



TOWARDS PROHIBITING THE CHAINING OF DOGS

SECOND EDITION
APRIL 2022



2022 EDITION

WHAT CHANGED ONE YEAR ON

This edition of "Towards Prohibiting the Chaining of Dogs" provides an update of the relevant Italian and foreign legislative and regulatory framework with respect to the previous 2021 edition.

After publishing the first edition of the Report in March 2021 and organising the related awareness campaign, we contributed to the following changes.

ITALY

- ✓ The CAMPANIA Region added a sanctioning system to the existing law prohibiting dog chaining. Without a sanctioning system, the law was practically ineffective.
- ✓ The LAZIO Region radically changed its law on dog chaining (one of the most obsolete and ineffective) by introducing an explicit prohibition of this practice, except for urgent reasons of animal health and on a temporary basis, under a written veterinary prescription.

Moreover:

- ✓ A ban on dog chaining is being adopted in the province of TRENTO and is under discussion in the PIEMONTE Region.

EUROPE

- ✓ SLOVAKIA introduced a ban on dog chaining with a few specific exceptions.
- ✓ GERMANY introduced a ban on dog chaining with a few specific exceptions.

The updates described in this edition of the report are also shown in the tables and maps.

Thanks to the support of FONDAZIONE CAVE CANEM, the associations Green Impact, Save the Dogs and Animal Law Italia are continuing to work with a view to speeding up the relevant legislative and regulatory changes in all Italian Regions and promoting them in all European countries.

We thank all the authors, experts, professors, and translators, as well as all those who contributed to the drafting of the Report and its updates with the common purpose of forever banning the chaining of dogs.

FOREWORD

Chaining or tethering dogs a truly shameful aspect of a friendship

**Ádám Miklósi, Ethology Professor at the Eötvös
Loránd University in Budapest, Hungary**

One generally accepted concept of welfare is the opportunity to display one's own natural behaviour throughout one's life, with minimal restrictions. Contrary to many assumptions, this does not necessarily mean that life consists of perpetual happiness and joy, because our existence is also full of challenges, potentially negative experiences, fear, and pain. However, given the potential negative effects of such factors, there should be the option to make choices, i.e. to run away or seek protection, to explore or withdraw as one wishes. Thus, an acceptable level of welfare is impossible without unrestricted movement, taking into account the biological needs of different species. Of course, some restrictions could be applied to better manage those in captivity, but unconstrained movement is essential.

Even from a cultural viewpoint, seeing dogs or other animals chained or tethered should make us feel embarrassed, in particular because we are doing this to creatures with whom we share our life. In most cases, they are our friends, not just in general terms ("man's best friend"), but literally, as those dogs are actually part of a group of humans. I would avoid using the word "family" here, because we would never put a family member in chains. So what is the situation?

I wish there were no need for this review. In my opinion, the concept of dog chaining or tethering is something that should not exist. It makes no sense. There is no law saying that people must have dogs. But if they choose to share their life with them, how can those creatures, our friends, end up being chained?

I do not believe that changing the laws helps a lot, because people typically do not follow them. Of course, knowing about practices here and there could be informative, but this is just a first step. In many cases, dogs are chained or tethered because their owners cannot afford to have a fence around their property. Dogs may also bite, and their owners may not know how to correct this behaviour. In some places, the chaining or tethering of dogs has been a "tradition" for hundreds of years. So, for their owners, this may just be the way in which dogs are kept. It is not easy to change habits.

I think that there is no easy solution to this problem. This review could be an important opportunity for us to find out where we are in this process. In the long run, I am optimistic that eventually there will be a time when "dog chaining or tethering" is regarded as an impossibility, just like a flying dog. However, it is difficult to say how many dog generations this may take. Raising awareness about this issue is crucial, and I am grateful to all the authors of this review for taking this first step so seriously and putting so much time and effort into it.

AN INTERNATIONAL REVIEW

Chaining dogs is still permitted in some areas of Europe and worldwide.

This report aims to provide the relevant authorities of countries still permitting this practice with scientific and legal guidance, so that they may issue legislation and regulations that are effective and based on respect for animal welfare, health, and ethology.

First edition: March 2021

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Disclaimer: Legislation evolves continuously worldwide, the laws we illustrate in the Report are updated until October 2020. We apologise for any mistake we may have reported in the text. We decline any responsibility for any mistakes and/or inaccuracies regarding the texts. Even though we ensure the utmost reliability of our work, we cannot be held liable for damages arising from the use of the data and/or information contained in this report.

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Glossary

• **Chaining a dog:** dog kept on a chain: the term is also defined as 'tethering' or 'tying'. It refers to the following situation: a dog is attached, through a chain (or similar fixture) to a post or another fixed object and therefore it is impossible for the animal to move farther than the length of the chain.

• **Dog kept on a leash:** dog is taken on a leash while walking with a human. Keeping a dog on a leash or temporarily attach a dog on a leash for performing a quick task does not fall under the definition of 'dog kept on a chain' under this report.

• **Abuse of animals:** terminology varies according to the legislation of the States and may include the following terms 'abuse of an animal', 'cruelty to an animal', 'mistreatment of an animal'. These terms may refer to different active or passive actions perpetrated against an animal. As for this report, with the term 'abuse of animals' we refer to acts of physical, mental, emotional or biological harm (e.g. pain or suffering) inflicted to an animal by a human, including the keeping of an animal in conditions against its ethological needs. Deprivation of the animal's needs would also fall under this category.

• **Per se:** an act is illegal per se when the sanction system applies directly once the act is registered by the control authorities without having to be

examined and assessed in a Court (examples: a fine is given for exceeding speed limits or for drinking alcohol beyond the allowed limits)

1. INTRODUCTION AND RECOMMENDATIONS TO POLICY-MAKERS

When adopted, bought, rescued, or acquired, the perspective of facing a miserable life on chain is still a possibility for the 'human best friend', regardless of its breed, sex, and age.

Despite an increasing public consciousness about animal welfare and the ethological needs of animals, today several thousands of dogs are kept in chain for a long time, often for life, in most of the EU countries.

Animals have no voice in the human world except through human advocates, and therefore it is crucial that the laws aimed at protecting and respecting them should be designed in a clear and solid manner. Handling and managing animals under human care should be dealt with a great sense of responsibility and respect towards their biological, ethological, and psychological needs. Unfortunately, the habit of chaining dogs (not to be confused with taking them on a leash) has not yet disappeared from our contemporary society.

In this report we argue that – except for possible strictly defined circumstances and for a short and clearly defined and justified time and reasons – keeping a dog on chain should be prohibited since it ignores dogs' essential ethological and behavioural needs, therefore severely compromising their welfare. We argue that, beyond well - defined exceptions, the keeping of dogs on chain should be considered per se as an act of abuse and therefore prohibited.

Unfortunately, in many areas of the European Union and other States, chaining a dog is not yet a legacy of the past and therefore we recommend rectifying these situations, by upgrading existing laws or introducing a new one.

The report aims at providing policy-makers with the necessary tools to make effective impact and change. These tools relate to best law examples as well as state-of-the-art science and ethics.

The report illustrates the legislation of several countries and sort them by categories as well as reviews international obligations with a view to provide best models and emphasise existing loopholes. Full texts of the laws in original languages we collected can be delivered upon request.

Valuable contributions from high- level experts (Prof. Adam Miklosi, Dr. Regina Binder, Dr. Alexandre Barchiesi, Prof. Enrico Alleva, Dr. Heather Rally) present law cases and the contemporary legal, scientific, and ethological foundations which should drive the action of policy-makers.

Following a comparative analysis, we found out that the keeping of dogs on chain is mainly the result of the following 4 situations:

- 1 lack of specific legislation
- 2 inefficient legislation (vague, inconsistent, fallacious wording);
- 3 legislation which ignores the contemporary knowledge about animal sciences (ethology, behaviour, biology, veterinary) and ethics;
- 4 a combination of the three above.

According to our analysis, the enforcement of the laws is often ineffective because of the following reasons:

- 1 the legislation is inadequate (as referred to point 2 above) and therefore enforcement officers are prevented to act or have difficulties in proving the violation of the law;
- 2 the legislation is obsolete (as referred to point 3 above) and therefore it does not acknowledge the situation as a violation of law for which a quick intervention is needed;
- 3 the sanctions are not proportionate to the offence and/or not dissuasive enough to prevent the offence;
- 4 There is no legislation on the matter which implies that enforcement officers cannot intervene when finding a dog on chain.

