



VIOLETION OF THE RIGHTS OF ANIMALS ABANDONED IN STREET SITUATION

VULNERACIÓN DE DERECHOS DE LOS ANIMALES ABANDONADOS EN SITUACIÓN CALLE

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ABSTRACT:

The present study aims to determine the public's knowledge about the rights of the animals covered by the legal norms by force in Ecuador. During the research, interviews will be used with people who have knowledge of territorial regulations and people who in their daily work have experience in saving lives and rescuing animals from serious situations. A mixed and bibliographic methodology of descriptive type was used. Tools were used for the gathering of the information like the interview, online survey to the citizenship where it was obtained as results that the youngest people have greater knowledge and conscience about the rights of the animals, having more care and empathy with the abandoned animals. In addition, there is a lack of knowledge among the elderly about the legal norms in favor of nature and animals, where animal rights are substantiated in the Constitution of the Republic of Ecuador and the penalties are stipulated in the Comprehensive Organic Criminal Code, which is applied at the national level, and Municipal Ordinance No. 10 of the GAD-Manta, it is also known that the causes and consequences that cause the abandonment of animals are unwanted litters, irresponsible people who have pets but do not care about their integral or reproductive health, it also influences the economic issue because some do not have as maintain them.

Keywords: Violation of rights, Animal abandonment, Animal mistreatment, Rights of the animals.

RESUMEN:

El presente estudio tiene como objetivo determinar el conocimiento de la ciudadanía sobre los derechos de los animales amparados en las normas legales vigentes en el Ecuador. Para lo cual durante el desarrollo investigativo se utilizó entrevistas aplicadas a personas quienes tienen conocimiento en normativa territorial, y personas que en su labor diaria tienen experiencias permitiéndoles salvar vidas y rescatando a animales de situaciones graves. Se empleó una metodología de tipo mixta y bibliográfica de tipo descriptiva, se utilizó herramientas para el levantamiento de la información como la entrevista, encuesta online a la ciudadanía donde se obtuvo como resultados que las personas más jóvenes tienen mayor conocimiento y conciencia acerca de los derechos de los animales, teniendo más cuidado y empatía con los animales abandonados, además existe un desconocimiento de las personas mayores sobre las normas legales a favor de la naturaleza y de los animales, donde los derechos de los animales están sustentados en la Constitución de la República del Ecuador, y las penas se encuentran estipuladas en el Código Orgánico Integral Penal, que se aplican a nivel nacional y la Ordenanza Municipal No. 10 del GAD-Manta, además se conoce que las causas y consecuencias que ocasionan el abandono de los animales es las camadas no deseadas, personas irresponsables que tienen mascotas, pero no se preocupan de su salud integral ni reproductiva, también influye el tema económico ya que algunas no tienen como mantenerlas..

Palabras clave: Violación de derechos, Abandono de animales, Maltrato animal, Derechos de los animales.





1. INTRODUCTION

The lack of knowledge about animal rights by the citizens is the problem, adding to this the ignorance of legal norms that protect them, adding the lack of sensitivity.

According to the United Nations (2015), which talks about the rights of animals in its objectives for 2030, it has been presented its objectives of sustainable development, among which for the first time there is a relevant position to animal protection. Obj. 15: Life of terrestrial ecosystems. "On June 21, 2018, the United Nations Development Programme (UNDP), in partnership with Mars and FINCH announced the creation of the fund "The Lion's Share"", an initiative aimed at transforming the lives of animals around the world by asking communications companies to contribute a percentage of their media investment to the implementation of animal conservation and welfare projects.

The Decentralized Autonomous Governments in Ecuador have municipal ordinances that seek to protect, watch over the welfare and care for animals. "The illustrious Municipality of the city of Manta dictated the Ordinance N°. 10 of control, responsible possession, harmonic

coexistence of the protection of the urban fauna of the canton Manta, where their rights are recognized" (Intriago, 2019).

In this ordinance it is ordered the surveillance, possession, breeding, commercialization, reproduction and transport respecting the principles of animal welfare, promoting the harmonic coexistence and responsible possession of pets.

Furthermore, to investigate and promote complaints from citizens about cases of abuse in the jurisdiction and apply the sanctions established in the regulation.

