



RECOMMENDATIONS Q2 (2021)

5 (OF 10) RECOMMENDATIONS
PRESENTED TO HON ANTON REFALO
(MINISTER FOR AGRICULTURE, FISHERIES,
FOOD SAFETY AND ANIMAL RIGHTS)

BY

THE OFFICE OF THE COMMISSIONER
FOR ANIMAL WELFARE

These are the second set of recommendations being presented in June 2021. The first 5 recommendations were presented in March 2021. A copy of all recommendations is also sent to The Prime Minister.

COMMISSIONER'S NOTE



It has now been seven months since my appointment as Commissioner for Animal Welfare. So far, I've experienced a busy and interesting journey, negotiating the effects of a global pandemic with the long-standing and pressing needs of animal welfare, whilst reaching out to the general public through educational and awareness-raising efforts.

In fulfillment of The Animal Welfare Act CAP 439 Art 44A(2e) during the first quarter of my tenure, I submitted five recommendations to the Minister for Agriculture, Fisheries, Food and Animal Rights, Hon. Anton Refalo as well as The Prime Minister.

The first five recommendations were the following :

1. Enabling the Director of The Animal Welfare and Veterinary Regulations Directorate to temporarily ban someone from keeping more animals after confiscation and until the court decides otherwise or confirms the decision.
2. Increasing the size of dog enclosures that are legally acceptable.
3. Amending the law to give the court a wider possibility to ban people found guilty of animal cruelty from owning other animals or living at the same location.
4. Making the isolation of dogs unacceptable by law (keeping of dogs in garages, yards, roofs without human companionship)
5. Stopping the petting of cubs in zoos

Full details of these recommendations can be found [here](#)

These were put forward in March 2021 and have been discussed in-depth with The Ministry. All the recommendations have been reviewed and some of them are in the process of being implemented.

In this report, I am hereby submitting another five recommendations numbered 6 to 10 hereon.

A handwritten signature in blue ink, which appears to read 'Alison Bezzina'. The signature is fluid and cursive, written on a white background.

Alison Bezzina
Commissioner for Animal Welfare



RECOMMENDATION 6

Animal Trainers, Groomers and Pet Sitters – Regulations and Licensing

RECOMMENDATION 7

Humane treatment of unowned farmed birds, pigeons and wild birds

RECOMMENDATION 8

Human Resources for The Animal Welfare Directorate

RECOMMENDATION 9

Expressly outlaw Bestiality

RECOMMENDATION 10

Right to enter private property to save an animal



RECOMMENDATION 6

Regulations & Licensing for Animal Trainers, Groomers & Pet Sitters

Current Situation:

To date there is nothing that regulates animal trainers, groomers and pet sitters.

All are 'trusted' with the welfare of animals, but because of this lack of regulation there are many who call themselves trainers and groomers without the adequate background, education, or experience.

Strictly speaking, these professions are so unregulated that a person with a proven history of animal cruelty could very well operate as a trainer, groomer or pet sitter without detection.

Whilst many certifications are available for people in these fields, none of them are vetted or standardized. Above all, none are required by law in order to provide these services.

The Problem:

Without such regulations and licensing, animals and humans cannot be kept safe.

Unqualified and inexperienced trainers, groomers as well as pet sitters can easily expose animals to injurious or damaging treatment.

Many questionable training methods are advertised on Facebook, giving rise to concerns that animals (particularly dogs) are being trained to be aggressive or even to perform in illegal dog fights.



RECOMMENDATION 6... CONTINUED

Regulations & Licensing for Animal Trainers, Groomers & Pet Sitters

Bite work training for dogs is one such example. Bite work means teaching a dog to bite on command and is only useful for police dogs. In the wrong hands, it can result in aggressive impulsive dogs that can cause some real damage to both humans and other animals. Sadly, when this happens, dogs are then put to sleep, paying the ultimate price for human's irresponsible behaviour.

The same applies for animal groomers. Whilst there are many dedicated, passionate and skilled groomers on the island, it has long been suspected that some groomers use sedatives and questionable restraints whilst grooming.

Pet Sitters have long been a bone of contention – whilst pet boarders are regularised, pet sitters are not even defined in the law, which gives rise to lots of abuse and concerns.

Commissioner's Recommendation:

It is my recommendation that all these professions are tightly regulated, requiring minimum certification and experience / practice hours and minimum standards for licensing. Regulation should be ongoing – requiring renewal every year.