Moreover, we found out that the keeping of a dog on chain in isolation from human or other dogs' contacts is also not prohibited in the majority of States or Regions, despite being widely acknowledged as a serious deprivation of dog's ethological and social needs.

Legislation relating to animals applies to non-humans who therefore cannot defend themselves autonomously nor take an offender to court

(except through human advocates), for this reason it should be worded as clear as possible to secure implementation; moreover enforcement provisions should be effective enough to prevent the offence, which should be the most important priority for law-makers.

When looking at the international obligations, we noticed that the keeping of a dog on chain is failing to respect, at the very minimum, the sentience nature of animals which is recognised by the EU Treaty (TFEU) and, in different forms, a few EU States national laws about the respect of animal ethology, the Five Freedoms concept (now encoded in the World Health Organisation) and the European Convention on the protection of Pet animals (Council of Europe). Most of the EU countries have criminal or administrative legislations against the abuse of animals (also defined as mistreatment or cruelty to animal), but the act of chaining a dog have not yet been categorised as an abuse '*per se*' in several countries.

The present review does not consider the keeping of dogs on a leash or attaching a dog with a leash to perform a quick task (e.g. in front of a shop) as keeping a dog on a chain.

We carried out the analysis of the following legislation:

- ✓ **EU States** Austria, Belgium (Wallonia), Croatia, Denmark, Finland, France, Germany, Italy (20 Regional laws), Malta, Poland, Portugal, Romania, Slovenia, Spain (2 Regions: Valencia; Andalusia), Sweden, Hungary.
- ✓ **Non-EU States** Canada, Norway, UK, US (California), Switzerland.

Within the eu:

- ✓ **EU LAW:** the matter does not specifically fall under the jurisdiction of the EU; therefore, each EU State regulates it autonomously. At present there are no EU guidelines on this issue.
- ✓ **EU MEMBER STATES:** we identified the Austrian legislation as best model. The assessment is based on the following criteria: general prohibition on the keeping of dog on chain, clear wording and sanction system, clear and well-defined exceptions. Moreover, when exceptions apply, the management of the dog should occur anyway under human supervision. Following the same criteria, we have also identified the newly adopted Swedish law on the matter as relevant but less effective legislation, since its derogations are less specific compared to the Austrian law.
- ✓ **EU REGIONS:** in some EU Member States, the matter falls under the jurisdiction of Regions; in this regard, we identified wide discrepancies from Region to Region within the same Member State, ranging from the lack of specific legislation to weak or total prohibitions. Among Regions, we noticed that Umbria and Campania (Italy) adopted legislation similar to that of Austria. In August 2021, the Lazio Region adopted legislation similar to that of Umbria and Campania; this legislation provides for a total ban on dog chaining, except for animal health reasons certified by a veterinary prescription specifying the diagnosis and the maximum duration of the treatment.
- ✓ We ranked a few more Regions of Italy (Abruzzo; Emilia-Romagna; Lombardia; Veneto; Puglia) among those having good pieces of legislation on the matter but not the best ones since derogations related to 'safety matters' are formulated in a rather broad way and this may hamper good implementation or compromise

animal welfare. In this list, the law of Lombardia is better specified in relation to the exception related to the veterinary treatment since the duration and the diagnosis must be specified. Those laws can easily be improved.

- ✓ We consider all the other legislation we assessed in need of urgent revision and upgrade.
- ✓ We noticed that this matter is often regulated at municipal level (sometimes in addition to the national and regional laws). However, we decided not to collect this information since it would have taken too much time and investment. We anyway recommend legislating the matter at macro-area level rather than town level to increase territorial reach-out and effectiveness.
- ✓ **OUTSIDE THE EU:** we selected the law of the State of **California (U.S.)** as best model since it is similar to the Austrian law. We could not find any other similar or good model outside the EU, although we do not exclude it may exist.

This report provides a comprehensive review to equip policy-makers with the necessary tools to make change.

It is important noticing that the majority of Europeans want better legislative protection for companion animals according to the [2016 Eurobarometer survey](#) (EU-wide opinion poll organised by the European Commission).

RECOMMENDATIONS TO POLICY-MAKERS:

- 1 Introduce clear and effective legal provisions (through a new law or amendment to an existing law) prohibiting the keeping of dogs in chain. Derogation, when and if needed, should provide clearly defined and time- limited derogations.
- 2 Ensure that the law is worded in a way to allow

quick implementation and enforcement.

- 3 Clearly define the responsible authorities for implementation and enforcement and provide them with operational power.
- 4 Elaborate the law in a way to ensure that competent authorities will have the power to quickly free the animals and fine the offender when the law is violated and house the animals in suitable alternative places when needed.
- 5 Regulate the matter at national level rather than at local level. If this option is not applicable, then regulate it at Regional level rather than at Municipal level. Multiple laws at municipal level do not help properly informing citizens and police forces and do not create a harmonised legal playing field to effectively protect dogs.
- 6 Introduce effective sanctions (proportionate and dissuasive) since the main objective is to ensure compliance with the laws and, therefore, also the welfare of companion animals.
- 7 Promote public information campaigns about the biological, ethological, and physiological needs of dogs through public, private, and not-for-profit networks. The campaigns should also inform about the existing laws and why they have been so formulated.
- 8 Promote the adoption of European best practices with a view to harmonise the existing national

BRIEF ANALYSIS OF SELECTED LEGISLATION: THE AUSTRIAN LAW

legislation with the highest standards of animal welfare.

Dr. Regina Binder

The Austrian Federal Animal Welfare Act¹ (herewith referred to as AWA), Federal Law Gazette I no. 118/2004 as amended by Federal Law Gazette I no. 86/2018) replaced the animal welfare acts of the Austrian states in 2005. Thus, the AWA is a relatively modern law, which in some respects relating to pets and to non-domesticated animals may serve as a model for animal welfare legislation (e.g. ban of keeping an using wild animals in circuses, prohibition of fur farms, and ban of tethering dogs as well as non-domesticated animals; for details cf. Binder 2012; Binder 2015).

In general, the AWA is characterised by its reference to scientific knowledge on the species-specific physiological and behavioural needs of animals, i.e. to the acknowledged findings of animal welfare science. Thus § 13/2 of the AWA, which defines the general requirements for the housing of animals, stipulates that anybody who keeps animals "[...] shall ensure that the space, freedom of movement, condition of the ground, structural equipment of buildings and facilities, climate, in particular light and temperature, care and food, as well as the possibility for social contacts in consideration of species, age and degree of development, adaptation and domestication of animals correspond to their physiological and ethological needs." According to

¹ Online-version in German: <http://www.vetmeduni.ac.at/tierschutzrecht/> (Access 30.07.2020)



the following subparagraph (§ 13/3 AWA) animals have to be kept in a way that their physical functions and their behaviour are not disturbed and their ability to adapt is not overstrained. Husbandry systems causing either physical or mental sickness (i.e. behavioural disorders) are therefore not allowed in line with the general framework of the AWA².

Consequently, in line with § 16/1 AWA freedom of movement has to be granted to animals: *"The freedom of movement of an animal must not be restricted in any way as to inflict any unnecessary pain, suffering, harm or severe anxiety"*. If such a restriction is imposed on an animal without justification the anti-cruelty clause of the AWA is violated (§ 5/2/10 AWA). § 16/2 AWA stipulates that the space granted to an animal must adequately correspond to its physiological and ethological needs.

Regarding the provisions on tethering it should be distinguished between the prohibition of permanent tethering and the ban of any, i.e. even of temporary, tethering. § 16/3 AWA states that it is basically prohibited to keep animals permanently tethered.³ Non domesticated animals kept in human custody, except birds used for falconry, must not even be tethered temporarily (§ 16/6 AWA).

2 It should be noted, however, that the minimum requirements for farm animal husbandry systems set out on statutory level often do not (fully) comply to this general framework.

