Legal Restrictions on Religious Slaughter in Europe

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Legal Restrictions on Religious Slaughter in Europe

by the Staff of the Global Legal Research Center

I. Comparative Summary

This report includes surveys of the laws of twenty-one European jurisdictions concerning the legality of religious slaughter. All European countries that do not allow kosher or halal slaughter of animals are included; some but not all countries that permit such slaughter subject to regulation are also included.

The Council of Europe's Convention for the Protection of Animals for Slaughter[1] and the European Union's Council Regulation 1099/2009[2] provide that animals should be stunned before they are slaughtered. Both also provide that Member States may allow derogations from the stunning requirement to allow for ritual slaughter.[3]

Jewish and Islamic methods of slaughter developed over centuries, partly to provide for a method of killing that minimized the animal's suffering.[4] Legislation requiring stunning prior to slaughter began to be adopted in parts of Europe in the late nineteenth century. In 1933, Adolf Hitler, shortly after becoming chancellor, banned the slaughter of animals in Germany without prior stunning, which led to an anguished rabbinic debate on whether observant Jews could eat meat slaughtered with prior stunning under these circumstances.[5] The rabbis reached a general consensus that prior stunning was unacceptable even under the extreme situation of Nazi Germany. Since then, virtually no rabbinic authorities have found that stunning prior to slaughter is consistent with Jewish doctrine.[6] Under Islamic law, some authorities reject all

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[1] European Convention for the Protection of Animals for Slaughter art. 12, May 10, 1979, E.T.S. No. 102, https://rm.coe.int/1680077d98, *archived at* https://perma.cc/8USA-GG5U.

[2] Council Regulation 1099/2009 of 24 September 2009 on the Protection of Animals at the Time of Killing art. 4, 2009 O.J. (L 303) 1, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:303:0001:0030:EN:PDF, *archived at* https://perma.cc/7DCL-X9Y2.

[3] European Convention for the Protection of Animals for Slaughter art. 17; Council Regulation 1099/2009, art. 4(4). Of the countries surveyed in this report, all but one, Switzerland, is a member of the EU or the European Economic Area and therefore governed by the EU regulation. All of the countries surveyed are members of the Council of Europe, and while not all of them have ratified the Convention for the Protection of Animals for Slaughter, Switzerland has. *Chart of Signatures and Ratifications of Treaty 102*, COUNCIL OF EUROPE TREATY OFFICE (as of Mar. 23, 2018), https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/102/signatures?p_auth=iYYl0z5h, *archived at* https://perma.cc/HFQ4-VGHZ.

[4] *See*, *e.g.*, MOSES MAIMONIDES, THE GUIDE FOR THE PERPLEXED bk. III ch. XLVIII (M. Friedländer trans., 1904) ("the Law enjoins that the death of the animal should be the easiest. It is not allowed to torment the animal . . . ."), http://www.sacred-texts.com/jud/gfp/gfp184.htm#page_372, *archived at* https://perma.cc/Z7TF-AP4H.

[5] ARI Z. ZIVOTOFSKY, DIALREL REPORT: RELIGIOUS RULES AND REQUIREMENTS—JUDAISM 16–17 (2010), http://www.dialrel.eu/images/dialrel-wp1-final.pdf, *archived at* https://perma.cc/4EGE-7EQ5.

[6] *Id*. at 17. There is authority for post-cut stunning, at least in the Conservative movement. Rabbi Mayer Rabinowitz, *A Stunning Matter*, COMMITTEE ON JEWISH LAW AND STANDARDS OF THE RABBINICAL ASSEMBLY (May 30, 2000), https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/rabinowitz_stunning.pdf, *archived at* https://perma.cc/2D3F-MBT9.

forms of stunning prior to slaughter, while other authorities accept certain types of prior stunning.[7]

Given the sincerely-held religious beliefs of observant Jews and many Muslims, requiring stunning before slaughter clearly implicates international human rights law on freedom of religion, including the European Convention on Human Rights.[8]

Several European countries do not allow derogations from the general requirement of prior stunning. These include Sweden, Norway, Iceland, Denmark, and Slovenia. Switzerland and Lichtenstein require prior stunning except for poultry. Finland requires concurrent sedation; legislation is pending that would require prior stunning. At the subnational level, two of the three regions of Belgium have recently enacted laws requiring prior stunning, which will become effective in 2019 unless overturned by litigation pending in Belgium's constitutional court.

Some countries mandate post-cut stunning, including Austria, Estonia, Greece, and Latvia.

Other European countries permit derogations from the general requirements to allow for religious slaughter. The cases of Cyprus, France, Germany, Luxembourg, and Spain illustrate different forms that regulation of ritual slaughter may take, while Poland, where religious slaughter is currently legal, offers an interesting history concerning the legality of religious slaughter.

II. Country Surveys

Austria

Austria generally prohibits the killing of animals without stunning.[9] A no-stunning permit for ritual slaughter may be obtained if killing without stunning is necessary according to mandatory religious instructions or prohibitions of a recognized religious denomination.[10] The ritual

[7] HALUK ANIL ET AL., DIALREL REPORT: RELIGIOUS RULES AND REQUIREMENTS—HALAL SLAUGHTER 3 (2010), http://www.dialrel.eu/images/halal-rules.pdf, *archived at* https://perma.cc/CT9A-A3V4.

[8] Convention for the Protection of Human Rights and Fundamental Freedoms art. 9, Nov. 4, 1950, 213 U.N.T.S. 221, http://www.echr.coe.int/Documents/Convention_ENG.pdf, *archived at* http://perma.cc/H88Y-KGN9; Pablo Lerner & Alfredo Mordechai Rabello, *The Prohibition of Ritual Slaughtering (Kosher Shechita and Halal) and Freedom of Religion of Minorities*, 22 J. LAW & REL. 1, 17–26 (2007), *available at* http://www.istitutobioetica.org/Bioetica sociale/multiculturalismo/Lerner Rabello Macellazione.htm, *archived at* https://perma.cc/UPQ7-3ZGH.

[9] Bundesgesetz über den Schutz der Tiere [Tierschutzgesetz – TSchG] [Federal Act on the Protection of Animals [Animal Protection Act – TSchG], BUNDESGESETZBLATT [BGBL.] [FEDERAL LAW GAZETTE] No. 118/2004, § 32, para. 3, sentence 1, http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20003541/TSchG, Fassung vom 27.02.2018.pdf, *archived at* http://perma.cc/2G4L-5U46, unofficial English translation *available at* https://www.ris.bka.gv.at/Dokumente/Erv/ERV_2004_1_118/ERV_2004_1_118.pdf, *archived at* http://perma.cc/ZPS3-VXC2; Tierschutz-Schlachtverordnung [Animal Protection Slaughter Regulation], BGBL. II No. 312/2015, § 11 in connection with Annex A, https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20009315/Tierschutz-Schlachtverordnung, Fassung vom 27.02.2018.pdf, *archived at* http://perma.cc/3ZR2-TX3P.

[10] Animal Protection Act § 32, para. 3, sentence 2 & para. 5.

slaughter must take place in slaughterhouses specially established and authorized by the authorities for this purpose.[11] In addition, the permit will only be granted if

- the ritual slaughter is performed by persons possessing the necessary knowledge and skills;
- the ritual slaughter is performed exclusively in the presence of a veterinarian in charge of slaughtering and meat inspection;
- equipment is available to ensure that the animals intended for ritual slaughter can be brought into the position required for slaughtering as quickly as possible;
- the slaughter is performed in a way that the large blood vessels in the throat area are opened with one single cut;
- the animals are effectively stunned immediately after opening of the blood vessels (post-cut stunning);
- the stunning becomes effective immediately after the cut is performed; and
- the animals intended for ritual slaughter are not brought into the required position before the anesthetist is ready to perform the stunning.[12]

Belgium

Religious slaughter is not prohibited at the federal level, but two of Belgium's three regions have recently adopted legislation to prohibit the practice. The Parliament of Wallonia issued a decree on May 18, 2017, requiring that animals be stunned before slaughter regardless of whether religious rules allow it.[13] This prohibition on religious slaughter is to take effect on August 31, 2019.[14] The Flemish Parliament adopted a similar measure on June 28, 2017, which is to take effect on January 1, 2019.[15] Violation of these prohibitions will be punishable by fines of between €52 and €2,000 (approximately US$64 and $2,463).[16] The Brussels-Capital region, however, does not appear to have yet adopted any similar prohibition. Both the Walloon decree and the Flemish decree have been challenged before the Belgian Constitutional Court as possible

[11] *Id*. § 32, para. 4.

