

## *HOW ARE ANIMALS PROTECTED IN THE SLOVAK REPUBLIC LAW?*

## ¿CÓMO SE PROTEGEN LOS ANIMALES EN LA LEGISLACIÓN DE LA REPÚBLICA ESLOVACA?

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Received: February 2025

Accepted: April 2025

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### ABSTRACT

The authors' work focuses on the evolution of animal protection issues in the context of legal rules in the Slovak Republic. Animal cruelty is the most prominently highlighted issue. There are legal regulations that define the relevant rules for the breeding and keeping of companion animals, farm animals, wild animals, and experimental animals; breeders' obligations to animals, primarily for their protection and welfare; and actions that are considered abusive and prohibited. The perpetrators' activities, which reflect the essence of unwanted behavior against animals, are made feasible by the involvement of administrative or legal consequences. These are also discussed in the article.

### KEYWORDS

animal; cruelty; legislation; protection; welfare.

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### RESUMEN

Este trabajo se centra en la evolución de las cuestiones relativas a la protección animal en el contexto de las normas jurídicas de la República Eslovaca. El maltrato animal es el problema

que recibe mayor atención. Existen regulaciones legales que establecen normas para la cría y tenencia de animales de compañía, animales de granja, animales silvestres y animales de experimentación; así como las obligaciones de los criadores hacia los animales, principalmente en lo relativo a su protección y bienestar; y las conductas que se consideran abusivas y, por tanto, prohibidas. Las conductas de los infractores, que reflejan la esencia de un comportamiento no deseado hacia los animales, conllevan consecuencias administrativas o legales, las cuales también se abordan en el artículo.

**PALABRAS CLAVE**

animal; crueldad; legislación; protección; bienestar.

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**Contents:** INTRODUCTION.—1. ANALYSIS OF CURRENT LEGAL REGULATIONS FOR ANIMAL PROTECTION IN THE ACT ON VETERINARY CARE.—2. CRIMINAL LAW AND ANIMAL'S CRUELTY.—3. CRIMINAL LAW AND ANIMAL'S CRUELTY.—4. PROTECTION OF ANIMALS AGAINST CRUELTY. CONCLUSION

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### **INTRODUCTION**

Animal protection against cruelty and welfare is a scientific topic that has a historical basis and continues to develop. Animal protection, in its essence, represents the regulation of how humans should treat animals. It represents a service of “humane” society, which is provided to animals through the legal system, and its main task is to guarantee animals their basic life needs, a dignified life and a dignified death, and to protect animals from cruelty, abuse and other illegal actions. Protection in legal regulations is provided to companion, farm, wild and experimental animals, from the point of view of their treatment, nutrition and feeding, reproduction, prevention and control of diseases up to their killing. The legal regulations that govern the protection of animals represent a set of legal regulations, thanks to which it is possible to punish the illegal actions of people whose inappropriate treatment of animals can be affected up to the level of the criminal law.

### **LEGAL FRAMEWORK FOR THE PROTECTION OF ANIMALS FROM A HISTORICAL VIEWPOINT IN SLOVAKIA**

In the past, the care of animals was governed by the regulations of the former Austria-Hungary. During the period of the so-called the Slovak state, the laws were primarily intended to protect animals from diseases. Legal regulations governing animal

protection are presented in the Tab. 1. Government of the Protectorate of Bohemia and Moravia in the Government Regulation No 106/1939 Coll.<sup>1</sup> on the protection of animals against cruelty established acts or omissions that causes pain or other suffering to an animal without reasonable and justified reason. Animal cruelty was prohibited. Government Order No. 109/1941 Coll.<sup>2</sup>, issued more detailed regulations on the protection of animals against cruelty. It stated that the work for which an animal is used should be appropriate to its strength<sup>3</sup>. All animals kept on a farm or in a household shall be given proper care; in particular, adequate feeding, watering, shelter and cleanliness of the animal shall be ensured<sup>4</sup>. There are involved rules related to animals' killing and slaughtering differentiated to warm-blooded<sup>5</sup> and to cold-blooded animals<sup>6</sup>. After the Second World War, in 1950, the Administrative Criminal Code No. 88/1950 Coll<sup>7</sup> was enacted to protect animals from abuse. The actual nature of the crime related to animal cruelty was only defined in 1991, when the Criminal Code (No. 140/1961 Coll.<sup>8</sup>) was amended. The Act on Veterinary Care (Act No. 66/1961 Coll<sup>9</sup>.) regulated veterinary treatment primarily for the purposes of socialist whole-production. In 1987, animal cruelty was forbidden under the Act on Veterinary Care No. 87/1987 Coll<sup>10</sup>., but there was no description of human behavior that could be considered animal cruelty. There is also no activity that, in the context of veterinary supervision, should be monitored for adherence to the ban on animal cruelty. By amending Act 87/1987 Coll. on veterinary care through the Act of the Federal Assembly of the Czechoslovak Socialist Federal Republic No. 239/1991 Coll<sup>11</sup>., veterinary supervision regarding compliance with the ban on animal cruelty was enhanced. The seriousness of the legally protected interest, namely the protection of animals from cruelty, was highlighted by the amendment in Act No. 557/1991 Coll<sup>12</sup>. This amendment supplements the Criminal Code and includes definition of the factual basis of the crime of animal cruelty. Act No. 115/1995 Coll. L.<sup>13</sup> on Animal Protection established criteria for the protection of animals by modifying people's behaviour toward them. The legal norm governed the breeding and ownership of animals, the treatment methods employed, the conditions of animal transport, and the

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<sup>1</sup> Government Regulation No 106/1939 Coll

<sup>2</sup> Government Order No. 109/1941 Coll

<sup>3</sup> Part I. of the Government Order No. 109/1941 Coll

<sup>4</sup> Part II. Government Order No. 109/1941 Coll

<sup>5</sup> Part VII, Section 1 Government Order No. 109/1941 Coll

<sup>6</sup> Part VII, Section 2 Government Order No. 109/1941 Coll

<sup>7</sup> Administrative Criminal Code No. 88/1950 Coll (§ 60)

<sup>8</sup> Criminal Code (No. 140/1961 Coll (Section 203)

<sup>9</sup> The Act on Veterinary Care (Act No. 66/1961 Coll)

<sup>10</sup> The Act on Veterinary Care (Section 6)

<sup>11</sup> Act of the Federal Assembly of the Czechoslovak Socialist Federal Republic No. 239/1991 Coll

<sup>12</sup> Criminal Act No. 557/1991 Coll (Section 203)

<sup>13</sup> Act No. 115/1995 Coll. L. on Animal Protection

killing of animals, with the objective of providing effective legal protection for animals. In 2002, Act 488/2002 Coll. L.<sup>14</sup> on Veterinary Care superseded the original 1995 law, in anticipation of Slovakia’s accession to the EU and to align Slovak legislation with European Union regulations. In 2007, another law concerning veterinary care, which is still in force today and complements various implementing legal regulations, promptly superseded this.

