding problem of killing and abandoning hunting dogs – Spanish *galgos*.

**Keywords:** Spain; Spanish animal protection law; animal welfare; bullfights; animal abuse; Spanish law

The present publication is the result of research on the state of animal protection legislation, which was presented at the International Scientific Conference “Domestic, European Union and International Standards in Legal Protection of Animals”, which took place on 17 October 2019 at the Faculty of Law and Administration of Maria Curie-Skłodowska University (MCSU) in Lublin.

The aim of the conference was to draw attention to the contradiction of some regulations introduced into the national legal framework, including those providing “enhanced” standards of animal protection, with higher-level standards; as well as to their conformity with social conditions, and to the fact that in many cases they are not enforced, therefore, they are of a superficial nature. Moreover, regulations state a different level of protection for domestic animals, homeless animals, livestock, laboratory animals, animals used for specific purposes and, finally, free-living animals. An invitation to participate in the discussion concerning this issue met with great interest of the scientific community, which resulted in various considerations on the current state of regulation setting legal standards for the protection of animals. The scope of these considerations reflects the complexity of issues related to animal protection. They refer to humanitarian protection, species protection as well as animal protection. Some research papers are devoted to the general status of the animal, others focus on detailed solutions and differences in the protection of individual species of animals, or on the differentiation of the principles of animal protection depending on the purpose given to them by humans.