[12] *Id*. § 32, para. 5.

[13] Décret du 18 mai 2017 modifiant les articles 3, 15 et 16 et insérant un article 45ter dans la loi du 14 août 1986 relative à la protection et au bien-être des animaux [Decree of 18 May 2017 Amending Articles 3, 15 and 16, and Inserting Article 45ter in the Law of 14 August 1986 Regarding the Protection and Well-Being of Animals] art. 2, http://www.etaamb.be/fr/decret-du-18-mai-2017_n2017012349.html, *archived at* https://perma.cc/Z4EQ-WEKA.

[14] *Id.* art. 4.

[15] Décret du 7 juillet 2017 portant modification de la loi du 14 août 1986 relative à la protection et au bien-être des animaux, en ce qui concerne les méthodes autorisées pour l'abattage des animaux [Decree of 7 July 2017 for the Amendment of the Law of 14 August 1986 Regarding the Protection and Well-Being of Animals, and Concerning the Authorized Methods for the Slaughter of Animals] arts. 3, 6, http://www.ejustice.just.fgov.be/eli/decret/2017/07/07/2017030639/justel, *archived at* https://perma.cc/43PJ-RAL5.

[16] Loi du 14 aout 1986 relative à la protection et au bien-être des animaux [Law of 14 August 1986 Regarding the Protection and Well-Being of Animals] art. 36, http://www.ejustice.just.fgov.be/eli/loi/1986/08/14/1986016195/justel, *archived at* https://perma.cc/VFQ4-XEPU.

violations of religious freedom.[17] It is unclear when the Constitutional Court is expected to render its decision.

Cyprus

Cyprus generally requires animals to be stunned before slaughter, but an exception is allowed in the case of animals subject to religious methods of slaughter. Cypriot regulations require an application by a competent religious authority to the Cyprus Veterinary Services for a special derogation from the standard requirement.[18] The Veterinary Services examines the application to determine if the religious authority applying for the derogation is competent to monitor and apply the ritual practice; if the derogation is granted, slaughter may be carried out in accordance with the religious practice.[19]

Denmark

Denmark is a member of the European Union. It has a population of nearly 5.8 million, of which 6,000 are estimated to be Jews and 30,000 Muslims.[20] Denmark introduced new animal welfare protections in relation to slaughter in 2014.[21] At that time the slaughter of animals without prior sedation had reportedly not been performed in Denmark since 2004.[22]

The slaughter of animals is regulated in Denmark's Animal Protections Act,[23] which provides that animals must be slaughtered as quickly and as painlessly as possible.[24] In addition, it

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[17] *Décret wallon sur l'abattage rituel: recours des organisations juives devant la Cour constitutionnelle* [*Walloon Decree on Religious Slaughter: Jewish Organizations Appeal to the Constitutional Court*], RTBF (Nov. 28, 2017), https://www.rtbf.be/info/belgique/detail_decret-wallon-sur-l-abattage-rituel-recours-des-organisations-juives-devant-la-cour-constitutionnelle?id=9774909, *archived at* https://perma.cc/R86Y-RYDL.

[18] Regulations on the Protection of Animals at the Time of Slaughter or Killing of May 2, 2002, Reg. 5, OFFICIAL GAZETTE 2002 Annex III(I) 1891, *cited in* ACHILLES C. EMILIANIDES, RELIGION AND LAW IN CYPRUS 116 (2d ed. 2014).

[19] *Id*.

[20] *Population in Denmark*, STATISTICS DENMARK, https://www.dst.dk/en/Statistik/emner/befolkning-og-valg/befolkning-og-befolkningsfremskrivning/folketal (last visited Feb. 28, 2017), *archived at* https://perma.cc/KAV6-EMKG; *Jews in Denmark*, CHABADENMARK, http://www.chabadenmark.com/templates/articlecco_cdo/aid/72568/jewish/Jews-in-Denmark.htm (last visited Feb. 28, 2018), *archived at* https://perma.cc/7B8P-MZJH. Muslims are estimated to make up 5.4% of the Danish population (equivalent to 30,000 people). Conrad Hackett, *5 Facts about the Muslim Population in Europe*, FACT TANK (Pew Research Center, Nov. 29, 2017), http://www.pewresearch.org/fact-tank/2017/11/29/5-facts-about-the-muslim-population-in-europe/, *archived at* https://perma.cc/L26L-VC89.

[21] *See also* Elin Hofverberg, *Denmark: Kosher Slaughter Method Effectively Banned* , GLOBAL LEGAL MONITOR, (June 2, 2014), http://www.loc.gov/law/foreign-news/article/denmark-kosher-slaughter-method-effectively-banned/, *archived at* https://perma.cc/GR4X-3SNJ.

[22] *Rituel slagtning* [*Ritual Slaughter*], FØDEVARESTYRELSEN (Oct. 30, 2017), https://www.foedevarestyrelsen.dk/Leksikon/Sider/Rituel-slagtning.aspx, *archived at* https://perma.cc/3NMG-AJT5.

[23] DYREVÆRNSLOVEN [ANIMAL PROTECTIONS ACT] (LBK nr 20 af 11/01/2018), https://www.retsinformation.dk/Forms/R0710.aspx?id=197059, *archived at* https://perma.cc/42CK-P96K.

[24] *Id*. § 13.

provides that the Ministry of Environment and Food may issue further ordinances on how slaughter may be performed.[25] In 2014 Denmark issued an ordinance that effectively banned kosher and nonsedated halal slaughter.[26] The ordinance allows for religious slaughter, but requires religious slaughter to be preceded by sedation of the animal.[27] Thus, there is no exception to the rule that animals must be sedated prior to slaughter.

The Guidelines to the Ordinance on Slaughter and Killing of Animals prescribes that only the following methods of sedation are acceptable under Danish law: mechanical (bolt pistol, shotgun, breaking the animals neck, or by blow to the head), electrical, or gas.[28]

Only poultry, cattle, sheep, and goats may be slaughtered through "religious slaughter."[29] These animals must be sedated with a "nonpenetrating bolt tool."[30] If that form of sedation is not effective, the animal must immediately be sedated with the use of a "penetrating bolt" or by the use of "electricity."[31] The animal must be fixated prior to performing the sedating act (for cattle, this means in a box).[32] In addition, the animal must be at least eight months old, or twenty-four months old for bulls.[33]

Danish law allows for the import of kosher and halal meat that has been slaughtered without prior sedation. In addition, halal slaughter is performed in Denmark by Muslims who provide sedation prior to slaughter.[34] According to Danish Veterinary and Food Administration reports, Danish slaughtered halal meat is exported to the Middle East.[35] Slaughterhouses that wish to perform religious slaughter (in effect, halal slaughter) must notify the Danish Veterinary and

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[25] *Id*.

[26] BEKENDTGØRELSE OM SLAGTNING OG AFLIVNING AF DYR [ORDINANCE ON SLAUGHTER AND KILLING OF ANIMALS] (BEK nr 135 af 14/02/2014), https://www.retsinformation.dk/Forms/R0710.aspx?id=161815, *archived at* https://perma.cc/V5WA-J3WT. For further reading see Hofverberg, *supra* note 21.

[27] § 9 BEKENDTGØRELSE OM SLAGTNING OG AFLIVNING AF DYR.

