

Cruel and Ill Treatment of Animals in Georgia



The study was prepared in frames of the project - Empowering Watchdog Community for Government Accountability, funded by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.

The responsibility of the content of the article lies with the Institute for Development of Freedom of Information (IDFI). It does not necessarily reflect the opinions of International Visegrad Fund.

Content

Introduction	1
Key Findings	2
International Context	3
<i>Legal Regulations</i>	3
<i>Countries with High Animal Welfare Standards</i>	3
Domestic Legislation	4
<i>The Code of Administrative Offences</i>	4
<i>The Criminal Code of Georgia</i>	4
<i>The Draft Law on the Welfare of Pet Animals</i>	5
Statistics on Cruelty against Animals in Georgia	5
Conclusion	8

Introduction

Lately, the topic of cruelty against animals and the failure to take adequate measures against the actions became a subject of particular public interest in Georgia. This was mainly caused by the widespread of videos in social media depicting animal torture and violence.

Fighting against animal abuse is important for the interests of animal protection as well as public order and safety. There are numerous studies concluding that those committing acts of violence against animals are most likely to commit heavier crimes, including those endangering lives and health of individuals.¹ Thus, combating cruelty against animals should be seen as one of the mechanisms of preventing heavier crimes.

The Institute for Development of Freedom of Information (IDFI) studied the legislation on animal protection in Georgia and the state of its implementation. For this purpose, IDFI requested public information from relevant state institutions. In addition, IDFI researched international regulations on the subject and got acquainted with the practice of the countries which excel in regards to high animal welfare standards.

¹ <https://psycnet.apa.org/record/2005-06180-001>;
<https://www.peta.org/issues/animal-companion-issues/animal-companion-factsheets/animal-abuse-human-abuse-partners-crime/>;
<https://www.nytimes.com/1991/08/07/us/clues-to-a-dark-nurturing-ground-for-one-serial-killer.html>.

Key Findings

The study revealed the following key findings:

Legal Regulations:

- Georgia is a member of the International Organization for Animal Protection (OIPA), however, the country is not a signatory of the European Convention for the Protection of Pet Animals.
- To-date there is no comprehensive legal base regulating issues of animal well-being in Georgia. Adopting the law on the Welfare of Pet Animals will be a significant step towards increasing the living standards of pet animals in Georgia.
- Recent amendments made to the legislation, introducing stricter sanctions for specific crimes against animals should be assessed positively.
- The new article introduced in the Code of Administrative Offences, which holds parents responsible for the acts of violence against animals committed by minors, needs further justification. In addition to parents, the actions of minors are significantly affected by preschool and educational institutions, as well as the society at large. We find that in practice, it will be impossible to prove that misconduct of a minor was causally linked with improper parenting.

Statistics:

- The number of investigations launched on the cases of cruelty against animals (Article 259 of the Criminal Code of Georgia) has considerably increased in the recent years.
- However, taking into consideration the number of cases on animal mistreatment registered by the countries with high animal welfare standards, we should assume that a large number of crimes related to animal abuse still do not reach law enforcement agencies in Georgia.
- Investigations are rarely launched on the administrative offenses of animal mistreatment.
- Likewise there is low number of court cases related to cruelty against animals.
- Regarding the types of sentences, in the vast majority of the cases court impose fines on those accused. Stricter sentences are used when crimes are cumulative in nature, combining cruelty against animals with crimes against individuals.
- State institutions do not generate full statistical data on the cases of animal mistreatment, which makes it impossible to see the full picture of the problem.

International Context

Legal Regulations

Combating animal abuse and mistreatment is an important topic around the globe. According to the estimations of the American Society for the Prevention of Cruelty to Animals (ASPCA)², an animal is abused every 60 seconds.³ However, there is no universal legal document that would set minimum standards of animal protection.⁴ Instead, these standards are elaborated by the International Organization for Animal Protection (OIPA). Nevertheless, they do not have the status of an international convention and are not mandatory for the signatory countries. OIPA has 180 member states, including Georgia.⁵

At the regional level, the European Convention for the Protection of Pet Animals (the Convention) is elaborated. In contrast, with the global picture, the Convention is mandatory for signatory states.⁶ The states recognize that no one shall cause unnecessary pain, suffering or distress to a pet animal. According to the Convention, any person who has made a decision to own a pet is responsible for its health and well-being and thus is obliged to provide the pet with relevant living conditions, care, and attention.

