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PUBLIC POLICIES AND ANIMAL WELL BEING: A BIBLIOGRAPHIC REVIEW

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Abstract. The populational control of wandering animals and the well-being of animals are among the non-resolved public policies in Brazil. The lack (or non-application) of educational and punitive laws in the area are some of the reasons for implementing Federal, State, and Municipal Public Policies dealing with this issue. The aim of this literature review is to reflect on the need for developing public policies focused on the surveillance and control of zoonoses in Brazil. By deductive reasoning, associated with bibliographic revision and documental research, we studied the norms, doctrines, and philosophical currents relevant to the area. We provide a brief summary of public policies in general. Next, we approach the concept of unified health, that considers the interdependency between human health, animal health and environmental health. We analyze the judicialization of public policies so that the State and the collectivity observe their duty to guard animals and protect the fauna. In this way, they may indirectly help to protect the human being. We try to enforce the implementation of public policies centered on the protection of animals, of the environment, and of human beings deriving from the concept of unified health.

Keywords: Zoonoses; Animal rights; Unified health.

POLÍTICAS PÚBLICAS E BEM ESTAR ANIMAL: REVISÃO BIBLIOGRÁFICA

Resumo. O controle populacional de animais errantes e o bem-estar de animais estão entre as políticas públicas não resolvidas no Brasil e a falta (ou não aplicação) de leis educativas e punitivas sobre o assunto, são apenas alguns dos motivos para implantação de políticas públicas federais, estaduais e municipais, direcionadas a esta questão. O Objetivo desta revisão bibliográfica é refletir sobre a necessidade de políticas públicas focadas na vigilância e controle de zoonoses no Brasil. Para tanto, empregando o raciocínio dedutivo, com utilização da técnica de pesquisa documental e bibliográfica, realizou-se estudo das normas, da doutrina e de correntes filosóficas aplicáveis, fazendo um breve resumo sobre políticas públicas em geral. Em seguida, será abordado o conceito de saúde única, que

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considera a interdependência entre saúde humana, saúde animal e saúde ambiental. Analisaremos a questão da judicialização de políticas públicas para que o Estado e a coletividade observem o dever de tutelar os animais e de proteger a fauna e, de forma indireta, defender o ser humano. Buscou-se enfatizar a efetivação de políticas públicas fundamentada para a proteção dos animais, ao meio ambiente e ao ser humano a partir do conceito de saúde única.
Palavras-chave: Zoonose; Direito animal; Saúde única.

POLÍTICAS PÚBLICAS Y BIENESTAR ANIMAL: REVISIÓN BIBLIOGRÁFICA

Resumen. El control del vagabundeo de los animales errantes y el bienestar de los animales se encuentra entre las políticas públicas que no son resistentes en Brasil y la falta (aplicación) de leyes educativas y punitivas sobre el tema son algunas de las razones para implementar políticas públicas federales, estatales y municipales. , dirigido a este tema. El objetivo de esta revisión de la literatura es reflexionar sobre la necesidad de políticas públicas centradas en la vigilancia y el control de las zoonosis en Brasil. Por lo tanto, utilizando el razonamiento deductivo, utilizando la técnica de investigación documental y bibliográfica, se realiza un estudio de las normas, doctrinas y corrientes filosóficas aplicables, resumiendo brevemente las políticas públicas en general. A continuación, abordaremos el concepto de salud única, que considera la interdependencia entre la salud humana, la salud animal y la salud ambiental. Analizaremos los juicios de la judicialización de las políticas públicas para que el Estado y la comunidad deben observar para proteger a los animales y la fauna e, indirectamente, para defender al ser humano. Pretendemos enfatizar la implementación de políticas públicas basadas en la protección de los animales, el medio ambiente y los humanos del concepto de una sola salud.
Palabras clave: zoonosis; Ley Animal; Salud única.

INTRODUCTION

Public policies represent government actions to solve a public problem. The necessity of implementing, maintaining, and enabling public policies focused on the treatment, relocation, protection, and well-being of animals by the government is a subject long overdue for our legislators (MADEIRA, 2014).