[28] Kødkontrollens vejledning til aflivningsforordningen [Meat Control's Guidelines to the Slaughter Regulation], FØDEVARESTYRELSEN (2015), ¶3.6 at 22, https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd og veterinaermedicin/Dyrevelfærd/Slagtning og aflivning/Vejledning til aflivningsforordningen, opdateret den 1.9.2015.pdf, *archived at* https://perma.cc/TRB9-ZMCA .

[29] § 10 BEKENDTGØRELSE OM SLAGTNING OG AFLIVNING AF DYR.

[30] *Id*.

[31] *Id*. § 10(3).

[32] *Id*. § 10(2).

[33] *Id*. § 10(1).

[34] *Fakta om halal-slagtning* [*Facts on Halal Slaughter*], LANDBRUG & FØDEVARER, https://lf.dk/viden-om/foede vareproduktion/slagtning/fakta-om-halal-slagtning (last visited Feb. 27, 2018), *archived at* https://perma.cc/2DLD-K7M8.

[35] *Information vedrørende mærkning af slagtemetoder* [*Information Regarding Labeling of Slaughter Methods*], FØDEVARESTYRELSEN (Sept. 11, 2017), https://www.foedevarestyrelsen.dk/Leksikon/Sider/Information-vedroerende-maerkning-af-slagtemetoder.aspx, *archived at* https://perma.cc/FRB6-JXGL.

Food Administration (*Fødevarestyrelsen*) prior to initiating slaughter.[36] There are no requirements that halal meat must be marked as halal.[37]

There are currently no proposals pending in the Danish Parliament to allow for the slaughter of animals without prior sedation, or to allow for religious exemptions to the current rules.[38]

Estonia

Estonia's Animal Protection Law regulates the slaughter of animals for religious purposes.[39] According to observers, Estonian policies on religious slaughter are the strictest among the European Union Member States.[40] The original procedure, which required post-cut stunning, was introduced in 2001 when the Law was adopted. Under this Law, the religious community was required to inform government authorities about the forthcoming slaughter ten days in advance, and conduct the slaughter in presence of a government animal welfare inspector. A registered religious community was allowed to slaughter animals outside of a slaughterhouse if the community obtained a special slaughtering permit from the government agency in charge of veterinary and food control.[41]

Pursuant to 2012 amendments to the Animal Protection Law to comply with the requirements of European Council Regulation (EC) No. 1099/2009, the pre-slaughter notification period has been extended to twenty days, and the government reserves the right to deny a religious community's request to slaughter an animal if it determines that (1) the number of animals to be slaughtered according to the application is disproportionately high, given the needs of the members of the religious association, and (2) slaughter is not justified by the needs of the requesting religious community.[42] An implementing regulation issued by the Ministry of Agriculture allows religious slaughter without pre-stunning; however, special procedures established by the regulation must be met.[43]

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[36] § 12 BEKENDTGØRELSE OM SLAGTNING OG AFLIVNING AF DYR.

[37] Labeling is regulated on the EU level and labeling of halal meat is not required. Denmark does not have any additional requirements. *See Information vedrørende mærkning af slagtemetoder*, FØDEVARESTYRELSEN, *supra* note 35.

[38] *See* FOLKETINGET [DANISH PARLIAMENT], http://ft.dk (last visited Mar. 22, 2018), *archived at* https://perma.cc/DK5L-TAHG.

[39] Loomakaitseseadus [Animal Protection Act], RIIGI TEATAJA [OFFICIAL GAZETTE] I 2001, No. 3,4, § 17, https://www.riigiteataja.ee/akt/118122012018, *archived at* https://perma.cc/G7RB-FT3R, official English translation *available at* https://www.riigiteataja.ee/en/eli/530102013045/consolide, *archived at* https://perma.cc/4XZW-B92B.

[40] *Estonia to Change Law on Religious Slaughter*, NEW YORK JEWISH WEEK (Aug. 5, 2012), http://jewishweek.timesofisrael.com/estonia-to-change-law-on-religious-slaughter/, *archived at* https://perma.cc/S89E-5FKT.

[41] RINGO RINGVEE, ANNOTATED LEGAL DOCUMENTS ON ISLAM IN EUROPE: ESTONIA 93 (Brill, 2015).

[42] Animal Protection Act § 17(7).

[43] Ministry of Agriculture Regulation No. 93, Põllumajanduslooma Religioossel Eesmärgil Tapmise Erimeetodid [Special Methods of Religious Slaughter of Farm Animals] (Dec. 27, 2012), https://www.riigiteataja.ee/akt/129122012053, *archived at* https://perma.cc/PLU5-PPDY, official English translation *available at* https://www.riigiteataja.ee/en/eli/ee/P%C3%95M/reg/522122014006/consolide, *archived at* https://perma.cc/Y93Z-NXUZ.

Finland

Finland is a member of the European Union and thus bound by EC Regulation 1109/2012 on the protection of animals during slaughter. It has a population of approximately 5.5 million, of which an estimated 1,500 are Jews and 65,000 are Muslims.[44]

The slaughter of animals is regulated in the Finnish Animal Protections Act,[45] which provides that animals must be sedated prior to slaughter.[46] However, the Act allows an exception for religiously slaughtered animals that are sedated *simultaneously* with the start of bloodletting.[47] This exemption was also in force in the earlier Animal Welfare Regulation.[48] It still requires that sedation (via bolt pistol or electricity) be applied simultaneously with the fatal cut.[49]

In practice halal slaughter is only performed with prior sedation.[50] No kosher slaughter is performed, as kosher slaughter cannot be performed with concurrent sedation. In addition, Finnish law requires that religiously slaughtered animals only be slaughtered in slaughter houses with a veterinarian present.[51]

Violations of the slaughter rules in the Animal Welfare Act are punishable with a fine or no more than two years of imprisonment.[52]

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[44] *Finland's Preliminary Population 5,516,224 at the End of 2017*, STATISTICS FINLAND (Feb. 15, 2018), http://www.stat.fi/til/vamuu/2017/12/vamuu_2017_12_2018-02-15_tie_001_en.html, *archived at* https://perma.cc/RRU5-74K2; *Finland*, JEWISH HERITAGE EUROPE, http://jewish-heritage-europe.eu/finland (last visited Feb. 28, 2018), *archived at* https://perma.cc/L9CG-JPPY; U.S. STATE DEPARTMENT, FINLAND 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2016), https://www.state.gov/documents/organization/269056.pdf, *archived at* https://perma.cc/6VNY-6NNZ.

[45] DJURSKYDDSLAG [ANIMAL WELFARE ACT] (Finlands författningssamling [FFS] 1996/247), http://www.finlex.fi/sv/laki/ajantasa/1996/19960247, *archived at* https://perma.cc/J4JH-4JVM.

[46] *Id*. 33 § (in accordance with Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the Protections of Animals at the Time of Killing, 2009 O.J. (L 303) 1).

[47] *Id*. 33b § (emphasis by author).

[48] *See* 42 § Djurskyddsförordning [Animal Welfare Ordinance] (FFS 7.6.1996/396) https://www.finlex.fi/sv/laki/ajantasa/1996/19960396, *archived at* https://perma.cc/NT67-MTS8; *see* also Jord-coh skogsbruksutskottets betänkande 5/2013 rd [Agricultural and Forestry Committee Report] (JsUB 5/2013 rd - RP 35/2013 rd), https://www.eduskunta.fi/SV/Vaski/Sidor/trip.aspx?triptype=riksdagshandlingar&docid=jsub+5/2013.

[49] 33b § DJURSKYDDSLAGEN. For list of permissable sedation methods see *Metoder för avlivning och slakt av olika produktionsdjursslag*, EVIRA (Apr. 19, 2016), https://www.evira.fi/sv/djur/djurskydd-och-djurhallning/djurskydd-vid-slakt-och-avlivning/avlivning-och-slakt-av-produktionsdjur/metoder-for-avlivning-och-slakt/metoder-for-avlivning-och-slakt-av-olika-djursslag/, *archived at* https://perma.cc/SH8M-MXEL.