Table 1. Overview of legal acts aimed at animal protection

Historical Legal Regulations related to the Protection of Animals against Cruelty	Current Legal rules related to the Protection of Animals against Cruelty
Regulation No 31/1855, that issues a legal regulation against animal cruelty	Act on Veterinary Care No 39/2007 Coll. L.
Decree of the Provincial President of Silesia No 8/1899 Coll. includes prohibitions against the most commonly observed mistreatment of animals in commercial operations	Criminal Act 300/2005 Coll.L.
Government Regulation No 106/1939 Coll. on the protection of animals against cruelty	
Government Order No. 109/1941 Coll., which issues more detailed regulations on the protection of animals from cruelty	
Criminal Administrative Act No 88/1950 Coll	
Criminal Act No 140/1961 Coll.	
The Act on Veterinary Care No 66/1961 Coll	
Act on Veterinary Care No 87/1987 Coll	
Amendment of the Act on Veterinary Care No 239/1991 Coll.	
Criminal Act No 557/1991 Coll	
Act on Animal Protection No 115/1995 Coll. L.	
Act on Veterinary Care No 488/2002 Coll. L.	

<sup>14</sup> Act No. 488/2002 Coll. L. on Veterinary Care

## CURRENT LEGISLATION ON ANIMAL PROTECTION CLASSIFIED AS OFFENCES IN SLOVAKIA

The current source of law for animal protection is the Act on Veterinary Care No. 39/2007 Coll<sup>15</sup>. in latter wording. This legislative rule qualifies behaviours that constitute animal cruelty, prohibits specific actions that can be regarded animal cruelty, defines animal cruelty, and specifies when an animal may be killed. Animal vertebrates, with the exception of humans, are considered animals under these legal rules.

The provisions mentioned in Section 22 are aimed at the protection of animals.

- (1) Animal protection, as an independent legal institution, focuses on the obligation of the owner or keeper of animals to ensure their protection and well-being, thereby ensuring their good health, physiological and ethological needs, sufficient freedom of movement, social relations, development of givens, and physiological manifestations of behaviour, which will apply in particular by complying with the requirements for animal control, housing, record keeping, and animal transport, as well as for the protection of companion animals.
- (2) Cruelty to animals is prohibited; this means any action except for a justified medical and approved experimental reason, if anybody
  - a) causes permanent or long-term damage to the animal's health;
  - b) kills an animal without an appropriate reason;
  - c) without the use of anaesthetics, if necessary, causes the animal permanent or long-term damage to non-renewable parts of the organism, except for sterilization of females and castration of males, debeaking and castration of cocks, docking of part of the tail of dogs in accordance with recognized breed characteristics up to the age of 14 days from birth and docking part of the tail of small ruminants born in the territory of the Slovak Republic up to the age of eight days, dehorning of young domestic ruminants up to the age of eight weeks in compliance with the conditions preventing the spread of diseases and in addition to the removal of wolf claws in dogs, which can only be performed by a competent person;
  - d) causes the animal a permanent or long-term behavioural disorder;
  - e) exceeds the animal's biological capabilities or the animal is caused disproportionate pain, injury or suffering;
  - f) restricts the animal's nutrition and watering, which harms its state of health;

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<sup>15</sup> Act on Veterinary Care No 39/2007 Coll. L. as amended (Section 22)

- g) causes unnecessary suffering or pain to an animal by causing an incurably ill, weak or exhausted animal, for which further survival is associated with permanent pain or suffering, and issues the animal for a purpose other than immediate painless killing;
  - h) causes pain or suffering to the animal by being used as live bait;
  - i) dopes or gives a narcotic or chemical substance the animal that harms its health or which induces his non-physiological state, or gives food that contains substances or objects that cause the animal pain, suffering or otherwise harm him, except for justified medical and approved procedural reasons;
  - j) by using a stimulus, object or tool that causes pain, causes clinically obvious injury or clinically demonstrable negative changes in the activity of the nervous system or other organ systems of the animal;
  - k) interferes with the birth process in a way that increases the pain or damages the health of the animal;
  - l) pits an animal against an animal, trains or tests an animal on another living animal, except for falconry training of a falconry raptor for hunting game and preparing an animal for release into the wild and uses a live animal as bait except for approved experimental purposes; the use of a hunting dog or a dog that can be used for hunting and the use of a dog for herding purposes are not considered to be teasing, training and testing an animal on another living animal;
  - m) leaves the animal with the intention of getting rid of him; the release of a wild animal into its natural environment is not considered abandonment, if the animal's state of health and the nature of the environment allows it;
  - n) keeps the animal in inappropriate conditions or in such a way that the animal itself causes suffering and pain or the animals cause themselves suffering and pain to each other;
  - o) uses an electric current to limit the movement of the animal's limbs or to immobilize the animal, except for the use of an electric fence or a device for the electric stunning and killing of animals;
  - p) removes scales or fins from fish when handling live fish or push their eyes into their eye sockets;
  - q) uses a live animal to feed a type of animal for which, such a method of nutrition is not necessary for biological reasons.
- (3) Cruelty to an animal is causing the death of an animal as a result of painful or other cruel, or torturous human-caused conduct. Actions according to the first sentence are considered torture even if the animal survives it, but it results in the

necessity of euthanasia of the animal due to the consequences of the suffering or the killing of the animal in the manner specified in paragraph 2.

(4) It is further prohibited

- a) to use an animal as a prize or premium in a competition and animal exhibition;
- b) to use a live animal in an artistic production or in advertising without notifying the regional veterinary and food administration;
- c) to use an animal specified in the list established by a generally binding legal regulation issued by the ministry (Ministry of Agriculture and Rural Development of the Slovak Republic) for public performance and for its training for the purpose of public performance; this does not apply to the use of an animal for scientific purposes or educational purposes according to a special regulation, for the use of a falconry raptor at a falconry performance;
- d) to promote animal cruelty;
- e) to kill a pregnant animal unless, based on a professional assessment by a veterinarian, it is clear that the health of the mother or the foetus is in immediate danger;
- g) to breed or to kill fur animals exclusively or mainly for the purpose of obtaining furs,
- h) to breed or to kill rabbits exclusively or mainly for the purpose of obtaining furs, with the exception of their domestic consumption;
- i) to breed or to keep a dog tied with a device in a breeding facility, including a household for tying except
  1. breeding or keeping of a dangerous dog; this does not apply if it is a bitch in the last third of pregnancy, a nursing bitch, a sick dog or a puppy under the age of six months, if they can be tied only for the reason according to point 3,
  2. tying a service dog or a dog designated for a special purpose during guarding or other work activities for which this dog is intended, or during dog training,
  3. short-term tying of the dog under supervision during cleaning of the breeding area, during feeding of the dog, or when treating the dog.

