

STATEMENT CONCERNING THE FINNISH GOVERNMENTS' PROPOSAL FOR NEW LEGISLATION ON ANIMAL WELLBEING

Helsinki, 27.2.2018 - The Finnish government is proposing new legislation on animal wellbeing, which would replace the current law on Animal Protection. In the suggested legislation bleeding of an animal could only be started once the animal has been appropriately stunned or killed with a method suitable for the species in question. The new legislation would require so-called pre-cut stunning. The current law on Animal Protection allows starting of the bleeding of the animal simultaneously with its stunning. Under the new law, the animal would always have to be stunned prior to slaughtering it.

Slaughter according to Jewish practice (*shechita*) and the commandments concerning purity of food (*kashrut*) are absolutely central in Judaism and religiously binding for Jews. There are many commandments on proper humane treatment of animals in Judaism; the aim of *shechita* is to produce the minimal amount of suffering and pain to an animal during slaughter. Thus, the harming of an animal by stunning it prior to bleeding, is absolutely forbidden in Judaism. *Shechita* has been shown in numerous studies, to be at least as swift and painless a slaughtering method as e.g. bolt pistol stunning conjoined with bloodletting. (See. S. D. Rosen: Physiological insights into *Shechita*, The Veterinary Record, June 12, 2004).

Because stunning methods such as bolt pistols destroy part of the animal's brain, using such a method can in no way be considered humane and is at odds with the principle of keeping the animal uninjured. There is also no clear evidence that bolt pistol stunning would be less painful than the fast and efficient method used in Judaism. Thus, bolt pistol stunning must be seen as a dubious method from the point of view of religious animal protection ordinances.

In a properly done *shechita* the time between bloodletting and unconsciousness varies between 2-5 seconds for sheep and 7-20 seconds for cattle. The difference can be explained by the varying blood circulation in the brain of cattle, sheep and goats (Levinger 2004; Grandin & Regenstein 1994; Grandin 2014; Rosen 2004). Certain experts cite considerably shorter times for achieving unconsciousness (0,3-2,4 seconds) due to the rapid drop in blood pressure (20% from the normal value) in the brains when, in *shechita* the right and left common main arteries (*arteria carotis communis dextra/sinistra*) are severed simultaneously (Levinger 2004).

Grandin (Grandin & Regenstein 1994; Grandin 1994) has noticed in studies conducted in American slaughterhouses on 3000 cattle, that the animals did not react to *shechita* except for the moment when the blade touched the skin prior to the incision on the neck area. This initial flinch was noticeably less than what is commonly observed in the animals' reaction when installing an earmark. In conjunction with the incision and afterwards, there was no noticeable reaction from the animals. In addition, also other researchers have noticed a similar lack of reaction (Candotti&Diegoli 2009; Bager et al 1992).

Reports from the UK (Fowler, 2009) tell us the stunning of sheep fail in approximately in 12-14% of the cases (electrical stunning), about 5% (2,6-6,6%) in cattle (stunning pistol) and up to 36% in swine(electrical stunning). In Finland this means that of 281.000 slaughtered cattle (<http://stat.luke.fi/lihantuotanto>) an estimated 14.000 fail to be stunned in slaughter causing delayed loss of consciousness 105 seconds on average (a reference to the delay from SANCO research 2015) and considerable suffering to the animal. Taking this into account, the Jewish method of slaughter is

very humane by comparison. According to the European Food and Safety Authority (EFSA: 2014) failures in the stunning of waterfowl using electricity is a large problem, but despite this, the issue has not been dealt with in the European Union.

Because the regulations concerning shechita are completely central to Judaism and religiously binding on Jews and, furthermore, because shechita is at least as merciful a method from an animal rights perspective as any other known method of slaughter we regard the Finnish government's proposal for legislation as inappropriate and not in harmony with the stated aim of the legislation; moreover, it would greatly hinder the practicing of Judaism in Finland.

Hunting

Hunting involves killing an animal by shooting, using immediately lethal trap irons or trap wire. In hunting, animals are not stunned, but are shot under uncontrollable circumstances while they are fleeing. Particularly when hunting water-fowl, a significant proportion ends up in nature maimed or otherwise permanently otherwise. In critical discussions surrounding hunting, the large number of wounded animals is recognized, but no member state has initiated procedures to forbid hunting based on animal protection.

The researchers Holm and Hugaard have found that the amount of maimed or wounded animals in goose hunting is 29-35%. Correspondingly, Aebischer et al (2014) stated that 2% of hunted deer were lost, maimed, or wounded. Moreover, they found that 5-14% of the shot deer were merely wounded from the first shot, leading to the animals being shot again. The figures presented in this study, taking into account the numbers in the table, below, allow us to conservatively estimate that during hunting season in Finland, 200.000-300.000 birds and 1000 elk are maimed or permanently wounded per year.

Table 1: Hunting catch in Finland in 2013 (LUKE database)

	Rabbits	Fur-bearing animals	Elk	Waterfowl	Grouse	Other fowl
Prey number	254 950	292 200	63 039	537 600	356 200	289 700

Nevertheless, hunting is considered a positive value in the EU: "Hunting is an activity that provides significant social, cultural, economic and environmental benefits in different regions of the European Union". The commissions regulation (EC) Nr. 1099/2009 states about hunting: *Hunting or recreational fishing activities take place in a context where conditions of killing are very different from the ones used for farmed animals and hunting is subject to specific legislation. It is therefore appropriate to exclude killings taking place during hunting or recreational fishing from the scope of this regulation.*

Based on this we can conclude that the fact that animals suffer during hunting is well recognized, yet this right has been confirmed based on cultural grounds. In conjunction with this, it is necessary to state that hunting is absolutely forbidden in Judaism due to the pain that it inflicts on animals.

