



RECOMMENDATIONS SET 1 (2024)

3 (OF 21) RECOMMENDATIONS PRESENTED
TO HON ANTON REFALO AND HON ALICIA
BUGEJA SAID.

(MINISTRY FOR AGRICULTURE, FISHERIES, FOOD
SAFETY AND ANIMAL RIGHTS)

BY

THE COMMISSIONER FOR ANIMAL WELFARE
ALISON BEZZINA

This is the fifth set of recommendations being presented by Commissioner Alison Bezzina, following another 4 sets (18 recommendations) that were presented since 2020.

RECOMMENDATION 19

Recommendation to Curb the Illegal Practice of Cropping Dogs' Ears

RECOMMENDATION 20

Recommendation for Evening Dog Walking Slots at Animal Welfare

RECOMMENDATION 21

Recommendation to Increase Pet-Friendly Rentals





19. Recommendation to Curb the Illegal Practice of Cropping Dogs' Ears

This recommendation has already been presented in a reply email dated 11th June 2022. It is hereby being reiterated as an official recommendation.

Current situation

Cropping of dogs ears and docking of dogs' tails for cosmetic purposes is considered cruel, and unnecessary **and has been illegal as per AW ACT CAP 439 (Art 9 and 10) since 2014.**

The problem

Without effective enforcement, unethical individuals persist in the cruel and needless practices of ear cropping and tail docking, perpetuating suffering among numerous dogs. When perpetrators are caught the challenge also lies in proving in court who is responsible for the cropped ears. Unless the owner confesses to having commissioned or performed the procedure, the prosecution often finds it very difficult to establish culpability. Over the years this has resulted in a lack of repercussions for violating this law which implied acceptance of such acts, undermining animal welfare principles and responsible pet ownership.

Commissioner's recommendation

CAW's recommendation is to curb this practice by taking the following steps :

1. Provide an amnesty period of three weeks for the registration of dogs that have had their ears cropped

During the amnesty period, owners must register their dogs with cropped ears through a physical process. Inspectors physically scan the dog's microchip, capture photographs, and record information of any cosmetic surgeries. The amnesty period is crucial as it encourages compliance by allowing owners to register dogs with cropped ears without immediate legal consequences. It facilitates accurate identification and documentation of affected dogs, establishes a clean slate for owners, sends a clear message about illegal practices, and prepares for future enforcement of stricter legislation.

2. Impose a nominal registration fee

A nominal registration fee of €20 to €30 should apply in order to reinforce the message that the law has been broken and to strike a balance between discouraging non-compliance and recognising the amnesty's purpose.

3. Do not affect ongoing court proceedings

It is recommended that the temporary amnesty would not apply to individuals who already have open and ongoing court proceedings against them related to cropping dogs' ears. This exclusion ensures that individuals facing legal action are not granted leniency under the amnesty.



4. Not eligible for competitions or sale

Dogs with cropped ears, whether through importation or regularised through the amnesty, would remain ineligible for participation in competitions and remain ineligible to be sold or bought (as the law dictates to date.) This restriction reinforces the message that cosmetic alterations for competitions are contrary to the principles of animal welfare.

5. Reverse the burden of proof (change in legislation)

Following the amnesty period, when an unregistered dog with cropped ears is discovered by AWD, the burden of proof should shift to the owner of the dog, requiring them to provide evidence that the cropping of their dog's ears was performed in accordance with the law.

This "reverse onus" approach aligns with similar legal principles applied in cases of suspected money laundering. Normally, in legal proceedings, the prosecution bears the responsibility of proving the charges against the defendant beyond a reasonable doubt. However, in money laundering cases, the standard of proof is lower. The prosecution only needs to establish a prima facie case, meaning they need to provide initial evidence suggesting the likelihood of money laundering. At this point, the burden shifts to the defendant, who must then prove that the funds in question were obtained through legitimate means.

6. Stop importations of dogs with cropped ears

The existing loophole that allows the importation of dogs with cropped ears should also be closed. To achieve this, stringent regulations and inspections at ports of entry must be established to prevent the inflow of dogs subjected to this cruel practice.