(5) An appropriate reason for killing an animal is

- a) a case of necessary defence and extreme emergency,
- b) the killing of an animal for slaughter or another animal used for obtaining products of animal origin,

- c) the killing of an animal in an approved procedure,
  - d) painless killing of an animal due to its incurable disease, serious or extensive injury, or its age, if it further experiences continuous pain or suffering; the painless killing of an animal after previous loss of consciousness can only be performed by a veterinarian, except for the end of the animal's suffering in urgent cases, if it is not possible to quickly provide the help of a veterinarian;
  - e) the killing of animals during the eradication, control, prevention and diagnosis of diseases and rat control,
  - f) the killing of unwanted animals if it is not possible to provide alternative care for them; it does not apply for service animals,
  - g) hunting an animal in a permitted manner,
  - h) the killing an invasive non-native species of animal according to a special regulation.
- (6) Prohibitions according to paragraphs 2 and 4 apply only to vertebrates.
- (7) The State Veterinary and Food Administration may grant an exception to the ban pursuant to section 4 letter c) in particular for the purpose of creating an audio-visual work or broadcasting a program service, if this does not jeopardize compliance with other animal protection requirements according to this Act.
- (8) The animal's owner must take precautions to avoid the animal's escape, unintended reproduction, or unwanted reproduction. If an animal escapes from a farm, the animal's owner is required to promptly notify the user of the hunting area from which the animal escaped, as well as the state hunting administration body, and assure its capture within 10 days. If the animal's owner fails to assure its capture, the escaped farm animal is classified as a wild animal under special regulations.
- (9) The Ministry of Agriculture and Rural Development of the Slovak Republic and municipalities ensure the establishment or operation of quarantine stations and shelters for animals or participate in the operation of quarantine stations and shelters for animals.

In the event of a breach of any aforementioned prohibitions, a penalty may be levied either for an offense subject to subjective liability (i.e., upon establishment of culpability) or for an alternative administrative infraction subject to objective liability (i.e., regardless of the guilt of the perpetrator). The Act on Veterinary Care governs comprehensive and relatively detailed information in sections 48 and 50<sup>16</sup>. Unlawful conduct by a natural person may incur a fine ranging from €50 to €1,200. In addition

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<sup>16</sup> The Act on Veterinary Care 39/2007 Coll. L as amended

to a fine, the veterinary administration authority may impose measures, such as restrictions or prohibition on animal breeding or keeping, or may impose a prohibition on an activity approved under this Act for a duration of up to five years for any person who repeatedly fails to comply with veterinary requirements.<sup>17</sup> Administrative offences may be sanctioned from €400 — €40,000<sup>18</sup> depending on the violation of individual provisions of the Veterinary Care Act.

Two boys contravened the stipulation in Section 22(2)(b) of the Veterinary Care Act, which forbids animal cruelty, defined as any act, barring a justified medical or sanctioned procedural reason, that results in the death of an animal without reasonable cause as per Section 22(5). This was substantiated by the Environmental Crime Unit, which documented that at approximately 4:00 p.m. on the premises of the secondary school in XY, the accused assaulted a domestic cat using a wooden stick, with one boy grasping the cat by its hind legs while the other struck it on the back of the head with a wooden baton.<sup>19</sup>

This satisfied all of the requirements for the violation under Section 48(5)(p) of the Act on Veterinary Care. The administrative authorities opted not to issue a sentence for the offense, believing that simply hearing about it would be enough to correct the culprits.

## 1. ANALYSIS OF CURRENT LEGAL REGULATIONS FOR ANIMAL PROTECTION IN THE ACT ON VETERINARY CARE

The definition of the term “veterinary care” is missing in the Act on Veterinary Care. It should be understood as care for the health of animals, including the hygiene of their environment, treatment, nutrition, breeding and transportation, preventing and controlling infections and other diseases of animals, including national preventative programs, as well as hygienic measures and biological value of animal products in accordance with the conditions established by regulations on care about the health of the people. The definition also excludes protection of the territory against the introduction of infectious agents, other animal diseases, and health-damaging animal products and feed from abroad, environmental protection against harmful effects caused by animals, and protection of animals from harmful effects caused by the external environment, as well as the provision of medicines, preparations, and supplies and veterinary sanitation.

Animal protection, as an independent legal institution, is focused on the obligation of the owner or keeper of animals to ensure their protection and well-being, thereby ensuring their good health, physiological and ethological needs, sufficient freedom of

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<sup>17</sup> Section 48 of the Act on Veterinary Care

<sup>18</sup> Section 49, paragraph 3 of the Act on Veterinary Care

<sup>19</sup> Decision of the relevant Slovakian Regional Veterinary and Food Administration from 2023

movement, social relations, the development of givens and physiological manifestations of behaviour, which will apply in particular by complying with the requirements for animal control, housing, record keeping, animal transportation.

Permanent or long-term health damage or permanent or long-term behavioural disorder shall not be inflicted on the animal, and it is assumed that when animals are utilized, their physiological capacities and traits are respected.

Unreasonable, disproportionate behaviour by numerous stimuli, whether biological, physical, or chemical in nature, can harm the animal. Animals must not be forced to perform activities that do not correspond to their physical and biological abilities and clearly exceed their capabilities, as this constitutes animal cruelty.

If an animal's food or water is restricted for reasons other than health, this is considered abuse. An animal that is terminally ill, weak, or exhausted, and whose survival would result in permanent pain or suffering, may be euthanized immediately and painlessly; otherwise, it is deemed cruelty. This clause does not preclude the humane killing of animals in conditions that would lead to lasting pain or suffering (article 5 — appropriate reasons for killing the animal).

No other animal may be used as live bait, and no animal shall be teased, trained, or tested on another live animal. This provision does not apply to falconry training of raptors, hunting dogs, or shepherd dogs. The hunting training and testing regulations have been altered to achieve this goal.

Doping in animals is prohibited; instead, protecting animals from infectious or parasitic diseases requires not only proper breeding hygiene (e.g., the use of disinfectants that do not irritate the animal), but also the appropriate use of drugs and compliance with control measures in case of the outbreak of infection. Adding anything (e.g. sharp objects) that can hurt animals is strictly prohibited. In rare situations, stronger assistance in training or rearing the animal are justified; however, they must not cause clinically evident injuries (bruises, contusions) to the animal. Hitting, kicking, and punching are all prohibited. Tics, tremors, convulsions, urine, and other symptoms can indicate animal damage.

