

# A Comparison of international, Arab and local laws regulating animal abuse

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## INTRODUCTION

The current study clarifies some of the laws and legal foundations for dealing with, raising methods, and approved procedures for raising and caring for animals to protect them.

Bestiality is occurs between a human and an animal, whether alive or dead, which leads to serious harm or serious wounds accompanying the act of intercourse. It is considered violence or cruelty to the soul, which is valued by the Generous Creator, It may happen by bringing an animal and using its male for a human female, indicating sadism in dealing or sexual perversion, without the animal's will.

But the question is, "how is animal intercourse recognized?" Sexual assault is an act devoid of the sound human nature and contrary to everything that is logical and Common sense. A human has had intercourse with an animal means that he has been stripped of both moral and human values. The nature and instinct of man, which loves goodness, tolerance, and working to develop the country and its people, does not accept that he should reach that stage of inhumanity and the highest values in a sound Islamic society.

Sexual assault is considered by the Iraqi legislator as a punishable crime. The Iraqi Penal Code No. (111) of 1969 and its amendments has devoted a chapter to this crime, which is its chapters and sections, within Chapter Eleven, regarding the importance of the crime in society and dealing with its repercussions and limiting them within the deterrent philosophy of the Iraqi legislator.

Sexual abuse of animals has similar characteristics and distinctions as child abuse, A correlation has been found with childhood sexual abuse in some of the cases of animal sexual abuse .

Bestiality is the act of a human being - male or female - having intercourse with an animal, whether that animal is alive or dead. It is an unlawful behavior committed by abnormal or ignorant people. It has no connection to religion or morals, and is inconsistent with reason and common sense.

## - General finding

The injuries from Bestiality appear, look like child abuse and human forensic pathology, There may be evidence of acute or chronic abuse, these injuries may be related directly or indirectly to sexual assault or result from a history of repetitive abuse and the animal may have been stunned or physically

beaten to gain control over it , There are certain physical findings that should raise the index of suspicion sexual abuse, these findings may be related to acute or chronic abuse. It is important in every situation to rule out other causes and take appropriate samples for testing, sexual assault victims often go undetected by the veterinary community, that injuries may involve the anus, perineal area, rectum, colon, vulva, vagina, uterus, scrotum, or penis.

## - Laboratory tests

a- morphology staining: analyze the morphology of Sperm using basic histopathology stains (hematoxylin and eosin (H&E), giemsa(G) eosin-nigrosine (EN) and Papanicolaou (PAP) stains).

b- The immunobead test for sperm: the most accurate assay in identifying antisperm antibodies.

## -Penalties of Bestiality

Countries differ in organizing the protection and care of animals according to their cultural backgrounds, inherited customs, and religious and moral constants of those peoples. We may find people who codify that protection and care within their laws in a manner consistent with the rules of heavenly laws, and decide to care for them in a simple and concise manner (such as third world countries and Arab countries). Other countries regulate the protection of animals in detail (such as European countries), and some of them determine their personal and civil rights and consider them to have a personality independent of their owner. It may even reach the point of inheriting these animals as descendants inherit from their ancestors (such as the United States of America).

Therefore the Iraqi legislator addressed, within Chapter Eleven of the Iraqi Penal Code No. (111) of 1969, as amended, under the heading of crimes of killing and harming animals, and in the articles ( Article 482,483 ,484,485 and 486).

According to Article 482, the Iraqi legislator took care and consideration into consideration all types of animals in this chapter and imposed on whoever committed a crime against them the penalty of imprisonment and a fine together, meaning that the convict shall be placed in one of the designated penal facilities, for a period of no less than 24 hours and no more than a year. And because the legislator did not mention severe imprisonment in this article, Rather, he meant simple

imprisonment and a fine decided by the judge according to the circumstances and conditions of the case, which led to killing or causing serious injury. That is, to apply this text, it is required that the animal be owned by another and that the perpetrator caused the animal to be killed or to cause serious harm to it. He did not differentiate between animals, as he mentioned the word "dabbah" from the animals that include all animals within its meanings.

In Article 483, the legislator wanted to impose a penalty of imprisonment not exceeding one year or a fine not exceeding one hundred dinars on anyone who kills a domesticated or tamed animal owned by another or causes it serious harm. Without there being a reason to kill the animal or cause that injury.

But in Article 484, the legislator has set a lighter penalty than the previous crime when the damage is not serious and is owned by another. The legislator here did not differentiate between the animal, whether domesticated or not

The legislator has approved (Article 486), that whoever commits the crime of killing or wounding an animal owned by another unintentionally shall be punished with a penalty not exceeding three months or a fine not exceeding ten dinars under Article 485, and in Article 486 whoever beats, tortures, mutilates, or mistreats an animal in any way or uses an animal in a cruel manner to kill it.

