



PATRAC

Chronicle on the Spanish government's Plan of Action for Responsible Ownership of Companion Animals, presented by the Minister for Agriculture and Fisheries, Food and Environment in Madrid, April 12, 2018

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On April 12, 2018, the Spanish government's Plan of Action for Responsible Ownership of Companion Animals (PATRAC)¹ was presented in Madrid as part of the official campaign launched by the Ministry for Agriculture and Fisheries, Alimentation and Environment². Responsible ownership of the more than 100 millions cat and dog companion animals³ has been recently the focus of European Union institutions and non-governmental organizations, conducing to its gradual implementation by EU Member States, although there is still no legislation on the welfare of pets at the EU level⁴. Nonetheless, promoting responsible ownership of companion animals seems to have become an international phenomenon, that bears witness of the growing conscience of forming a global human-animal society⁵.

¹ Plan de Actuaciones para la Tenencia Responsable de Animales de Compañía.

² « Isabel García Tejerina subraya la necesidad de sumar conciencias y compromisos a favor del cuidado y respeto de los animales de compañía », 12/04/2018, Últimas Noticias, MAPAMA, <http://www.mapama.gob.es/es/prensa/ultimas-noticias/-isabel-garc%C3%ADa-tejerina-subraya-la-necesidad-de-sumar-conciencias-y-compromisos-a-favor-del-cuidado-y-respeto-de-los-animales-de-compa%C3%B1%C3%ADa/tcm:30-446687>

« Presentación Plan de actuaciones para la tenencia responsable de animales de compañía », 12/04/2018, video on EresResponsable campaign's website, accesible at: <http://eresresponsable.es/presentacion-plan-de-actuaciones-para-la-tenencia-responsable-de-animales-de-compania/>

³ According to The European Pet Food Industry (FEDIAF) Facts and Figures of 2016, accesible at: <http://www.fediaf.org/who-we-are/facts-and-figures.html>

⁴ In 2010, the EU Council adopted conclusions on the welfare of cats and dogs, notably calling on the Commission to prepare for policy options for harmonization of the internal market regarding pets breeding and trade and to develop, in coordination with Member States, appropriate actions to promote and support education concerning responsible cat and dog ownership.

Council Conclusions on the welfare of dogs and cats, 3050th Agriculture and Fisheries Council meeting, Brussels, 29 November 2010, Council of the European Union, accesible at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/118076.pdf

⁵ Indeed, the concept of responsible pet ownership does not limit itself to the EU, but succeeds overseas to be promoted by cities such as Melbourne, Australia.

City of Melbourne website, City guidelines and Information for Residents on Responsible Pet Ownership, accesible at: <http://www.melbourne.vic.gov.au/residents/pets/Pages/responsible-pet-ownership.aspx>



A PAW IN A HAND, LOGO OF THE SPANISH GOVERNMENTAL CAMPAIGN FOR RESPONSIBLE PET OWNERSHIP, LAUNCHED APRIL 12, 2018 IN MADRID.

As recommended by the CALLISTO⁶ Research Project in 2014 within the context of looking forward reducing the risks of transmission of zoonoses from companion animals to Man or production animals, Responsible Pet Ownership (RPO) can be defined as « a duty of care based on the principle that animals are sentient beings having intrinsic value, are dependent on humans for their health and welfare and are part of the ecosystem. RPO aims to maintain a good level of animal health and welfare, to maximize physical and psychological benefits to humans and to minimize the potential risk that pets may pose to the public, other animals, or the environment. This duty starts with responsible acquisition and continues with providing appropriate care and protection for pets and their offspring. »⁷ This definition inspired the development of education, information and training activities in Europe for children and adults, individuals or professionals⁸.

The government's strategy was officially presented by Isabel Garcia Tejerina, Minister of Agriculture and Fisheries, Alimentation and Environment, at the Palacio de Fomento, assisted by Fernando Grande-Marlaska, spokesperson for the General Council of the Judicial Power; and by Carlos Rodriguez, veterinarian and director of the « Como el perro y el gato » Ondacero program⁹. At the entrance of the conference room, guidelines and responsible ownership notices were disclosed already on television screens, and responsible ownership promotion posters had been placed on the way to the venue. Slogans such as « abandonment is not an option, this is a criminal offense », or « think twice before adopting a pet » could be read.