In layman's terms, intervening in animal birth is illegal since it endangers the mother's or foetus's life and health.

The intentional abandonment of an animal is forbidden. Failure to comply with this requirement will only result in sanctions if the owner of the animal can be identified and proven to have the intention of getting rid of the animal. Animal husbandry must be carried out in such a way that unfavourable situations do not arise in which the animal is excessively stressed (permanent confinement of space, keeping animals in the dark, at unsuitable temperatures, without the ability to relax, etc.). If electric current is used for other purposes, such as electric fencing, electric stunning, or animal slaughter, it may be deemed animal cruelty (dog collars can only employ electric discharge).

Live fish cannot have their scales or fins removed, and their eyes cannot be shoved into their sockets. The method of feeding animals must recognize the importance of feeding live animals, such as birds of prey or reptiles.

Only the presentation of a document (such as a voucher or donation contract) that enables the winner to obtain the prize (live animal) from the breeder is permitted; procedures that govern the use of an animal as a prize or premium in contests and animal exhibits are forbidden. It's critical that the owner or breeder understands how to give the animal the ideal breeding environment.

The relevant veterinary administration must be notified if the animal is used for demonstration purposes in advertising or to prepare for an artistic production. The concept of "promotion of animal cruelty" is unclear. This will primarily address situations in which an animal whose appearance has been altered—for example, by a surgical procedure that involved cropping the dog's ears, shortening its tail, or performing other illegal procedures—is displayed, portrayed, or described in print. It will also address situations in which training or breeding methods result in behavioural or health changes, provided that the accompanying documentation does not specify that the activity is not illegal<sup>20</sup>.

It is prohibited by law to breed fur animals for the purpose of obtaining fur, with the exception of rabbits, whose meat is used exclusively for private consumption.

A ban on permanently tying up a dog (with few exceptions) is a novel legislative regulation because, among other things, a companion dog must be given daily activities and freedom of movement. It is impossible for a dog that is permanently tied to a restraining device to satisfy its physiological needs or to liberate. The animals' temperament, cleanliness, and general health can suffer as a result. Infection, tissue necrosis, and ingrowth into the skin and subcutaneous tissue can result from improperly utilized tying equipment, particularly if no correction or treatment is received. Degenerative disorders, joint injury, and muscular atrophy can result with short tying. It is yet unclear if the dogs will suffer if they are not restrained but instead live their entire lives in a pen that is too small for their breed or if the option to hide is not adequately protected from the weather. The most crucial element is that the dog's owner does not neglect the animal and gives it the attention it requires.

Other provision requires the owner of the animal to take the necessary steps to prevent the dog from escaping and to stop its unintended and unwanted reproduction. How is this measure to be implemented? Possession of the dog in a home or establishment from which it is impossible to escape or tying it as well as tying the dog must be followed by rules.

The law lists all the reasons for killing an animal. Nonetheless, it is important to distinguish between circumstances where the conditions were satisfied—the animal was killed for a reason—but the way the killing was done would already be against the law.

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<sup>20</sup> Act on Veterinary Care No 39/2007 Coll. L. as amended

## 2. CRIMINAL LAW AND ANIMAL'S CRUELTY

To satisfy the fundamental character of animal cruelty, it is necessary to follow the standards specified by other legal acts, as criminal law does not cover these issues. As a result, the criminal law refers to certain conditions and principles set forth in the Act on Veterinary Care.<sup>21</sup>

Because animals are living creatures and are part of the environment, which is also protected by law, cruelty to animals is included in the second section (criminal offenses against the environment) of Criminal Code (300/2005 Coll. as amended<sup>22</sup>) of the sixth chapter (criminal offenses in general dangerous and against the environment).

In Article 305a (Cruelty of animals)<sup>23</sup> it is stated that

- (1) Any person who ill-treats an animal
  - a) despite having been sanctioned or convicted for a similar offence within the previous twelve months or within the previous twenty-four months,
  - b) in an especially cruel and brutal way, or
  - c) to the point of death,shall face a maximum sentence of two years in prison.
- (2) The offender shall be liable to a term of imprisonment of between one year and five years if he commits the offence referred to in paragraph 1
  - a) inflicting cruelty on a number of animals,
  - b) out in the open or in a publicly accessible area,
  - c) cruelly mistreating a legally protected animal, or
  - d) assuming a more solemn demeanor.

To be punished, the offender must have committed a recurrence in the past 12 months that left him disabled in order to be found guilty of animal cruelty; that is, he must have received a sanction or other measure for a similar act, misdemeanour, or similar delict in the field of veterinary care. If the offender mistreated an animal within a 24-month period, he was found guilty of animal abuse or cruelty as a primary offense (even if he also committed additional offenses linked to abuse an animal). This implies that it is essential to learn about any potential criminal activity from the offender's history.

If the animal is abused in a particularly cruel and raw manner, it means that the intensity of the abuse is more serious than the abuse assessed in terms of the provisions of the Act on Veterinary Care, while it is necessary to evaluate the manner of abuse. It is

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<sup>21</sup> Act on Veterinary Care No 39/2007 Coll. L. Section 22

<sup>22</sup> Criminal Act No 300/2005 Coll. L. as amended

<sup>23</sup> *Ibidem*

believed that the animal must have experienced excruciating pain and extreme physical suffering. It is important, from the point of view of veterinary medicine, when assessing the intensity of abuse, to consider which animal vertebrate is currently experiencing pain and suffering, because animals can feel the way of abuse differently.

The animal does not have to be subjected to a physical attack (beating, kicking, cutting, suffocation, burning, etc.); suffering can also be caused by a lack of water, feed, or exposure to weather conditions, all of which are associated with suffering that the animal may experience repeatedly or for an extended period. In contrast, when dealing with physical attacks, it is critical to analyse the intensity of the attack.

Cruelty to animals in public or in a public place open to the public means that the perpetrator spreads his actions through printed material, by spreading the file, by film, radio, or television, through a computer network, or in another, similarly stated way, or in front of more than two people at the same time.