3 Under specific circumstances it is, however, permitted to permanently tether cows (§ 16/4 AWA).

4 Verordnung der Bundesministerin für Gesundheit über die Haltung von Wirbeltieren, die nicht unter die 1. Tierhaltungsverordnung fallen, über Wildtiere, die besondere Anforderungen an die Haltung stellen und über Wildtierarten, deren Haltung aus Gründen des Tierschutzes verboten ist (2. Tierhaltungsverordnung), Federal Law Gazette II no. 486/2004 as amended by Federal Law Gazette II no. 68/2016, annex 1, section 1, 1.8. German version:

https://www.vetmeduni.ac.at/fileadmin/v/vetrecht/2._Tierhaltungs-VO_14.11.2017/Anlage_1_-_S%C3%A4ugetiere.pdf (accessed 30.07.2020)



As to dogs § 16/5 AWA rules that they "must in no case, not even temporarily, be kept tied to a chain or tethered in any other way".

There is, however, an exception for sled dogs who may be tethered during training sessions and competitions⁴. The AWA also clarifies that it is, of course, not forbidden to lead a dog on a leash and to tether dogs for specific justified reasons or in front of buildings or facilities, which must not be entered by or with dogs (e.g. food stores or hospitals): "In any event, dogs shall not be deemed kept tied or tethered if they are walked on a leash, tethered in the context of lawful dog training measures, disaster relief operations or use as police or army dogs, assistance dogs or therapy dogs as well as tethered for a short time in front of places or buildings that must not be entered with dogs" (§ 16/5, second sentence AWA).

For these legitimate short-term tethering during everyday activities there is no time limit defined in either the AWA or on statutory level, **but according to jurisdiction such an episode may last 20 – 30 minutes at the most**.

Further dog-specific regulations are set out on statutory level (2. Tierhaltungsverordnung)⁵; in annex 1, part 1 of this decree minimum requirements are set out for the legitimate "husbandry systems" for dogs, namely for keeping dogs outdoor, indoor (e.g. in flats or houses) or in kennels.⁶ It is also illicit to house dogs permanently in a kennel, which means that a dog kept in a kennel has to be granted the opportunity of locomotion outside the facility at least once every day⁷.

5 Cf. footnote 4.

6 The minimum space of a kennel has to be 15 m² without the space of the obligatory dog hutch; if more adult dogs are kept in the kennel the space has to be enlarged by 5 m² / dog.

7 Minimum duration is not defined, but the statute rules that the dog's individual needs (influenced by age, condition, breed-specific factors etc.) have to be considered.

✓ Regarding the sanctions for an infringement of the relevant AWA-clauses 2 types of cases have to be distinguished:

For an infringement of minimum requirements defined in the AWA or on statutory level the fine amounts to € 3.750,-- in the first instance and may rise to € 7.500,-- when the infringement is repeated or continued. Note that in this case it is not necessary (to prove) that the tethering has negative effects on the dog's welfare.

If it is evident or proven by an expert that the tethering caused pain, suffering, severe anxiety or harm to the dog the sanction for animal cruelty applies; it amounts to € 7.500,-- in the first incident and may rise to € 15.000,- when the infringement is repeated or continued.

Further readings:

Binder, R. (2012): A Large Step – But Still a Long Way to Go. Austrian Animal Welfare Legislation: An Overview, Michigan State University College of Law: Journal of Animal & Natural Resource Law Vol. VIII, 91-119.

Binder, R. (2015): Animal Welfare Regulation: Shortcomings, Requirements, Perspectives. The Case for Regulating the Human – Animal Relationship. In: A. Peters, S. Stucki, L. Boscardin (eds.): Animal Law: Reform or Revolution? Zürich, Basel, Genf: Schulthess Juristische Medien, pp. 67-86.

THE SWEDISH LAW

Dr. Alexandre Barchiesi

Framework of Animal Welfare legislation in Sweden

The main current framework of Animal Welfare legislation in Sweden is the 2018 Animal Welfare Act⁸ issued by the Parliament. The Swedish Board of Agriculture issues further Animal Welfare regulations which are regulated in the Animal Welfare Ordinance⁹ issued by the Government.

Based on these authorizations the Swedish Board of Agriculture issued new regulations (and general advices) on the keeping dogs and cats (SJVFS 2020:8) which applies in Sweden as from 15 June 2020.

General rules for tied or tethered dogs (and cats) or other restriction on their freedom of movement

Following consultation with several interested parties of the society and experts from the scientific world, the 2020 Regulations and general advices (SJVFS 2020:8) issued more detailed provisions regarding the keeping dogs and cats.

According to these Regulations, dogs (as well as cats) shall be kept loose. This is the general rule. Furthermore, if cats or dogs maybe kept in closed spaces, this should occur under specific circumstances and in spaces whose minimum sizes are regulated by law.

⁸ Animal Welfare Act (2018:1192): <https://www.government.se/information-material/2020/03/animal-welfare-act-20181192/>

⁹ Animal Welfare Ordinance (2019:66): <https://www.government.se/information-material/2020/03/animal-welfare-ordinance-201966/>

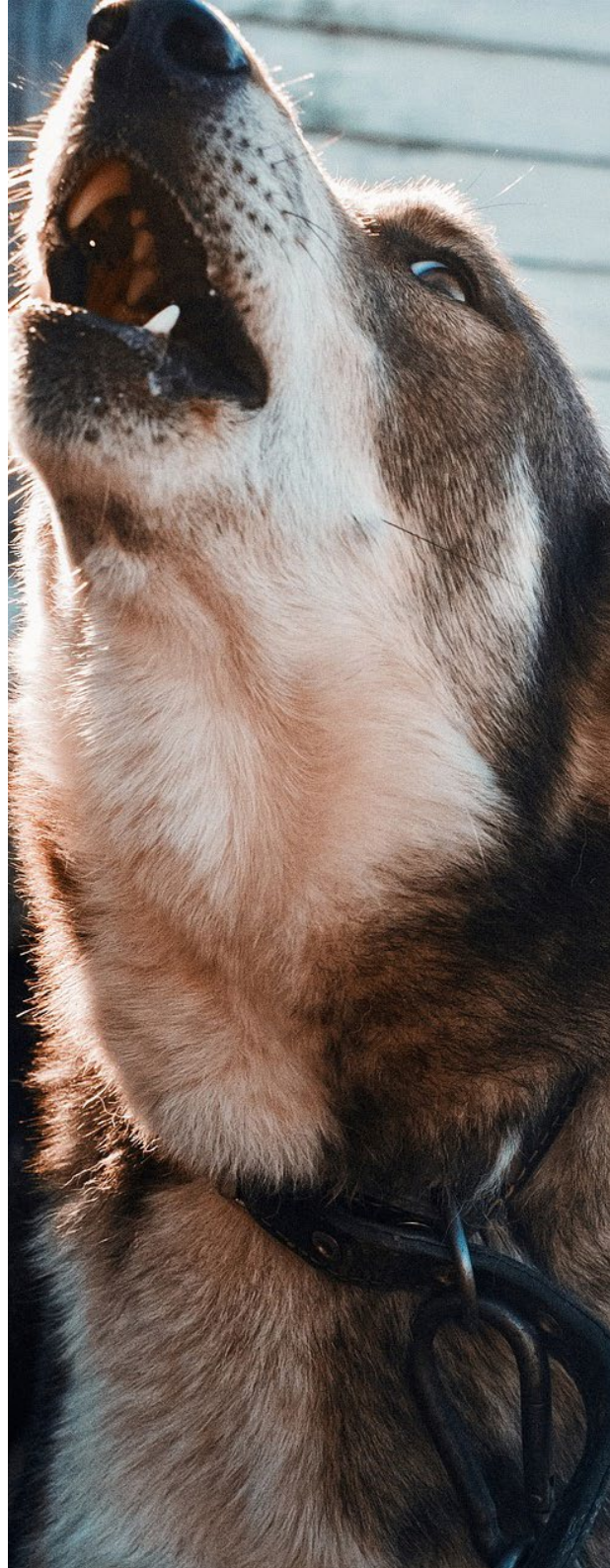
Tethering of dogs, or any restriction on their freedom of movement, is only allowed temporarily in the following cases:

- 1 Dogs (and cats) may be temporarily tethered under continuous supervision, closed in spaces which do not meet the minimum sizes (specified in Chapter 10, §§ 4-9 of the Regulation) or restrained in any other acceptable way, for the time necessary to carry out a necessary intervention. The term 'Necessary intervention' is referred as the supervision, care or treatment of an animal as well as the training of such animal in order for it to get used to such interventions, the cleaning of a housing space or any other justified reason.
- 2 Provided they are kept loose, dogs and cats may be temporarily kept in spaces which do not meet the minimum sizes laid down in Chapter 10, §§ 4-9 of the Regulation in specific cases such as: (-) transport and overnight stays during travel; (-) when staying in areas where access for pets is not permitted; or (-) in the context of other activities carried out in connection with the employment (e.g. sled dogs; anti- drug dogs, dogs in hospitals; ect) teaching or training of the animals.