[50] *Frågor och svar om slakt*, EVIRA (Mar. 6, 2017), https://www.evira.fi/sv/djur/djurskydd-och-djurhallning/djurskydd-vid-slakt-och-avlivning/fragor-och-svar-om-slakt/, *archived at* https://perma.cc/XP32-RCSN.

[51] 33b § DJURSKYDDSLAGEN.

[52] 17 kap. 14 § STRAFFLAG [PENAL CODE] (19.12.1889/39), https://www.finlex.fi/sv/laki/ajantasa/1889/18890039001?search[type]=pika&search[pika]=strafflagen#L17, *archived at* https://perma.cc/95P5-2T8G.

The sedation method accepted under Finnish law depends on what animal is to be slaughtered, as provided for in EC Regulation No. 1099/2009. Poultry and sheep may be sedated using electricity, while cattle may only be slaughtered using a penetrating bolt pistol.[53]

Finnish law allows for the import of kosher and halal meat that has been slaughtered without prior sedation,[54] even though kosher slaughter is not allowed in Finland. There are no restrictions in Finnish law on the export of halal meat.

Finland is currently updating its Animal Welfare Act and proposing to limit the religious slaughter exception to require that all animals be sedated prior to being slaughtered.[55] If passed, the new rules would enter into force in 2020.[56]

France

France generally requires that animals be stunned before being slaughtered, but provides an exception for religious slaughter.[57] This exception is subject to prior government authorization, for which the slaughterhouse must show that it has equipment and procedures in place to meet hygiene requirements, and that it is requesting the exception to meet commercial orders that require it.[58] There are no restrictions on export; meat from animals slaughtered according to religious rites account for approximately a third of total French meat exports.[59]

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[53] *Djurskydd vid slakt och avlivning*, EVIRA (Dec. 21, 2017), https://www.evira.fi/sv/djur/djurskydd-och-djurhallning/djurskydd-vid-slakt-och-avlivning/, *archived at* https://perma.cc/3P2Z-246D.

[54] For an example of a kosher food market (importer of kosher meat) see *Beef & Poultry*, IAN'S MART, http://www.iansmart.fi/category/2/beef--poultry (last visited Feb. 28, 2018), *archived at* https://perma.cc/L5VF-BJC6.

[55] Utkast Regeringens proposition till riksdagen med förslag till lag om djurs välbefinnande och till lagar om ändring av vissa lagar som har samband med den [Draft Government Bill to the Finnish Parliament with Proposal for Amendments to the Animal Welfare Act, and Acts Connected to It] (Dec. 21, 2017), LAUSUNTOPALVELU, https://www.lausuntopalvelu.fi/FI/Proposal/DownloadProposalAttachment?attachmentId (in Swedish; website maintained by Finnish Justice Department), *archived at* https://perma.cc/2GJX-DWQS; *Avlivningsförordningen förändrar djurskyddslagstiftningen om slakt och avlivning av produktionsdjur*, JORD-OCH SKOGSBRUKSMINISTERIET, http://mmm.fi/sv/djur-och-vaxter/djurens-valbefinnande/information-om-reformen-av-djurskyddslagen (last visited Feb. 28, 2018), *archived at* https://perma.cc/7J99-SUHJ.

[56] Utkast Regeringens proposition, *supra* note 55.

[57] CODE RURAL ET DE LA PÊCHE MARITIME [MARITIME FISHING AND RURAL CODE] art. R214-70, https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=632312A0EF445E09FC18CC6DBB86D3E7.tplgfr36s_2?idArticle=LEGIARTI000035664621&cidTexte=LEGITEXT000006071367&dateTexte=20180305, *archived at* https://perma.cc/XY88-PWYJ.

[58] *Id.*

[59] Céline Boff, *Bœuf: L'abattage rituel, un atout économique pour la France* [*Beef: Religious Slaughter, An Economic Asset for France*], 20 MINUTES (Mar. 16, 2014), https://www.20minutes.fr/economie/1324586-20140316-20140316-boeuf-labattage-rituel-atout-economique-france, *archived at* https://perma.cc/E34D-BPBX.

Germany

German law generally prohibits the killing of warm-blooded animals without stunning.[60] However, as an exception, a no-stunning permit may be granted if the following two requirements are met: (1) the applicant is a member of a group of persons who are united by a common religious conviction that has mandatory rules requiring slaughter without stunning (ritual slaughter) or prohibiting the consumption of animal meat not slaughtered in this way; and (2) slaughter without stunning is necessary to meet the needs of the members of that local religious community within Germany.[61] "Necessary" means that a permit will not be granted if there are other ways that meet the needs of that specific local religious community—for example, electrical head-only stunning (electronarcosis) instead of slaughter without stunning.[62] However, a general denial of a permit because of the possibility of electronarcosis is not allowed; religious freedom and animal protection have to be balanced on a case-by-case basis.[63]

The application for a permit must be filed with the competent state authority.[64] In addition, the permit will only be granted if the applicant possesses the necessary level of competence involved in slaughtering animals as evidenced by a certificate of competence.[65]

The export of animals that were killed without stunning is prohibited. The law makes this clear by stating that a no-stunning permit will only be granted to meet the needs of religious communities "within the scope of application of this act [the Animal Welfare Act]" (*im Geltungsbereich dieses Gesetzes*), meaning within Germany.[66]

Greece

Greece permits some forms of religious slaughter, but a new regulation requires post-cut stunning. A 2017 Joint Ministerial Decision implementing EU Council Regulation 1099/2009 provides that religious slaughter may occur without prior stunning; such slaughter must occur in

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[60] Tierschutzgesetz [TierSchG] [Animal Welfare Act], May 18, 2006, BUNDESGESETZBLATT [BGBL.] [FEDERAL LAW GAZETTE] I at 1206, 1313, § 4a, para. 1, http://www.gesetze-im-internet.de/tierschg/TierSchG.pdf, *archived at* http://perma.cc/TM8D-EK65, unofficial English translation *available at* https://www.animallaw.info/statute/germany-cruelty-german-animal-welfare-act (updated through Oct. 2010), *archived at* http://perma.cc/5EL5-YWDK.

[61] *Id.* § 4a, para. 2, no. 2.

[62] Verwaltungsgerichtshof Bayern [VGH Bayern] [Higher Administrative Court Bavaria], July 22, 2011, docket no. 09 BV 09.2892,para. 46, https://openjur.de/u/492547.html, *archived at* http://perma.cc/FNG9-YK3L.

[63] Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court], Jan. 15, 2002, docket no. 1 BvR 1783/99, ECLI:DE:BVerfG:2002:rs20020115.1bvr178399, para. 49, http://www.bverfg.de/e/rs20020115_1bvr178399en.html, *archived at* http://perma.cc/TXC7-6M9X.

[64] Animal Welfare Act § 4a, para. 2, no. 2.

[65] Tierschutz-Schlachtverordnung [TierSchlV] [Animal Welfare Slaughter Regulation], Dec. 20, 2012, BGBL. I at 2982, § 4, http://www.gesetze-im-internet.de/tierschlv_2013/TierSchlV.pdf, *archived at* http://perma.cc/2JJ8-FELP.