#### **-The Judiciary's opinion On Bestiality**

After the incident of the attack on the dog (Anastasia) sparked social media users, it was clarified that "three people attacked her, which caused her to suffer a complete rupture of the uterus and severe bleeding.", The published article included the question, "How does Egyptian law address cases of animal abuse?" The writer answers by saying, "Egyptian law has specified a number of articles that address the crime of animal abuse, but they were brief and do not address all cases. He pointed out that the provisions of Egyptian law are (355, 356 and 357) of the Egyptian Penal Code."

It is clear from the above that killing an animal, or even attempting to kill it without a justifiable reason, is considered a crime punishable by Egyptian law, because the reason for killing was not that the animal was rabid or incurably ill, but rather that it was done purely out of revenge.

We see that the Egyptian legislator did well when he linked attempted murder (attempted murder) to a specific punishment, an idea that was absent from the imagination of the Iraqi legislator and he had to address it.

On the other hand, the Federal Supreme Court in the United States of America ruled. The Court of Appeal upholds the judgment against the death sentence of the dog (Thor), as follows:

" The Federal Supreme Court in Washington, D.C., upheld an appeals court ruling that a dog named Thor could not be killed because its owner violated a local dangerous dog law. The decision in *State v. Richards*, filed by the Animal Legal Defense Fund (ALDF) in 2024, was a mistrial. Disagreeing with the lower court's ruling, focusing on the ruling's attempt to evade the legal guarantees that must be followed, and the attempt to kill the dog (Thor), in a case in which no legal violation was committed, the Supreme Court went to determine whether the

criminal court had correctly presented Richards with a choice between spending a year in prison or handing over Thor to be killed. After Thor was described as a dangerous dog, following a fight with his neighbor's dog, which was supposed to be kept on a leash or in a fenced yard, Jennifer Richards (the dog's guardian) left him unattended. Although the conflict between the two dogs was not contained, the dog never left that area. This prompted a neighbor to contact law enforcement, who referred the case to the local district attorney. A trial court convicted Richards of recklessly caring for a dangerous dog, a misdemeanor. The dog's owner was sentenced to prison, but given the choice of either a year in prison or dog (Thor) for euthanasia. The Court finds that the lower court's ruling exceeded the due process guarantees stipulated in the Confiscation Law. Therefore, the Supreme Court did not uphold the lower court's ruling in its decision. Rather, the court made a decision that would not only protect the dog (Thor) from direct harm, but went further by considering him a person with his own interests and intrinsic value, separate from his guardian. The defendant's lawyer added, "We are grateful that Thor will be able to continue his life, that the Animal Legal Defense Foundation (ALDF) will be able to defend his interests, and that the court will agree with the legal interpretation we presented to it." The Washington Supreme Court's decision made clear that the concept of killing an innocent bison as punishment for Richards' failure to properly confine it deserves appreciation as more than just a "creative judicial requirement." Unlike the temporary danger to animal possession, the sentence requiring the killing of a particular animal is not logically connected to the crime. The Supreme Court added that "sentences must reasonably aim to compensate for the crime or prevent its occurrence. In this case, since Thor did not harm anyone," the ALDF asserted in its objection to the court, compensation is irrelevant. More importantly, "Because the dog (Thor) (or any other animal) does not reasonably prevent Richards (or any other owner) from violating local animal ownership laws in the future, the trial court's attempt to kill Bull was not a valid ruling," the court concluded."

In another case, the Ohio Supreme Court overturned a lower court ruling. "The state's animal cruelty law applies to all dogs and cats, not just those owned by humans. The ruling, in support of a motion filed by the Animal Defense Foundation, applied the law to an unowned kitten that had been subjected to severe cruelty at an apartment complex."

#### **-The position of regional and international laws on animal cruelty**

The Gulf Cooperation Council/General Secretariat , took the initiative. It came in relation to the scope of the research. (Article.2, 5, 6 and 10)

The executive regulations of the Unified Animal Welfare Law are consistent with the aforementioned law, as they set standards for animal welfare practices within Chapter Two of the regulations, and outlined cases of cruelty to animals ( Article 3) , that Included "1-Exposing animals to neglect, malnutrition, abandonment, or leaving them without providing them with sufficient and edible food and water, or not giving

them enough rest..... 9- Practicing any form of assault, including sexual assault on animals."