In addition, the venue where the activities are held should also be regulated and licensed as any other Para-Veterinary Professions like pet shops and veterinary clinics. A minimum requirement should include the installation of CCTV cameras with recording functionality wherever animals are being kept.



RECOMMENDATION 7

Humane treatment & euthanasia for unowned farmed birds, pigeons and wild birds

Current Situation:

At the moment, injured pigeons and other unowned farmed birds like geese, ducks, and even sparrows (Tal-Bejt) fall under what is essentially no man's land. When members of the public come across one of these species in distress, sick or injured, there is absolutely no one to turn to in order to save or even help end the animal's suffering.

People often call Animal Welfare on 1717 for help, only to be told that these animals do not fall under its remit. Sometimes the public contacts Birdlife, but these species do not fall under the NGOs remit either and are essentially left to die a slow and painful death or fall prey to other animals such as stray cats.

The Problem:

It is very upsetting for members of the public to have to walk away leaving an animal in distress. In addition, letting an animal suffer is definitely not the educational message that The Animal Welfare Directorate should be disseminating, regardless of the species in question.

According to the Animal Welfare Act CAP 439 ART3 (2) "The State recognises that animals are sentient beings and that it has the duty to promote the welfare of animals, and that the welfare of animals is to be protected through the intervention of the State through its legislative, judicial and administrative organs."

The AW Act does not (and should not) discriminate between different animals and species. Therefore, if all animals including the ones mentioned above are legally recognised as sentient, they should at the very least, benefit from CAP439 ART8 (2) which states that "Animals shall not be caused any unnecessary pain, suffering or distress..."



RECOMMENDATION 7...CONTINUED

Humane treatment & euthanasia for unowned farmed birds, pigeons and wild birds

Commissioner's Recommendation :

It is my recommendation that Animal Welfare Directorate and The Veterinary Regulations Directorate work together with the relevant NGOs to find a solution to this problem.

The starting point should be that of at least providing an emergency collection service, and where no other option is available, humane euthanasia.

I have taken the liberty to discuss the issue with Birdlife and they (like other NGOs) would be willing to assist the Government in any way possible, perhaps providing training in the handling of such species.



RECOMMENDATION 8

Human Resources for The Animal Welfare Directorate

Current Situation:

Back in 2019 my predecessor Commissioner Denis Montebello wrote a very negative report on the state of Ghammieri's rehoming/holding center and the general service provided.

Since then, an upgrade in the dog pen's area as well other improvements in the service itself were affected however, Ghammieri's rehoming center and AW's service, are still not up to standard. Whilst various much-needed upgrades are already in the pipeline including the upgrade of the 1717 emergency service, the creation of an outdoor area for the dogs, a new cattery, and an upgrade of the cat clinic, **the biggest issue remains the lack of proper human resources.**

The Problem:

Whilst a small number of animal welfare officers are doing their best to provide a good service and avoid animal suffering, there is not enough of them to cope with the high demand for the service, and with the quality standard that is expected of the directorate.

It is hypocritical and counterproductive if the enforcer and regulator of animal welfare is not in a position to provide the highest quality service, let alone, as is the case sometimes, not even a basic one.



RECOMMENDATION 8

Human Resources for The Animal Welfare Directorate

Commissioner's Recommendation

It is my recommendation that a call for 8 posts (to cover 24-hour shifts) of animal welfare officers is issued whereby candidates would only qualify for a 'fixed position' after following and successfully qualifying from a two-year internal course provided by the directorate itself. The call should be an external one because internal calls limit the quantity and quality of applicants

Since the responsibilities of Animal Welfare Officers can mostly be met by having the right attitude and the right animal-care philosophy, academic entry requirements should be kept to a minimum in order to encourage applicants.

Eligibility requirements should include :

- The ability to communicate in Maltese and English, both written and verbal
- Computer literate (ECDL or equivalent)
- A clean police conduct
- A valid driving license
- Candidates would also need to sit for a psychometric test

This will drastically improve the quality of service, regain public trust, and above all, significantly reduce animal suffering.

It is my recommendation that this is done as soon as possible because no amount of structural improvements will counteract the lack of proper human resources. In addition the situation has been as such for far too long, to justify any further delays.



RECOMMENDATION 9

Expressly Outlaw Bestiality

Current Situation:

Malta is one of the very few countries in the world which does not expressly ban sex with animals. Under today's law, a person in Malta cannot be charged for the act of having sex with an animal. When this deplorable act happens, the prosecution is restricted to work with the insufficient safeguards of the Animal Welfare Act CAP439 and the Criminal Code CAP 9 ART 209 (Offending Public Morals).