The issue of sick animals abandoned on the streets of our cities represents a public problem that causes inconveniences such as traffic accidents, bites, spreading of garbage, non-delivery of correspondence by the postal services, as well as discomfort resulting from the view of a suffering animal (SILVA et al., 2019).

Animals such as pets live side by side with humans in great urban centers and are often treated as members of the family. They end by influencing community life, sometimes to their loss, such as in the hypotheses of the transmission of pathogens, and sometimes to their

advantage, such as in the case of the dissemination of seeds by birds and small mammals (GIUMELLI; SANTOS, 2016).

The negative repercussion generated in social nets in response to cases of ill-treatment of animals evidences the attention that society gives to animals in general. As a result of such manifestations, the Supreme Court has recurrently legislated for the unconstitutionality of cruel practices against the fauna, such as in traditional festivities involving the overturning of the ox, or other forms of bull molestation, and cock-fights (RIBEIRO; MAROTTA, 2017).

"Animal rights" have been reviewed by jurists, under the light of civil, penal, and mainly constitutional standards. Our Carta Magna explicitly prohibits, in its art. 225, §1º, incisive VII, cruelty to animals. Thus, it becomes a constitutional obligation for the public authority to protect the fauna, as foreseen in the above disposition, that bans practices that puts into risk the ecological function, that provokes the extinction of species, or that submits animals to cruelty. The cruelty enhanced above is considered to be a crime, as foreseen in art. 32 of Law n.º 9.605/98. Animals must thus be monitored by the public authorities, in order to guarantee the well-being of animals and to promote an equilibrium in their coexistence with humans (BRASIL, 2009).

A bias may be perceived towards the protection of human rights, which requires the necessity of public policies that control animal populations in the name of promoting public health. Yet the environmental standard must always be observed that this control be conducted in an ethical way (RIBEIRO; MAROTTA, 2017).

In the *caput* of the constitutional disposition there is a commandment of protection of the environment that is in ecological equilibrium. There is also a disposition that makes such an ecological equilibrium a common resource for the people, and an essential condition for the overall quality of life. There can be no doubt that the protection of the environment is related directly to the right for a healthy life. It is pondered that all and any public policy in favor of animals echoes on human rights, particularly on the right for health (BRASIL, 2009).

DEVELOPMENT

Methodology

This article represents a study based on the revision of the specific literature dealing with animal rights. It synthesizes the available information in electronic databases such as GOOGLE and GOOGLE SCHOLAR, by using keywords such as zoonosis, animal rights, and unified health.

Relevant literature was read critically for the extraction of the most important issues (BARDIN, 1977; DIAS et al., 2011; GIL, 2011).

RESULTS AND DISCUSSION

Of the 25 obtained papers, 15 were used in the results presented herein.

Public policies for animals

Zufelato (2012) observes that "public policies represent a mechanism for obtaining fundamental goals established by the State". It is thus possible to infer that the guardianship of animals is an obligation for public administration, directly related to the responsibility indicated in the constitution related to the fauna (CF/88, art. 225, §1º, incisive VII). When the well-being of animals is at risk, public policies must be implemented in order to attain the human well-being. Under this reality, animals may be subject to rights or moral agencies, but only in the case of their being creditors of State obligations, as the constitution foresees. Under this line of reasoning, the death or suffering of animals in the streets, without an adequate public veterinary assistance, is not justified (RIBEIRO; MAROTTA, 2017).

The construction of a free, just, and solidary society, listed in art. 3 of CR/88, leads us to reflect that, when thinking of environmental ethics (ethics involving the relationships between humans and nature), society would only be just and solidarity if it included in these concepts the compassion and the responsibility for other entities integrating the web of life on Earth (SEN, 2011). Such a logic may easily be applied to the relationships between human and non-human animals, which share, according to scientists, sentience (the capacity to feel pain or pleasure) and even conscience (POCAR, 2013).

Inversely, the human being seems to want to distance himself more and more from nature and the remaining animals, as a way of putting himself in the center of the universe. He tends to attenuate his capacity for solidarity with animals, for considering them as different, inferior, and subjugated. It is as if animals existed to satisfy human interests, as if they were mere instruments to be used according to the sovereign wish of humanity.

