

“I was forced to not speak for ten days, and I like to speak. I realised that to be deprived of expressing what is in you [creates] a deep lack.”

– Antoine Goetschel, on how losing his voice transformed how he viewed the plight of animals



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# Helping animals speak up

Switzerland was the first country to give constitutional rights to animals, and so it seems fitting that it is home to the world's one and only animal lawyer. *Swiss News* caught up with Antoine Goetschel in Zurich.

By Faryal Mirza | If its constitution is to be believed, no one takes animal rights as seriously as Switzerland. The concept of animal rights has been enshrined in the nation's basic law since 1992, a world-wide first.

Shortly thereafter, Canton Zurich took a further huge step for 'animal kind' and established a position for a lawyer to protect animal rights. This public official is the best friend of man's best friends when it comes to criminal cases involving animal abuse.

Recently, the position was filled by Antoine Goetschel, who actively worked

years' experience as a lawyer. He devotes 20 per cent of his time to ethics and animal rights, while the rest is spent practising inheritance, foundation and marital law.

As the animal attorney, Goetschel is entrusted with protecting the animal's interests in criminal cases in his home canton. This means that, on a technical level, he has unfettered access to court documents and may examine witnesses and appeal judgements and sentences.

"I am dealing with about 100 cases in Canton Zurich at the moment. About 74 per cent of the cases deal with dogs and cats," but pets are by no means alone, Goetschel says.

Farm animals also suffer neglect and abuse, albeit in smaller numbers.

"I have seen some cases where farmers are so overwhelmed by their duties that they not only neglect their animals but also their wives [and] their children. They are just not able to cope with life," Goetschel says.

By international standards, Switzerland appears to be about average when it comes to the incidence of animal abuse, the lawyer adds. "We have about the same number of cases and the same kind of abuse as in Europe and North America."

And does Switzerland have a better track record in enforcement than other countries, given that it is a pioneer when it comes to animal rights? Goetschel's response is mixed.

"Yes and no. Several cantons are taking their role in improving animal welfare seriously, but other cantons do not give any priority to animal welfare. The latter

have not had any animal welfare [criminal] cases in the last 25 years and this is strange," he says.

## Good attitudes

However, the animal attorney still believes Switzerland is among the leading countries in animal welfare, thanks to its size and the attitudes of its farmers.

"Switzerland is very small... and the majority of farmers realise that the future is in good production practices, transparency and selling high-quality products."

As founder of the 'Foundation for the Animal in the Law', Goetschel is more than familiar with the country's dealings in animal welfare. Goetschel was at the helm of this organisation for more than a decade before giving up the directorship to take on his animal-advocate role. The foundation holds the largest German-language library in Europe on animal legislation, as well as a database with over 6,000 legal cases from Switzerland in the field of animal abuse.

Goetschel had spent just over six months in his post at the time of this interview. To his chagrin, he found that fines meted out in animal-abuse cases are pitiful at best. Across Switzerland in 2006, the average fine in cases involving breaching animal protection laws was SFr 478. In Goetschel's first 100 days in office, the average fine in Zurich's 25 cases was only SFr 520.

## Not everyone is on board

In May of this year, animal rights in Switzerland faced a potential setback when the Swiss cabinet revealed it was



to enshrine the dignity and rights of animals in the Swiss Constitution in 1992.

He is only the third lawyer to take on the job, replacing his former colleague, Markus Raess, who stepped down in October 2007, after 14 years.

## Animal lawyer at large

The dapper 49-year-old took up the post in November 2007 and has more than 20

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rejecting a vote initiative proposed by the non-governmental organisation Swiss Animal Protection. The initiative had called for animal attorneys to be appointed in all cantons, using the Zurich model, to improve animal representation across the board.

The cabinet said this wouldn't be necessary because of more stringent regulations coming into force in September 2008.

These regulations will, for example, enable cantons to set up an animal-welfare competence centre. The cabinet added that cantons were already able to appoint an animal attorney à la Zurich if they so wished, making extra legislation on this front extraneous. Goetschel begs to differ.

"Animals should not be better protected in one canton [than in others]. From our statistics, we know quite well in which cantons the animal welfare law is not [being] implemented as far as the penal code is concerned," he stresses.

"An attorney representing animal interests in a court case against abusers is a good model [that] works, is based on confidence and shows that there is nothing to hide," says Goetschel.

The lawyer says it's understandable that cantons would want to preserve their control over how the law on animal rights is enforced. However, this may result in poor and inconsistent enforcement across the country.

"This normal reaction to send responsibility back to the cantons is an old-fashioned, cheap way out of this discussion. We cannot make laws knowing that they will not be implemented in more than half of the cantons," he insists.

According to Goetschel, the cantons' interest in appointing a dedicated animal lawyer is thin on the ground.

"Unfortunately, besides Zurich, there is really no serious [interest]," he says.

Nevertheless, the authorities in Canton St. Gallen represent animals' interests in criminal cases. In Aargau, the state attorney (a former student of Goetschel) is also concerned about animal representation. And in Canton Bern, a right of appeal is open to organisations once judgement has been pronounced; but this is far too late for Goetschel.

"The opportunity to exercise influence occurs during the investigation phase – to avoid [a perpetrator] being set free," he emphasises.

### Epiphany

As for the man behind the post, how does a person make the journey from vegetarian to animal attorney?

The animal activist explains that he had his epiphany as a young lieutenant in the Swiss army, when he lost his voice.

"I was forced to not speak for ten days, and I like to speak. I realised that to be deprived of expressing what is in you is a deep lack. When scientists say it is not problematic if [poultry] cannot fly or express themselves as they would normally because they can do everything else, my reaction is sceptical," Goetschel says.

The result was more sympathy towards animals and their plight. He simply likes them and therefore stopped eating meat a long time ago.

Goetschel also doesn't keep pets as he has "deep respect of the responsibility related to this".

And it's not all about animals – Goetschel is a classical music aficionado. As a descendant of the Russian composer, Sergei Rachmaninov, the father of three has the enviable task of attending concerts of the legend's work across the globe.

Antoine Goetschel would like to see animals receive equal treatment and representation across Switzerland.



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