[66] Animal Welfare Act § 4a, para. 2, no. 2.

a slaughterhouse and animals must be properly restrained, as the EU regulation requires.[67] Greece imposes conditions beyond the requirements of Regulation 1099/2009 by requiring stunning immediately after cutting (for animals other than poultry), forbidding restraint of ruminants by inversion or other abnormal position, and requiring a suitably sharpened knife of appropriate size and a readily available spare knife.[68]

Iceland

Iceland is a small country in the northern part of Europe with approximately 350,000 inhabitants, of which one hundred are estimated to be Jews and 1,500 to be Muslims.[69] Reportedly, a Jewish Chabad congregation with its own rabbi is set to open in Iceland in 2018.[70] Religious freedoms are protected in the Icelandic Constitution.[71]

Although Iceland is not a member of the European Union, it is a member of the European Economic Area (EEA); thus, the provisions on the protection of animals at the time of slaughter of Regulation (EC) No. 1099/2009 apply to Iceland.[72]

The slaughter of animals in Iceland is regulated by the Act on Animal Welfare,[73] which provides that animals must be sedated prior to slaughter.[74] There are no religious exceptions.[75] Slaughter is further regulated in the Regulation on the Protection of Animals During Slaughter.[76]

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[67] Joint Ministerial Decision 951/44337/2017, Adoption of the Necessary Additional Measures for the Implementation of Council Regulation (EC) No. 1099/2009 Concerning the Slaughter of Animals in Slaughterhouses by Ritual Methods art. 2 (Apr. 21, 2017), *available at* https://shopsupport.wordpress.com/2017/06/14/καθορισμός-των-αναγκαίων-συμπληρωμα/ (in Greek), *archived at* https://perma.cc/3787-F4XY.

[68] *Id*. art. 3.

[69] HAGSTOFA ÍSLANDS, https://hagstofa.is/ (last visited Feb. 28, 2018), *archived at* https://perma.cc/FTP9-3VC7; U.S. STATE DEPARTMENT, ICELAND 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2016), https://www.state.gov/ documents/organization/269068.pdf, *archived at* https://perma.cc/DZ67-FDJR.

[70] *Chabad to Open in Iceland*, LUBOVITCH (Feb. 11, 2018), http://lubavitch.com/news/article/2079287/Chabad-To-Open-in-Iceland.html, *archived at* http://perma.cc/ZDD9-ACZJ.

[71] STJÓRNARSKRÁ LÝÐVELDISINS ÍSLANDS (1944 nr. 33 17. júní) [CONSTITUTION OF THE REPUBLIC OF ICELAND], https://www.althingi.is/lagas/nuna/1944033.html, *archived at* https://perma.cc/86ZF-KJW7, available in unofficial English translation *at* https://www.government.is/Publications/Legislation/Lex/?newsid=89fc6038-fd28-11e7-9423-005056bc4d74, *archived at* https://perma.cc/4BT8-33W9.

[72] Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the Protection of Animals at the Time of Killing, 2009 O.J. (L 303) 1, was transposed into Icelandic Law in 2012. Reglugerð um vernd dýra við aflífun nr. 911/2012 [Regulation on the Protection of Animals During Slaughter No. 911/2012] art. 1, https://www.reglugerd.is/reglugerdir/eftir-raduneytum/atvinnuvega--og-nyskopunarraduneyti/nr/18360, *archived at* https://perma.cc/7VS3-Q6H7. *See also* ETA SURVEILLANCE AUTHORITY, FINAL REPORT: EFTA SURVEILLANCE AUTHORITY MISSION TO ICELAND FROM 5 TO 9 MAY 2014 REGARDING THE APPLICATION OF EEA LEGISLATION RELATED TO PROTECTION OF ANIMALS AT THE TIME OF KILLING (Sept. 1, 2014), http://www.eftasurv.int/media/public-documents/ESA_720540_Final_report_Mission_to_Iceland_on_animal_welfare_at_the_time_of_killing_from_5_to_9_May_2014.pdf, *archived at* https://perma.cc/VD6U-LU43.

[73] LÖG UM VELFERÐ DÝRA (2013 No. 55, 8 April) [ACT ON ANIMAL WELFARE ACT] https://www.althingi.is/lagas/nuna/2013055.html, *archived at* https://perma.cc/H9HN-4BF8, available in unofficial English translation *at* http://www.mast.is/english/library/Reglugerðir/55_2013LogVelferddyraEN1505.pdf, *archived at* https://perma.cc/A7PA-QDB4.

The sedation method accepted under law depends on what animal is to be slaughtered.[77] Electric rods are only to be used if the primary sedation method is unavailable.[78]

Icelandic law allows for the import of kosher and halal meat that has been slaughtered without prior sedation. In addition, halal slaughter is performed in Iceland by Muslims who allow for sedation prior to slaughter.[79] Halal meat produced in Iceland is certified by the Muslim Association of Iceland.[80] There are no export prohibitions on halal meat, but all meat must be slaughtered in conformance with Icelandic law. There are no legal requirements that halal meat be marked as halal.

There are no pending proposals (*lagafrumvörp*) in the Icelandic Parliament (Althingi) to allow for religious slaughter without prior sedation.[81]

Latvia

According to a Latvian legal scholar, until 2009

> the slaughter without stunning of animals kept for farming purposes was prohibited. In 2009, Parliament passed amendments to the Animal Protection Law allowing the slaughter of animals kept for farming purposes using stunning after slaughter. Such slaughter must be performed in a slaughterhouse in accordance with the traditional methods for meat production of religious communities and the regulatory enactments regarding welfare requirements for the protection of animals . . . . These amendments were clearly intended to allow Latvian meat producers to access markets demanding halal and kosher food. Regulations of the Cabinet of Ministers provide technical requirements on the slaughter of animals using stunning after slaughter.[82]

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[74] *Id*. art. 21.

[75] *See id*.

[76] Reglugerð um vernd dýra við aflífun, *supra* note 72; Reglugerð um (1.) breytingu á reglugerð nr. 911/2012 um velferð dýra við aflífun [Regulation on the Amendment of Regulation No. 011/2012 on the Protection of Animals During Slaughter], https://www.reglugerd.is/reglugerdir/eftir-raduneytum/atvinnuvega--og-nyskopunarraduneyti/nr/20211, *archived at* https://perma.cc/Q4AP-275V .

[77] 21 gr. LÖG UM VELFERÐ DÝRA.

[78] Reglugerð um vernd dýra við aflífun, *supra* note 72, art. 2.

[79] *See Halal Certification*, ICELANDIC DELICATESSEN, http://www.icelandic-delicatessen.com/halal-certification.html (last visited Feb. 28, 2018), *archived at* https://perma.cc/MVW7-QQZ3.

[80] *Id*.

[81] For a list of pending proposals see *Lagafrumvörp*, ALTHINGI, https://www.althingi.is/thingstorf/thingmalalistar-eftir-thingum/lagafrumvorp/, *archived at* https://perma.cc/8FZG-95CT.

[82] EDVINS DANOVSKIS, ANNOTATED LEGAL DOCUMENTS ON ISLAM IN EUROPE: LATVIA 69 (Brill, 2017).

Liechtenstein

Liechtenstein generally prohibits the killing of vertebrate animals without stunning.[83] However, ritual slaughter of poultry may be performed without stunning.[84] Anyone who intentionally violates the provisions on animal slaughter is liable to a fine of up to CHF20,000 (around US$21,371).[85] If the violation was negligent, the fine will be up to CHF10,000 (around US$10,690).[86]

Lithuania

Lithuania's Law on Welfare and Protection of Animals states that the ritual slaughter of animals should be performed in slaughterhouses only in accordance with requirements established by law.[87] The Law did not provide for any opportunity to kill an animal in any other manner than stunning until 2014, when because of the economic situation in the region and the necessity of finding new markets for Lithuanian beef, especially in the Arab countries, the Lithuanian Parliament amended the Law on Welfare and Protection of Animals to legalize the ritual slaughter of animals effective January 1, 2015.[88] Only government-licensed companies are allowed to conduct ritual slaughter of animals for religious purposes and such slaughter must be performed in a slaughterhouse.[89]

Luxembourg

Luxembourg has required since at least 1995 that animals be stunned prior to being slaughtered,[90] and previously did not provide any exception for religious slaughter. The 1995

[83] Tierschutzgesetz [TSchG] [Animal Welfare Act], Sept. 23, 2010, LIECHTENSTEINISCHES LANDESGESETZBLATT NUMMER [LGBL.-NR.] [LIECHTENSTEIN OFFICIAL LAW GAZETTE NO.] 2010.333, art. 20, paras. 1, 2, https://www.gesetze.li/konso/pdf/2010333000?version=2, *archived at* http://perma.cc/26MT-FQKK; Tierschutzverordnung [TSchV] [Animal Welfare Regulation], Dec. 14, 2010, LGBL.-NR. 2010.425, art. 178, para. 1, https://www.gesetze.li/konso/pdf/2010425000?version=6, *archived at* http://perma.cc/P7P9-JPRR; Verordnung über den Tierschutz beim Schlachten [VTSchS] [Regulation on Animal Welfare During the Process of Slaughter], Dec. 14, 2010, LGBL.-NR. 2010.428, https://www.gesetze.li/konso/pdf/2010428000?version=1, *archived at* http://perma.cc/9CJT-DDKM.