Specific provisions on the tethering of dogs

Dogs may be tied on a temporary basis:

- 1 when the dog needs to be rested, for a short time, and outdoor;
- 2 in the context of competitions, hunting or other activities in which the animal is employed;
- 3 for resting or overnight stays when travelling;
- 4 when staying in areas where entry for dogs is forbidden.



The tethering referred to in the first subparagraph (1 – 4) shall not constitute a risk of injury and shall be arranged in such a way that the dog can lie down comfortably and maintain its heat balance. The dog must be able to lie down in a natural way and have access to a dry, clean and soft lying area.

The concept of temporarily is applied in domestic praxis taking into account the deviation from the main rule (animals shall be kept loose in this case) as well as the need that arises during a certain limited time to take a necessary action. It is therefore not possible to regulate specific detailed time limits, as a certain number of minutes or hours for the application of temporary restrictions.

A temporary necessary restricted freedom of movement can vary according to the activity to perform (which should fall under the cases prescribed by the Regulation) and the possible veterinary advice.

Tethering or tying a dog is defined in the Regulations as a method of attaching the animal to restrict its movement, by making impossible to move further than the length of the chain or rope.

Exercising a dog on the leash is not tethering a dog. Exercising the dog on, or off, the leash is in fact an integrated part of the welfare of the dog regarding the necessity to satisfy its need for movement.

Tethering devices and requirements to apply for tied dogs

The Swedish regulations (SJVFS 2020:8) requires that a dog lying place assures comfort to the animal, the possibility of lying down in a natural position, and the possibility for the animal to maintain its heat balance. This general rule applies for all kinds of situations, whether they are kept in doghouses, in a box indoors or temporarily tied outdoors.

Official controls of Animal Welfare in Sweden

The competent control authorities are the CABs (County Administrative Boards), they enforce Animal Welfare legislation by inspections and, when needed, providing injunctions and prohibitions.

For example, the CABs can deliver general advices to the dog keeper or issue injunctions requiring necessary measures to correct an infringement. Such decisions can be combined with a fine that the animal keeper will have to pay if he or she does not comply with the demands issued by the authority.

For more severe cases or reiterated cases of poor animal welfare, the CABs can issue further decisions as taking in charge the animal, or prohibiting a person from keeping animals.

Cases of poor animal welfare are even reported to court in case of suspicion of violation of Animal Welfare legislation or violation of provisions of the Penal Code regarding animal cruelty. These crimes can be punished with a fine or imprisonment (up to 2 years). The amount of the fine is decided by the Court and varies in each individual case.

THE ITALIAN REGIONAL LAWS: POSITIVE MODELS AND LEGACY OF THE PAST

M.Sc. Gaia Angelini and LL.M. Alessandro Fazzi

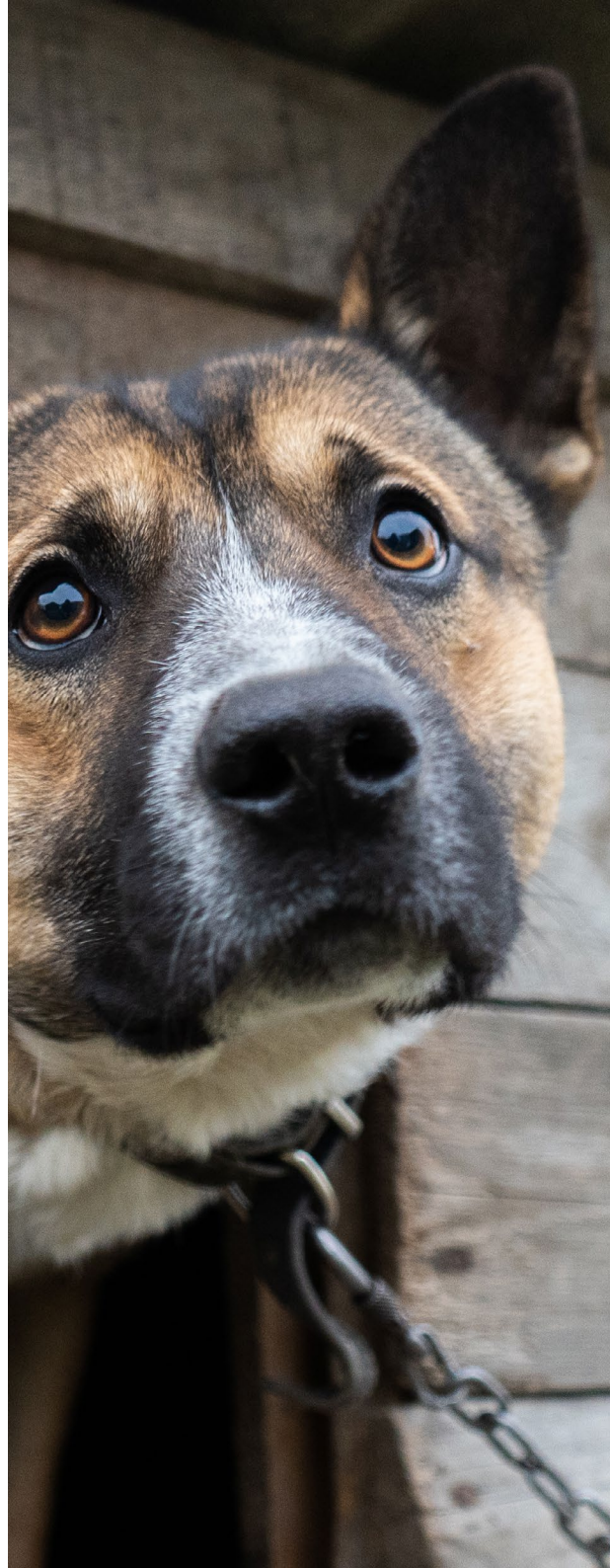
In Italy, legislation covering the chaining or tethering of dogs, i.e. securing them to a fixed point by using a chain, rope, or other device exists at regional level (and at provincial level in the Autonomous Provinces of Trento and Bolzano). Only 17 out of the 20 Italian Regions have issued legislation on the matter, as Basilicata, Liguria, and Sicily have failed to do so.

In most of the other Regions, the relevant provisions are obsolete or so vaguely and ineffectively formulated as to impair their applicability and hence the protection of dogs. The laws that are in force in Umbria and Campania appear to be particularly advanced, as they ban dog chaining or tethering. Another five Regions (Lombardy, Veneto, Emilia-Romagna, Apulia, and Abruzzi) have introduced a general prohibition on dog chaining or tethering, however with some derogations that are poorly formulated and do not specify time limits for this form of restraint. The sanctioning system is of an administrative nature (pecuniary penalties) and varies from Region to Region, except in the above-mentioned ones. This system has not been updated, is not proportionate to the severity of the offence, and has no deterrent effect. Therefore, apart from a

few exceptions, the applicable regional rules (or their lack in Basilicata, Liguria, and Sicily) fail to ensure the respect of dog welfare and ethology under the principles of modern science. Indeed, these rules permit dog chaining or tethering without time limits or for excessively long periods (up to 12 hours per day), thus compromising activities of supervision and enforcement, and making it difficult to inflict penalties.

At national level, it is worth mentioning the following legislation.