A more solemn demeanor of action in the general part of the criminal law, in relation to animals, is not defined. We can therefore rely only on actions whose nature is more serious — action committed for a longer period, an act committed in a cruel and painful manner, or also in violation of an important duty resulting from the offender's employment, position or function imposed on him by law. The Criminal Code does not specify a time frame that would determine how long an animal must be abused. In cases in which the intensity of the crime of cruelty to animals would be lower, proceedings would be required for a longer period, or vice versa. A crude offense is one that exceeds the level of usual violence and is described as brutal, distressing and causing mental and physical hardships, but they are still bearable (however, this is how cases are described that are used when evaluating attacks on people). Violence associated with an attack on the integrity of an animal can be associated with the use of various means (stick, axe, pole, knife, hammer, etc.), which we generally consider a weapon (A weapon is understood if nothing else comes from the particular provision, i.e., anything that makes the attack on the body more intense). It is also unclear from this definition if "body" refers to the body of a person or an animal. A veterinarian's or another person's acts that result in the protection of animals may be subject to a clause that, if violated, would constitute animal cruelty. Such an action could be undertaken, for example, by the person in charge of animal transportation, resulting in health harm or death.

Neglect of animal care is regulated in Article 305b<sup>24</sup>, where it is stated that

- (1) Whoever negligently causes the death or permanent impairment of a healthy animal (owner or person obligated to care for the animal) by neglecting the necessary care of the animal faces up to two years in prison.
- (2)

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<sup>24</sup> *Ibidem*

(3) No matter if the offender has been convicted of a comparable crime within the last 24 months, he will be sentenced to one to five years in prison if he does the act mentioned in paragraph 1.

- a) subjecting several animals to mistreatment,
- b) in the open or in a publicly accessible location;
- c) cruelly mistreating an animal protected by law, or
- d) adopting a more serious demeanour.

Necessary care must be understood precisely in terms of the provisions of the Article 22 of the Veterinary Care Act. Compared to the previous wording of the provision on neglect of care, there is also a change in that the criminal offense no longer applies to several animals, but in the basic fact only to one animal.

There is a new article (§ 305c)<sup>25</sup> related to organization of animal fighting, where

(1) Who

- a) plans an animal fight,
- b) an animal strikes another animal, trains an animal on another animal, breeds, keeps, trades, or otherwise disposes of animals for the purpose mentioned in point (a), or permits such behaviour, or
- c) participates in supervised animal fighting will face up to two years in prison.

If the defendant engages in the behaviour mentioned in paragraph 1, he will receive a prison term of one to five years

- a) in the open or in a public place,
- b) on an animal that is legally protected,
- c) more serious conduct, or
- d) in the presence of a group of people under the age of eighteen.

This criminal act requires the reversal of certain events, in which animals are threatened with their lives or health to get a benefit (monetary incentive). This is a prohibited operation because breeding animals for the intention of profiting from matches is forbidden (business license, tax avoidance). Every year in Slovakia, dozens, if not hundreds, of dogs compete in illegal dogfights.

These animals (dogs) are frequently transported into Roma villages for this fighting purpose (HERÁK 2021<sup>26</sup>). Some Central Asian shepherd breeders organize unlawful

<sup>25</sup> *Ibidem*

<sup>26</sup> HERÁK, J. Illegal dog fighting is not only a Roma problem. Bratislava TASR (2021) in: <https://www.tasr.sk/tasr-clanok/TASR:20210507TBB00320> (in Slovak)

dog fights in Slovakia. Other animal fights (for example, cockfights) have not been documented in Slovakia.

Since the characteristics included in other normative legal acts are not stated in the Criminal Code, they must be described to satisfy the requirements of the factual nature of the crime of cruelty to animals. For this reason, certain terms and ideas that are specifically included in the law on veterinary care are referred to in the criminal code.

According to HEČKO<sup>27</sup>, when investigating a crime, police officers must first consider the animal's species and whether there has been abuse in accordance with the Act on Veterinary Care (section 22, paragraph 2). The law on veterinary care exclusively considers animal vertebrates (paragraph 6, article 22), excluding humans. The criminal law (article 305d) defines animals as dogs, cats, ferrets, equines, farm animals, and protected animals kept in captivity. The foregoing results in impunity for people who, for example, abuse another (unspecified) animal vertebrate. Furthermore, farm animals include bees—animal invertebrates that are not covered by the Act on Veterinary Care. It is also vital to address the introduction of specifically protected animals, which, if abused while in captivity, may result in punishment; nevertheless, if he acted in a similar manner with a wild protected species, he would already avoid penalty for animal abuse. The legislative rule containing the list of protected animals and species of European importance is the decree of the Ministry of the Environment No. 24/2003 Coll. L.<sup>28</sup>, which implements Act No. 543/2002 Coll. L.<sup>29</sup>. In this instance, one can only presume that a “protected animal according to a special regulation kept in captivity,” will likewise be a free-living protected animal according to a special regulation that is kept by a person. This modification produced a legal situation that allows for the prosecution of ludicrous instances<sup>30</sup>.

### 3. THE CRIMINAL-LEGAL ASPECT OF ANIMAL CRUELTY

#### The subject of criminal act

Pursuant to the provisions of the criminal law, a natural person who has reached the age of 14 and is sane is the subject of the criminal act of animal cruelty. Sanity can be

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<sup>27</sup> HEČKO, R. Legal aspects of criminal activity committed against animals and procedures in its investigation. Dissertation work (in Slovak). (Police Academy in Bratislava 2016) 227

<sup>28</sup> The Decree of the Ministry of the Environment no. 24/2003 Coll. L.

<sup>29</sup> Act No. 543/2002 Coll on Nature and Landscape Protection

<sup>30</sup> MARKOVÁ, V. Brief excursion to current issues of criminal law in the context of changes from 2020. In: Current issues of criminal law in theory and practice — 9th year. Collection of contributions from the 9th year of the interdisciplinary national scientific conference with international participation held under the auspices of the Rector of the Police Academy in Bratislava Dr. h. c. prof. JUDr. Lucie Kurilovská, PhD. (in Slovak 2021) 7-11.

defined as the ability to understand the meaning of an individual's (subject's) actions and to be able to control these actions. At the so-called reduced sanity, the offender's ability to recognize the illegality of an action or the ability to control his actions is significantly weakened due to a mental disorder<sup>31</sup>. According to the new legislation, a legal entity can also commit this act if the crime is committed for its benefit, on its behalf, as part of its activity, or through it, if the statutory body or its member acted, or the person who performs control activities or supervision within the legal entity, or another person authorized to represent a legal entity<sup>32</sup>. The person may appear as a culprit, accomplice, or participant in a crime.

### **The subjective side of the crime of cruelty to animals**

The subjective side of animal cruelty relates to the perpetrator's inner, psychological side (guilt responsibility). Guilt for animal cruelty may be based on intention (he planned to torture or kill the animal) or negligence (he failed to care for the animal). Proving intentional guilt in cases of active animal cruelty (beating, kicking, burning, etc.) can be difficult, especially if the perpetrator claims he had no idea that his actions were causing pain and suffering to the animal. We find situations of purposeful passive abuse, especially when the owner of the animal defended himself by saying that he did not have the resources, e.g., to provide a livelihood for the animal, therefore he let the animal starve.

