



REPORT & RECOMMENDATIONS **on the Workings of the Animal Welfare Directorate with** **specific reference to *Animal Care & Housing, Rescue &*** ***Inspection Operations and Enforcement & Prosecution***

Upon taking up the role of Commissioner of Animal Welfare on the 8th of October 2018, I had mentally set up a list of priorities that I envisaged I would have to tackle. These important issues were based on my viewpoint as an ordinary man-in-the-street, which till then I was, and I was comforted with the knowledge that the Animal Welfare Act had made ample provision for the structures necessary for the surveillance and enforcement of all aspects of animal welfare, its supervision and prosecution for infringements.

Buoyed with the appreciation that the necessary machinery for implementation of the law was in place with the creation of the Directorates of Animal Welfare (AWPSD) and of Veterinary Services (VRD) with the Council for Animal Welfare (CAW) monitoring and advising on all related matters, all of which bodies were fully operational, I set about taking stock of what facilities and staff I had at my disposal (and this occupied most of my time for more than 8 weeks) in order to ensure that I was well-equipped to carry out my functions in terms of Article 44a of the said Act.

Unfortunately, I found out that there was no secretarial or managerial staff yet appointed and in spite of my repeated requests no one has been yet appointed. However, with the unstinted help of the competent and dedicated officers assigned, who put and are still putting in their efforts in keeping the office running, apart from their promotional and other duties, I could now turn to concentrate on the major general issues that I considered to be deserving of urgent attention, including the *karozzini* horses issue and other general matters cropping up in the press from time to time.

However, (apart from an introductory but detailed meeting with the Council for Animal Welfare, who have taken responsibility for the drawing up a technical report on the *karozzini* issue, and several generic issues cropping up from time to time involving the ta Qali Petting Farm, duck sanctuaries, feral pigeons, cat cafes, dangerous animals and others) I have, since my appointment, been inundated

with complaints directed specifically at the Directorates, particularly against the Directorate of Animal Welfare itself¹ and concerning not only dilatory response to emergencies but also their lack of proper care of animals under their control and the upkeep of their rehoming and dog-housing facilities.

I embarked on a fact finding plan aiming to establish the causes for this general dissatisfaction with the service but by March, because of the regularity of the complaints, I had found it imperative to act with even more haste and wrote the following to Mr. Noel Montebello, the Director AWPSD, copied to the Hon. Minister and Hon. Parliamentary Secretary, among others:

Notwithstanding that I have explained to most of the complainants that I am to be approached by individuals only in cases when they have not been satisfied with prompt and efficient intervention by the AW Directorates, I am at the moment being inundated with so many allegations of serious breaches of the law that have not been investigated properly and promptly, and that no prosecutions commenced.

Obviously, I will not make any conclusions before I thoroughly discuss with you each and every case, but what is annoying me now is the fact that the Police have taken the dangerous step of ordering the attendance of the complainants to some Police Station for investigation because of the publicity being made, it seems.

Most of these complainants are either representatives of some NGO or others who have a very easy access to social media and have quite a number of followers. However, even though I have discouraged each and every one who contacted me that I do not approve the resorting to social media unless absolutely essential and that I will never be influenced by such measures (and that in fact the opposite is true), I am seeing that protests are escalating with your Directorate at the centre of it all.

I do suspect that limited funds and resources could be playing a part in this, but we need to establish either that all complaints are unfounded, in which case I will need to discover WHY they are being made, or devise a way how you can eradicate the basis of these complaints. Apart from the negative publicity being caused to the Administration, all the promotional efforts, which my office has embarked on in terms of the primary legal obligations of this office, are being negated.

Accordingly, I feel that the meeting we had planned for this week should be held urgently and each recent investigation analysed, with a list of any judicial action taken so far and the cause of any delays, if any, seriously examined; everything in terms of Art 44A(2)(f) of Chap 439.

I am available anytime and will even come to your office at Ghammieri if that is better for you, and I await an appointment at your convenience.²

¹ v. List of complaints annexed – Doc L

² Email of 4th March 2019 annexed - Doc A

Animal Care and Housing at Ghammieri

At the beginning of the year I took note of a media storm regarding the poor facilities at the Ghammieri Centre which is run by the AWPSD, which prompted me to make a thorough investigation of this issue culminating in an on-site inspection of the facility, which established the accuracy of the allegations circulating on social media.

I have kept regular contact with representatives of involved NGOs, with bloggers and with volunteers. They have been extremely cooperative and have consented to minimise their public protests and their alarming social media contributions to enable me to investigate calmly the perturbing allegations and then to prepare my objective report on my findings, which report would hopefully trigger the essential changes in case of any conclusive shortcomings.