⁶ Companion Animals multisectorial Interprofessional Interdisciplinary Strategic Think tank On zoonoses, project's website accessible at: <http://www.callistoproject.eu/joomla/index.php>

⁷ CALLISTO Research Project, Second Strategy Report - 2nd Cycle, 2013, p6, accesible at: http://www.callistoproject.eu/joomla/attachments/callisto_strategy_report%20II_cycle.pdf#page=27

On May 5-6, 2011 already, the First International Conference on Animal Welfare in the Baltic region entitled "Responsible ownership and best practices" was held in the Lithuanian Parliament, calling on the European Union for signature and ratification of the European Convention for the Protection of Pet Animals, and inviting Member States to take immediate steps to appropriately ensure that the notion of animal protection and welfare as well as responsible ownership for sentient beings are further promoted via education, especially that of children, of veterinarians and juridical staff and information campaigns. <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010021%202011%20INIT>

⁸ Such as, among others, the CAROcat and CAROdog websites launched by Four Paws. CARO stands for Companion Animal Responsible Ownership and the project aims at fostering a culture of responsible ownership, by providing tools to actual and prospective pet owners. CAROcat, accessible at: <http://carocat.eu/about-us/> and CAROdog, accesible at: <http://www.carodog.eu/about-us-2/>

Or as Responsible Dog Ownership Education Programs offered by World Animal Protection and adopted by Romanian schools in 2016, accessible at: <https://www.worldanimalprotection.org/news/our-responsible-dog-ownership-education-programme-be-adopted-romanian-schools>

⁹ ONDACERO Radio, Como el perro y el gato, <http://www.ondacero.es/programas/como-el-perro-y-el-gato/>



All supports were used to stress how important the responsibility for humans that take the engagement of adopting a companion animal is. By doing so, the government showed its determination to render this concept easily comprehensible and practicable from day to day for prospective pet owners.

Many pets and their owners were present to attend the Minister's declaration, as well as animal protection organizations and working groups members who made it possible to release the Guide for Responsible Pet Ownership destined to the Spanish public¹⁰.

The message to the audience was simple: the campaign and Plan of Action for Responsible Ownership of Companion Animals in Spain have to be distributed, advocated, and supported to the maximum extent possible by all entities involved in animal protection. Before going into the details of the plan, it was warned that it is never an obligation to adopt a pet - but when we do, it becomes our duty to treat our companion well and provide him with good - and the best possible - living conditions; conditions that do not contradict the animal's natural needs and emotions. If we cannot provide a companion animal a good life, even though we would like to, adoption shall not be considered, because this is the pet that will suffer from a lack of resources and attention in the end.

Changing attitudes within society

A key reason to the launching of this operation destined to tutor present and future pet owners lies in the fact that, as pets form part of our families, our relations develop in the intimacy of the home; our relation with pets, although legally regulated, stays private most of the times. As is the case with other concerns over abuse or neglect, whether it be of children or women, the privacy of the home acts as a screen that prevents or reduces the knowledge and potential for cessation and reprehension of such acts.

After the Spanish legislation has been gradually reformed over the last years to transform societal attitudes toward animals, decreasing the number of cases of animal abuse and in particular of animal abandonment by increasing prosecutions and sanctions against perpetrators¹¹, the next objective of the Government is to prevent mistreatment rather than merely punishing it once the damage is done.

As exposed Carlos Rodriguez, law is not all powerful. New norms are not sufficient alone to improve the treatment of pets and ensure their well-being; this is because sometimes social norms are so well entrenched that we do not notice the harm that some habits can cause to companion animals. These norms that we keep on transmitting from generation to generation are the ones that education has to confront, for everyone to discern what animals need, and why what we might do at times is wrong although there is no bad intention behind inclinations.

This is the core approach of responsible ownership: knowing before doing. Thinking before acting. Getting informed to appreciate how to care. Toward spreading these guidelines, the veterinarian called all the professionals working with or in the interest of animals, all animal protection experts, and all those who care about animal members of our community to get in touch with each other in order to increase collaboration, which can only provide better results.

The 12th of April was a step towards Responsible Pet Ownership in Spain, and there was but one voice: to deliver the unanimous message of the prerequisite to foresee pet adoption, because it is not just any act. In

¹⁰ Guidelines for Responsible Pet Ownership, in Spanish, Minister for Agriculture and Fisheries, Food and Environment, Madrid, 2018, accessible on the campaign's website at: <http://eresresponsable.es/wp-content/uploads/2018/04/Gu%C3%ADa-Tenencia-Responsable.pdf>

¹¹ On July 1st, 2015, the Spanish Criminal Code reform entered into force, notably increasing the sanctions for mistreatment and abandonment of companion animals, and introducing the sexual abuse of animals as an offense. Ley Orgánica 1/2015, de 30 de marzo, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, accessible at: <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-3439-consolidado.pdf>

Under Spanish law, mistreating or abandoning domestic animals is now punishable by an 18-month prison sentence for first offenses and prison terms of six months for a second offense. As part of the penal code reforms, the Popular Party (PP) government in 2015 approved stronger penalties for violations of animal protection laws.

