

надзора за соблюдением конституционных прав и свобод граждан.

У статті розглядаються особливості здійснення найважливішої функції прокуратури України — правозахисної. Особлива увага приділяється такому напрямку діяльності прокуратури України, у рамках якого, здійснюється правозахисна функція у вигляді прокурорського нагляду за додержанням конституційних прав та свобод громадян.

*The article deals with the features of the execution of the most important function of the Ukrainian Prosecutor's office — human rights protection. Special attention is given to a such line of activity of the Prosecutor's office within the scope of which, human rights protection function as a realisation of public prosecutor's supervision of observance of the constitutional laws and freedoms of citizens is conducted.*

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## REGIONAL LEGAL MECHANISM OF REGULATION OF THE PROTECTION OF PET ANIMALS

In today's world order conditions, the regulation of various public relations can be characterized by a multi-leveling. This trend is a characteristic for both legal and non-legal forms of regulation, for the old areas and new areas. The area of the treatment with animals, and

in particular their protection, isn't an exception.

At the global level in this area there is a number of international non-governmental organizations, and in their framework documents on the protection of animals are adopted. The second level is



experimental and other scientific purposes 1986 defines the conditions of detention, placement of animals, the nature of the experiments, controlling the breeding, training, and reporting and statistics. The Convention includes two applications with a technical nature regarding the details of the conditions of treatment with animals and the compilation of statistics.

The European Convention for the Protection of Pet Animals 1987 contains common basic standards of treatment of pet animals ownership, the provisions on the protection of animals from abuse, the order of creation and maintenance of shelters for the stray and abandoned animals, the procedure for the acquisition of

animals and their content. The Convention establishes some rules for buying and selling animals, depending on their type and origin, as well as the features of the regulation of stray animals.

The particular importance to approach the standards of civilized treatment of animals has has the participation of post-Soviet states-members of the Council of Europe in the conventions, where neither on the political nor on the moral and ethical nor on the legal level there are not adequately reflection of the European principles of respect for animals. Generalized data on the extent of their participation in the post-Soviet states to the conventions listed in the table.

State	The European Convention for the Protection of Animals during International Transport 1968	European Convention for the Protection of Animals kept for Farming purposes 1976	The European Convention for the Protection of vertebrate animals used for experimental and other scientific purposes 1986	European Convention for the Protection of Pet Animals 1987
1. Azerbaijan				Signed 22.10.2003 Ratified 19.10.2007 Entered into force 01.05.2008
2. Armenia				
3. Georgia				
4. Latvia		Signed 19.09.2006 Ratified 05.06.2007 Entered into force 06.12.2007	Signed 17.11.2009 Ratified 05.10.2010 Entered into force 01.05.2011	Signed 01.03.2010 Ratified 22.10.2010 Entered into force 01.05.2011
5. Lithuania		Signed 11.09.2003 Ratified 02.03.2004 Entered into force 03.09.2004	Signed 13.09.2005 Ratified 14.06.2007 Entered into force 01.01.2008	Signed 11.09.2003 Ratified 19.05.2004 Entered into force 01.12.2004
6. Moldova				
7. Russian Federation	Signed Ratified 13.11.1990 Entered into force 14.05.1991			
8. Ukraine				Signed 05.07.2011 Ratified Entered into force
9. Estonia		Signed 01.04.2008 Ratified Entered into force	Signed 01.04.2008 Ratified Entered into force	

Thus, Conventions for the Protection of Animals, approved by the Council of Europe, have become the first international agreements to provide the mandatory

ethical principle of respect for the animals and set standards for their transportation, breeding and killing of animals, as well as their use for experiments or home de-

tention. These conventions are used in almost all the states of the Council of Europe as a basic document for the development of national legislation [9, 124]. However, in respect of post-Soviet states should be noted that, despite the signification and ratification of the convention on the protection of animals, their positions poorly implemented into the national legislation and are characterized by a low degree of implementation. One of the solutions could be the creation of working groups to implement the provisions of the Conventions to the legislation of each of the states.

In the most concentrated and complete form the provisions for the humane treatment with pets and protection them from abuse embodied in the European Convention for the Protection of Pet Animals 1987.

The draft of Convention for the Protection of Pet Animals was represented to the Special Commission for the Protection of Animals on June 6, 1986 by the Committee of Ministers of the Council of Europe. The Committee of Ministers approved the draft on May 26, 1987. On the 13<sup>th</sup> of November 1987 European Convention on the Protection of Pet Animals was opened for signature. The immediate aim of the Convention in 1987 is to protect the animals, their rights and needs [10]. However, some of its provisions (eg, section 9 of the Preamble, etc.) at the same time directed to the protection of human life and health.

The Convention is an instrument of influence on the specific kind of social relations — relations of individuals and society arising from the content of the treatment with pet animals, the relations to the manner of their content, the rights to them, etc. This feature determines the direction of operation of the rules of the Convention and its nature. In particular, we should pay attention to the fact that the Convention, although it is aimed primarily at protecting animals from abuse, nevertheless contains a large number of rules on the treatment with animals, their keeping and breeding, commercial transactions, etc. etc. However, it should be

noted that the provisions of the Convention is complemented by other international instruments, and the first acts of the EU.