European Convention for the Protection of Pet Animals sets a good example of regulating issues of animal welfare on an international level. Similar regional agreements are particularly important considering that there is no international treaty setting mandatory standards of animal protection, which would have been approved by the UN and open for signatures.

Due to its regional location, Georgia is in a favorable position. The country is given the opportunity to adhere to the Convention and implement the standards of animal welfare elaborated within the Council of Europe. However, as of to-date Georgia is not a signatory state of the Convention. In addition, there is no declared political will to sign the Convention and abide by the high standards of animal welfare.

Countries with High Animal Welfare Standards

Animal welfare and their protection from mistreatment is a subject of ethical, scientific, economic, cultural and religious considerations. According to the World Animal Protection Index, Switzerland, New Zealand and Austria are the frontrunner countries in regards to comprehensive legislation, effective systems of citizen reporting and law-enforcement and implementation of relevant international agreements.⁷

Special state institutions responsible for preventing and responding to the cases of violence against animals are created in the given countries; there are investigators and prosecutors employed at law enforcement agencies, which are specialized in the issues of animal welfare; uniform independent legal

² <https://www.asPCA.org/>.

³ <https://unodriftwood.com/2136/opinion/every-60-seconds/>.

⁴ <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1466&context=facpubs;>

https://link.springer.com/chapter/10.1007/978-3-319-26818-7_5.

⁵ <http://worldanimal.net/wan-resources/animal-protection-law-resources/international-agreements>.

⁶ The convention is signed by 25 states: Austria, Azerbaijan, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, Serbia, Spain, Sweden, Switzerland, Turkey and Ukraine.

⁷ <https://api.worldanimalprotection.org/#>; <https://www.worldatlas.com/articles/best-countries-for-animal-welfare.html>.

acts setting comprehensive animal protection regulations are elaborated; simple and effective systems of reporting animal mistreatment are developed.

According to official statistical information, in 2018 the Royal Society for the Prevention of Cruelty to Animals received more than a million hotline calls regarding animal mistreatment in the UK; more than 130,000 cases were investigated and the courts heard cases against about 2000 individuals.⁸ In New Zealand, over 15 000 complaints were investigated by the Society for the Prevention of Cruelty to Animals in 2017.⁹ During the same year, 474 individuals were convicted of animal mistreatment in Switzerland.¹⁰ It is important to keep in mind the scale of these figures for comparative purposes with the statistics of animal ill-treatment in Georgia.

Domestic Legislation

To-date the Criminal Code of Georgia (Article 259) and the Code of Administrative Offences (Articles 104 and 172) regulate the liability for animal ill-treatment in Georgia. Lately, significant amendments were introduced to the legislation, increasing responsibility for specific crimes against animals and criminalizing new types of offenses. In addition, a draft law on the Welfare of Pet Animals was initiated to the Parliament of Georgia, which if adopted will be effective from January 2020.

The Code of Administrative Offences

According to the Code of Administrative Offenses, the mistreatment of animals, resulting in their suffering, injury or pain shall be punished with a fine from 100 to 500 GEL. Before the recent amendments, the offense was punishable by a fine of up to one minimum wage. In addition, the new amendments introduced liability for improper parenting which resulted in the acts of violence against animals. The offense is punishable with a fine from 100 to 300 GEL, and with a fine of 500 GEL in case of a repeated violation. According to the explanatory note, the necessity of the amendment is explained by the impact of a mental or a psychological injury inflicted during early ages on a personal development of a person.