[84] Animal Welfare Regulation art. 185, para. 4.

[85] Animal Welfare Act art. 36, para. 1(o).

[86] *Id*. art. 36, para. 2.

[87] Law No. VIII-50 on Welfare and Protection of Animals art. 17, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.455525?jfwid=-9dzqnu0jh, *archived at* https://perma.cc/J4LQ-WCCP.

[88] *Facing Russia Sanctions, Lithuania OKs Ritual Slaughter*, DEUTSCHE WELLE (Sept. 23, 2014), http://www.dw.com/en/facing-russia-sanctions-lithuania-oks-ritual-slaughter/a-17948859, *archived at* https://perma.cc/6UYR-SVSE.

[89] DALIA VITKAUSKAITE-MEURICE, ANNOTATED LEGAL DOCUMENTS ON ISLAM IN EUROPE: LITHUANIA 120 (Brill, 2017).

[90] Règlement grand-ducal du 19 janvier 1995 sur la protection des animaux au moment de leur abattage ou de leur mise à mort [Grand-Ducal Regulation of 19 January 1995 on the Protection of Animals at the Time of Their Slaughter or of Their Killing] arts. 5, 9, http://legilux.public.lu/eli/etat/leg/rgd/1995/01/19/n2/jo, *archived at* https://perma.cc/H9LC-2NGS.

regulation has since been repealed and replaced by one that transposes European Union Regulation (EC) No. 1099/2009 of 24 September 2009 on the protection of animals at the time of killing into Luxembourger law.[91] Under this new regulation, there now is an exception for religious slaughter, subject to authorization by the government upon written request on the part of the religious authority.[92]

Netherlands[93]

Until recently, Dutch law made an exception for killing animals without stunning for ritual slaughter and also allowed the export of such meat.[94] However, in July of 2017, the Dutch government, representatives of slaughterhouses, and Muslim and Jewish faith leaders concluded an addendum to their original agreement, which established rules for ritual slaughter.[95] The addendum states that ritual slaughter is only allowed insofar as it is "necessary to meet the actual needs of the local religious community in the Netherlands," thereby effectively banning the export of such meat.[96] The stricter rules apply from January 1, 2018, onwards.[97]

Norway

Norway has a population of almost 5.3 million, of which an estimated 1,200 are Jews and an estimated 30,000 are Muslims.[98] Norway is a member of the European Economic Area. It has

[91] Règlement grand-ducal du 12 avril 2013 fixant les modalités d'application du règlement (CE) no 1099/2009 du Conseil du 24 septembre 2009 sur la protection des animaux au moment de leur mise à mort [Grand-Ducal Regulation of 12 April 2013 on the Application of Regulation (EC) No. 1099/2009 of 24 September 2009 on the Protection of Animals at the Time of Killing], http://legilux.public.lu/eli/etat/leg/rgd/2013/04/12/n1/jo, *archived at* https://perma.cc/4MBL-LJHN.

[92] *Id.* art. 3.

[93] At present there are no Law Library of Congress research staff members versed in Dutch. This report on Dutch law has been prepared by the author's reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

[94] Convenant onbedwelmd slachten volgens religieuze riten [Covenant on Slaughter without Stunning According to Religious Rites], June 5, 2012, https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/convenanten/2012/06/05/convenant-onbedwelmd-slachten-volgens-religieuze-riten/convenant-onbedwelmd-slachten-volgens-religieuze-riten.pdf, *archived at* http://perma.cc/VS87-AF7K.

[95] Addendum bij het convenant onbedwelmd slachten volgens religieuze riten [Addendum to the Covenant on Slaughter Without Stunning According to Religious Rites] [Addendum], No. WJZ/ 17085228, July 5, 2017, https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2017/07/05/addendum-bij-het-convenant-onbedwelmd-slachten-volgens-religieuze-riten/Addendum+bij+het+convenant+onbedwelmd+slachten+volgens+religieuze+riten.pdf, *archived at* http://perma.cc/ERQ4-5YZV.

[96] *Id*. art. 3, para. 1.

[97] Press Release, Rijksoverheid [Dutch Government], Nadere afspraken over onbedwelmd slachten volgens religieuze riten [Additional Agreement on Slaughter Without Stunning According to Religious Rites] (July 5, 2017), https://www.rijksoverheid.nl/onderwerpen/dierenwelzijn/nieuws/2017/07/05/nadere-afspraken-over-onbedwelmd-slachten-volgens-religieuze-riten, *archived at* http://perma.cc/T663-5KVA.

[98] *Folkemengde*, SSB, https://www.ssb.no/en/befolkning/statistikker/folkemengde/kvartal (last visited Mar. 1, 2018), *archived at* https://perma.cc/5M37-TLCS; *Norway*, WORLD JEWISH CONGRESS, http://www.worldjewishcongress.org/en/about/communities/NO (last visited Feb. 28, 2018), *archived at* https://perma.cc/AU43-PMQP. Muslims are estimated to make up 5.7% of the Norwegian population, making the actual count approximately 30,000. *5 Facts*

thus transposed European Union Regulation (EC) No. 1099/2009 on protecting animals at the time of slaughter into its domestic legislation.[99]

Slaughter of animals is regulated in the Norwegian Animal Welfare Act.[100] It provides that animals must be sedated prior to slaughter, specifically noting that sedation is also required for religiously slaughtered animals.[101]

The sedation method accepted under law depends on what animal is to be slaughtered.[102] Poultry and sheep may be sedated using electricity, a nonpenetrating bolt, or a penetrating bolt.[103] Cattle may only be slaughtered using a penetrating bolt pistol.[104] There are no additional requirements for religiously slaughtered animals.[105]

Norwegian law allows for the import of kosher and halal meat that has been slaughtered without prior sedation. In addition, halal slaughter is performed in Norway by Muslims who allow for sedation prior to slaughter.[106] Halal meat slaughtered in Norway may be exported, provided the slaughter is performed in accordance with Norwegian law.[107] Halal-marked food must meet the same labeling requirements as other food products, including not being misleading to consumers as to the content and origin of the product.[108]

There are no pending proposals in the Norwegian Parliament to allow for religious slaughter without prior sedation.[109]

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about the Muslim Population in Europe, FACT TANK (Pew Research Center. Nov. 29, 2017), http://www.pewresearch.org/fact-tank/2017/11/29/5-facts-about-the-muslim-population-in-europe/, *archived at* https://perma.cc/AT9K-TMCY.

[99] *See* § 2 Forskrift om avliving av dyr [Regulation on the Killing of Animals] (FOR 2013-01-13-60), https://lovdata.no/dokument/SF/forskrift/2013-01-13-60, *archived at* https://perma.cc/2NLA-X5BE.

[100] LOV OM DYREVELFERD [ANIMAL WELFARE ACT] (LOV 2009-06-19-97), https://lovdata.no/dokument/NL/lov/2009-06-19-97, *archived at* https://perma.cc/G5Z6-SRL3.

[101] § 12 st 2 LOV OM DYREVELFERD; § 9 Forskrift om avliving av dyr.

[102] Vedlegg i liste over bedøvninsmetoder og tillhørende spesifikasjoner [Addendum with Sedation Methods and Additional Specifications], *in* Forskrift om avliving av dyr, *supra* note 99.

