



Phoenix Advice Guide

What to do if you see an animal in distress, abused, neglected or at risk

If you know of an animal that you believe is either neglected, abused, at risk or distressed this document will guide you through the correct course of action.

Before taking any action, you need to establish that the animal is actually suffering abuse and is in distress. An animal which looks scruffy or thin may be neglected, but it may also just be old or have a winter coat which is ungroomed or out of condition – it does not always mean they are suffering or cruelly treated.

However if the animal is clearly distressed and suffering abuse, has insufficient food or water, inadequate shelter or is incorrectly tethered, is sick or injured, or you witness an incident of deliberate cruelty, you should take action.

The first step:

Without putting yourself at risk and in an attempt to resolve the problem amicably, you could contact the owner of the animal, explain who you are and the reason for your call and ask to see the animal that is in distress. You may only enter their property with their express consent. In the unlikely event that the owner agrees to talk to you, take the opportunity to assess the condition of the animal and remind the owner of their duty towards the animal, the various legal requirements (food, water, shelter, length of the tether) and establish if the owner wishes to rehome (give away/sell) the animal. What matters most is improving conditions for the animal or removing it to a place of safety, not your feelings about the owner's treatment of the animal.

If you have managed to be both firm and diplomatic you may succeed in suggesting a follow up visit, to ensure that the animal's situation has improved, or to bring along a vet, or someone who may wish to adopt the animal (if the owner has indicated they wish to sell/give the animal away).

However in cases of deliberate cruelty, or an untreated injury or condition, it will be more effective to take your evidence directly to the local Mairie, who have the power to enter property and inspect an animal.

Gather evidence:

As a private individual, you are not entitled to enter on to private property uninvited, or to remove an animal in distress. You may believe you are unobserved, but cannot guarantee this and may find yourself accused of trespass or theft. You may also be injured by the distressed animal.

Write a testimonial: stating the date, location, type of animal and nature of the conditions or abuse. Include the name(s) and address(es), telephone number(s) of all witness(es) and if possible add signatures of individual witness(es). Anonymous complaints are unlikely to be accepted.

Photographs and Videos of the animal/situation/incident:

These are vital to support a complaint. Get as close as possible to the animal/situation/incident, without trespassing or placing yourself at risk, and take photographs or video which clearly portray the abuse, injury and conditions in which the animal is kept.

Where to take your evidence:

You should report the case to the local Mairie and present all your evidence to them. The Mairie can instruct an official "Enqueteur" (from the SPA) to assess the situation on their behalf, and the Mairie, Police/Gendarmerie have the authority to enter private property to assess the situation themselves, to demand a Veterinary inspection, to advise the owner of his responsibilities or to remove an animal.

If the Mairie or Gendarmerie fail to respond you should take your evidence directly to the local SPA. The SPA will require the support of the Mairie/Gendarmerie to enter on to private property or seize animals.

The Law:

The law defines an animal as a sentient being and requires the owner to keep it in conditions consistent with the "biological requirements of its species" and ensuring that the living conditions are compatible with the animals' welfare needs in several respects:

Food and Water

The owner of a domestic animal must make available

- ❖ appropriate food in sufficient quantity to maintain the animal's wellbeing
- ❖ a supply of fresh water, refreshed regularly, and protected from freezing, in a properly maintained, clean container.

Shelter

Domestic animals should not be locked up in an enclosed area which is

- ❖ unventilated
- ❖ unlit
- ❖ insufficiently heated

The animal's accommodation must be sufficient for their type and needs. Shelter against the weather and shade must be provided for animals, especially for animals left on apartment balconies or tethered in gardens/fields.

Tethered Animals

Animals kept tethered (including guard dogs) must have a collar/halter and tether proportionate to their size and strength (a tether chain must not be used as a collar or halter), not having excess weight and which does not impede their movements, or their ability to sit/ lie down, or to reach food, water and shelter.

Note: the use of spiked collars or choke chains is prohibited for tethered dogs.

The tether must meet the following standards:

- ❖ it must ensure security of any visitors to the property
- ❖ it must slide freely on a horizontal cable or be attached to a fixed point and must not impede the movement of the animal or become tangled
- ❖ have a minimum length of 2.5 meters for a sliding cable or 3 meters in all other cases.

Animals in a vehicle

No animal shall be locked in a car without adequate ventilation

If the animal is left in a parked vehicle, provision should be made to ensure the animal has sufficient fresh air and the vehicle must be parked in the shade.

Veterinary Care

In case of illness or injury to an animal, the owner is obliged to ensure the animal is given the appropriate veterinary treatment

What are the sanctions for abuse of an animal?

The abuse of animals, whether through negligence, ignorance or premeditated intent, is forbidden by Law. Under the Articles of the Criminal Code there are varying degrees of severity for penalties, from a fine of 450€ for unintentional injury or negligence, to 30,000€, with a temporary or permanent disqualification from owning pets and a prison sentence of up to 2 years for in cases of deliberate and premeditated cruelty.

Animal Welfare Associations only have the same rights as a private individual – they may not enter property or remove an animal without the consent of the owner. However, they have great expertise in persuading the local Mairie to take action, in negotiating with owners of animals which are being kept in poor conditions in order to improve those conditions or to remove an animal to a place of safety.

ASSOCIATION	WEBSITE	EMERGENCY TELEPHONE N°
Association Stephane Lamart	www.associationstephanelamart.com	01 44 75 00 47
Fondation Brigitte Bardot	www.fondationbrigittebardot.fr	01 45 05 14 60
30 Million d'Amis	www.30millionsdamis.fr	01 56 59 04 44
Association FAAA	www.fondationassistanceauxanimaux.org	01 39 49 18 18

EQUINE:

<http://www.ashafrance.org>

<http://www.equinerescuefrance.org>

www.chem.fr

<http://aubonheurdeschevaux.com>

DDCSPP (Direction Departmental de la Cohesion Sociale et de la Protection des Populations)
Find your local branch on the Internet, using the Search: DDCSPP and the name/number of your Department

Your local SPA - Internet Search: SPA + the name of your Department

Phoenix Association

Please visit our website to see how Phoenix helps animals and how you can help Phoenix.

Apply for Membership ~ Become a Foster Carer ~ Donate ~ Fundraise ~ Adopt a Rescue

Phoenix Website www.phoenixasso.com

Phoenix Facebook Page <https://www.facebook.com/PhoenixAssociationFrance/>

Phoenix operates purely with Volunteers, just ordinary folk with a passion for animal welfare.