

In Homes where there is Animal Abuse, it is Important for the Criminal Justice Response to look out for Intimate Partner Violence as well.

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This article by **Chanelle Abela** was previously submitted as part of CRL 1008 and is being published with the author's permission. It centres around the topic animal abuse, animal welfare and the actions they proceed to take when there is animal abuse linked to intimate partner abuse and other material relating to this topic.

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1. Introduction

The term "domestic abuse," also known as "domestic violence" or "intimate partner violence," refers to a pattern of behaviour used in any relationship to gain or keep control and authority over an intimate partner. Abuse is described as behaviour that coerces or threatens the other partner, or that is sexual, emotional, or psychological in nature.¹ In residents, where there is animal cruelty it is crucial that Animal Welfare takes care of the animal while the criminal justice system takes Intimate Partner Abuse (IPA) into consideration.

2. About Animal Abuse

The Animal Welfare Act, which was enacted on February 8th of 2002, is chapter 439 of the Laws of Malta. It is an Act that addresses how to protect animals from harm and cruelty. Animal cruelty includes all negligent, abusive, torturous and even other certain behaviours. Animal Abuse raises a warning sign for society at large since those who carry out such acts may escalate to further violence and target other people. Given the connection between animal cruelty and interpersonal violence, this can lead to unwelcome and aggressive behaviour in public and private life including scenarios of bullying, rape and at the worst-case scenario may also lead to murder.² Research shows a clear and persuasive connection between animal mistreatment and other violent acts. Animal mistreatment is determinate to our entire civilization. Animal abusers frequently use dogs and cats as their own victims, as though they are their own puppets to control and manipulate.³

When a pet is tortured or tormented at home, it may be an indication that there is intimate partner abuse at home. For example, in cases of child abuse, an animal which is a pet may be tortured if a child, particularly a girl, refuses to follow the parent's instructions, as in cases of sexual assault. Elder abuse, among other types of abuse that might include animal abuse is very common.

3. What is Intimate Partner Abuse?

The Gender-Based Violence and Domestic Violence Act (Chapter 581 of

¹ United Nations, 'What Is Domestic Abuse?' (*United Nations*, 2020) <<https://www.un.org/en/coronavirus/what-is-domestic-abuse>> accessed 16 December 2022

² Daniel Mota-Rojas and others, 'Animal Abuse as an Indicator of Domestic Violence: One Health, One Welfare Approach' (2022) 12 *Animals* 977 <<https://www.mdpi.com/2076-2615/12/8/977/htm>> accessed on 16 December 2022

³ 'Animal Abuse & Violence | Wisconsin Humane Society' (*Wihumane.org*, 2019) <<https://www.wihumane.org/advocacy/laws/animal-abuse-violence>> accessed on 20 December 2022

the Laws of Malta) deals with Gender Based Violence and Domestic Abuse. One of the most prevalent types of abuse is against women. This involves controlling behaviour, physical, sexual and emotional and psychological abuse by an intimate partner. All social, religious and cultural communities are subject to intimate partner violence.⁴ Animals belonging to the victims of animal cruelty are commonly used by animal abusers to control and manipulate the victims.

4. About Animal Welfare

The SPCA (Society for the Protection and Care of Animals) was the first significant animal care facility in Malta. It was established by Legislation in 1900. It is among the eldest institutions for housing domestic animals and is acknowledged by the Maltese authorities as the National Animal Welfare Organisation.⁵

Adopting an animal as a domestic companion obviously entails dedication and a lifetime of responsibility for the animal's wellbeing. Animal Welfare is crucial since many animals worldwide, including Malta, suffer due to exploitation for various reasons including their meat, amusement, laboratory testing and also animal abuse which may originate from intimate partner abuse.⁶ The Animal Welfare Directorate's responsibilities include enforcing animal welfare laws and rescuing stray animals or animals suffering from abuse in homes through intimate partner violence. In accordance with the Maltese Law and EU regulations, the primary goal is to put a stop to the suffering and abuse.⁷ Adrian Franklin (1999) claims that there has been some misunderstanding surrounding a definition because there are many reasons for maintaining an animal without providing a direct economic advantage. He compares pets to surrogate children in which during that age, they are not independent and never leave because they depend on their parents.⁸

The objectives of Animal Welfare is to care for animals' requirements, such as medical care, food and water and most importantly to keep them in a safe environment that is protective for them to be in.