[103] *Id*.

[104] *Id*.

[105] *See* LOV OM DYREVELFERD; Forskrift om avliving av dyr (including vedlegg), *supra* note 99.

[106] *Halal-slakting i Norge*, MATPORTALEN.NO, http://www.matportalen.no/matvaregrupper/tema/fjorfe_og_kjott/halal-slakting_i_norge (last visited Feb. 28, 2018), *archived at* https://perma.cc/HR3F-CZEG.

[107] For an example of reported halal export see Sara Malm, *Norway Produces Halal Reindeer Meat, Prepares to Export*, MUSLIM VILLAGE (Dec. 4, 2013), https://muslimvillage.com/2013/12/04/46967/norway-produces-halal-reindeer-meat-prepares-export/, *archived at* https://perma.cc/5M3U-7525.

[108] *See 12 av 40 hadde for dårlig kontroll med halal-merket mat* [*12 out of 40 Had Too Little Control over Halal Labeled Food*], MATPORTALEN, http://www.matportalen.no/verktoy/tilsynsresultater/12_av_40_hadde_for_daarlig_kontroll_med_halal-merket_mat (last visited Feb. 28, 2018), *archived at* https://perma.cc/9XZF-V5JW.

[109] *See* STORTINGET, https://www.stortinget.no/no (last visited Mar. 23, 2018), *archived at* https://perma.cc/VXQ7-CEG8.

Poland

The slaughter of animals without stunning has at times been prohibited in Poland, but at present it is permitted. A provision of the Animal Protection Act that allowed for religious exceptions to pre-slaughter stunning, the only accepted method of animal killing, was repealed in 2002.[110] Nonetheless, the Jewish community has been allowed to continue slaughtering animals for religious purposes pursuant to the 1997 Act on the Relationship between the State and Jewish Religious Communities in the Republic of Poland.[111] Followers of Islam, however, had not been legally permitted to conduct ritual slaughter without stunning the animal.[112] An attempt to correct this situation was initiated by the Minister of Agriculture in 2004 when he issued a decree allowing for an exception to the requirement to stun an animal prior to slaughter in the case of animals slaughtered according to the religious traditions of registered religious communities. This decision was overturned by a 2012 decision by the Constitutional Tribunal of Poland, made effective January 1, 2013, which said that a government minister does not have the authority to amend the laws.[113] However, in December 2014, in another decision, the Constitutional Tribunal ruled that insofar as the Animal Protection Act does not allow an exception to permit religious forms of slaughter, it is inconsistent with freedom of religion provisions of the Polish Constitution and the European Convention on Human Rights, and therefore ritual slaughter must be permitted.[114]

Recent news reports have indicated that pending legislation to revise the animal welfare law could impose restrictions on kosher slaughter and block the export of kosher meat from Poland.[115] The extent to which the legislation would in fact affect religious slaughter is unclear.[116]

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[110] Ustawa o Zmiane Ustawy o Ochronje Zwierzat [Law on Amending the Law on Protection of Animals], Aug. 6, 2002, DZIENNIK USTAW [Dz.U.] [DIARY OF LAWS] (official gazette) 2002, No. 135, Item 1141, http://www.dziennikustaw.gov.pl/du/2002/1141/D2002135114101.pdf, *archived at* https://perma.cc/Z5HN-P5PW.

[111] Ustawa o Stosunku Panstwa do Gmin Wyznaniowych Zydowskich w Rzeczypospolitej Polskej [Law on Relationship between the State and Jewish Religious Communities in the Republic of Poland], DZ.U. 1997, No. 41, Item 251, art. 9(2), http://www.dziennikustaw.gov.pl/du/1997/251/D1997041025101.pdf, *archived at* https://perma.cc/AJY3-7RWF.

[112] PAWEL BORECKI, ANNOTATED LEGAL DOCUMENTS ON ISLAM IN EUROPE: POLAND 110 (Brill, 2014).

[113] *Id*. at 11.

[114] Judgment of 10 Dec. 2014, Ref. No. K 52/13, http://trybunal.gov.pl/en/hearings/judgments/art/7276-uboj-rytualny/, *archived at* https://perma.cc/8YUF-VEU6.

[115] Ofer Aderet, *Polish Legislation Could Limit Kosher Slaughter*, HAARETZ, Feb. 12, 2018, https://www.haaretz.com/world-news/europe/polish-legislation-could-constrain-kosher-slaughter-1.5809341, *archived at* https://perma.cc/88N4-MK2J.

[116] Yaakov Schwartz, *Polish Lawmaker Backs Jews Fighting Proposed Ritual Slaughter Ban*, TIMES OF ISRAEL (Feb. 25, 2018), https://www.timesofisrael.com/polish-lawmaker-backs-jews-fighting-proposed-ritual-slaughter-ban/, *archived at* https://perma.cc/92US-B8XH.

Slovenia

Slovenia's Animal Welfare Act[117] was amended in 2012 to add provisions banning all ritual slaughter of animals.[118]

Spain

Under Law 32/2007 on the Care, Exploitation, Transportation and Sacrifice of Animals,[119] Spain allows religious slaughter without previous stunning in approved slaughterhouses, provided that such procedure does not violate fundamental rights, public safety, health, and morality protected by law.[120] The religious community or slaughterhouse must notify the competent authority that religious slaughter will be carried out or seek the pertinent permission.[121] Religious slaughter must be carried out under the supervision and instructions of an official veterinarian.[122]

Royal Decree 37/2014 Regulating Aspects Related to the Protection of Animals to Be Slaughtered[123] implements Law 32/2007 and provides for specific licensing, training, and certification requirements for slaughterhouses and veterinarians carrying out the slaughter of animals.[124] It provides for the requirement of a license certifying their competence, to guarantee that the persons in charge of carrying out the slaughter have the necessary ability and experience.[125]

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[117] Zakon o Zaščiti Živali [Animal Welfare Act], Nov. 28, 1999, *available at* http://extwprlegs1.fao.org/docs/html/slv 101698.htm (in Slovenian), *archived at* https://perma.cc/63ZW-5BGM.

[118] *Slovenia to Ban Ritual Slaughter*, STA (Sept. 27, 2012), https://english.sta.si/1804329/slovenia-to-ban-ritual-slaughter.

[119] Ley 32/2007 para el Cuidado de los Animales, en su Explotación, Transporte, Experimentación y Sacrificio [Law 32/2007 on the Care, Exploitation, Transport, and Sacrifice of Animals] art. 6.3, BOLETIN OFICIAL DEL ESTADO [B.O.E.], Nov. 8, 2007, https://www.boe.es/buscar/pdf/2007/BOE-A-2007-19321-consolidado.pdf, *archived at* https://perma.cc/HXT8-BBTV.

[120] *Id*. art. 6.3, para 1.

[121] *Id*. art. 6.3, para. 3.

[122] *Id*. art. 6.3, para. 2.

[123] Real Decreto 37/2014 por el que se Regulan Aspectos Relativos a la Protección de los Animales en el Momento de la Matanza [Royal Decree 37/2014 Regulating Aspects related to the Protection of Animals to be Slaughtered], B.O.E., Feb. 1, 2014, https://www.boe.es/buscar/doc.php?id=BOE-A-2014-1054, *archived at* https://perma.cc/G4WZ-YAUF.

[124] *Id*. arts. 3 & 4.

[125] *Id.*

Violations of the Law and its Regulation are subject to fines of €601 to €6,000 (approximately US$740 to $7,384).[126] Additionally, violators may be subject to the suspension of activities and/or closing of the slaughterhouse.[127]

No restrictions on the export of kosher or halal meat were identified.

