

Legislation on religious slaughter

The research carried out to identify current legal rules on religious slaughter has focused on EU member states (Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Cyprus, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom), candidate countries (Croatia, FYR Macedonia and Turkey) and two associated countries (Australia and Uruguay).

Introduction

States' legal provisions concerning religious slaughter differ from Jewish and Islamic religious rules, because lawmakers have regulated only some specific aspects of the killing of animals according to a religious rite. The prohibition on stunning animals before slaughtering them, which is upheld by orthodox Jewish communities (with some exceptions) and a number of Muslim ones, is the characteristic of religious slaughter that is taken into greatest consideration by States' legal systems. In fact, this is the feature that most contrasts with States' legislation on slaughter.

Today's regulation of religious slaughter is based on two principles, which are regarded as conflicting. On the one side, there is an increasing awareness of animal welfare, which has led lawmakers to prohibit slaughter without previous stunning, on the grounds that it inflicts unnecessary pain. On the other side, there is the protection of the fundamental human right to religious freedom. When a State has regarded the carrying out of religious slaughter as one of the rights comprised by the concept of religious freedom, then it has also allowed a derogation from the requirement to stun animals before slaughter for religious reasons.

The examined countries have balanced these two interests in different ways, and such differences have led to a variety of adopted solutions.



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Table. Classification of EU member, candidate and associated countries with regard to their rules concerning religious slaughter and stunning

Country	Forbids religious slaughter without previous stunning	Allows religious slaughter without previous stunning under certain conditions	Allows religious slaughter without previous stunning but prescribes post-cut stunning under certain conditions
Australia	x (stunning must be reversible)	x (only for sheep in four slaughterhouses under an "approved arrangement")	x (only for cattle in four slaughterhouses under an "approved arrangement")
Austria			x
Belgium		x	
Bulgaria		x	
Croatia		x	
Denmark		x (not for cattle)	x (only for cattle)
Estonia			x
Finland	x (only in the province of Åland)		x (in other provinces, stunning and slaughtering must be performed simultaneously)
FYR Macedonia		x	
France		x	
Germany		x	
Greece		x	
Hungary		x	
Ireland		x	
Italy		x	
Latvia	x		
Lithuania		x	
Luxembourg		x	
Malta		x	
Netherlands		x	
Poland		x	
Portugal		x	
Republic of Cyprus		x	
Romania		x	
Slovakia			x
Slovenia		x	
Spain		x	
Sweden	x		
Turkey		x	
United Kingdom		x	
Uruguay		x	

EU Member States

Belgium, Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Cyprus, Romania, Slovenia, Spain and United Kingdom allow religious slaughter without previous stunning, provided that a number of legal requirements are met. So too does Denmark, with the exception of the slaughter of bovine, for which post-cut stunning is prescribed.

Such conditions may be summarised as follows, even though it should be noted that not all of them are prescribed by all States:

1. the concerned religious community or slaughterhouse must notify the competent authority that religious slaughter will be carried out or, more often, must ask for a permission;
2. religious slaughtermen must
 - a. have a licence certifying their competence, in order to protect the State's interest to guarantee that the persons charged with carrying out religious slaughter have the necessary ability and experience, and/or
 - b. be approved or authorised by their religious community, in order to guarantee that animals are slaughtered according to religious law;
3. religious slaughter must be carried out in a slaughterhouse;
4. religious slaughter must be carried under the responsibility of the official veterinarian;
5. animals to be slaughtered according to a religious rite must be spared any avoidable excitement, pain or suffering not only during the act of slaughter, but also during movement, lairaging and restraint;
6. bovine animals must be restrained before religious slaughter by using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to them;
7. religious slaughter must be carried out with a sharp knife, in such a way as to sever the animal's carotid arteries and jugular veins with a single incision;
8. further manipulation of the animal after the cut is only allowed if the animal is unconscious;
9. back up stunning must be available in case of complications.

A smaller group of countries (Austria, Estonia and Slovakia) also allow religious slaughter without previous stunning, provided that post-cut stunning is performed, and that all or some of the legal requirements summarised above are met. Finland (with the exception of the province of Åland) does not formally prescribe post-cut stunning, but it can be included in this category, because it stipulates that animals must be stunned simultaneously with the cutting of the carotid arteries and the jugular veins. Denmark prescribes post-cut stunning only for bovine.

Within EU Member States, Latvia, Sweden and the Finnish province of Åland – which has got its own separate legal system – do not allow the carrying out of religious slaughter without previous stunning.



EU Candidate Countries

In the framework of the adoption of the *acquis communautaire*, Croatia, FYR Macedonia and Turkey are transposing EU legal rules on animal welfare in their internal legislation. Both Croatia and FYR Macedonia allow the carrying out of religious slaughter without previous stunning, provided that all or some of the legal requirements summarised above are met. As to Turkey, it should be noted that the majority of the population is Muslim, and that - except for poultry - religious slaughter without previous stunning is currently the most commonly practiced method of slaughter.

EU Associated Countries

Uruguay and Australia have regulated religious slaughter in ways quite distinct from each other.

The former has stipulated few rules. Humane slaughter and handling of animals is compulsory in all approved slaughterhouses, but such provisions do not apply to the different methods of religious slaughter.

In contrast, Australia has stipulated detailed legal provisions. As a rule, all animals must be stunned either prior or immediately after the throat cut. However, within the system of halal slaughter and certification envisaged by the federal government, stunning must be reversible. Animals are stunned before slaughter by electrical means or concussion, and their death must be solely the result of the slaughter process, and not due to the stunning technique.

Since 2004, a derogation from the requirement of prior stunning can be granted by means of a so-called approved arrangement, in which the competent authority approves the procedures determined by the slaughterhouse. The approved arrangement must include a number of conditions concerning a) for ovine, the way the cut must be performed, shackling, dressing, and (only in case of complications) post-cut stunning, and b) for bovine, restraining, post-cut stunning and the availability of back up stunning. There are currently four slaughterhouses that sometimes operate under this approved arrangement.

The DIALREL project is funded by the European Commission and involves partners from 11 countries. It addresses issues relating to religious slaughter in order to encourage dialogue between stakeholders and interested parties. Religious slaughter has always been a controversial and emotive subject, caught between animal welfare considerations and cultural and human rights issues. There is considerable variation in current practices and the rules regarding religious requirements are confusing. Consumer demands and concerns also need to be addressed and the project is collecting and collating information relating to slaughter techniques, product ranges, consumer expectations, market share and socio-economic issues. The project is multidisciplinary and based on close cooperation between veterinarians, food scientists, sociologists, and jurists and other interested parties.

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The text represents the views of the author(s) and does not necessarily represent a position of the Commission, who will not be liable for the use made of such information.

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