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ACTUAL PROBLEMS OF ANIMAL PROTECTION AGAINST MISTREAT

With the acquisition of new status by animals, the issue of protecting them and protecting them from cruel treatment is becoming increasingly important. Human society views animals not only as property, but also as members of families, intelligent beings with a strong emotional attachment to people and their dependence on them. In view of this, the legislation is constantly changing and improving to protect and protect animals against cruel treatment. It should be noted that the new wave in solving the problems of regulatory legal protection of animals begins to intensify in the 60's of the twentieth century, gradually changing the vector of animal protection to the issue of their well-being. The European Community has committed itself to protecting animals through the adoption of five major conventions: European Convention for the Protection of Animals in International Transport of 1968, European Convention for the Protection of Animals kept on the Farm of 1976, European Convention for the Protection of Animals for Slaughter of 1979, European Convention for the Protection of Vertebrate Animals used for Experiments and other scientific goals of 1986, European Convention for the Protection of Animals of 1987 [1, p. 90]. Thanks to these Conventions at European level was formed common international standards for the protection of animals. These conventions are based on an anthropological approach and aim at the fact that «for a person's own well-being, being, a person can and sometimes should use animals, but it has a moral obligation

to ensure, within reasonable limits, the health and well-being of animals, and in For each individual case do not expose them to unnecessary risk» [2].

An important international animal protection document is the Universal Declaration of Animal Rights, adopted by the International League for the Rights of Animals on September 23, 1977 in London [3]. This international document defines the fundamental principles in the field of human relations with other representatives of the animal world. In the preamble of the World Declaration on the Rights of Animals, it is emphasized that life is the only one, because all living beings have a common origin and have acquired differences only during the evolution of the species; that all living beings have natural rights, neglecting which causes significant harm to nature and leads to the commission of crimes against animals; that the coexistence of species involves the recognition of the human species of the right of another animal to life, and also it is noted that respect for animals by humans is inseparable from human respect for human beings.

The most developed and progressive legislation in the field of animal protection is the legislation of certain European states [4, p. 231], which we need to be guided to by the experience. In the legislation of our country, the issue of animal protection is regulated by various branches of law: civil law (animal, human property), criminal law (criminalization of ill-treatment of animals), environmental law, administrative law (state administration and animal protection regulation), etc. In general, animal protection standards can be classified into three categories according to the characteristics of the animal species: 1) the protection of endangered animals or certain biological species (International Convention for the Management of Whaling in 1946, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Convention on the Protection of Antarctic Seals 1973, the Safeguard Agreement the Bears of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973, the Convention on the Protection of Biological Diversity of 1992, etc.); 2) the protection of wild flora and fauna (International Convention for the Protection of Birds of 1950, the Convention for the Protection of Wild Flora and Fauna and the Living Environment in Europe in 1979, the Bonn Convention for the Protection of Migratory Species of Wild Animals 1979, the Convention on the Conservation of the Seas living resources of Antarctica 1980, etc.); 3) protection of domestic animals (European Convention for the Protection of Animals of 1992).

Adoption of international legal acts in this area has given an impetus to the relevant changes in the lawmaking process of Ukraine and on February 21, 2006 the Law of Ukraine «On the Protection of Animals from Cruel Treatment» was adopted, which became an extremely important step in the social legal field of Ukraine, because this indicates significant changes in the mentality of Ukrainians. With the adoption of this law, Ukraine, first of all, has demonstrated awareness of the social

significance of the problem of ill-treatment of animals and the unconditional need for protection in the sense of living beings. At the same time, the adoption of this law led to the necessity of bringing the national legislation in line with it: numerous legal conflicts, the lack of terminological unity in the normative legal acts of the mentioned problem, imperfection of the system of state administration in this area, ineffectiveness of the institute of legal liability for the relevant offenses – with what and now we have to cope.

Indifferent attitudes towards ill-treatment and abuse of animals, as well as violations of animal retention rules, which cause them unbearable suffering, are a common occurrence for post-Soviet countries. The situation with homeless animals is particularly acute: while the issue of animals on the streets of Ukrainian cities remains unresolved, there are rigorous methods of dealing with them [5]. Ukraine, one of the last states of Europe, adopted the Law «On the Protection of Animals from Cruel Treatment», but there are still positive developments.

At the moment, to create a ramified and effective system of state and non-state bodies and organizations whose activities would be fully or partially linked to the protection of animals, with both their vital basic needs and social needs. Ukraine as an independent state, having declared its intention to integrate into the European and world community, must adhere to the relevant standards in all spheres of life, including in relation to animals.

The utilitarian view of everything that has already existed for a long time has become inappropriate, gradually disappearing an assessment of all existing according to the extent to which it is useful to humans. Thus, the main ethical issue in human attitude towards animals can be formulated as the question of the right of animals to exist without regard to their benefit to humans.

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