Sweden

Sweden has a population of approximately 10.1 million people.[128] Statistics Sweden (the national statistics bureau) does not provide statistics for religious affiliation or ethnic background, but others have estimated that there are 18,000 Jews[129] and 810,000 Muslims[130] living in Sweden. Sweden banned slaughter without prior sedation in 1937.[131]

The slaughter of animals is regulated by Sweden's Animal Protections Act,[132] which provides that animals must be sedated prior to slaughter.[133] There is no exception for religious slaughter.[134]

The sedation method accepted under law depends on what animal is to be slaughtered. Poultry and sheep may be sedated using electricity.[135] Cattle may only be slaughtered using a penetrating

[126] Ley 32/2007 art. 16.b.

[127] *Id*. art. 17.

[128] STATISTISKA CENTRALBYÅN [STATISTICS SWEDEN], http://www.scb.se/ (last visited Feb. 27, 2018), *archived at* https://perma.cc/REH2-4RDK.

[129] *Sweden*, WORLD JEWISH CONGRESS, http://www.worldjewishcongress.org/en/about/communities/SE (last visited Feb. 27, 2018), *archived at* https://perma.cc/3MRF-C8ZV.

[130] The Pew Research Institute estimated that in 2016, 8.1% of Sweden's population was Muslim, equaling 810,000 persons. *Europe's Growing Muslim Population*, PEW RESEARCH INSTITUTE (Nov. 29, 2017), http://www.pewforum.org/2017/11/29/europes-growing-muslim-population/, *archived at* https://perma.cc/Y4NH-6HCG.

[131] LAG OM SLAKT AV HUSDJUR [ACT ON SLAUGHTER OF DOMESTIC ANIMALS] (Svensk författningssamling [SFS] 1937:313). For further reading on the 1937 Act see ELIN HOFVERBERG, SWEDEN: SLAUGHTER OF DOMESTIC ANIMALS (Law Library of Congress, May 2014), http://www.loc.gov/law/help/slaughter-domestic-animals/slaughter-of-domestic-animals-sweden.pdf, *archived at* https://perma.cc/D3DS-MKJD. Adoption of the 1937 Act was preceded by discussions on the implications for Jews in Sweden. *Id*.

[132] DJURSKYDDSLAGEN [ANIMAL PROTECTIONS ACT] (SFS 1988:534), http://www.notisum.se/rnp/sls/lag/19880534.htm, *archived at* https://perma.cc/29EH-QQ7D.

[133] *Id*. 14 §.

[134] *See id*.

[135] 7 kap. 3 § Statens jordbruksverks föreskrifter och allmänna råd om slakt och annan avlivning av djur [Swedish Board of Agricultural Regulations and Guidelines on Slaughter and Other Killing of Animals] (SJVFS 2012:27), http://www.jordbruksverket.se/download/18.3c1967aa13afeea1eb88000854/1370040540522/2012-027.pdf, *archived at* https://perma.cc/9XKZ-3ARF.

bolt pistol.[136] There are no additional requirements for religiously slaughtered animals compared with nonreligiously slaughtered animals.[137]

Swedish law allows for the import of kosher and halal meat that has been slaughtered without prior sedation. In addition, halal slaughter is performed in Sweden by Shafi and Hanifi Muslims who allow for sedation prior to slaughter.[138] Halal meat, like all other meat slaughtered in Sweden, may be exported, provided the slaughter is performed in accordance with Swedish law. There are no requirements that halal meat be marked as halal.[139]

There are no pending proposals (*motioner*) in the Swedish Parliament to allow for unsedated religious slaughter. The anti-immigration Sverigedemokraterna (Swedish Democrats) party has put forward a proposal that would require labeling of imported meat from animals slaughtered without prior sedation, specifically referring to a ban on kosher and halal products.[140] Both the Jewish congregation in Stockholm and Muslim representatives are actively lobbying the Swedish Parliament to allow for slaughter in accordance with kosher and halal practices, i.e., without prior sedation of the animal.[141]

The Swedish government has presented a proposal to the law council (*lagrådsremiss*) for a new Animal Welfare Act.[142] The proposal would not allow for religious slaughter without prior sedation.[143]

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[136] *Id*.

[137] *See* DJURSKYDDSLAGEN; Statens jordbruksverks föreskrifter och allmänna råd om slakt och annan avlivning av djur (SJVFS 2012:27). For more information on religious slaughter in Sweden see *Religös slakt*, JORDBRUKSVERKET (Feb. 13, 2018), http://www.jordbruksverket.se/amnesomraden/djur/djurskydd/slaktochannanavlivning/religiosslakt.4.37cbf7b711fa9dda7a18000220.html, *archived at* https://perma.cc/EQ5Z-SZXS.

[138] *See Halalstandard för muslimer i Sverige*, HALALCERTIFIERING (2013), http://www.halalcertifiering.se/halal standard.pdf, *archived at* https://perma.cc/SKH2-RGFN; *see also Religiös slakt*, JORDBRUKSVERKET, *supra* note 137.

[139] *See Religiös slakt*, JORDBRUKSVERKET, *supra* note 137; *Regler om livsmedelsinformation och märkning*, LIVSMEDELSVERKET (Feb. 28, 2018), https://www.livsmedelsverket.se/produktion-handel--kontroll/livsmedels information-markning-och-pastaenden/regler-om-livsmedelsinformation-och-markning, *archived at* https://perma.cc/492A-RJEW.

[140] Förbud mot halal- och koscherslakt [Ban on Halal and Kosher Slaughter], Motion [Bill Proposal] 2017/18:2381, http://www.riksdagen.se/sv/dokument-lagar/dokument/motion/forbud-mot-halal--och-koscherslakt_H5022381, *archived at* https://perma.cc/N8Q9-NDNE.

[141] *Kosher*, JUDISKA FÖRSAMLINGEN I STOCKHOLM, http://jfst.se/kosher/ (last visited Feb. 27, 2018), *archived at* https://perma.cc/N7AJ-5FBY; Niklas Orrenius, *Halalmärkt kött inte slaktat efter muslimska regler*, SYDSVENSKAN (July 28, 2007), https://www.sydsvenskan.se/2007-07-28/halalmarkt-kott-inte-slaktat-efter-muslimska-regler.

[142] Lagrådsremiss Ny djurskyddslag, remiss till Lagrådet [Law Council Referral, New Animal Welfare Act, Referral to Council on Legislation] (Jan. 11, 2018), http://www.regeringen.se/48e156/contentassets/4fd98800f4 764cf4ae2b4935d58bf66e/lagradsremiss-ny-djurskyddslag-slutlig-080111.pdf, *archived at* https://perma.cc/2BCL-G7SZ.

[143] *Id*.

Switzerland

Switzerland generally prohibits the killing of vertebrate animals without stunning.[144] However, ritual slaughter of poultry may be performed without stunning.[145] Anyone who intentionally violates the provisions on animal slaughter is liable to a fine of up to CHF20,000 (around US$21,371).[146]

[144] Tierschutzgesetz [TSchG] [Animal Welfare Act], Dec. 16, 2005, SYSTEMATISCHE RECHTSSAMMLUNG [SR] [SYSTEMATIC COLLECTION OF LAWS] 455, art. 21, paras. 1, 2, https://www.admin.ch/opc/de/classified-compilation/20022103/201705010000/455.pdf, *archived at* http://perma.cc/6D9E-N2X7; Tierschutzverordnung [TSchV] [Animal Welfare Regulation], Apr. 23, 2008, SR 455.1, art. 178, para. 1, https://www.admin.ch/opc/de/classified-compilation/20080796/201802060000/455.1.pdf, *archived at* http://perma.cc/T3BE-QLM4; Verordnung des BLV über den Tierschutz beim Schlachten [VTSchS] [Regulation of the BLV on Animal Welfare During the Process of Slaughter], Aug. 12, 2010, SR 455.110.2, https://www.admin.ch/opc/de/classified-compilation/20080808/201012010000/455.110.2.pdf, *archived at* http://perma.cc/7RSX-ND9W.

[145] Animal Welfare Regulation art. 185, para. 4.

[146] Animal Welfare Act art. 28, para. 1(f).