- ✓ The State–Regions agreement on animal welfare and pet therapy, signed in 2003. In particular, under article 2 (liability, responsibilities, and duties of dog keepers) of this agreement, Regions and Autonomous Provinces are held to set forth provisions requiring dog keepers (owners or caretakers) to “ensure the necessary veterinary care and an appropriate level of physical and ethological welfare” to their dogs and “provide them with adequate opportunities for physical exercise”. Although dog chaining or tethering is not explicitly mentioned, such principles are hardly consistent with dog chaining or tethering, especially if persistent.
- ✓ Moreover, the Italian criminal code sets out provisions on the prosecution of two crimes that appear as particularly relevant to dog chaining or tethering: article 544ter on animal mistreatment and article 727 on keeping animals under conditions that are in conflict with their ethological characteristics. Article 727, para. 2, punishes “every person who keeps animals under poor conditions, preventing them from expressing their natural behaviours, and causing them severe suffering”. Article 544ter, para. 1, punishes “any person who maliciously



and intentionally wounds or tortures animals, or otherwise subjects them to behaviours, overworking, or overloading that are unbearable or contrary to their ethological characteristics”. Under specific circumstances, both articles are applicable to dog chaining or tethering.

- ✓ In particular, the Italian Supreme Court (hereafter the Court) has repeatedly expressed itself in favour of the applicability of the above provisions to dog chaining or tethering, considering this practice as an element contributing to the perpetration of the related crimes. However, it is worth pointing out that, in the Italian judicial system, these decisions by the Court do not represent binding case law. In other words, the Court may in the future express a different opinion on these matters. With regard to article 727, para. 2, the third criminal division of the Court issued ruling no. 38600 of 31 January 2018, confirming the previous case law, i.e. dog chaining or tethering, without providing shelter, food, and water, is an element contributing to the related crime. As for article 544ter, the third criminal division of the Court issued ruling no. 8036 on 16 January 2018, in which it convicted a man who kept a dog chained or tethered, under poor hygiene conditions and without water, food, or shelter (the animal suffered extreme malnutrition and was unable to walk or feed itself). Hence, although dog chaining or tethering may not be sufficient for passing a judgement of conviction, it may be one of the elements contributing to the perpetration of crimes of animal mistreatment or abuse and cruelty.

Conclusions

We recommend a rapid revision of the existing regional legislation, based on the models of Umbria, Campania, and Lazio, or of Lombardy, Veneto, Emilia–Romagna, Abruzzi, and Apulia, as well as the addition

of the related sanctioning systems. We should stress that the legislation adopted by the latter group of five Regions lays down some derogations that should be more detailed. These derogations justify dog chaining or tethering if it is prescribed by a veterinarian or for undefined security/safety purposes. However, we recommend the adoption of a time limit, i.e. a maximum continuous three-hour period in any twenty-four hours (in line with the Austrian legislation that we have selected as the best model in terms of effectiveness and respect for animal ethology). There are no obstacles to introducing national legislation to harmonise regional laws, provided that it can ensure the highest level of protection of dogs, i.e. it should be founded on the models recommended in this report.

AN ETHOLOGICAL PERSPECTIVE

Existential limitations, pain, suffering, and anxiety in dogs: an ethological perspective on vertebrates in distress

Prof. Enrico Alleva

It is perhaps since their early history and evolution that humans have established links of synergy and mutual support with domesticated wolves (dogs). Indeed, thanks to their olfactory system (a useful sensory aid for humans), ability to detect and retrieve prey (as well as vegetal products), and controlled but robust intraspecific aggressiveness, dogs have been used for purposes of guardianship, theft deterrence, as well as, for a long time, in wars.

The chaining or tethering of dogs serves utilitarian purposes of both an immediate and long-term nature: restricting their movements and thus minimising their potential damage; preventing them from escaping or moving too far; and making their daily handling more manageable, albeit in a hasty and unethical way.

Unfortunately, the chaining or tethering of dogs has also become a despicable and immoral practice that has been used to intensify their aggressiveness. As is known, stress causes agitation, anxiety, and irritability, disrupting the natural mechanisms governing the release of internal energy and anger. Over time, due to remote evolutionary factors, the minds of animals, especially of mammals, have responded to stress with a variety of natural acts. These acts have been channelled towards lower energy expenditure, consistency with the stress-generating setting, and coping behaviours that could redress the imbalance of the stressed individual, under a patent and usually efficient mechanism of neurophysiological homeostasis¹⁰.

The internal perception of stress depends on the nature of the stress (being restrained and unable to spontaneously move around can generate a powerful and horribly sophisticated stress), its intensity, and, especially, its duration. Unnatural stress, e.g. being chained or tethered for very long and repeated periods, being unable to perform natural exploratory movements, and patrolling their own territories or home ranges make dogs frustrated and, above all, increase their level of arousal. They will react in a turbulent, irrational (in their own way), excessive, and unnatural (in the deepest sense) manner to any stimulus. They will insistently bark at any moving object in a persistent way and for a very long time. They will absorb, build up, and express not only intraspecific aggressiveness (thus, they will win in fights against other dogs or, as sadly reported in the relevant historiography, in fights against bulls, bears,

¹⁰ Homeostasis: any self-regulating process by which biological systems tend to maintain stability while adjusting to conditions that are optimal for survival. If homeostasis is successful, life continues; if unsuccessful, disaster or death ensues. The stability attained is actually a dynamic equilibrium, in which continuous change occurs yet relatively uniform conditions prevail (Encyclopaedia Britannica).

etc.), but above all interspecific aggressiveness; therefore, these dogs will be feared by any human approaching them, especially if they are incited to attack by a shrewdly malicious caretaker/owner.

Persistently chained or tethered dogs are animals experiencing very deep suffering, because some of the basic principles underlying their ethological mechanisms are being violated. Hence, they will release an unbridled energy to the advantage of those who have so cruelly subjected them to a refined and historically consolidated form of torture.

For some years now, ethologists, veterinarians, engineers, and biophysicists have been using advanced tools to measure the strength, intensity, direction, and other parameters concerning leashes for dogs or bridles for horses and other pack animals (camels, dromedaries, etc.). The resulting ergometric data is revealing unexpected bonds of a cognitive and, especially, affective nature between humans and animals in their respective roles as leader and follower. These studies can result in more accurate assessments of the levels of pain, suffering, and distress inflicted on animals when their relationship with humans is focused recent progress on turning them evil by unnaturally causing them to become hyper-reactive. Hence, it is desirable that lawmakers and magistrates build on these technological developments, as well as on the of ethological and zoo-anthropological sciences,

A VETERINARY PERSPECTIVE

Considerations about health and welfare of chained and tethered dogs

Dr. Heather Rally, D.V.M.

Any millennia of selective breeding have molded the dog. As a result, dogs are genetically and behaviorally distinct from their closest wild relative the grey wolf, *Canis lupus*^{11,12}. Indeed, there are now over 400 breeds of dog, each with unique behavioral, physiological and morphological traits¹³. However, despite their differences, domesticated dogs like their wild cousins are highly social, pack animals. Only for dogs, the definition of 'pack' has broadened. Through selective breeding, humans have modified a slew of social traits in the wolf including emotion, agonistic and affiliative behavior, and social communication¹⁴ slowly molding these animals into "man's best friend." As we learn more about dog psychology and behavior, we have begun to understand that dogs are exquisitely socially attuned, and can grow strongly bonded to their human caretakers.^{15 16} Thus, dogs not only depend directly upon human caretakers for the provision of basic life-sustaining necessities, but

11 Driscoll, C. A., Macdonald, D. W., & O'Brien, S. J. (2009). From wild animals to domestic pets, an evolutionary view of domestication. *Proceedings of the National Academy of Sciences*, 106(Supplement_1), 9971-9978. doi:10.1073/pnas.0901586106

12 Freedman, A. H., Gronau, I., Schweizer, R. M., Vecchyo, D. O., Han, E., Silva, P. M., . . . Novembre, J. (2014). Genome Sequencing Highlights the Dynamic Early History of Dogs. *PLoS Genetics*, 10(1). doi:10.1371/journal.pgen.1004016

13 Akey, J. M., Ruhe, A. L., Akey, D. T., Wong, A. K., Connelly, C. F., Madeoy, J., . . . Neff, M. W. (2010). Tracking footprints of artificial selection in the dog genome. *Proceedings of the National Academy of Sciences*, 107(3), 1160-1165. doi:10.1073/pnas.0909918107

14 Supra note 1. Driscoll et al., 2009.

also for their social and emotional wellbeing, including for safety, companionship, joy, play, and the ability to exercise. Despite this, even the most progressive countries around the world have failed to ban inhumane practices such as the continuous chaining, tethering and penning of dogs outdoors, which denies these sensitive pack animals of their most basic and essential needs for freedom of movement and social interaction.