### **The object of animal cruelty**

The criminal act of animal cruelty is motivated by society's desire to protect animals, because a living animal has a special meaning and value as a living creature capable of perceiving with its own senses, as well as a special status in civil law relations, and deserves to be protected and cared for by man.

### **The objective aspect of animal cruelty**

The objective component of animal cruelty is defined by outwardly observable indications, such as action, consequence, and the causal relationship between action and consequence. When assessing animal cruelty, the crime can be classified as a commission action (the perpetrator's wilful active abuse of an animal) or an omission action, in which the perpetrator fails to perform the action he was supposed to perform. These requirements (actions) are based on the provisions of Article 22 of the Act on

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<sup>31</sup> IVOR, J., POLÁK, P., ZÁHORA, J. Material criminal law. General part 1 (in Slovak). Bratislava: Wolters Kluwer (2016). ISBN 978-80-8168-509-5..

<sup>32</sup> Act No. 91/2016 Coll. on the Criminal Liability of Legal Entities and on Amendments to Certain Acts

Veterinary Care and are important for the qualifying of specific illegal proceedings. The consequence applies to the object and indicates a violation or threat to an interest protected by criminal law (animal protection), which is the result of the perpetrator's responsible acts. The end effect could be tormenting or maiming the animal. In addition to the objective facts of animal cruelty, we consider criminal behaviours such as involvement in organized animal fights. According to ČENTĚŠ et al.<sup>33</sup>, each consequence is a product of multiple causes, with the cause being an action that would not have happened otherwise. When analysing the objective side of the crime of animal cruelty, each manifestation of the criminal may have unique characteristics or differences.

#### 4. PROTECTION OF ANIMALS AGAINST CRUELTY

There is a positive qualitative contact between men and animal that is recognized and practiced in many cultures around the world. Not all human-animal interactions are pleasant for the animal; unfavourable interactions are interpreted as aggressive and passive mistreatment. In general, animal cruelty more specifically describes physical abuse to animals, and it can be defined as the perpetrator's culpable illegal action, whether in the form of action or failure to act, directed at an animal (vertebrate animal with the exception of humans) and resulting in harmful consequences perceived by the animal as pain, suffering, damage, or injury. Actions such as neglect, while cruel, do not have a directly physical impact on the animal and thus are considered part of the wider category of animal abuse. Because the animal is capable of feeling pain and suffering, maltreatment is the source of these negative experiences.

##### Active (physical) cruelty to animals

Active animal cruelty (attacks on an animal) happens when the perpetrator submits the animal to behaviours that cause various bodily injuries (MUNRO and MUNRO, 2008<sup>34</sup>). Such an action is actually a conscious active muscular activity of the delinquent, oriented towards a specific object (animal), most commonly associated with beating, punching, stabbing (using various objects/tools), kicking, shaking, throwing, burning, hanging, bragging, strangling, melting, and other active interventions in the animal's integrity.

The drunken perpetrator viciously attacked a German shepherd dog in the yard of his family home, kicking it and striking it in the abdomen and genital area with an indeterminate rod-shaped instrument while saying, "I will kill you". He injured the dog with a sharp item and

<sup>33</sup> ČENTĚŠ, J. et al. The Criminal Code, Large Commentary, 4<sup>th</sup> Updated Edition (in Slovak). Eurocodex (2018), ISBN: 978-80-8155-076-8, 977

<sup>34</sup> MUNRO, R., MUNRO, H.C. Animal Abuse and Unlawful Killing. Forensic Veterinary Pathology. Saunders Elsevier (2008) 98

left a big wound with significant bleeding in the area of the testicles and penis, roughly 10 cm long and extending below the penis axis to the testicles.<sup>35</sup>

This act involved a conjunction of at least two forms of cruelty: striking an object resembling a rod (beating) and a sharp object (cutting). As a result of this action, the offender was ultimately convicted by a court for the criminal act of animal cruelty, inflicted in an especially inhumane and brutal manner.

Suffocation of animals is one of the most common causes of death, and its occurrence is analysed particularly in circumstances of reasonable suspicion of animal abuse and neglect. External causes, such as strangulation, closure of the airways by covering, traumatic asphyxia, suffocation in a small space without oxygen, and obstruction of the airways after aspiration of foreign objects, drowning, play a greater role in a forensic perspective than internal causes (for example, inhaling CO<sub>2</sub>, CO, and H<sub>2</sub>S, also with methemoglobinemia, with considerable blood loss, in lung collapse, and in pneumothorax).

The perpetrator, with the intention of killing, put tied-up live crossbreed dogs in a sack into a flooded reservoir of a sewage treatment plant, including a two-year-old female and six six-week-old puppies, six of which drowned.<sup>36</sup> Based on the criteria used, the court determined that the act of drowning six puppies was committed in a particularly cruel and brutal manner [(torture to a death — § 305a, subsection 2 a), d)]<sup>37</sup>

Gunshot wounds are caused by firearms, either mechanical or by firearms. Today, it is not unusual to encounter injuries caused by arrows from bows or crossbows that are accurate and silent. The subject of the investigation are mainly cases of shooting of dogs, but also of other types of animals.

The perpetrator used an air gun to shoot a cat in the head, resulting in its death; however, a veterinarian did not confirm the length of the cat's suffering or the time it took to die. The owner's account indicated that she reached out to the veterinarian by phone to request the euthanasia of the cat. This implies that the cat endured pain and suffering for a period following its head injury from a shotgun, ultimately passing away later when the veterinarian confirmed its death.<sup>38</sup>

In his explanation, the police officer stated that to meet the legal criteria for the objective aspect of the crime of animal cruelty as outlined in Section 305a, subsection 1 of the Criminal Code<sup>39</sup>, it is necessary to prove that the offender inflicted pain on the animal either for a longer period or repeatedly during the commission of the act.

<sup>35</sup> Specialized workplaces of the Department of Detection of Hazardous Materials and Environmental Crime — pending and closed case

<sup>36</sup> Ibidem

<sup>37</sup> Criminal Act No 300/2005 Coll. L.

<sup>38</sup> Specialized workplaces of the Department of Detection of Hazardous Materials and Environmental Crime — pending and closed case

<sup>39</sup> Criminal Act No 300/2005 Coll. L.

