



POSITION PAPER: PROTECTING ANIMAL WELLBEING IN THE CONTEXT OF RITUAL SLAUGHTER WITHOUT STUNNING

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Animal Law Italia ETS (ALI) is a non-profit organisation which brings together lawyers and other professionals interested in animal protection law and policy. Through multidisciplinary research, advocacy and lobbying we help advance the animal protection legislation in Italy and Europe, making it more comprehensive and effective, in line with the scientific evidence and the demands of society.

The regulatory framework concerning the slaughtering of animals for human consumption takes into consideration the need to ensure proper food safety and quality, improve minimum welfare and health standards of animals, as well as protecting workers. European policy recognizes that the protection of animal welfare at slaughter is a matter of public interest, since it directly affects consumers' attitudes and food quality.

The protection of animal welfare has gained a growing consideration throughout Europe: animals are recognised as “sentient beings” since the Treaty of Lisbon (2017) and similar legal provisions have long been included within the majority of national legislations. From a sociological point of view, this huge step forward was made possible due to the growing importance of relationships with companion animals, which in turns improved the social perception of the need to limit animal suffering. Animal welfare has therefore become a primary target of public policy concerning food-producing animals, having been recognised as a key factor capable of influencing consumers' choices.

The legal principles concerning the protection of animals at the time of slaughter aim at minimising animal suffering through the use of procedures linked to the scientific advancements and the generalised use of compulsory preventive stunning.

This technique is in fact the main tool for minimising suffering at the time of slaughter, since it makes possible a fair balance between the general interest of allowing the consumption of animal products and the need to make this procedure as painless as possible for the animals. The scientific opinions that have been published in the last two decades have in fact widely demonstrated that the legal requirement of compulsory prior stunning is the most effective tool for minimising anxiety and suffering for animals being slaughtered, at the same time providing a superior quality of meat.

In consideration of the multicultural nature of European society, the EU has provided for specific derogations which allow some religious communities to carry out slaughter without prior stunning. The refusal of prior stunning in ritual slaughter is linked to the need to kill an animal in good health, of which optimal bleeding is ensured. For this

reason, techniques that directly cause the death of the animal or that irretrievably compromise their state of health – such as the use of the captive bolt – are generally considered as not acceptable by some religious authorities.

However, the direct cut (jugulation) of a fully conscious animal inevitably causes greater suffering, with a direct impact on the production of cortisol and catecholamines, the highest concentration of which directly affects the quality of meat.

Another problem, that is usually not publicly acknowledged, is that meat obtained from ritual slaughter might be sold along with meat from animals that have been slaughtered with the ordinary procedure, involving the use of compulsory stunning. This happens for cuts that are deemed unsuitable for consumption according to traditional religious rules, or in some cases when for the breach of ritual rules the entire animal is discarded by religious authorities after being killed. In such cases, the law doesn't require to inform the consumer that the compulsory stunning wasn't used.

European rules grant Member states a certain degree of subsidiarity, allowing the national Parliaments to adopt stricter rules in relation to the protection of animal welfare at slaughter. Some Member states have therefore opted for imposing stunning for ritual slaughter as well, either previously or at the same time of the cut; in other cases, stunning is required right after the animal's jugulation. The main issue of this approach is the potential limitation of the freedom of religion, since ritual slaughter is an expression of worship of the communities from which it is practised.

An innovative solution of greater compromise has been adopted in the Belgian regions of Wallonia and Flanders, where the law has deemed necessary the use of “reversible” preventive stunning in ritual slaughters. This method involves the use of electric current at a specific voltage, which is capable of making the animal insensitive for several seconds, without the risk of killing it in the process.

The mandatory use of reversible preventive stunning appears therefore as an optimal solution for greatly reducing the suffering during ritual slaughter, at the same time preserving the safety of meat.

In relation to the potential limitation of the rights of religious communities that such a provision may entail, directly affecting a ritual practice that is an expression of freedom of worship, the Court of Justice of the European Union intervened to clarify the margin of legitimacy of the legislative intervention by each Member state. In the Court's opinion, the imposition of reversible preventive stunning on ritual slaughter does not involve a violation of freedom of religion, proving to be an adequate measure to balance it with the interest in the protection of animal welfare, given the framework for the protection of freedom of religion that the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights contribute to determine. The Court reached this conclusion having also evaluated the possibility for the communities interested in ritual slaughter to find meat certified abroad as compliant with the religious principles, the marketing of which cannot in any case be limited.

After thorough consideration of all these elements, Animal Law Italia hopes that the Italian policymakers will evaluate the adoption of a legislative provision that makes the use of reversible preventive stunning mandatory for ritual slaughter, having proved to be an effective compromise solution between the necessary protection of freedom of religion and a better consideration of the interests of consumers and the protection of animal welfare. Moreover, this solution could become part of the kosher and halal certification regulations of the Italian agri-food market, standing as a perfect example of positive attitude towards the respect for animal welfare, which could become a distinctive feature of Made in Italy.

Alternatively, Animal Law Italia hopes that the Italian legislator will evaluate the adoption of a legislative provision that makes at least the contextual or post-cut stunning mandatory, even though it should be considered as less effective for pursuing an optimal protection of animal welfare at slaughter.