Acting officially in these situations of violation of rights and alteration of the welfare of urban fauna, promoting citizen participation to spread the culture of ownership and protection of animals. (Del Pozo, 2017)

In a study conducted by Chible (2016), he states that he focuses on analyzing "the Brazilian legal system with the interest of establishing a new legal framework for animals, proposing vulnerability as a basis for changing the legal status of animals" (p. 217). Thus, despite the considerations made,



it is important for all those interested in knowing a new proposal for the foundation of animal rights that has its support in the thinking of Brazilian Bioethics from the perspective that consolidates the protection of animal rights.

In this applied study, knowledge of animal rights is promoted and Ordinance No. 10 of GAD-Manta is strengthened for its application and execution, encouraging citizens to register their pets, opting for animal sterilization to avoid unwanted litters, encouraging the rescue and adoption of abandoned animals that are in the street, focusing on animal rights and legal regulations in their environment.

Therefore, if the ignorance continues it will trigger a serious problem of public health since the animals that are in street situation can develop diseases of malnutrition, dehydration, becoming a focus of infections and transmitter of diseases to vulnerable groups (people), only because of the unawareness of the rights and the legal norms that protects the animals. Adding to this is the apathy of people who treat them cruelly, either by obtaining the puppies for commercialization, carrying out aggressions

directly towards them or organizing clandestine fights for profit.

It is necessary that the citizens know and recognize the rights of the animals, plus the legal norms that protect them as subjects of rights, as well as the consequences of their acts that can be punished.

In view of the above, the general objective of the research is:

Determining the knowledge of people about the rights that animals have under the laws of Ecuador, however, the following problem is formulated: ¿How does the knowledge of people about the rights that animals have under the protection of the legal norms of Ecuador influence?

2. METHODOLOGY

The investigation of the subject: Violation of the rights of abandoned animals in street situation in the city of Manta year 2019 - 2020, was carried out under a type of mixed investigation since tools such as interviews were used from the qualitative cut, that was made to the Director of the Department of Environment of the GAD-Manta Engineer Ivan Murillo who has knowledge of the subject within the jurisdiction, as well as to



people who direct institutions and are dedicated to this praiseworthy work, also surveys were made on-line to the citizenship where a statistic was obtained that was applied in a quantitative way.

Simple probabilistic formulas were used, which were applied in social network groups where people between the ages of 18 and 65 participated.

To determine the population we took data from the Census of Population and Housing 2010, which is within the city of Manta a total of 181,769 people, which when applying the probabilistic formula gave a result of 383 people who were surveyed, so we obtained the statistics, taking into consideration people who collaborate with animal rescue organizations, these were three people dedicated to the rescue and care of abandoned animals, thus establishing the participatory action.

In the development of this research, the following materials were used: legal norms in force in Ecuador, interviews with professionals such as a zootechnical veterinarian, a GAD-Manta public official and two people who are dedicated to the rescue, care and protection of animals,

similarly, the use of the SPSS program was applied, which allowed an analysis of the study variables through correlation data that allowed the tabulation of the information obtained.

3. RESULTS

It was possible to demonstrate on the basis of the specific objective No. 1 To know the existing legal norms in Ecuador that protect the rights of the animals. This was verified based on the information gathered in the surveys and interviews, where the following is verified in Chart 1.

Chart 1. Existing legal norms in Ecuador that protect the rights of animals.

Age	A lot	Little	Nothing
18 to 25	41,4%	58,6%	,0%
26 to 35	,0%	100,0%	,0%
36 to 45	,0%	100,0%	,0%
Over 45	,0%	40,5%	59,5%
TOTAL	13,8%	74,7%	11,5%

It can be seen that there is 100% of people surveyed between the ages of 26 and 45 years who claim to know little about the existing legal norms in Ecuador, which protect the rights of animals, while 59.5% over 45 years claim to know nothing, 58.6% between 18 and 25 years claim to know little



and finally 41.4% of people between 18 and 25 years claim to know a lot.

Question No. 3 of the interview: Do you know what rights animals have under Ecuadorian law?

However, the owner of Gustavo's shelter says that he knows the rights of the animals, claiming that there are many regulations that the law has, but in practice they do not work. He mentions that he likes to update himself and read about laws and regulations, but there is no will to apply them as rigorously as they should be, added to this is the society that is evolving without education.

In the same way, in the interview with a veterinarian, he affirms that the laws are fine, but they are not applied, they remain only on paper, the authorities do not enforce those laws, and people continue to do what they want with the animals.