We find that the explanation needs further justification. In addition to the parents, the acts of minors are significantly affected by preschool and educational institutions, as well as the society at large. In our view, in practice, it will be impossible to prove that a misconduct of a minor was causally linked to improper parenting. Thus, imposing liability on parents would contradict with the presumption of innocence.

The Criminal Code of Georgia

The Criminal Code of Georgia sets responsibility for a heavier crime, i.e. cruel treatment or torture of an animal that resulted in its death or mutilation.¹¹ The sentence for the crime is corrective labor, home

⁸ <https://www.rspca.org.uk/documents/1494939/7712578/ProsecutionReport2019.pdf/a2ae6cdc-efe2-f6bf-cac3-0fb53da37bf6?t=1556101041009>.

⁹ https://www.sPCA.nz/downloads/assets/60394/1/spca2018_annual-report.pdf.

¹⁰ https://www.swissinfo.ch/eng/t_swiss-courts-crackdown-on-animal-cruelty/44213066.

¹¹ <https://www.matsne.gov.ge/ka/document/view/16426?publication=208>.

arrest, fine or imprisonment for up to a year. Before the recent amendments, the sentence of fine or corrective labor for up to a year was foreseen by the article.

The recent amendments to the Criminal Code of Georgia, which introduced the sentence of imprisonment for the acts of violence against animals, should be assessed positively.

The Draft Law on the Welfare of Pet Animals

The aim of the draft law on the Welfare of Pet Animals is to establish the relevant institutional and legislative basis for the well-being of pet animals. If adopted the law will regulate such issues as the legal status of pet animals, minimum standards of animal welfare, rules of walking pets in public spaces and transporting them, their registration, obligations of pet owners to ensure a healthy and safe living environment for their pets. The law will also include regulations on the mistreatment of pet animals, euthanasia, commercial breeding and trade.

To-date there is no comprehensive legal basis regulating issues of animal welfare in Georgia. General rules regarding homeless pets are set individually at the level of municipalities only.

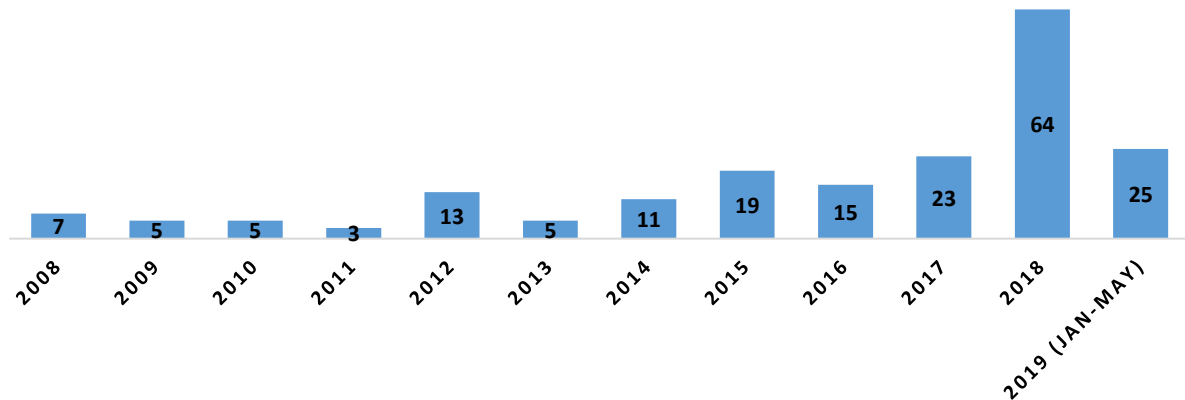
Examples of the best international practice demonstrate that, separate comprehensive legal acts are enacted in the countries with high animal welfare standards. The laws include detailed regulations on the protection, care and well-being of pet animals. Adopting the law on the Welfare of Pet Animals will be a significant step towards increasing the living standards of pet animals in Georgia.