Moreover, the updates and the reports on the situation at street level that have been received from most of these dedicated observers have been so useful in helping me to identify the malaise that seems to affect the Animal Welfare operation in Malta. On the other hand, Gozo operates under a different set-up and I have had no adverse reports at all.

My exchange of e-mails in January of this year with the Director, Mr. Noel Montebello, copied to the Hon. Minister³, had highlighted the following:

However, I could also conclude that, with regard to the dogs, exercise of the animals, if any, must surely be very limited considering the number of animals and the 3 dog handlers. The cat area on the other hand seems large enough to guarantee all necessary exercise required.

As I implied on site, my main concern still regards the archaic converted ovine pens and the makeshift corrugated iron roofing, which apart from not providing an adequate and hygienic environment, they do not convey the awareness of that normal degree of animal welfare required. I did also appreciate that little else can be done to improve the area and that any proper upgrade would necessarily involve the complete demolition of the present structures.

In fact, coupled with the shabby surroundings, the lack of any landscaping, the manure stench from the neighbouring cow pen, the uneven, unsurfaced track leading to the kennels and other details, the message given, far from any instruction in proper animal care, is exactly the opposite. This by itself stultifies all your efforts at promotion and education regarding proper care of animals and animal rights.

I have taken note also of the fact that the Ghammieri Centre is the only site made available to the Directorate and that you have a very limited work force and limited funds and I am sure that you have highlighted this state of affairs to the authorities.

However, I will need to emphasise the present situation myself and directly to the authorities so that they realise that, at the moment, the Centre is the best that the

³ The messages of the 22nd and 23rd January are attached – Docs B & C

Government can offer in its role of providing for the implementation of EU directives in relation to Animal Welfare and the respect for Animal Rights and this would not be very commendable.

For my report, I kindly ask you to give me details regarding the number of animals being kept at present at the Centre, the number of employees actively involved exclusively with the handling of the dogs and, if possible, the funds that are exclusively earmarked each year for the upkeep and upgrading of the Centre. This would enable me to highlight to the Minister any remedy that I can come up with, which will necessarily include the establishment of a new state-of-the-art re-homing Centre under the management of an independent entity thereby allowing your Directorate to concentrate on animal rescue, law enforcement, education and administration.

This exchange must have prompted the commencement of works for a facelift to the facility at Ghammieri in an attempt to improve the poor standard until such time that a proper site for a national state-of-the-art re-homing centre is earmarked and developed.

In that message to the AWPSD I had also asked for a breakdown of the number of animals being kept at the Ghammieri Centre and the staff employed in the emergency and surveillance service, including the enforcement duties of the directorates in order to establish whether the numerous complaints made directly to my office had any foundation and whether this was due to any irresponsibility or negligence, coupled with any lack of personnel and/or equipment.

However, the rebuilding of new pens and the modernisation of the Ghammieri facility, which I inspected on the 9th of April, has resulted in only a limited amount of old pens that can still be utilised, which makes further investigation regarding this essential facility unnecessary for the time being.

Only a limited number of the presently used pens are fit for housing dogs and at the moment one can safely conclude that the AWPSD has absolutely no adequate facility for the housing of seized or rescued animals.

It is only when the planned facilities at Ghammieri are complete, that one can then assess the number of competent carers that would be required which number would have to be based on the number of adequate pens available for housing, the essential ratio between the number of animals and number of carers and the hours of care required by each animal.

Rescue & Inspection

This dearth of any proper facilities to house the rescued or seized animals led me to suspect that it must have been the cause of the evident reluctance of the AWPSD to respond to calls for their

intervention and specifically to pick animals in distress or in cruel and inhumane conditions.

Accordingly, I met, the Director AWPSD on various occasions but I could never get any hard facts and statistics on all these issues, so we decided that the best way forward was to have weekly meetings, tackling each separate aspect of the functions of the AWPSD, one at a time, in order to unravel the underlying shortcomings that must be the basis of the numerous complaints.

It is significant to note, that until this time, the official position of the Directorate was that although resources were a bit strained, they were still managing to give all the services required by law in an efficient and proper way. In fact, in Mr. Montebello's only official response (an e-mail of the 21st January 2019⁴) there was no hint at all to the difficulties faced in prompt response and the housing of seized or rescued animals.

The first of such meetings was held on the 3rd of April and we first analysed the set-up of the emergency response units, which includes the manning of the telephone switchboard, the splitting of personnel into shifts, the selection and training of the individual officers and other related issues.

When the whole set-up was outlined, it was very evident that the strategy was very well set out with each shift consisting of a minimum of 6 officers who would be on duty for a stretch of 12 hours at a time rotating in accordance with a roster guaranteeing the required rest periods, with each shift then divided into 3 groups of 2; one group manning the ambulance, or assigned vehicle, on the North sector of Malta, another group manning another vehicle and assigned to the South sector of Malta with the remaining group of 2 officers manning the Control Centre telephone switchboard at Qormi, coordinating the calls required of the other 2 groups.