It was possible to verify on the basis of the specific objective No. 2 To identify the causes and consequences that cause the abandonment of the animals. The same that can be related based on chart 2 and 3.

Chart 2. Causes and consequences that cause the abandonment of animals.

	18 to 25 years	26 to 35 years	36 to 45 years	Over 45 years
The mascot is too much work	18,0%	0%	0%	0%
Irresponsible people	82,0%	100%	52,3%	0%
Lack of time	0%	0%	32,6%	0%
Irresponsible breeders, trying to make money	0%	0%	9,3%	0%
Having a baby, so they no longer want an animal in the house	0%	0%	5,8%	1,4%
Change of address	0%	0%	0%	5,4%
Loss of interest for the pet	0%	0%	0%	14,9%
Unwanted litters	0%	0%	0%	21,6%
Disregard for animal health and hygiene	0%	0%	0%	12,2%
Not having the resources to feed it	0%	0%	0%	21,6%
Having to travel or move unexpectedly	0%	0%	0%	8,1%
Animal disease and lack of economic resources	0%	0%	0%	14,9%
TOTAL	33,4%	24,8%	22,6%	19,3%

It can be observed that 100% of people surveyed between the ages of 26 and 35 years old that affirm one of the causes of animal abandonment, are irresponsible people, in the same way 82% between the ages of 18 and 25 years old, 52.3% between the ages of 36 and 45 years old respond in the same way, however 21.6% affirm that



the abandonment is for having unwanted litters, 21.6% in ages of more than 45 years make reference that they affirm that another cause and consequence is not having the resources to feed them, 18% in ages of 18 to 25 years affirm that another cause of the abandonment is due to the fact that the pets demand a lot of work or time.

Chart 3. Causes of animal abuse.

	For fun	For cruelty	Due to lack of knowledge
18 to 25 years	77,3%	22,7%	,0%
26 to 35 years	,0%	100,0%	,0%
36 to 45 years	,0%	100,0%	,0%
Over 45 years	,0%	45,9%	54,1%
TOTAL	25,8%	63,7%	10,4%

Chart 3 shows that 100% of people surveyed between the ages of 26 and 45 say that one of the causes of animal abuse is due to cruelty, while 77.3% between the ages of 18 and 25 say that another cause is for fun, and finally 54.1% over the age of 45 say that another cause of animal abuse may be due to lack of knowledge.

As for the interviews applied to people involved in the environment of the topic,

they state that there are innumerable reasons that can cause abandonment and mistreatment, and that it is normal to hear phrases like "they are going on a trip", "they have no economic possibilities", "I have no one to leave them with", and they are abandoned to their fate, in the same way the economic limitation causes the abandonment, likewise, the lack of education in the formation of the people from their childhood increases factors that can cause the animal mistreatment, this creates that people with a null empathy are developed, creating also a macho and violent society.

It is necessary to establish the relationship in the study and verification of the specific objective No. 3 To analyze the compliance of the legal norms that protect the rights that are in a situation of abandonment. This is listed in chart 4 below.

Chart 4. The authorities on duty comply with the legal regime for the protection and protection of animals.

	Very often	Often	Occasionally	Rarely	Never
18 to 25 years	14,8%	37,5%	47,7%	,0%	,0%



26 to 35 years	,0%	,0%	97,9%	2,1%	,0%
36 to 45 years	,0%	,0%	,0%	100%	,0%
Over 45 years	,0%	,0%	,0%	40,5%	59,5%
TOTAL	5,0%	12,5%	40,2%	30,8%	11,5%

It can be seen that 100% of the people surveyed between the ages of 36 and 45 years affirm that the authorities on duty rarely comply with the legal regime of protection and protection of animals, while 97.9% between the ages of 26 and 35 years affirm that occasionally the authorities on duty comply with the legal regime, 59.5% affirm that never in ages over 45 years, while 47.7% between the ages of 18 and 25 years affirm that occasionally the authorities on duty comply with the legal regime of protection of animals.

As for the interviews applied to professionals such as: Dr. Yandry Moran - Veterinarian Zootechnician and Engineer Ivan Murillo - Official of GAD-Manta who work in attention and care of the animals, as well as Jefferson Ortiz - owner of Fundación Esperanza Canina, and Attorney Edwin Rodriguez - owner of El Refugio de Gustavo who are immersed in the work of rescue, shelter, protection, and care of animals affirm that the legal norms that protect the rights of

animals must be rigidly applied to those who are in a situation of abandonment, but it is also necessary that a study of the law be made and that the reforms be with strong sanctions, since the right to life does not have distinctions between human and animal life.

