

## My furry client bleats not guilty

Bojan Pancevski and Matthew Campbell, from The Sunday Times, January 31, 2010



Antoine Goetschel now lists animals as clients at his legal practice

SWITZERLAND is going to new extremes in the battle to improve life for its animals. The country of Heidi and cuckoo clocks will hold a referendum in March on whether domesticated creatures should have the right to be represented by lawyers in court.

The Alpine state is rapidly emerging as European champion of animal rights. It recently changed its constitution to protect the “dignity” of plant life and made a law last year establishing rights for creatures such as canaries and goldfish.

If the referendum is approved, every canton in Switzerland will be obliged to appoint a lawyer to act for pets as well as farm animals and defend them from abuse.

“Humans accused of animal cruelty can hire a lawyer or get one assigned but animals can’t,” said Antoine Goetschel, a lawyer. “Which is where I come in.”

In 2007 the canton of Zurich appointed him an “animal advocate” in an experiment whose success has encouraged animal welfare groups to mount a campaign for a referendum to create similar officials all over the country. Activists gathered more than the 100,000 signatures required for a national ballot.

The government is against the idea of animal lawyers, as are farmers’ associations and pet breeders, who fear stricter regulation if the motion is approved on March 7. Last week a committee called No to the Useless Animal Lawyers’ Initiative was set up.

“Animal rights advocates are useless to animals,” it said. “They can’t prevent animal abuse because they only get involved after it has been perpetrated.” Goetschel, a 50-year-old vegetarian, disagrees and hopes that the initiative passes with a big “yes”.

Unlike the Middle Ages, when locusts and frogs were often summoned to court in Europe to answer for crimes such as infestations, animals are not requested to attend proceedings before a judge. In court Goetschel acts much like a public prosecutor appealing for an appropriate sentence.

It is his job to enforce legislation enacted in 2008 under which goldfish, canaries and guinea pigs are considered “social animals”, which must never be kept alone. Goldfish tanks cannot be transparent on four sides since fish need shelter. Dog owners must take a four-hour course on pet care before they acquire their canine companion.

Goetschel, who runs a regular legal practice dealing with everything from property law to divorce, does not get involved in plant life, even if the constitution has been amended to recognise that plants are entitled to dignity, meaning that it is wrong, in the view of a government-appointed ethics panel, to engage in the “decapitation of wildflowers at the roadside without rational reason”.

Instead he receives regular tip-offs about misbehaving pet owners. They are given two weeks to get their guinea pig or goldfish a mate. Failure to comply can lead to a court summons.

The lawyer says that he takes into account whether the abuse was intentional as well as the degree of “cold-heartedness” when deciding what punishment to request. The maximum sentence for animal abuse is three years in prison but the usual outcome is a fine.

“Pet keepers think that a so-called love for a guinea pig is enough,” said the lawyer. “But this ignores the animal’s needs as a species, such as having a companion.”

In one case, when police forced their way into a home to investigate reports of a woman being beaten by her husband, it was noticed that the couple kept a lone canary. Animal abuse was added to wife-beating in the list of charges, said Goetschel.

In another case a man was fined for leaving three cats locked up for 10 days in his house without food while he went on holiday. A pet shop owner who failed to change water in his tanks, resulting in the death of fish, was forced to adopt higher standards.

Goetschel is not making friends among fishermen, whose prey is these days protected under Swiss law on the basis that fish have feelings. Last week he was investigating complaints about a fisherman accused of playing fish on the line for an unnecessarily long time before landing them.

The law also bans “catch and release” fishing on the somewhat baffling grounds that it is cruel to catch the fish and then put them back — even though fish might prefer this to being whacked on the head.

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