## Passive cruelty to animals

Neglect of care for an animal (negligence, omission) is the perpetrator's inability to meet the animal's fundamental needs, which primarily include failing to offer or fulfil critical necessities such as feed, water, and shelter, as well as failure to provide protection from physical or psychological injury. Failure to offer veterinary care, including as treatment for injuries or illnesses, is also considered negligent. Because animals in people's care rely on their care, the consequences of illegal actions do not always appear immediately; signs of abuse are usually visible only after a certain amount of time and may be related to the animal's emaciation, poor condition of the coat, teeth, or hooves. Not providing care can be considered a particularly harsh and raw type of torture, even if the animal dies of hunger, sickness, inability to move, or other causes. Among the situations that demonstrate negligent activity are those in which animals are attacked while their owner fails to prevent the attack, despite the fact that he has an obligation to do so. The animal (attacker) will not be held guilty for reckless behaviour; however, the person who leads or oversees the animal and fails to prevent the attack will be. Cases of passive cruelty to animals must be considered in conjunction with all conceivable circumstances that led to cases of neglect (culpability), as well as cause and consequences resulting from the subject's failure. The breeder is not always aware of the circumstances under which the animal should be kept or how to apply them correctly.

The owner responsible for one goat and three kids neglected their welfare by not supplying adequate feed, water, bedding, and veterinary attention over an extended period. The animals were abandoned in the yard of the family residence without proper care, leading to malnutrition, weakness, hypothermia, and ultimately, their deaths<sup>40</sup>.

The act was classified under section 305b, as broadened by subsection 2 (pertaining to multiple animals), as a case of neglecting animals' care. Instances of passive abuse, which do not exhibit overt brutality, are typically carried out by individuals who engage in such behavior due to economic motivations, time constraints, a complete lack of empathy towards animals, or a general disinterest in their well-being.

## Emotional animal abuse

Despite the assertion that animals have no emotions and so cannot be emotionally harmed, it is difficult to suppose that veterinarians or animal behaviourists would concur. Emotional abuse in animal care can take many forms. Among these sorts are rejection, terrorizing, isolation, abandonment, and animal coercion. While ignoring is a passive disregard for an individual's emotional requirements with no desire to hurt, rejection is an

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<sup>40</sup> Specialized workplaces of the Department of Detection of Hazardous Materials and Environmental Crime — pending and closed case

active, wilful denial of an animal's emotional needs, resulting in emotional deprivation. When terrorizing, a "climate of fear" or unpredictable threat or hostility is generated, preventing animals from feeling comfortable and secure. This type of abuse frequently incorporates elements of discipline and punishment. Isolating an animal is purposefully shunning social interactions and companionship. Abandoning an animal is a kind of termination of care for an animal that relies on the owner's or keeper's attention. This sort of abuse is similar to neglect in that the animal's requirements are not satisfied; however, the animal owner engages in active rather than passive activity<sup>41</sup>. Continuous threatening behaviour toward the animal, as well as verbal attacks (yelling, angry gestures), combined with a failure to provide psychological well-being, obviously constitute emotional abuse.<sup>42</sup>

### Sexual animal abuse

Individual manifestations of sodomy for the aim of maintaining animal health are not immediately illegal under current Slovak law. According to the Slovak Criminal Code, only supporting and promoting zoophilia as a sexually disordered conduct constitutes a criminal act. Although there is limited empirical understanding of the reasons behind animal cruelty, psychological theories propose that motivations may include sexual urges, a desire for dominance, or various personality disorders, such as sexual paraphilias like zoophilia<sup>43</sup>. While cruelty to animals is a criminal violation under Article 305a of the Criminal Code of the Slovak Republic, it is not regarded sexual intercourse with an animal in practice. It would be desirable to explore introducing legislation that directly addresses sodomic conduct in humans in order to protect animals and take appropriate steps regardless of whether such behaviour impacts other interests. Only veterinarians can recognize injuries caused by sexual abuse, but there is currently a lack of information in the literature on this type of cruelty. Sexual abuse of animals and its clinical symptoms are infrequently included, for example, in the differential diagnosis of vaginal lesions in veterinary obstetrics and gynaecology, and lesions on the male genitalia and anus in both sexes are documented in conjunction with this type of abuse.

### Responsibility of the official veterinarian for the protection of animals

One of the veterinary requirements outlined in the Act on Veterinary Care<sup>44</sup> is animal protection. The veterinary administration conducts official inspections to ensure compliance with animal protection requirements, as specified by the State Veterinary

<sup>41</sup> McMILLAN, F.D. Emotional neglect and abuse in Animals. Veterinary Meeting and Expo Proceedings (2013) in: <https://www.vetfolio.com/learn/article/emotional-neglect-and-abuse-in-animals>.

<sup>42</sup> MUNRO, R., MUNRO, H.C. Animal Abuse and Unlawful Killing. Forensic Veterinary Pathology. Saunders Elsevier (2008) 98

<sup>43</sup> ČÍRTKOVÁ, L. Modern psychology for lawyers. (In Czech) Grada, 2008, 150

<sup>44</sup> Act on Veterinary Care No 39/2007 Coll. L. as amended

and Food Administration of the Slovak Republic (SVFA SR)<sup>45</sup>. The SVFA SR standard specifies how to protect animals during housing, handling, immobilization, stunning, and exsanguination, as well as hygiene monitoring protocols. Regional Veterinary and Food administrations (RVFA) conduct veterinary inspections by veterinary inspectors and other government veterinarians to ensure compliance with veterinary regulations for animal health control and protection. The official veterinarian's responsibility is to notify the chief veterinarian of any important facts about animal protection that he discovers while doing his duties. For that purpose, he is authorized to enter the land during the performance of a veterinary inspection, it is possible to enter a building, a place of business, a facility, a means of transportation, and other places, except the dwelling, which the inspected person owns or uses or which are related to the purpose of the veterinary inspection, during the performance of the veterinary inspection, if there is a reasonable suspicion that endangered a person's life or health, endangered life, health or protection of an animal. This unsatisfactory legislative solution outlines the inadequate and prolonged legislative approach to accessing residences classified as dwellings in cases of severe animal cruelty, which fundamentally hinders the prompt and effective resolution of animal cruelty/abuse incidents within such premises, particularly when the user of these dwellings is uncooperative.

A private veterinarian is obliged to immediately report any suspicion related to animal protection to the competent authority of the veterinary administration. The veterinarian inspector conducts inspections to ensure compliance with animal protection requirements. If the circumstances of the case require it, especially if it is necessary from the point of view of animal protection, or if there is a suspicion, or if a violation of obligations or noncompliance with the requirements established by the Act on Veterinary Care and generally binding legal regulations issued for its implementation or special regulations is detected, the veterinary inspector immediately orders appropriate measures to protect animals, such as confiscation killing or wasting of animals or their temporary placement in alternative care.