The Convention defines and develops the basic provisions that make up the formula of “man has a moral obligation to respect all living creatures,” and contributes to the formation of relationships that ensure humane coexistence of humans and animals, including:

1. Formation of the relevant public consciousness, the development of persistent attitudes and stereotypes of behavior, the development of scientific concepts, social movements for the protection of animals;
2. Creation of a specific regulatory components, including morality, religion, customs, and law for the protection of animals;
3. An institutional component, both in the form of state and municipal institutions, as well as a large number of NGOs in the field of animal protection.

General obligations of State parties to the Convention set forth in Art. 2 of the Convention, according to which the Parties undertake to adopt measures for the implementation of its provisions in respect of: A. pets contained by private or official persons in the household, or any institution for trade, commercial breeding and housing, as well as in animal shelters. B. The same applies to the stray animals.

Parties may take more stronger measures to protect animals. It should be noted that the general obligations of the Parties to the Convention must be considered together with the specific obligations listed in separate articles of the Convention, the principles and objectives of the Convention, as well as the implementation mechanism of the Convention.

We should also point out on the specific obligations of States that they take in accordance with the provisions of the Convention. This is the commitment to the rights and obligations of persons having pets, such as: the regulation of the acquisition and maintenance of the animal, dog training, breeding and commercial pet trade, protection of well-being and

health of domestic animals — the order of the shows and other entertainment events for pets, holding surgical procedures and euthanasia.

However, the mechanism for the implementation of the Convention leaves its mark by a stipulation regarding the mandatory aspects of specific commitments:

A. The need for training of animals for any commercial purposes or for competition is carried out by persons with appropriate knowledge and skills;

B. the need to prevent:

— The transfer of animals to persons under the age of 16 without the consent of their parents or legal guardians;

— The awarding of pets as prizes, awards or prizes;

— Unplanned breeding of domestic animals;

C. potential negative consequences for the health and normal life of wild animals, if they were acquired or kept as pets;

D. risk of irresponsible acquisition of pet, leading to an increase in the number of abandoned animals [4].

It should be noted that the wording of the provisions of the Convention are not directly prescriptive, but merely describe the general mechanism of action. For example, the Convention provides the procedure for the establishment of shelters for animals [4] as one of the most important ways to protect the stray animals, but the detailing of this order lies with the national legislation of each Party to the Convention.

The Convention enshrines the principles of animal welfare (art. 3) — not causing unnecessary pain, suffering or injury and the prohibition to leave the animal. This provision directly affects the adoption of national legislation on animal welfare, which details the principle of animal welfare and provides a mechanism for the immediate implementation of its in a particular state. The same obligation should also include a determination that any person having a pet should give it a place of residence, care, taking into account the natural needs of the animal (Article 4), that is, immediately implement the principle of animal welfare [10, 8].

Of particular interest (in the context of the situation in Ukraine) Articles 12 and 13 provide for measures to protect stray animals. These standards provide the legal basis for a set of measures to reduce the number of stray animals and the conditions for ensuring the identification of these animals. These provisions of the Convention among the first to get their application, as in some European countries, the trend in the appearance of stray animals and their uncontrolled proliferation. That is why measures to regulate the number of homeless animals among the first to have details in the national law of the Member States of the Convention.

The key moment was the entry for Ukraine into the Council of Europe — after this event the revision of existing legislation was required, including legislation on the protection of animals. This was due to the establishment of a democratic course of Ukraine and the necessary changes in public policy to comply with the standards of the Council of Europe.

Ukraine was one of the last states that have adopted its own legislation on the protection of animals — the Law of Ukraine “On Protection of Cruelty to Animals” [11]. The law was the first step towards the establishment of a humane society in Ukraine and legislation. This is one of the first steps on the road to European integration, the main content of which should be not only the legal and institutional components, but also a change of mentality. The Law of Ukraine “On Protection of Cruelty to Animals” should be considered as a kind of intermediate transition from no acts regulating the treatment of animals to bring Ukrainian legislation to European standards. Adoption of the law reflected a qualitative shift, when the problem of protecting animals from cruelty, moved to the category of socially significant.

**Keywords:** conventions of Council of Europe, regional level of regulation, protection of pet animals, cruelty.

*Стаття присвячена розгляду регіонального механізму регламентації*

захисту домашніх тварин на прикладі Ради Європи. Описані основні конвенційні документи щодо захисту домашніх тварин. Досліджено участь України у діяльності Ради Європи по захисту тварин.

Стаття посвячена рассмотрению регионального механизма регламентации защиты домашних животных на примере Совета Европы. Описаны основные конвенционные документы относительно защиты домашних животных. Рассмотрено участие Украины в деятельности Совета Европы по защите животных.

The article dedicated to the regional regulatory mechanism of the protection of pet animals on the example of Council of Europe. The main Conventional instruments for the protection of pet animals highlighted. The participation of Ukraine in the activity of Council of Europe in the field of protection of pet animals researched.

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