4. DISCUSSION

It was evident that within the existing legal norms in Ecuador that protect the rights of animals, the people surveyed between the ages of 26 and 45 know little about the laws, as well as the people surveyed between the ages of 18 and 25 know a lot about the legal norms that protect animals, nevertheless in the interviews applied to people in the environment in care and protection of animals they mention that there are many regulations that the law has, but in practice they do not work, it is not applied, they remain only on paper, the authorities do not enforce these laws, and people continue doing what they want with the animals.

As for the COIP (2014) and the GAD-Manta (MANTA, 2019), within an Ordinance it recognizes animals as subjects of rights and sentient beings in need of protection.



It is evident that it is necessary to continue inducing the knowledge of the legal norms to the citizenship, this can be by means of the direct use of the social networks, or publicity in fences, where they stipulate the laws on the serious faults caused to the animals, and this way to increase the knowledge and to raise awareness on the animal mistreatment that at the present time has become a very relevant subject for the society.

In terms of identifying the causes and consequences that cause the abandonment of animals, the people surveyed say that the causes are due to irresponsible people, unwanted litters, not having the resources to feed them, the pets demand a lot of work or time, and even many people perform the action of abandonment or abuse for cruelty, fun or lack of knowledge.

As for what Pablo De Damborenea (2019) states, that among the causes that generate animal abandonment is the lack of awareness of the population, this results in the absence of rules that determine dignified conditions in which they are developed, likewise the main cause of animal abandonment continues to be unwanted litters.

There are several questions that cause the abandonment of animals, this is generated due to the lack of awareness of people, in terms of care and responsibility, however referring to abandoned animals, they also receive mistreatment by people.

As far as the compliance with the legal norms that protect the rights of the animals that are in situation of abandonment, in the result of the surveys it is evident that rarely or occasionally the authorities of turn comply with the legal regime of protection and shelter of the animals, nevertheless in the interview to professionals they affirm that it is necessary to apply rigidly the legal norms that protect the rights of the animals that are in situation of abandonment, but also it is necessary that a study of the law is made and that the reforms are with strong sanctions, since the right to the life does not have distinctions between the human and the life of an animal.

As for the new reforms of the COIP, published on June 21, 2020, they take into account the mistreatment of animals and the abandonment that are considered contraventions and those who commit them must comply with community work hours, as in Art. 250.3 indicates that the person who



abandons an animal will be sanctioned with community work from twenty to fifty hours, as well as Art. 250.4 indicates that whoever by action or omission causes temporary damage, seriously deteriorates the health or physical integrity of an animal, without causing death will be sanctioned with community work from fifty to one hundred hours.

It is necessary to reinforce the knowledge to the general population about the rights of animals, where it is necessary to raise awareness about the defense and the rights of the animals, having to recognize that the animals have as much rights as a human being with the simple fact of having life, changes that could eliminate the animal mistreatment and guarantee that people think carefully, and thus create conscience about the defense of the rights of the animals.

5. CONCLUSIONS

It was possible to know based on the induction and verification of the general objective, that younger people have greater knowledge and awareness about animal rights, having more care and empathy with abandoned animals, however people of 45

years or more have little knowledge about the rights that protect the animals, this by the lack of education, because previously the issue of rights was not important and there were no laws that protect the animals.

With respect to the first specific objective, it is indicated that animal rights are substantiated in the Constitution of the Republic of Ecuador, and the penalties are stipulated in the Comprehensive Organic Penal Code, which is applied at the national level, and Municipal Ordinance No. 10 of the GAD-Manta, which governs at the local level, and the penalties are aligned with the COIP.

The causes and consequences that cause the abandonment of the animals are the unwanted litters, irresponsible people who have pets, but do not care about their overall health or breeding, the economic issue also influences as some do not know how to maintain them and the lack of time of the owners to devote to their animals.

The penalties regulated in the current law are very light, but even so, people who commit the violation of the right to animals are not sanctioned, nor are the abusers punished, because the authorities do not file the complaints before the multicompetent



courts and there is no known sentence with respect to the violation of the rights of these active subjects of rights, at a national or local level.

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