### **Liability of the private veterinarian in cases of animal cruelty**

In numerous countries, there exist legal requirements that demand the reporting of animal abuse, and in many circumstances, there is an absolute obligation to report this fact to the appropriate authorities. Some countries provide legal safeguards to persons who report suspicions of animal cruelty; however, this does not apply in all states and jurisdictions<sup>46</sup>.

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<sup>45</sup> *Ibidem*, Section 12

<sup>46</sup> SWAN, P. Law and Animals. In: Practical Veterinary Forensics by David Bailey, CABI (2016) ISBN 978-1-78064-294-9, 24-35

One of a veterinarian's responsibilities is to protect the welfare and health of animals while preventing their pain. It is critical to appreciate the responsible tasks and duties that are inherent in the veterinary profession while also respecting the difficulty of dealing with certain forms of animal cruelty. The most common kind of animal maltreatment is neglect. Other forms of animal cruelty include physical, psychological, and sexual abuse.

If employees of veterinary administration bodies or official veterinarians are physically resisted during the performance of tasks for which they are authorized (authorization to perform an inspection follows directly from the Act on Veterinary Care<sup>47</sup>), or if they are complained about or impede the performance of veterinary checks or inspections and other official acts within the framework of the veterinary administration, or if such resistance or obstacles are expected, the employees of the veterinary administration bodies, veterinary inspectors or official veterinarians may request in the performance of these tasks for the cooperation of the police force. However, because obtaining and securing evidence is often difficult, members of the police force may require collaboration in investigating instances involving animal cruelty crimes. When animal cruelty happens within the context of animal protection, authorities from the veterinary administration and the police frequently collaborate. According to HEČKO<sup>48</sup>, in cases of animal cruelty, investigators collaborate with local RVFA or private veterinarians for inspections, autopsies, processing abuse reports, determining injuries, establishing diagnoses, and providing expert assistance. Questions to be answered by the veterinarian frequently relate to the factors that led to the animal's death, to the time when the death occurred, or to shed light on a number of other facts important for the correct decision-making activity of the acting state authority.

Because of the unique nature of the animal cruelty investigation, the investigator collaborates with experts in the relevant field and industry to obtain answers to the questions posed, as well as expert statements and opinions for an objective assessment of the investigated act. For this, the expert must have submitted all relevant records that establish facts about animal abuse, neglect, or organizing animal matches.

## Factors that influence the reporting of animal cruelty cases by veterinarians

According to MERCK<sup>49</sup>, one of the primary concerns mentioned by veterinarians regarding reporting cases of animal cruelty is that they do not feel competent to recognize situations of animal cruelty because not all of them are familiar with and comprehend the specific terms of the applicable legislation. Finally, it is up to the law enforcement

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<sup>47</sup> Act on Veterinary Care No 39/2007 as amended, Section 13

<sup>48</sup> HEČKO, R. Legal aspects of criminal activity committed against animals and procedures in its investigation. Dissertation work (in Slovak). (Police Academy in Bratislava 2016) 227

<sup>49</sup> MERCK, M. Veterinary Forensics. Animal Cruelty Investigation. Wiley-Blackwell (2013) 402

department to decide whether or not to file criminal animal cruelty charges. This is not the veterinarian's obligation. Some veterinarians are hesitant to report such occurrences because they may not know who to report them to, what to say, or how to document their observations. Another barrier to reporting cases of abuse is that the veterinarian must confirm that the animal has been abused before reporting it to the appropriate authorities. Many veterinarians feel reluctant accusing others of misbehaviour. In some cases, the alleged offender may be a customer who does not appear or act like a "criminal" at all. In rural or tiny areas, there is a risk of losing touch with the client, his family, and friends. There is also concern about the negative impact on the veterinarian's reputation in the community.

Some EU countries require the reporting of cases of animal cruelty, and there is a so-called immunity from civil and criminal culpability. Civic and criminal immunity means that if a veterinarian fails to report an instance of animal cruelty in good faith, he or she should not face prosecution. Veterinarians should be shielded against charges of breaching customer confidence.

Many veterinarians refuse to become involved or devote their time to reporting situations of animal cruelty. This condition is typically associated with a lack of understanding of the need of reporting occurrences of this type of misbehaviour.

On the other hand, there are strong reasons to report incidents of animal abuse. The primary goal is to improve the well-being of an animal that has already been abused or neglected. Intervention in a given case can disrupt a recurring chain of events associated with illegal conduct (torture), averting further harm to other animals and people.

## CONCLUSION

A living animal has a specific meaning and worth since it is a living being with the ability to perceive with its own senses. It also enjoys a special standing in civil interactions. The rules pertaining to movables apply to live animals; nevertheless, they do not apply to animals if they are incompatible with their status as living beings<sup>50</sup>.

The aforementioned clause implies that all live animals should be protected, irrespective of their social and property worth, their type, sex, age, or the reason for their use. Whether we categorize an animal that is abused as companion, farm, experimental, or legally protected, or whether they are beneficial to humans or, conversely, useless, makes no difference. Animals are protected first and foremost, regardless of other social interests. Administrative law serves as the primary means of protecting animals. Secondary protection is safeguarding animals alongside other social interests, such

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<sup>50</sup> Civil Code No 40/1964 Coll. as amended [(§118 (1); 119(3)]

as the need to protect property. Public interest expresses the current state of interests and their mutual hierarchy, is temporally and spatially changing, and hence must be evaluated only in a specific circumstance, location, and time. People's protection is naturally at the top of the list of societal concerns since we are an animal species; we perceive and feel, but unlike animals, we can decide on our rights. Animals are protected regardless of whether they belong to someone or not. Thus, even personal ownership of an animal does not allow a human being to abuse an animal. To ensure compliance with legal obligations, public administration should provide adequate institutional and personnel support for animal protection against cruelty. Improving cooperation and communication with criminal law enforcement and animal welfare authorities to combat cruelty is proven helpful. The social cost of illegal activities against animals should not be underestimated when applying penalties and other consequences in the field of animal protection. The legal regulation of animal cruelty aims to prioritize animal protection in the hierarchy of protected values, unlike property protection, which has evolved from viewing animals as objects to living beings. A significant change is the tightening of the penalty in the basic factual essence of the crime of animal cruelty from the original penalty of up to two years to the penalty introduced by the amendment of six months to three years; in the case of more serious acts, a prison sentence of up to five years may be imposed. The protection and welfare of animals must only be addressed within specific legal relations circles in the realm of public life. It should be incorporated and promoted through education, awareness, and information in order to develop proper behaviour toward animals, who are sentient beings that require responsible treatment.

## Notice

The article was supported by the Grant Agency for Culture and Education of the Slovak Republic, No. 006UVLF-4/2023.

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