Across the globe, dogs are forced to live often their entire lives at the end of a chain, rope or other form of tether. Chained and tethered dogs are typically tied to a stationary post and restricted to a small, often barren, plot of dirt where they are frequently denied adequate water, food, shelter or enrichment of any kind. Even if they are provided these necessities, they often become tangled in tether materials, restricting their movement and ability to reach them. Here the dogs are disregarded, receiving little physical interaction or affection from often negligent human caretakers. In fact, chained and tethered dogs are often denied access to any form of meaningful companionship, either from human beings or from other dogs. The result is prolonged social isolation and deprivation, which is widely recognized as a cause of stress and compromised well-being in social species^{17 18}.

15 Hare, B., & Tomasello, M. (2005). Human-like social skills in dogs? *Trends in Cognitive Sciences*, 9(9), 439-444. doi:10.1016/j.tics.2005.07.003

16 Udell, M. A., & Wynne, C. D. (2008). A Review Of Domestic Dogs' (Canis Familiaris) Human-Like Behaviors: Or Why Behavior Analysts Should Stop Worrying And Love Their Dogs. *Journal of the Experimental Analysis of Behavior*, 89(2), 247-261. doi:10.1901/jeab.2008.89-247

17 Gilles, Y.D. & Polston, E.K. (2017). Effects of social deprivation on social and depressive-like behaviors and the numbers of oxytocin expressing neurons in rats. *Behav. Brain Res.* 328: 28-38. doi: 10.1016/j.bbr.2017.03.036

18 McMillan, F.D., Duffy, D.L., & Serpell, J.A. (2011). Mental health of dogs formerly used as 'breeding stock' in commercial breeding establishments. *Appl. Anim. Behav. Sci.* 135(1-2): 86-94. doi:10.1016/j.applanim.2011.09.006



Being restrained by a tether is a highly distressing and vulnerable condition for a dog. Chaining and tethering deprive a dog of basic freedom of movement and the ability to express normal behaviors, including the ability to retreat from a real or perceived threat. A tethered dog is acutely aware of his or her inability to move about freely or escape in the face of danger. Spatial restriction and social isolation, as are caused by persistent tethering and penning, result in proven damage to a dog's physiological and psychological health. Tormented dogs intentionally confined to deprived environments in research laboratories have developed indications of chronic stress when subjected to social and spatial deprivation. These studies demonstrate that prolonged exposure to constrained and socially deprived environments negatively affects the long-term well-being of dogs, including by compromising their ability to cope with normal existence^{19 20}. The environmental and social deprivation that occurs in situations where dogs are persistently chained leads to the development of abnormal coping behaviors such as repetitive, invariant, functionless behaviors called stereotypies. Stereotypic behaviors are associated with diminished welfare²¹. Consistent with this, field observations of chained and tethered dogs show that they demonstrate an array of stereotypic behaviors including frantic pacing and compulsive circling, and they quickly become overstimulated, often demonstrating manic behavior. Indeed, chronic confinement to an im-

19 Beerda, B., Schilder, M. B., Hooff, J. A., Vries, H. W., & Mol, J. A. (1999). Chronic Stress in Dogs Subjected to Social and Spatial Restriction. I. Behavioral Responses. *Physiology & Behavior*, 66(2), 233-242. doi:10.1016/S0031-9384(98)00289-3

20 Beerda, B., Schilder, M. B., Bernadina, W., Hooff, J. A., Vries, H. W., & Mol, J. A. (1999). Chronic Stress in Dogs Subjected to Social and Spatial Restriction. II. Hormonal and Immunological Responses. *Physiology & Behavior*, 66(2), 243-254. doi:10.1016/S0031-9384(98)00290-X

21 Mason, G.J. & Latham, N.R.. (2004). Can't stop, won't stop: is stereotypy a reliable indicator of animal welfare. *Universities Federation for Animal Welfare*. 13: S57-69.

poverished environment where animals are unable to engage in basic and essential behaviors actually causes direct physical damage to the brain²². Thus, persistently chained, tethered and otherwise intensively confined dogs are prone to depression, anxiety and brain dysfunction, especially in the face of repeated inescapable pain, trauma or stress^{23,24,25}.

Not surprisingly, the aforementioned studies also found that chronically stressed dogs who were subject to social or spatial restriction often responded to novel experiences with increased fear, aggression and uncertainty²⁶. This supports the observation that chained and tethered dogs are more likely to respond aggressively, displaying signs of heightened fear, defensiveness, and territoriality. The American Veterinary Medical Association (AVMA) agrees, stating that guardians should "[n]ever tether or chain [their] dog because this can contribute to aggressive behavior²⁷." Likewise, the U.S. Department of Justice warns law-enforcement officers that "[i]solated dogs that have not had regular, positive interaction with

22 Jacobs, B. (2020, September 24). The neural cruelty of captivity: Keeping large mammals in zoos and aquariums damages their brains. Retrieved November 16, 2020, from <https://theconversation.com/the-neural-cruelty-of-captivity-keeping-large-mammals-in-zoos-and-aquariums-damages-their-brains-142240>

23 Song, L., Che, W., Min-Wei, W., Murakami, Y., & Matsumoto, K. (2006). Impairment of the spatial learning and memory induced by learned helplessness and chronic mild stress. *Pharmacology Biochemistry and Behavior*, 83(2), 186-193. doi:10.1016/j.pbb.2006.01.004

24 Overmier JB & Seligman ME (1967). Effects of inescapable shock upon subsequent escape, avoidance responding. *J Comp Physiol Psychol*. 63(1): 28-33. doi: <https://doi.org/10.1037/h0024166>.

25 Seligman ME & Maier SF. (1967). Failure to escape traumatic shock. *J Exp Psychol* 1967; 74(1): 1-9. doi: <https://doi.org/10.1037/h0024514>.

26 Supra note 9. (Beerda et al., 1999).

27 Veterinarians team up with plastic surgeons for dog bite prevention week. (2003, May 15). American Veterinary Medical Association. Retrieved November 10, 2020, from <https://www.avma.org/javma-news/2003-05-15/veterinarians-team-plastic-surgeons-dog-bite-prevention-week-may-15-2003>

people may be uncertain, fearful, or aggressive when encountering people or other animals... Dogs left alone on the premises are likely to see an intruder as a threat. This is made worse if the dog is chained and thus unable to flee²⁸." Indeed, a 1994 study partly authored by two Centers for Disease Control and Prevention (CDC) physicians found that chained dogs were 2.8 times more likely to bite than unchained dogs²⁹. Sadly, in just four years from 2003 – 2007, at least 175 children were killed or seriously injured by chained dogs across the United States³⁰. While one could argue that aggressive dogs are more likely to be chained or tethered, the act of chronically restraining a dog in this manner can turn a friendly, good-natured dog into an aggressive animal over time and would undoubtedly exacerbate any pre-existing aggressive tendencies through reduced opportunity for positive socialization and increased frustration and defensiveness³¹.

It is clear that the act of chaining and tethering a dog is itself both dangerous and damaging. However, field observations by PETA's Community Animal Project – a hands-on group that works to rescue and improve the lives of chained and tethered dogs in rural Virginia and North Carolina in the United States – confirms that tethered dogs are also far more likely

28 Bathurst, C., Cleary, D., Delise, K., VanKavage, L., & Rushing, P. (2011). The problem of dog-related incidents and encounters. Washington, DC: COPS, Community Oriented Policing Services, U.S. Department of Justice

29 Sacks, J.J., Sinclair, L., Gilchrist, J., Golab, G., Lockwood, R. (2000). Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *JAVMA*. Vol 217(6): 836-840. doi: 10.2460/javma.2000.217.836.

30 United States, New Mexico Department of Public Safety, Consumer and Public Affairs Committee. (2008, January 10). Retrieved November 12, 2020, from https://apnm.org/wp-content/uploads/2016/07/Final_DPS_Tethering_Study.pdf

31 Lockwood, R. (2016). Ethology, ecology, and epidemiology of canine aggression. In *The domestic dog: Its evolution, behavior and interactions with people* (pp. 160-181). Cambridge: Cambridge University Press.

to experience myriad additional forms of neglect and abuse. This includes a lack of access to basic biological necessities such as food, water, sanitation and shelter from extreme weather, as well as an absence of veterinary care including the prevention or treatment of parasites, injuries and disease to which tethered dogs are particularly vulnerable.