Pondering the issue, the more coherent view seems to be that each present species is the best evolutionary expression of a continuous historical process and must thus be respected. In this sense, it is more reasonable to consider the human species as one of these many individual evolutionary lineages. We likewise represent the most advanced state of our individual lineage, alongside so many other equally best evolutionary experiments (POCAR, 2013).

These represent the bases for the necessary public policies in favor of animals. These policies must include the presence of a competent entity to deal with issues relating to the fauna, such as planning, inspecting, making budgetary previsions, and coordinating effective programs and actions (RIBEIRO; MAROTTA, 2017).

Some examples:

In Belo Horizonte municipality, the Town Hall adopted the program 'Adopt a Friend' ("Adote um Amigo"), in which it provides the free sterilization of dogs and cats in centers scattered over the city. This substituted the cruel 'gas chambers' to control the city populations of animals (SILVA, 2017).

Conselheiro Lafaiete municipality, Minas Gerais State. The project "Those who love castrate" was developed under partnerships involving the Municipal Health Center (a center for the control of zoonoses), the Public Ministry, the Regional Association for Environmental Protection (ARPA), and the 'Lafaietian' Association for the Protection of Animals (ARPA) (both the latter represent ONGs). The initiative possibilities the free castration of animals, avoiding the undesired populational increase of domestic animals. The planned actions were developed during itinerant visits to the several neighborhoods (RIBEIRO; MAROTTA, 2017).

In the city of São Paulo, two units of the public veterinary hospital, administered by the County Center for Green Areas and the Environment (SVMA), together with the National Association of Veterinary Clinicians of Small Animals (ANCLIVEPA), coordinated appointments, laboratory exams, medication, surgeries, and hospitalizations. Nine specialties were available in these units (SOARES, 2018).

In Victoria, Porto Alegre, the public veterinary hospital was conceived by private initiative (an investment of 2 million dollars by the businessman Alexandre Grendene). The administration of this hospital became the responsibility of the Town Hall, which opted for the hiring of 19 vets. The veterinary hospital planned to look at 270 animals per day (RIBEIRO; MAROTTA, 2017).

The public vaccination campaigns, very common in the various states, are also viewed as important initiatives. They must enlarge their actions to other illnesses as well as rabies, in order to contemplate other pathologies (FREIRE et al., 2010).

In order to guarantee the well-being of animals, it is also important to record the wagoners and their horses, providing free veterinary attendance, particularly in cities that have not abolished the transport of animal traction in urban areas. Counties and traffic agencies must

also take responsibility in capturing animals from highways, avoiding accidents and running overs (RIBEIRO; MAROTTA, 2017).

In all possible situations, one cannot forget to stimulate and point out the necessity of providing environmental education (CF/88, art. 225, §1º, incisive VI), mainly with actions directed to responsible possession of animals, avoiding the capture of wild animals, and preventing ill-treatment of animals. Such actions, in public policy, must be broad and systematic (RIBEIRO; MAROTTA, 2017).

The public policies that must be implemented in favor of animals should be continuously revised, amplified, and perfectioned, in order to attend the expectations of society. Public policies must be constantly evaluated by society itself regarding their ethical relationships with the fauna (ARRUDA; FURTADO, 2017; POCAR, 2013; SILVA et al., 2019).

CONCLUSIONS

Public Policies are a set of activities aimed to achieve the aims of the State. Among these aims lies the construction of a free, just, and solidary society that must be shared by humans and non-humans.

The intrinsic relationship existing between human health, animal health, and environmental health, should not be restricted. We refer to this more inclusive concept of overall health as Unified Health. According to the World Animal Health Organization (OIE), more than 60% of existing human infectious diseases are originated from animal zoonosis. The elaboration of Public Policies to sustain Unified Health thus become fundamental and indispensable.

The custody of the environment and the right for health are the vectors that may be inserted into the idea of a minimal existence. Such an existential minimum represents all that is indispensable to guarantee a dignified life, all that contributes to the human and animal well-being.

We conclude that there is a constitutional, legal, and technical basis for the implementation of Public Policies in favor of animals. The Judiciary has a relevant role in controlling the omissions and equivocal actions of the other ruling powers.

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