This competent organisation seemed to guarantee a fully efficient service in ordinary circumstances but then the details of what actually happens in practice turned out to be most unsettling to say the least.

It was obvious that for this set-up to work efficiently a minimum of 24 healthy and ever-present officers are required; in fact, to ensure a seamless service and to be prepared for any officer on sick or vacation leave a team of at least 28 officers is essential.

But what is happening in practice?

⁴ Part of Doc C (email exchange till 23rd January)

- Only 25 persons have been assigned to act as officers and this figure has been constant, if not less, for quite some time.
- The persons assigned to the Animal Welfare Directorate to act as officers are chosen from the public service but with ABSOLUTELY NO REFERENCE being made to physical characteristics and impediments, mental dispositions, aptitude or competence to work in the sector, and not even to any existing phobias relating to animals – Any one or more of these impediments afflict at least 5 of the present complement, who are therefore not considered for active duty (though still employed in that capacity).
- Each shift is therefore reduced to 5 officers, meaning that, since the response vehicles need to be manned by 2 officers, only ONE officer is left to man the switchboard for the whole 12-hour period. This explains the complaints regarding the occasional lack of answer to emergency calls, the exasperating waiting time and transfer of calls to the ambulances.
- Vacation or sick leave, then wreak havoc on the limited efficiency of the shift, with every occurrence eliminating the effective use of one ambulance and the operation of one group assigned to an island sector. At the time of the meeting, I personally called the emergency number of 1717 and was informed that the shift at the time consisted of only 3 officers, one at the switchboard and the other 2 manning the vehicle and having to respond to any emergency anywhere on the island on their own.
- Since the financial bonus or allowance given to the officers for having to perform their duties at night, on weekend and on public holidays is paid irrespective of the number of those days actually utilised, it is a recurrent fact that on those days officers do report sick and there is never a full complement. In fact, it is rumoured that on occasions there was not even one ambulance team was on call.
- Although uniforms and identification documents are provided to the officers, there is only a limited amount of instruction given on the handling of animals, customer care and proper answering service in the case of updates. I am not even aware of any instruction being given to these officers on the rights guaranteed by law to all animals and on the freedoms to which all animals are entitled. In fact, I am not even aware of any instruction on animal rights being given to the clerical staff of the AWPSD.

THESE UNITS ARE MEANT TO BE THE BACK BONE AND BASIS OF THE WHOLE ANIMAL WELFARE STRUCTURE IN THE ISLAND OF MALTA.

With just a legal framework but without an efficient machinery providing for the competent rescue of animals, the prompt investigation of infringements of the law followed by an effective prosecuting process, the whole structure crumbles and this explains the continuous complaints being levelled at the Directorate of Animal Welfare.

This is just the point of departure in my investigation into the workings of the AWPSD. Apart from the general remarks I have made hereunder, I have not yet investigated in detail, the state and condition of the vehicles and other equipment used in the rescue and investigative process; whether they are of the required size and have the essential features, whether they are all equipped with air-conditioning and whether they always keep immaculately clean and sterilised.

Nor have I yet investigated the set-up for the care and housing of seized and rescued animals, the design, environment, cleaning and sanitation of the animal shelters, their ventilation and the provision of natural light, nutrition and exercise of the animals AND the essential ratio of carers to the number of animals, their training, aptitude and competence (of the carers).

Basing myself on what has resulted from my foray into the basic machinery for rescue and investigation, I am very apprehensive about the probable results regarding the treatment of the seized or rescued animals. Hopefully most of the complaints will result in being exaggerated and that matters are not that bleak. It is however to be noted at this stage, that the set-up for the housing and care of seized or rescued animals is far from satisfactory. In fact, recently the protests regarding the utter disregard for the welfare of the dogs at Ghammieri have so increased that I will need to investigate deeply this issue much earlier than anticipated.

It has to be emphasized that I have already concluded that facilities at Ghammieri are absolutely inadequate and no amount of patchwork refurbishing or cleaning sprees (though they may improve the deficient conditions) will ever get this archaic facility up to the minimum standards required. In fact, any administrator of private facilities operated in the same way would or should be investigated and prosecuted – however this would be such an absurdity when the investigators/prosecutors are themselves operating a much worse housing centre.

What I also do find so disturbing is the fact that the entity that has been entrusted by law in ensuring respect for animal rights and freedoms and to enforce the provisions of the law in case of any infringements is, at the moment, the primary target of almost all the complaints alleging gross infringement of the law by the same entity entrusted with the protection of animals and the promotion of animal welfare.