In Europe, European Convention For The Protection of Animals Kept For Farming Purposes, Chapter 1- General principles (art.1 ,2 ,3 ,4 ,5 ,6 ,7) how animals keeping ,food or liquid and condition and state of health of animals. And the law "CUNCIL DIRECTIVE 1999/22/EC of 29 March 1999, relating to the keeping of wild animals in zoos", that Sets standards and requirements for the conservation of wild animals in the zoo.( Article.3).

We see that the United States, in an article published Animal Legal Defense Foundation( ALDF), on January 30, 2025, in its nineteenth annual report at the end of 2024, which is the longest and most reliable, the aspect of animal protection laws in the states, we find that it is at the bottom of the list as the state with the worst organization of animal protection laws( North Dakota) , West Virginia is the only state that still does not prohibit animal abuse, The best state for animal protection is Oregon.

### CONCLUSION

The suspicion of bestiality is considered one of the forbidden things in the pure Islamic law, and before that it is contrary to what is accepted by reason and thought, as it is an assault on a being that the Iraqi legislator considered to be devoid of will, so he decided within the Iraqi Penal Code No. (111) of 1969, penalties ranging from one year to a fine and light imprisonment or a fine, if the harm to the animal is not significant or does not lead to death. Rather, we have noticed through research that there are regional or European countries that have enacted laws that protect his status and personality, and that provide him with a suitable place, opportunity, and good nutrition, and that guarantee him health care and euthanasia

### Recommendations:

-Livestock and animal breeders are required to provide adequate space, facilities, and health care, in addition to providing appropriate nutrition for the age and type of animal.

- Veterinary hospitals and clinics should monitor the health of livestock and animals, both domestic and non-domestic, given the recent emergence of common diseases that can be transmitted from animals to humans, causing serious illnesses.

- The Iraqi legislator should pay attention to those individual cases resulting from the use of violence against animals by humans, and legislate harsher penalties than those stipulated in Articles (482, 483, 484, 485, 486) of the Iraqi Penal Code No. (111) of 1969 as amended, or consider them aggravating circumstances for those who do so, as the Egyptian legislator did

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- 2) [https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.sciencedirect.com/topics/medicine-and-dentistry/sperm-](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.sciencedirect.com/topics/medicine-and-dentistry/sperm-antibody&ved=2ahUKEwjB3fT56dmMAxUBRPEDHRrgJAsQFnoECCEQBQ&usg=AOvVaw3wXSQoozApEMF934_ftXay)

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- 3) Article(482 ,483 ,484,485,486) of the Iraqi Penal Code No. (111) of 1969, as amended .
- 4) Egyptian Penal Code its amendments No. 58 ,1937, Article. 355 : "The following shall be punished by imprisonment with hard labor: First: Whoever intentionally, without justification, kills a riding, draught, or pack animal, or any type of livestock, or causes it great harm. Second: Whoever poisons any of the animals mentioned in the previous paragraph, or any fish found in a river, canal, pond, swamp, or basin. Both parties may be placed under police observation for a period of at least one year and at most two years.". and Article. 356 : "If the crimes stipulated in the previous article are committed at night, the penalty shall be hard labor or imprisonment for a period of three to seven years". and Article.357: "Whoever intentionally, without justification, kills or poisons a domesticated animal other than those mentioned in Article 355, or causes it great harm, shall be punished by imprisonment for a period not exceeding six months or a fine not exceeding two hundred pounds.".
- 5) Federal Supreme Court, The highest federal court in the United States of America, its decisions are binding on all federal and non-federal courts in the states and of all types.
- 6) The leading legal organization defending animal rights in the United States(ALDF).
- 7) It is a regional Arab political, economic, military, and security organization, founded in 1981, and includes six Gulf states (Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, Bahrain, and Oman). The headquarters of the union is in Riyadh, Saudi Arabia
- 8) The Animal Welfare Law of the Gulf Cooperation Council States and its Executive Regulations Issued under the unified number for the Council's publications 093-048/h/k/2014.
- 9) The executive regulations of the Unified Animal Welfare Law, Article 3.
- 10) EUROPEAN Treaty Series -no.87, The Treaty of Lisbon amending the treaty on European Union and the treaty establishing the European Community entered into force on 1 December 2009 .As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.
- 11) Council Directive98/58/EC of 20 July 1998, concerning the protection of animals kept for farming purposes.
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- 13) European convention for the Protection of Animals Kept for Farming Purposes ,European Union Agreement No. (87) signed in Strasbourg in October 1976, entered into force in December 2009 when the Council of the Union approved it as a law enforceable for all Council countries.

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- 15) Youm7 magazine, author mohamed abdel razak, Article published under the title "After raping a dog...Learn about the penalty for animals abuse under Egyptian law.", on the date 1/ Dec./2016.