«Almost 500 people arrested in Spain for animal abuse in 2016: new report», El País, January 23, 2017, accessible at: https://elpais.com/elpais/2017/01/23/inenglish/1485175440_747686.html



the meantime, Fernando Grande-Marlaska recalled us of the urgency to abandon the legal consideration of animals as « things » in the Spanish Civil Code and to recognize them « at least as the sentient beings they are »¹², a work that is actually in progress to change the definition of animals in the legal system¹³.

Considering that the young generations are often the main targets of education campaigns, Fernando Grande-Marlaska reminded us that minors do not only have rights but also have duties, notably a duty to respect and protect the animals and the environment that surround them¹⁴. In the meantime, this is society as a whole that would benefit from guidance about animals' needs and feelings, and legal professionals in particular have to be well-trained to address the difficult challenge of ending animal abuse.

What is an animal? What are his needs? What is a sentient being? What constitutes mistreatment? are some of the basics all judges shall know nowadays to respond to animals' predicament when mistreated by their owners.

Five pillars of Responsible Pet Ownership

Minister Isabel Garcia Tejerina greeted the human and nonhuman animals presents in the audience before introducing the expected Action Plan she conceded aims at making issues of adoption and ownership of pet animals a visible theme in society. The Minister emphasized the positive influence companion animals' ownership has on human lives, whether through the unique affective link that unites animal and human persons and its benefits to human health, or through the crucial contributions service animals make to persons in need of their presence and to society in general.

There is still much work to be done in the fields of animal mistreatment and abandonment before the last pet is well-cared for by a well-informed, responsible owner. Still, the government is focusing on sensitizing the public on five key issues, after the European Convention for the Protection of Pet Animals has just been recently signed and ratified by Spain, toward the application of the minimum common guarantees provided by the instrument among the Autonomous Communities that will have to harmonize their legislations¹⁵.

These 5 central themes, revolving around the dissemination of scientific and legal knowledge about pets among the State and the Autonomous Communities in close collaboration with animal protection organizations,

¹² As recognized by a thriving body of national legislations, and inscribed in EU primary legislation under Article 13 of the Treaty on the Functioning of the European Union, that poses: « In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage. »

European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01, available at accessible at: http://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF

¹³ « Animals to stop being objects under Spanish Law », El País, December 14, 2017, accessible at: https://elpais.com/elpais/2017/12/13/inenglish/1513182135_552641.html

« Unanimity in the Congress of Deputies to urge for the reform of the Spanish Civil Code to recognize animals as sentient beings », February 2, 2017, by Juan Ignacio Codina Segovia, Journalist, accessible at: <http://derechoanimal.info/en/activities/2017/unanimity-congress-deputies-urge-reform-spanish-civil-code-recognize-animals>

Since 2009, with the help and subvention of MINECO, changing the legal status of animals has been the first objective of Dra. Gimenez-Candela, ICALP and Master in Animal Law and Society's Director at the Autonomous University of Barcelona and a group of researchers at ICALP.

GIMENEZ-CANDELA, T, La Descosificación de los Animales (I) in dA: Derecho Animal (Forum of Animal Law Studies) 8/2 (2017) 1-4. <https://doi.org/10.5565/rev/da.318>

GIMENEZ-CANDELA, T, La Descosificación de los Animales (II) in dA: Derecho Animal (Forum of Animal Law Studies) 8/3 (2017) 1-2. <https://doi.org/10.5565/rev/da.250>

GIMENEZ-CANDELA, T, Es alguien (no algo) in dA: Derecho Animal (Forum of Animal Law Studies) 9/1 (2018) 5-10. <https://doi.org/10.5565/rev/da.251>

GIMENEZ-CANDELA, T, Dignidad, Sentencia, Personalidad: relación jurídica humano-animal in dA: Derecho Animal (Forum of Animal Law Studies) 9/2 (2018) 5-28. <https://doi.org/10.5565/rev/da.346>

¹⁴ The new Spanish children protection bill modified the system of protection, by introducing a chapter III under Title I, « Duties of the minor » that recognize children's participation to society from a citizen perspective, calling for correlative duties, such as the duty to respect the environment and the animals and to participate in their conservation and preservation fixed in Article 9 quinquies, 2. d).

Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia, accessible at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2015-8470>

¹⁵ An entry into force on February 1st, 2018, most welcomed by the Spanish Animalist Party PACMA, 30 years after its adoption by the Council of Europe in Strasbourg, <https://pacma.es/espana-ratifica-el-convenio-europeo-de-proteccion-animal-con-30-anos-de-retraso/> Instrumento de ratificación del Convenio Europeo sobre protección de animales de compañía, hecho en Estrasburgo el 13 de noviembre de 1987, Publicado en: «BOE» núm. 245, de 11 de octubre de 2017, páginas 98971 a 98982 (12 págs.)



and presented in the Guide for the Responsible Ownership of Pet Animals that was distributed among the assistance, are:

1. *Piensalo.*

To think twice before adopting an animal is an inescapable process for all potential pet owners, that requires answering questions such as: Should I adopt a pet? Why do I want to adopt a pet? Can I commit for the next decades? Am I capable of caring for the animal I want to adopt? Are the other members of my family willing to care for the pet or acceptant of a pet's presence in the home? Do I have enough time and resources to care for an animal? Do I know how much it costs to take care of a pet? Do I know what will be my obligations when I adopt a pet? Am I clean enough to live with a pet?