If we are not very alert in stemming this tide of disregard to animal welfare, we might end up having to accept the reality of what one contributor on social media stated in jest that *'what is a worse fate for any animal suffering an inhumane and cruel treatment is to be rescued by the Animal Welfare Directorate'*.

My conclusions on this subject is that the rot has primarily set in because the Animal Welfare Directorates are being treated as just another civil service institution staffed by transfers from other government departments without any serious regard to the nature of service required.

Being an AW officer or a carer (and even a Director and senior clerical staff) is not a job for any ordinary clerical staff but is a specialised post requiring training in handling of animals and hygiene and sanitation. This is a very similar post to what is required when staffing hospitals or clinics. In fact, Animal Welfare staff should ideally be recruited from hospital employees or at least staff of the Medical & Health department, with some further training in the awareness of animal rights and freedoms.

It can also be suggested that AW staff will have the same entry requirements as the Veterinary Support Officers recruited at the Veterinary Directorate. These Veterinary Support Officers are required to have obtained a relative recognised Diploma in MQF Level 5 (University of Malta or MCAST) which have covered modules in animal care, animal welfare, animal health, amongst others. This would guarantee recruitment of officers with a certain level of education, which is an asset for the Directorate, even in the writing of reports and ancillary documentation related to possible prosecutions.

The number of officers involved in rescue and inspections must be definitely increased to assure a full complement on any shift, keeping also in mind the probability that a further group to handle calls originating in the Central sector might soon be a necessity. I am also assured that the Director has put in requests for such an increase.

These officers must be physically and psychologically fit for their post and need to have the requisite aptitude and competence in ensuring and promoting animal welfare.

One final consideration that needs to be addressed in relation to rescue and seizure operations is the state of the Ambulances at the disposal of the AWPSD.

I have had occasion to come across an Ambulance without any air-conditioning (hopefully some other ventilation was in place) and with dark colours being operated on a sunny and hot day on the 9th of April. Rescue of any animal in any such vehicle could be more detrimental to its health under negative conditions and it (and others like it) should be considered as obsolete and put away with adequate replacements brought in as a matter of urgency.

Enforcement & Prosecutions

Since there also seemed to be serious shortcomings in the enforcement field, especially after it was publicised that only 50 prosecutions were made during the four years till 2018, with only 12 being made in 2018⁵, on the 15th March I had also requested a breakdown of these prosecutions with detailed information regarding the nature of the infringement and the court outcome.

This information has still not been made available till the time of writing this report, after the 17th April 2019. Not even the details regarding the 12 alleged prosecutions made during 2018 could be provided, not even whether any of these limited prosecutions had a positive or negative outcome.

This serious lack of updated and readily-available records has led me to conclude that the same factors compromising the obligatory inspections are also undermining any efforts of enforcement and subsequently any prosecutions, without which the whole structure for the ultimate protection of animal rights is doomed to collapse.

Another damaging factor that could be at play here is the fact that neither of the Animal Welfare Directorates have any legal section where trained personnel could be exclusively employed in:

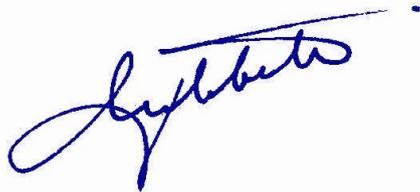
- drafting the notices in terms of Article 47 of the Animal Welfare Act,
- in following the procedures in case of an admission of the offence,

⁵ originated from the reply to Parliamentary Question 9358 (attached) – Doc D

- to draft and file the opportune reports or 'kwereli' in terms of Subarticle (7) of the said Article 47, for the executive Police to proceed with the relative prosecution,
- to assist the executive police in the prosecution of the case, to put forward the evidence and witnesses, to make submissions and, in general, to do all that is necessary for the case to be prosecuted in a diligent and efficient manner
- to follow up the Court's final decision, and
- to keep proper records.

This lack of a legal section is probably the most serious shortcoming as enforcement and prosecution of offences are specialised roles that cannot be easily filled by employees or officers whose training has been directed to other essential duties in the field of animal welfare.

Moreover, the establishment of a legal section within the Directorates could be propped up with the setting up of an Animal Crime Unit within the Police Force which would have access to all the court resources available.



Denis Montebello
Commissioner for Animal Welfare

Documents Attached:

- Doc A: Email exchange of 2019-03-04 with Dir Animal Welfare
- Doc B: Email of 2019-01-22 to Minister re Need of Rehoming Centre
- Doc C: Email exchange of 2019-01-23 with Dir Animal Welfare
- Doc D: PQ 9358 – Tabella
- Dok L: List of Reports & Complaints re. Animal Welfare Directorate