

Description for the general public (in English)

In recent years, increased interest of the society, media and scientific community in the legal protection of animals can be noticed. However, the attention of the researchers is focused on civil law and criminal law matters, and hence there is a need to undertake more comprehensive, systematic analysis of the administrative law aspects of this issue. Also, numerous divergences of interpretation that appear both in the doctrine and the administrative jurisprudence regarding very basic legal institutions for the protection of animals argue in favour of such necessity. Additional motivation stems from subsequent audit reports issued by the Supreme Audit Office (later referred to as NIK) and the pleas of social organizations dealing with the protection of animals, which indicate the need for immediate improvement of the state of the animal protection in Poland. It is enough to mention that according to the information on the results of the audit completed by the NIK on the tasks of animal protection that are to be performed by communes (ev. no. 46/2013/P12/193/LBI) according to which: more than 60% of communes, in which stray animals were caught did not provide places for them in animal shelters; 60% of communes ordered the catching of animals to entities that did not have all the permits required by the law; 80% of all the money theoretically earmarked for the care over the animals in fact went to companies catching stray animals; 30% of the money for the care over the animals has been spent illegally; half of the sampled communes did not verify what happened to the caught, captured homeless animals; in the contracts with dog-catchers and animal shelters 60% of communes did not put forth any requirements regarding the standards of the animal care; 80% of communes did not request from the shelters to keep record of fostered animals, which eased – to say the least – unreliable care; more than 80% of the shelters did not provide the right conditions for animals taken in – mainly due to overcrowding; in some cases, part of the caught animals were placed in institutions not covered by veterinary supervision, etc. The scale of the irregularities detected by the NIK, only in that one area, i.e. ensuring by the communes care over stray animals and preventing their homelessness, demonstrates that at least part of the laws in force in this respect is ineffective. The results of the preliminary investigation, allow to formulate the hypothesis that the same is true in the other areas of the administrative law regulations concerning animal protection. Therefore, the ongoing research will cover such issues as: current legal status of animals; communal programs of care over stray animals and preventing animal homelessness; temporary retaking of abused animals from their owners; breeding and placing on the market of pet animals; legal conditions for the use of animals for entertainment, shows, movies, sports and special purposes; protection of free-living animals; legal requirements for the transport of animals; legal aspects of experiments on animals; acceptability of ritual slaughter in Poland; systemic status and competence of public administration authorities in the field of animal protection; legal framework considering the actions of social organizations for the animal protection. The main aim of the research is to conduct multidimensional analysis and critical evaluation of the most important institutions of the administrative law protection of animals and solutions postulated in this field. The basic interpretative directive is determined by the article 1, paragraph 1 of the Act of 21 August 1997 on the Protection of Animals (i.e. Dz.U.2013 item. 856 as amended.), which states that an animal as a living being capable of suffering is not a thing, and a man owes him respect, protection and care. In principle, the undertaken studies will allow to present the public-law aspects of animal protection, and, above all, their axiological and systematic foundations, the EU and international legal considerations, as well as selected - reflected in the current legislation - national strategies and policies aiming at their implementation. As the result, it will contribute to the development of the study of the administrative law, and indirectly also other scientific disciplines. It will raise public awareness in the field of administrative law aspects of the animal protection.