The Problem:

CAP 439 and CAP 9, do not provide adequate safeguards against bestiality and do not make the actual act illegal. But since an animal can never give consent to having sexual relations with a human, any kind of sexual activity is essentially rape and/or molestation.

Apart from being harmful to animals, this current lacuna in Malta's laws also attracts the wrong type of tourist, has the potential of spreading disease, and sends the wrong message that Malta does not take Animal Welfare seriously.

As Magistrate Joe Mifsud stated during the sentencing of Roberto Omo in September 2020 – “while the court understood why the prosecution charged the man with offending public morals, there are no laws regulating bestiality in Malta. The court added that in the UK there is a specific law which provides for such offences and where a person if guilty can be imprisoned for twelve months.”

Commissioner's Recommendation:

My recommendation is to specifically outlaw any kind of sexual activity and/or lewd acts with animals, whether dead or alive and to make this punishable from the first conviction with a hefty fine and an effective prison term. In addition, as suggested in a thesis submitted by Dr. Etienne Savona in 2017 “....persons accused under the anti-bestiality law should be registered as sex offenders. (This) recommendation is based on a number of studies that suggest that bestiality is prevalent among sex offenders, including child sex offenders. (Animal Sex Abuse Information and Resources' <http://www.mjennyedwards.com/quickfacts.html>). This should not be considered as a punitive measure but as a measure undertaken for the safeguarding of society.



RECOMMENDATION 10

Right to enter a private property to save a stray animal

Current Situation:

At present there is no specific law that clearly allows for police officers or AW officers to enter property (without a warrant or without giving the owner 24 hours' notice) with the purpose of saving stray animals trapped in said property.

The Problem:

This means that when stray animals (most often cats) are somehow trapped in a property whose owner cannot be traced, the police are not empowered to enter that property to save said cat/animal and have no choice but to leave it to die a slow and painful death, usually as a result of injury, starvation, and dehydration.

This is categorically against the Animal Welfare Act CAP439 which clearly states that "...animals shall not be caused any unnecessary pain, suffering or distress..."

Whilst the Criminal Code 355E provides for various scenarios in which the Police do not require a warrant from a Magistrate or permission from the property's owner, to enter any premises, house, building, or enclosure, these scenarios do not include the urgent need to save a stray animal's life.

In addition, an injured animal that is likely to die and start to decompose soon becomes a Public Health issue. In this case, The Public Health Act CAP 465 ART6(2b), authorises officers to enter into a property for public health-related reasons and may forego giving a warning if "such notice would defeat the objective of the intended exercise."

Commissioner's Recommendation:

It is my recommendation that the Animal Welfare Act is amended to give the Director of the Animal Welfare Directorate the authority to declare a situation urgent, thus giving police the authorisation to enter premises to save an animal even when the owner of said property cannot be traced.





FINAL NOTE

In addition to these recommendations (now 10 in total), The Commissioner's Office has responded to numerous reports from the public, liaised with Animal Welfare to solve them, helped various local councils manage their stray cat population better, produced 16 audio-visual clips as part of an educational campaign that deals with different animal-related subjects such as responsible dog and cat ownership, the benefits of adopting vs buying, defining Animal Welfare, and the five freedoms of animals. These clips are airing on various online and traditional media platforms, in an effort to educate the public and reduce the cases of abuse in a natural and organic way.

We have also delivered thousands of educational books to primary schools all over the islands, attended numerous media interviews, opened an official Facebook Page, a YouTube Channel, upgraded the Commissioner's Website, liaised with various NGOs, the Animal Welfare Council, and The Veterinary Surgeons Council, on numerous occasions, signed an MOU with Agenzija Komunita' Malta to upgrade Animal Welfare's Cat Clinic, held discussions with various politicians, and reached an MOU agreement with Ponte Ferries, in order to offer a pet-friendly experience on their vessels.

A very significant event that affected The Office of The Commissioner for Animal Welfare and the animal welfare situation in Malta during this quarter, was the recruitment of a new Director for the Animal Welfare Directorate. Whilst a lot of work was done prior to this event, it is still a slow process and a lot remains to be done. The recruitment of Mrs. Patricia Azzopardi augurs well for more rapid and positive inroads and improvements in this sector.



Alison Bezzina
Commissioner for Animal Welfare