Persistent chaining/tethering leads to an “out of sight out of mind” mentality whereby the basic needs of dogs are outright forgotten, leading to suffering and death. In 2019, a man in Rock Hill, South Carolina chained two dogs to a tree and abandoned them. The dogs were later found dead after they had become tangled around the tree so that they were unable to move and were left without food or water³². Direct physical injury because of chaining and tethering is also not uncommon as these animals can easily fall victim to entanglement or strangulation. The U.S. Department of Agriculture issued the following statement in the July 2, 1996, Federal Register: “Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane... A tether can become tangled around or hooked on the dog’s shelter structure or other objects, further restricting the dog’s movement and potentially causing injury³³.”

Dog collars in particular, are a serious source of injury for chained and tethered dogs. Collars can cause raw, painful abrasions and wounds to the neck, and may even embed into a dog’s skin as they grow or as traumatic wounds progress. In 2014, PETA’s fieldworkers happened upon a shocking case. A scrawny

32 Man wanted after dogs chained to tree starved to death in Rock Hill turns self in. (2019, October 24). WBTB On Your Side. Retrieved November 16, 2020, from <https://www.wbtv.com/2019/10/24/police-find-dead-dogs-chained-tree-caged-with-no-food-rock-hill/>

33Humane Treatment of Dogs and Cats; Tethering and Temperature Requirements. 61 Fed. Reg. 34386 – 34389 (July 2, 1996). (9 CFR Parts 1 and 3).



black lab-pit bull mix was found cowering inside of a makeshift doghouse in the backyard of a home in Virginia. She was tethered by a chain that had become so tangled it restricted her movement to only a couple of feet. Her collar was embedded into her neck leaving a huge, gaping, oozing, infected wound that measured 1.5 inches deep, barely missing her jugular vein and trachea by only a few millimeters³⁴. Chained dogs have also choked to death after they have become entangled or tried to leap over fences or other items. In July 2020, a tethered pit bull mix who was left without food for three days was found hanging from his wire tether after he had become entangled in it. A Comcast employee who was working in the area tried to help but the frightened dog bit him. The dog was dead before authorities could arrive on the scene³⁵.

Bitter cold winters and deadly summer heat are another source of misery for chained and tethered dogs who often suffer and die from exposure to extreme weather conditions. PETA’s fieldworkers deliver hundreds of doghouses every year to chained, backyard dogs who frequently have nothing but an overturned trash bin or plastic barrel—or nothing at all—to shield them on freezing winter nights. Countless chained dogs have frozen to death during cold snaps or died of heatstroke on sweltering summer days. In rural North Carolina in 2018, a 2 year-old black lab named Molly died of heat stroke while tethered outside during the sweltering heat. PETA fieldworkers discovered the remains of the deceased dog

34 O’Connor, J. (2014) Rest in Peace, Peaches—Your Abusers Are Behind Bars (Graphic). People for the Ethical Treatment of Animals. Accessed November 16, 2020: <https://www.peta.org/blog/rest-peace-peaches-abusers-behind-bars-graphic/>.

35 Goodman, C. (2020, July 15). Family of three arrested after dog found hanging from wire cable. Houston Chronicle. Retrieved November 16, 2020, from <https://www.houstonchronicle.com/neighborhood/katy/news/article/Family-of-three-arrested-after-dog-found-hanging-15410044.php>

inside of a dirt hole that she had apparently dug in a desperate attempt to escape the heat. This case, like so many others, involved prolonged neglect documented over the course of several visits by fieldworkers during previous year. At nearly every visit, Molly and other dogs on the property were found without food or water, and often so severely tangled in their tethers that they could barely move more than a few inches³⁶.

Disease and illness too are commonplace for tethered dogs whose ailments are also more likely to go unnoticed and untreated by negligent or absent guardians, resulting in prolonged, unjustified pain and suffering. Internal and external parasites feed on these animals year-round. In the summer, flea and tick infestations and suffering brought on by flystrike are especially severe for chained dogs, who have no escape from them. Persistently chained dogs, whose immune systems are likely already weakened by chronic and excessive stress, are more susceptible to severe parasitic infestations. Indeed, despite this being an entirely preventable and treatable condition, PETA's fieldworkers have found many chained and tethered dogs who were so anemic and weakened from flea infestations that they had to be euthanized to relieve their suffering.

Chained dogs left outdoors 24/7 without barriers or shelter are also at a heightened risk of attacks from wild animals or other free-roaming dogs. Two dogs who were roaming a small neighborhood in Virginia in 2019 attacked a Chiweenie named "Tip" who was tethered by a leash to his owner's front porch. The dog died before his owner could get him to an emer-

36 Bryant, C. (2019, August 23). Guilty as charged. Roanoke-Chowan News-Herald.com. Retrieved November 16, 2020, from <https://www.roanoke-chowannewsheald.com/2019/08/23/guilty-as-charged-2/>

gency veterinarian³⁷. In another example, a chained dog was injured when a coyote near Muncie, Indiana attacked him in February 2005. Attacks such as these highlight yet another deadly risk to chained dogs – rabies and other infectious and zoonotic diseases. Dogs chained outdoors are uniquely susceptible to pathogens carried by insects and other wildlife, including heartworm disease, Lyme disease, ehrlichia, rabies and the plague³⁸. This creates a dangerous environment for both animal and human health and safety.

Perhaps most disturbing is the shockingly frequent occurrence of gruesome attacks on vulnerable chained and tethered dogs by violent and deranged humans. In 2014, a Michigan family arrived home to find their 4-year-old lab mix, Max, lying dead in the mud while still tethered in their backyard. The dog had died after being viciously beaten and stabbed in the stomach in broad daylight.³⁹ In March 2020, a Georgia man shot and killed his nephew's chained dog while the dog was inside of his doghouse⁴⁰. The man had a record of animal cruelty and abuse including suspected links to dog fighting. It is worth noting, that chaining and tethering practices are linked to dog fighting. Chaining is a common method employed

36 Taylor, L., & Coleman, T. (2019, June 23). Loose dogs kill Chiweenie in front of Altavista home. ABC13 News. Retrieved November 16, 2020, from <https://wset.com/news/local/loosedogs-kill-chiweenie-in-front-of-altavista-home>

37 aylor, L., & Coleman, T. (2019, June 23). Loose dogs kill Chiweenie in front of Altavista home. ABC13 News. Retrieved November 16, 2020, from <https://wset.com/news/local/loose-dogs-kill-chiweenie-in-front-of-altavista-home>

38 Disease risks for dogs in social settings. American Veterinary Medical Association. Retrieved November 16, 2020, <https://www.avma.org/resources-tools/pet-owners/petcare/disease-risks-dogs-social-settings>.

39 Edwards, N. (2014, April 25). Police investigating 'brutal beating' death of dog in Newberry. UpNorthLive. Retrieved November 16, 2020, from <https://upnorthlive.com/news/local/police-investigating-brutal-beating-death-of-dog-in-newberry>

by dog fighters to keep dogs separated and agitated⁴¹. Dog fighting is in turn associated with a slew of other illegal activities including drugs⁴², gambling⁴³, firearms⁴⁴, and even child abuse⁴⁵. Indeed, chained and tethered dogs have been victims of torture, and have been poisoned, shot, stabbed, set on fire, stolen to be used as "bait" for fighting dogs, and abused in countless other ways.