The Jewish populations' need for kosher slaughter in relation to amounts

According to the information in the table below, the Finnish Jews' (2000 Jews) meat consumption can roughly be estimated to be, 60 cattle (2000*0,3) and 20000 individual fowl.

Estimated meat consumption (calculated amount of animals/human/year (Pozzi & Waner, 2017)

Yearly consumption in relation to the population		
Category	Non-Jews	Jews
Fowl	12	10-12
Lamb and goat	0,11	0,30
Bovine	0,05	0,30
Swine	0,50	0
Mammals in total	0,66	0,60

When this need for 60 animals is compared to the numbers of prey hunted in Finland, one can ask why there is an interest only to end the Jewish method of slaughter. Jews do not have an alternative method for slaughtering animals, since the Jewish method always starts from the animal's right to a painless death, which is regulated in Jewish religious legislation.

Cultural right and subjectivity

Bull fighting in Portugal and Spain are seen to be part of the cultural heritage and thus these events are excluded in the Commission's regulation (EC) Nr. 1099/2009 because they are not deemed to have an effect on the marketing on animal based products: *"In addition, cultural traditions refer to an inherited, established, or customary pattern of thought, action or behavior which includes in fact the concept of something transmitted by, or acquired from, a predecessor. They contribute to fostering long-standing social links between generations. Provided that those activities do not affect market of products of animal origin and are not motivated by production purposes. it is appropriate to exclude the killing of animals taking place during those events from the scope of this Regulation."*

In the proposal for new legislation for protecting animal wellbeing, there is a strong sense of cultural subjectiveness based on the above-mentioned issues. The proposed new legislation tramples on animal rights by protecting the rights of mass production and industry, because the subject is considered difficult. There is an unwillingness to take action against hunting or the boiling alive of crayfish, since these are issues that concern all, but issues that concern minorities such as kosher slaughter are to be reigned in, as unfortunately those issues only concern the minorities.

The Finnish government's proposal is against current EU-legislation in the way that it forbids ending animal life according to valid religious practice. The EU-regulation explicitly gives a possibility to regulate the issue on a national level, but that has to do with animal protection issues in general, and does not concern the exemption on religious slaughter methods. The interpretation of the Finnish Ministry of Agriculture and Forestry's on the issue is unfortunately flawed. The current EU regulation in particular expressly emphasizes the possibility for religious minorities to practice their own slaughter methods. One reason for this is the decision by the European Court of Human Rights (2000). The Court stated, in its decision *Cha'are Shalom Ve Tsedek v. France*, that religious slaughter is protected under

the European Human Rights Convention Article 9. The proposed legislation in Finland is in contradiction with the law on freedom of religion, among others.

The right to the Jewish method of slaughtering animals

Derogation from stunning in the case of religious slaughter taking place in slaughterhouses was granted by Directive 93/119/EC. *“Since Community provisions applicable to religious slaughter have been transposed differently depending on national contexts and considering that national rules take into account dimensions that go beyond the purpose of this Regulation, it is important that derogation from stunning animals prior to slaughter should be maintained, leaving, however, a certain level of subsidiarity to each Member State. As a consequence, this Regulation respects the freedom of religion and the right to manifest religion or belief in worship, teaching, practice and observance, as enshrined in Article 10 of the Charter of Fundamental Rights of the European Union”.*

Additionally, further guidance has been given for slaughter without stunning: *“Slaughter without stunning requires an accurate cut of the throat with a sharp knife to minimize suffering. In addition, animals that are not mechanically restrained after the cut are likely to endure a slower bleeding process and, thereby, prolonged unnecessary suffering. Animals of bovine, ovine and caprine species are the most common species slaughtered under this procedure. Therefore, ruminants slaughtered without stunning should be individually and mechanically restrained.”*

Summary

In slaughter according to the Jewish faith, based on Jewish religious stipulations, the animals' wellbeing and minimization of their sufferings is well taken into account. There is plenty of comparative scientific research available on shechita vs. stunning prior to bloodletting, but despite this the legislators have apparently lost their objectivity. It seems that the criticism towards the Jewish slaughter method is based mostly on the selective use of literature and political will. At the same time, there have not been measures to rectify larger problematic issues concerning animal rights, through such measures as the tightening of stunning procedures (failed stunning and prolonged animal suffering) or through restriction of habits that are culturally defensible, but which cause pain to animals, such as hunting.

Based on the facts above, it is evident that the Finnish government needs to change its proposal so that Jewish slaughter is made possible in its entirety. Anything else is not indefensible, not even based on scientific evidence. In addition, the current proposal tramples on Jewish religious rights, also based on the decision of the European Human Rights Court's decision in 2000.

To conclude we state again that the government's proposal wrongly interprets Directive 113/91/EC. The clear aim of the regulation is expressly to enable and respect the freedom of religion and the right to confess religion or conviction in services, by teaching, practicing or by religious writings, as expressed and confirmed in article 10 of the European Union's Charter of Fundamental Rights. Because the national regulations take into consideration points of view that go further than the meaning of the Commission's Directive, the Directive clearly intends that the exception concerning the stunning of animals before slaughter is to be kept.

Against this background, the government needs to change its proposal to accommodate the above mentioned.

Respectfully,

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