In particular, the guide recalls that no pet shall ever be adopted to be awarded as a gift. Adoption is a personal act, that obliges the owner towards the pet he pledges to care for for the many years to come.

2. *Elige.*

Deciding what pet would be best to adopt according to one's situation requires a prospective pet owner to evaluate concrete characteristics, by asking questions both about the pet and himself. Shall I rather adopt a cat? A dog? A puppy? An adult? A senior? A small pet? A big one? A potentially dangerous animal? Do I have experience caring for animals? Am I old? Are we compatible?

These are not superficial questions, and they should be reasonably answered so as to avoid deciding to adopt an animal over esthetic considerations, as puppies for example face the risk of abandonment when they grow up as adults if adopted for the wrong reasons; or to adopt an animal without knowing their special needs or the permits they would require for certain breeds.

3. *Adquiere.*

Adoption raises interrogations such as where to adopt a pet, which is not a superficial one: indeed, there are obligations that have to be fulfilled by those who put the animals for adoption. Behind this apparently benign act, hide histories of illegality, abuse and traffic of animals. Feeling certain where to adopt a pet is essential to make sure that the pet was raised by authorized breeders, in good conditions, with accompanying documentation to be delivered. Adopting responsibly is a way to fight against the abusive traffic of pets.

4. *Conoce.*

Knowing what are the needs of the animal we are going to share the life of, and who is going to depend on us and on the quality of our care for the rest of his life, is indispensable before even thinking of adopting the animal, so that when our companion reaches home, we already know how to care for him, and are ready to provide him with the best living conditions.

Being aware of the natural needs of the pet we adopt, by first visiting a veterinarian is essential. The vet is the only professional to be trusted in the care of a pet, who will proceed to its identification and registration (that are mandatory within the European Union), as well as advise the owner on mandatory and adequate vaccination or treat health issues when they occur.

Informing oneself before welcoming an animal into our home can also save his life, because we are different: some aliments are lethal to pets, that must be known; while the need for activity and exercise can vary from one pet to another. On another hand, to live a good life, pets must be socialized and educated to avoid the development of behavioral troubles, and the techniques to do so must just as much be learnt.

5. *Educalo.*



Because we form a human-animal society in which pets will interact with other persons and animals throughout their lives, there are norms to be respected by human owners to supervise the behavior of their pet in society, or to follow when transporting a pet, that everyone shall be aware of; as well as social norms to be taught to domestic animals living in human communities.

Concluding words

The government's campaign has been designed to reach the overall objective of promoting a change in adoption and ownership attitudes within society, because still too often animals suffer abuse or neglect in the hands of their owners because of ignorance, absence of anticipation, and overall lack of a realistic commitment.

Hence, a website has been inaugurated to address the knowledge gaps in the ownership and care of companion animals¹⁶, accompanied by a hashtag named after it, #eresresponsable. All of the informations needed to consider animal adoption and guidance to make the good choice - both for the pet and for his potential owner - are easily accessed on the website. The work of the government will culminate in the next months to further the prevention of pets mistreatment through legislation as has been announced by the Minister.

The final step will lie in the expansion of the responsibility of the professions profiting from pet breeding, adoption and sale through an increased regulation thereof, thanks to the catalyzing action of the government that attracts professional organizations, administrations, and animal defense associations to participate in joint actions. The ultimate imperative to ensure companion animals' welfare is for States to address pets' illegal breeding and trade after being raised under poor living conditions that infringe their welfare and put human and animal health at risk.

Symbolically, the presentation closed with a human - nonhuman protocolar « hand-shaking », recalling the new campaign's logo: a hand and a paw, that go hand in hand to embody the human commitment of adopting a pet. All the dogs attending the conference with their responsible owners were welcomed on stage to take a picture immortalizing the moment.

Eventually, EU Member States shall keep in mind that companion animals do not consist only in cats and dogs, but that there are many other animals kept as pets in European households, such as rabbits, fish, birds, mice, and even larger animals such as horses and donkeys, whose needs are just as much - if not more - disregarded, and that totally escape the welfare legal requirements framework, although their breeding, adoption and trade should obey the same scrutiny.

¹⁶ Eres Responsable, website of the government's Responsible Pet Ownership campaign, accessible at: <http://eresresponsable.es/>