Statistics on Cruelty against Animals in Georgia

In order to assess the problem of animal cruelty, it is important to have access to relevant statistical data. With this aim Institute for Development of Freedom of Information (IDFI) sent freedom of information requests to the Ministry of Internal Affairs (the MIA) and the Supreme Court of Georgia.

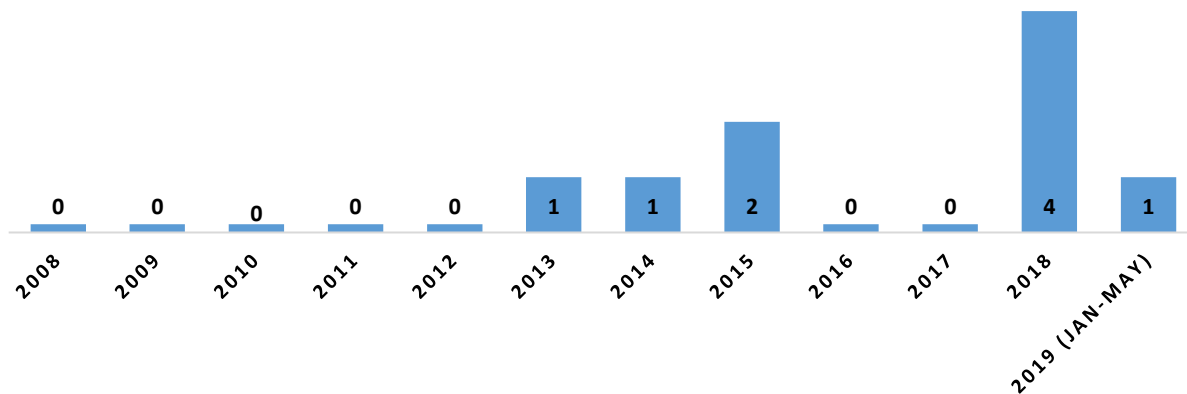
According to the received information, the number of investigations launched on the cases of cruelty against animals (article 259 of the Criminal Code of Georgia) has considerably increased. The number of investigations launched in 2018 considerably exceeds the figures of 2017. The figures from the first five months of 2019 are also high.

Number of Investigations Launched on the Cases of Cruelty Against Animals (Article 259 of the Criminal Code of Georgia)



Investigations are rarely launched on the administrative offenses of animal ill-treatment. According to the information provided by MIA, no such investigations were launched during the periods of 2008-2012 and 2016-2017. Investigations were launched on single cases of animal ill-treatment both in 2013 and 2014; in 2015 two of such cases were registered. The highest number of cases were registered in 2018 – 4 instances. A single case of animal mistreatment was launched in 2019.

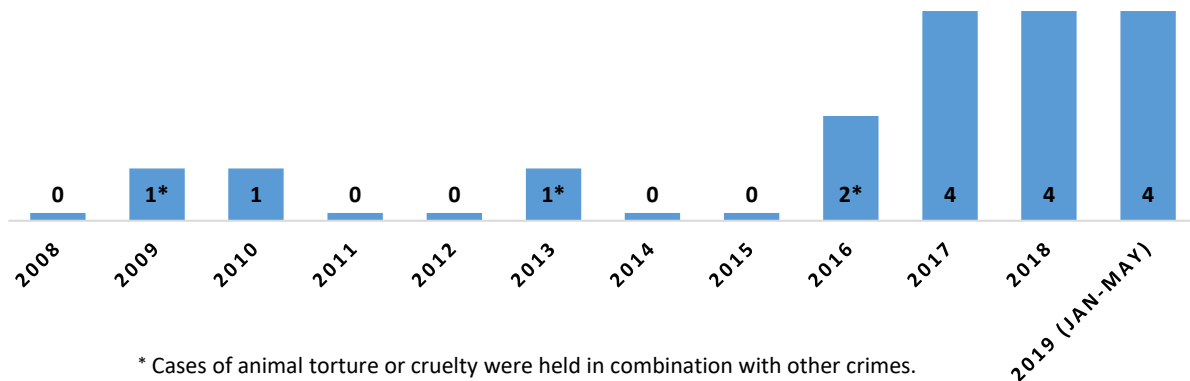
Number of Investigations Launched on the Cases of Animal Mistreatment (Article 104 of the Administrative Offences Code of Georgia)



Unfortunately, MIA was not able to provide us with information on the successful investigation cases. According to the ministry, they do not process the data on the subject separately from the other articles.