The evidence is overwhelmingly clear: persistent chaining and tethering of dogs is cruelty to animals. The most effective way to help hundreds or thousands of neglected dogs in your area—as well as prevent dog attacks—is to work with legislators to ban the chaining and tethering of dogs. Bans on chaining and tethering should be total, with the sole exception of written veterinary prescription for a spe-

40 Saxon, H. D. (2020, March 24). Man shoots chained dog in dog house. Statesboro Herald. Retrieved November 16, 2020, from <https://www.statesboroherald.com/local/man-shoots-chained-dog-dog-house/>

41 Bacon, B. (2009, January 7). Inside the Culture of Dogfighting. ABC News. Retrieved November 18, 2020, from <https://abcnews.go.com/TheLaw/story?id=3390721&page=1>

42 Braverman, J. (2020, February 18). Man convicted after drug investigation leads to dog fighting ring. 11Alive. Retrieved November 18, 2020, from <https://11alive.com/article/news/crime/man-convicted-after-drug-investigation-leads-to-dog-fighting-ring/85-50b31585-899f-491b-aaf3-2b45cf9b2ad7>

43 Moore man pleads guilty to felony dog fighting. (2018, January 13). The Courier-Tribune. Retrieved November 18, 2020, from <https://www.courier-tribune.com/news/20180113/moore-man-pleads-guilty-to-felony-dog-fighting>

44 Dean, R. (2019, June 19). Sumter adds new charges for suspect in alleged dog fighting operation. ABC Columbia. Retrieved November 18, 2020, from <https://www.abccolumbia.com/2019/06/19/sumter-adds-new-charges-for-suspect-in-alleged-dog-fighting-operation/>

45 Police break up dog fighting operation in Aynor area; four charged. (2019, March 15). WMBF News. Retrieved November 18, 2020, from <https://www.wmbfnews.com/2019/03/15/police-break-up-dog-fighting-operation-aynor-area-four-charged/>

cific animal health reason specifying maximum daily durations for restraint and indicating an end date. Carefully crafted and rigorously enforced anti-tethering laws are the best hope for a better life for neglected backyard dogs around the world.

TERMINOLOGY:

"Inhumane"- cruel; lacking kindness and compassion; causing suffering in humans and/or animals.

"Persistent chaining" – unattended chaining that occurs for unreasonably long and/or frequent durations. Unreasonable durations include any period whereby a dog is chained longer than required for the dog's owner or caretaker to complete a temporary task during a reasonable period.

THE FIVE FREEDOMS OF ANIMALS AND BEYOND.

The Concept of the Five Freedoms of Animals, conceived in the 1960s, was firstly formalised in 1979 in the UK, by the UK Farm Animal Welfare Council in the occasion of an investigations in animal farms. The Five Freedoms have been extensively used as a reference for the developments of animal welfare legislations worldwide. The Five Freedoms have developed during time and are now encoded in the OIE (World Animal Health Organisation, Terrestrial Animal Code, art 7.1.3.). as follows:

- 1 Freedom from hunger and thirst;
- 2 Freedom from discomfort;
- 3 Freedom from pain, injury and disease;
- 4 Freedom to express normal behaviour;
- 5 Freedom from fear and distress.

Although the Five Freedoms remain a list of minimum guidelines for animal husbandry and care, If we were to compare the situation of a dog on chain against the Five Freedoms, we would find out that 4 Freedoms (2, 3, 4,5) would be violated if the carer would provide food and water on a daily basis , and that all 5 freedoms would be violated if that would not happen.

Moreover, current scientific knowledge, also reflected in recent laws, indicates that animals need much more than avoiding the negative status expressed in the 5 Freedoms; they also need a positive mental status, an enriched environment, a balanced nutrition, a social life, veterinary care and the possibility to express ethological and emotional needs, including affection.

- ✓ The keeping of a dog in chain is therefore a situation whereby not even the basic requirements stemming from the 5 Freedoms of animal husbandry are satisfied.



IN-DEPTH ANALYSIS OF THE LEGISLATION

OBLIGATIONS FROM INTERNATIONAL LAW

DOG ON CHAIN

RELEVANT PROVISIONS - INTERNATIONAL LAW

OIE World
Organisation for
Animal Health (OIE).

Terrestrial Animal
Health Code
The OIE Terrestrial
Animal Health Code
(the Terrestrial Code)
provides standards
for the improvement
of animal health
and welfare and
veterinary public
health worldwide,
including through
standards for safe
international trade
in terrestrial animals
(mammals, reptiles,
birds and bees) and
their products.
2017

Website:
<https://www.oie.int/>

Chapter 7.1.- Introduction to the recommendations for animal welfare

Article 7.1.1. General considerations

Animal welfare means the physical and mental state of an animal in relation to the conditions in which it lives and dies.

An animal experiences good welfare if the animal is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state.

Good animal welfare requires disease prevention and appropriate veterinary care, shelter, management and nutrition, a stimulating and safe environment, humane handling and humane slaughter or killing. While animal welfare refers to the state of the animal, the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.

Article 7.1.2. Guiding principles for animal welfare (note: relevant provisions only listed)

1. That there is a critical relationship between animal health and animal welfare.

2. That the internationally recognised 'five freedoms' (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour) provide valuable guidance in animal welfare.

3.-----

4. That the scientific assessment of animal welfare involves diverse elements which need to be considered together, and that selecting and weighing these elements often involves value-based assumptions which should be made as explicit as possible.

5. -----

6. That the use of animals in agriculture, education and research, and for companionship, recreation and entertainment, makes a major contribution to the wellbeing of people.

7. That the use of animals carries with it an ethical responsibility to ensure the welfare of such animals to the greatest extent practicable.

8. That equivalent outcomes based on performance criteria, rather than identical systems based on design criteria, be the basis for comparison of animal welfare standards and recommendations.

Article 7.1.3. Scientific basis for recommendations

1. Welfare is a broad term which includes the many elements that contribute to an animal's quality of life, including those referred to in the 'five freedoms' listed above.

2. The scientific assessment of animal welfare has progressed rapidly in recent years and forms the basis of these recommendations.

3. Some measures of animal welfare involve assessing the degree of impaired functioning associated with injury, disease and malnutrition. Other measures provide information on animals' needs and affective states such as hunger, pain and fear, often by measuring the strength of animals' preferences, motivations and aversions. Others assess the physiological, behavioural and immunological changes or effects that animals show in response to various challenges.

4. Such measures can lead to criteria and indicators that help to evaluate how different methods of managing animals influence their welfare.

Article 7.1.4. . Guiding principles for the use of measures to assess animal welfare

1. For the OIE animal welfare standards to be applicable globally, they should emphasise favourable outcomes for the animals, although, in some circumstances, it may be necessary to recommend specific conditions of the animals' environment and management. Outcomes are generally measured by assessing the extent to which animals experience the "five freedoms" described in Article 7.1.2.

2. For each principle listed in Article 7.1.5., the most relevant criteria (or measurables), ideally comprising animal-based measures, should be included in the standard. Any given animal-based measure may be linked to more than one principle.

3. Recommendations should, whenever possible,

define explicit targets or thresholds that should be met for animal-based measures. Such target values should be based on relevant science and experience of experts.

4. In addition to animal-based measures, resource-based measures and management-based measures may be used and should be defined on the basis of science and expert experience showing that a welfare outcome is clearly linked to a resource or to a management procedure.

5. Users of the standard should select the most appropriate animal-based measures for their farming system or environment, from among those listed in the standard. Outcomes can be measured by an assessment of individuals or animal groups, or a representative sample of those, using data from establishments, transport or slaughterhouses/ abattoirs. Competent Authorities should collect all data relevant for the users to set target and threshold values.

6. Whatever the basis of the measure, if outcomes are unsatisfactory, users should consider what changes to resources or management are necessary to improve outcomes.

Article 13 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
"animals are sentient
being" (2009) in the
The Treaty On The
Functioning Of The
European Union

<https://eur-lex.europa.eu/legal-content/EN/TXT/?12012E%2FTXT>

Chapter II – Principles for the keeping of pet animals

Article 3 – Basic principles for animal welfare

1. Nobody shall cause a pet animal unnecessary pain, suffering or distress.
2. Nobody shall abandon a pet animal.

Article 4 – Keeping

1. Any person who keeps a pet animal or who has agreed to look after it, shall be responsible for its health and welfare.
2. Any person who is keeping a pet animal or who is looking after it shall provide accommodation, care and attention which take account of the ethological needs of the animal in accordance with its species and breed, in particular:
 - a) give it suitable and sufficient food and water;
 - b) provide it with adequate opportunities for exercise;
 - c) take all reasonable measures to prevent its escape;
3. An animal shall not be kept as a pet animal if:

a) the conditions of paragraph 2 above are not met or if,

b) in spite of these conditions being met, the animal cannot adapt itself to captivity.

B HOW THE MATTER IS REGULATED IN ITALY, A FEW EU-STATES AND OTHER STATES: EXTRACTS OF THE LAWS AND ASSESSMENT (SEE ATTACHED TABLE NO. 1)

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