7. Immediate registration of adopted dogs

Going forward, immediate registration of any dog with cropped ears that enters a shelter and/or is adopted should be made mandatory. This ensures proper tracking, monitoring, and compliance with the law, leaving no room for ambiguity regarding the dog's origin or the legality of the procedure.

These recommendations, if implemented, will facilitate the effective enforcement of the law against cropping dogs¹. Failure to take action sends the message that the law is merely on paper and that we prioritise appeasing individuals over protecting dogs, which is our primary role.



20. Recommendation for Evening Dog Walking Slots at Animal Welfare

Current Situation

The Animal Welfare Directorate currently faces a scheduling challenge with dog walking slots, as the only available slot is in the morning, starting at 6 am. Although employees remain present until later, they have other duties other than walking or tending to the dogs.

The Problem

The current arrangement presents several issues, particularly during summer. The time allotted is not enough to walk the large number of dogs in AWD's care in some cases leaving some dogs with no exercise or with just a few minutes of exercise daily. For big strong dogs this is not enough and only contributes to their frustration. In addition, in summer walking dogs after 9 am becomes unbearable due to rising temperatures, putting both the dogs and volunteers at risk. Finally, leaving the dogs alone from 3 pm until 6am the next morning results in 15 hours of isolation, which is detrimental to their well-being and makes meeting basic needs impossible.

Commissioner's Recommendation

Introduce a slot for evening dog walking at Animal Welfare. This would effectively address the challenges associated with the current scheduling constraints as follows:

1. Makes sure all dogs get adequate exercise, contributing to their socialisation and improved adoptability.
2. Protects dogs and volunteers from the unbearable summer heat.
3. Significantly minimises the risk of accidents, as most employees would have gone home, and the Animal Welfare facility would be practically empty.
4. Evening slots would ensure the safety of female dogs during recovery from spaying procedures since they would be monitored and not left alone for so long post-surgery. The same applies to facilitate effective monitoring and administering medications and care after complex surgeries, reducing the risks associated with leaving dogs alone for extended periods.

This recommendation not only improves the well-being of the dogs making them more adoptable but also enhances the safety and satisfaction of AWD volunteers.



21. Recommendation to Increase Pet-Friendly Rentals

Current Situation

The escalating influx of abandoned animals has placed significant strain on animal shelters, consistently pushing them to operate at maximum capacity. Regrettably, prospective adopters frequently encounter barriers due to landlords' prohibitions against animals in rental properties.

The Problem

This predicament not only exerts immense pressure on animal sanctuaries but also impedes the adoption process, thereby impacting various facets of animal welfare, including enforcement and confiscations. It also exacerbates abandonment rates when owners are forced to move from a pet-friendly rental to one which is not pet-friendly.

Commissioner's Recommendation

Considering these challenges, CAW proposes the implementation of a tax incentive scheme aimed at encouraging landlords to embrace pet-friendly policies within their rental premises. Under this proposal, landlords who permit adopted pets on their properties would be eligible for tax rebate on their rental income.



Commissioner's Final Note

Since taking office in 2020, I have submitted a total of 21 recommendations, including these three, all aimed at enhancing animal welfare across Malta and Gozo, in line with The Animal Welfare Act CAP 439 Art 44A(2e). As Commissioner, it's important to clarify that my role does not grant the authority to implement these recommendations directly but rather to advocate for them to the Ministry and authorities concerned. These recommendations are driven by a singular goal: to improve the lives of animals, encourage responsible ownership, and strike a balance that respects human freedoms.

I understand the complexities involved in addressing these issues, particularly the reluctance to enact potentially restrictive legislation. However, as Commissioner and a passionate advocate for animals, my unwavering commitment is to champion their welfare while also safeguarding essential freedoms.

While the process of change can be frustratingly slow, I am steadfast in my dedication. I aim to foster a compassionate society where the rights and welfare of both humans and animals are equally prioritised and protected. Your voice matters in this journey towards better animal welfare. If you believe in these recommendations, I encourage you to make your voice heard. Together, we can make a meaningful difference for our animal companions.

Alison Bezzina (M.A. Lond)
Commissioner for Animal Welfare