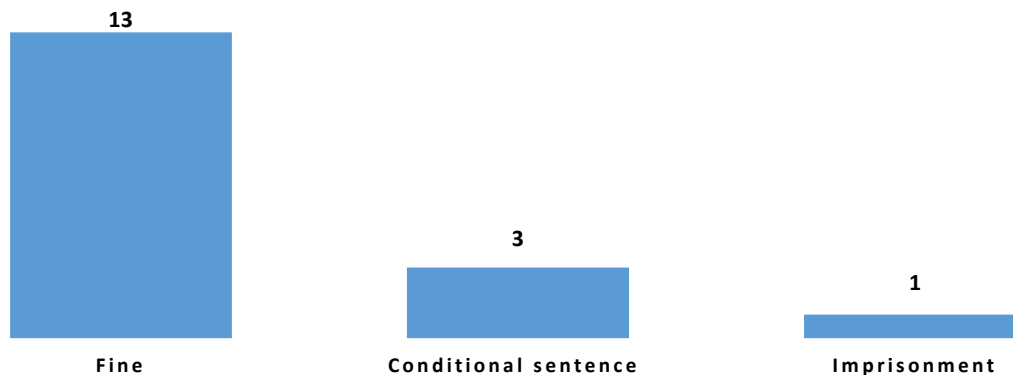
Low number of cases concerning cruelty against animals were heard by the courts as well. According to the information received from the Supreme Court of Georgia the total of 17 cases were referred to the courts on the cases of torture or animal cruelty from 2008 to to-date. Moreover, in 2009, 2013 and 2016 courts discussed the cases of animal cruelty in combination with such crimes as the threat of death or bodily injury or destruction of property, unlawful transactions with respect to minors for the purpose of their adoption and false denunciation of the commission of a crime. It should be assessed positively, that in the last couple of years courts heard the cases of animal violence when no aspect of other criminal offense was present.

Cases on Animal Torture or Cruelty Heard by the Courts



Regarding the types of sentences, in the vast majority of the cases court imposed fines on those accused. A conditional sentence was used in three cases and imprisonment in a single case. In these instances, the crimes were cumulative in nature, combining cruelty against animals with crimes against individuals.

Fines Imposed (Article 259 of the Criminal Code of Georgia)



Unfortunately, we were not able to receive information on the cases of administrative offenses heard by the courts. The Supreme Court of Georgia referred to the lack of statistical data on the topic.

The increased number of registered crimes against animals in recent years, should be seen as a positive trend. IDFI studied the similar statistics in 2017 as well and concluded, that a low number of official animal cruelty crimes was most likely due to lack of citizen reporting and that it did not reflect the full extent of the problem.¹² Although the number of registered animal cruelty crimes increased in recent years, we should assume that a considerable number of these crimes are still not officially reported.

¹² https://idfi.ge/en/statistics_on_animal_cruelty_in_georgia.

Conclusion

Fighting against animal torture and ill-treatment is a complex issue. The existence of comprehensive legislation and a responsible entity, which would be specialized in identifying and reacting to the cases of animal mistreatment is necessary. It is crucial for Georgia to announce its political will of establishing high standards of animal protection on the international arena and sign the European Convention for the Protection of Pet Animals.

It is also essential to conduct a comprehensive study of the problem. The latter is impossible without full statistical data. It is important to generate and proactively publish detailed statistical data on animal ill-treatment.

Together with state policy and legislation, it is crucial to work towards raising awareness of the population on the topic of animal welfare. The issues should be included in the curricula of preschool and school education. Young members of society should be given information on the topic from the early stages of their development.