⁴ World Health Organization, 'Understanding and Addressing Violence against Women' (2012) <https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf> accessed on 20 December 2022

⁵ Christine Buhagiar, 'In the company of animals : a study on animal welfare policies' (Diploma Thesis, University of Malta 2012).

⁶ World Animal Protection, 'What Is Animal Welfare and Why Is It Important?' | World Animal Protection' (www.worldanimalprotection.org.nz, May 2020) <<https://www.worldanimalprotection.org.nz/news/animal-welfare-and-why-important>> accessed on 20 December 2022

⁷ 'Watch: A Look into the Work of the Animal Welfare Directorate' (*Times of Malta*) <<https://timesofmalta.com/articles/view/watch-a-look-into-the-work-of-the-animal-welfare-directorate.887122>> accessed 20 December 2022.

⁸ James A Serpell, 'Pet-Keeping and Animal Domestication: A Reappraisal' [2014] *The Walking Larder* <https://www.researchgate.net/publication/341876567_Pet-keeping_and_animal_domestication_a_reappraisal/citations> accessed 20 December 2022

5. Animal Rights

The MSPCA's animal rights manager looks into several situations and alerts the relevant agencies when the law is breached. This organisation is interested in advancing investigations, research and recommendations to propose new laws safeguarding the status of the existing welfare of the animals with respect to their rights. They also seek to inform the public about animals' laws and ordinance and proper pet ownership through various forms of media.⁹ No animal should be abused, every animal has the right to be fed, to be kept in a protective environment and to be treated rightly.

6. Actions taken by Animal Welfare

According to Ms Alison Bezzina, the Animal Welfare organisation do not proceed any further in court. Their aim is to keep the animal in a safe and a protective environment. In cases where the animal is seriously abused, it will not be returned back to the owner, however, be rehomed to another loving family. Taken from the Animal Welfare Act, Article 44B, sub-article 5 states that:

*At his discretion, the Director for Animal Welfare or Director for Veterinary Services may not return to their owners any animals and, or objects that are confiscated, impounded, seized or in any way removed by the Director for Animal Welfare or Director for Veterinary Services.*¹⁰

If the animal is slightly and minimally abused, it will be released back to the owner but with a warning sign.¹¹

7. The Criminal Justice System

In 2022, fourteen cases were decided in relation to intimate partner violence and animal abuse. If there was no evidence and proof, such as recordings, images or a person who was a witness during the crime scene for the court, the police will likely consider it to be a waste of time to investigate situations where animal abuse is connected to intimate partner abuse. Assuming 2012 laws, when a man is cruel to his wife, the court may impose a €500 fine and a suspended sentence; nevertheless, if a person is cruel to an animal, the court may impose a €20,000 punishment and a year in jail. According to Dr. Manche in literature, crimes involving Animal Welfare must be related to other crimes. Since people are strongly becoming animal lovers, magistrates are now imprisoning people who abuse animals in certain

⁹ 'Animal Rights Updated' <<https://www.maltaspca.org/animal-rights/>> accessed 23 December 2022

¹⁰ Animal Welfare Act, Chapter 439 of the Laws of Malta, Article 44B (5)

¹¹ Phone Conversation from Author to Ms. Alison Bezzina (Commissioner for Animal Welfare) (22 December 2022)

cases.¹²

8. Conclusion

The police and criminal justice system should keep an eye out for intimate partner violence when there is animal abuse, in order for the animal to be protected and in a safe environment and to safeguard the victim. Since pets lack the ability to communicate or have a voice, owners must safeguard and care for them. When anyone witnesses animal abuse one should dial and contact 1717 to report to Animal Welfare directly. Moreover, the police should continue their investigations and inquires.

¹² Buhagiar (n 5)



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