
CONSULTATION ON THE DRAFT ANIMAL WELFARE (SENTENCING AND RECOGNITION OF SENTIENCE) BILL

Response from Humanists UK, January 2018

Response to consultation questions

1. What is your name?

Rachel Taggart-Ryan

2. What is your email address?

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3. Are you replying as an individual or an organisation?

An organisation

4. If you are responding on behalf of an organisation, please let us know which organisation

Humanists UK

5. Do you consider that the term 'sentience' should be defined explicitly?

Yes

6. If you answered 'yes', what definition should we use?

We believe that the suggested definition by the Oxford English Dictionary that a sentient being is one 'that feels or is capable of feeling; having the power or function of sensation or of perception by the senses' should be used, so long as it is understood to include feelings of pain and pleasure.

7. Do you consider that the term 'animal' should be defined explicitly?

Yes

8. If you answered 'yes', what definition should we use?

We believe that the suggested definition by the Oxford English Dictionary that an animal is 'an organism endowed with life, sensation and voluntary motion' should be used.

9. Do you consider that the term 'welfare needs of animals' should be defined explicitly in the clause?

Yes

10. If you answered 'yes', what definition should be used, and should the list of needs in the Animal Welfare Act 2016 be changed?

We believe that the Bill should explicitly define the 'welfare needs of animals.' We support the reduction of animal suffering resulting from human behaviour and see compassionate attitudes to animal suffering as a hallmark of a humane society. As a result, we are concerned that the welfare needs of food animals are currently not being met in all sorts of ways. But one area of particular interest to

us, as a rights-based organisation operating in the religion or belief sphere, is religious exemptions to slaughter regulations that allow animals to be slaughtered without pre-stunning to provide halal and kosher (or shechita) meat for Muslims and Jews. This process involves opening the animal's throat with a knife and allowing the animal to slowly die from blood loss, whilst being fully conscious and sensitive to pain and distress.

The list of welfare needs defined by Section 9(2) of the Animal Welfare Act 2006 should be expanded to make explicit reference to the need to pre-stun animals before slaughter as part of the duty to protect animals from pain and suffering. This is recommended by several animal welfare organisations including the Royal Society for Prevention of Cruelty to Animals (RSPCA), the British Veterinary Association (BVA), and even the Government's own Farm Animal Welfare Committee. The RSPCA states that to safeguard farm animal welfare 'it is vital that animals are handled considerately and killed humanely, which includes being stunned effectively so that they remain unconscious and cannot feel pain, before being slaughtered.'¹ In 2015, polling by the BVA revealed that 64% of UK vets believe that welfare at the time of slaughter, specifically a requirement for all animals to be pre-stunned, is a top priority for Government in animal welfare. There is a consensus that this is the most significant gap in our animal welfare legislation and needs urgent redress.

A significant proportion of farm animals are now slaughtered without pre-stunning. New figures on non-stunned halal meat released by the Food Standards Agency show that between April and June 2017, 24.4% of sheep and goats were slaughtered in this way, up from 15% in 2013. Similarly, the number of poultry killed without stunning rose from 3% to 18.5% in the same period. We are concerned that this dramatic rise is evidence that non-stunned halal meat is being sold on the general market to non-Muslim consumers. This is not only a significant breach of animal welfare, but, as there is no requirement for non-stunned meat to be labelled as such, is also a problem for consumer choice. Moreover, slaughter without stunning for the purpose of providing meat to non-Jews and non-Muslims is arguably unlawful, yet it is plainly happening on an increasing scale so as to supply schools, hospitals, and such institutions where only a minority of those who consume it have the necessary religious identity.

Therefore, we recommend that the fifth bullet point of the definition be amended to specifically refer to pre-stunning as a necessary measure to ensure the need for animals to be protected from pain, suffering, injury, and disease is met. It should read 'the need to be protected from pain, suffering, injury and disease whilst alive and during the the process of slaughter (including by the use of pre-stunning), euthanasia, and culling.'

11. Do you agree that the draft Bill should apply to all policy areas?

Yes

12. If you answered 'no', why do you not agree with this?

N/A

¹ <https://www.rspca.org.uk/adviceandwelfare/farm/slaughter>

13. Do you agree that the draft Bill should adopt the term 'should have regards'?

No

14. If you answered 'no' how do you think the level of regards should be specified?

The purpose of this Bill is to ensure that current protections provided by European legislation with regards to animals as sentient beings remain unchanged after the UK's departure from the European Union by being replicated in UK law. Therefore, we would recommend that similar wording is used to the Lisbon Treaty Article 13 II, which uses the term 'pay full regard to the welfare requirements of animals.' The term 'should have regards' would be an unacceptable dilution of current protections.

15. Do you have any views or comments on the consequences of this new duty?

We refer to the above recommendation that the definition of the welfare needs of animals should include a requirement for pre-stunning to be used before slaughter: the Human Rights Act 1998 limits the right to freely manifest one's religious beliefs, such as carrying out ritual acts of slaughter, if it interferes with the health or morals of a democratic society. Animals as sentient beings have an interest, just as human beings do, in avoiding unnecessary pain and suffering. Therefore, to subject an animal to an extremely painful slaughter process, when this could be avoided by the use of pre-stunning, is cruel and runs counter to our moral standards as a democratic society. Thus, a ban on non-stunned slaughter is a legitimate and proportional limitation.

The current law, which can be described as a 'rule-plus-exception' approach, is incoherent. The exemption for non-stunned slaughter could only be justified in terms of suggesting that there is no collective view on animal welfare needs and that it is down to the individual's conscience how they wish to treat them - in which case non-stunned meat should be labelled as such, allowing consumers to make an informed choice. However, this is clearly not the case. There is a well-established consensus, reflected in our laws on slaughter, animal cruelty and hunting, that there is a minimal standard of welfare to be applied to animals, and that treatment falling below this standard is both cruelty and a crime. Exemptions from this standard cannot be justified. In terms of the suffering experienced by the animal at the point of non-stunned slaughter, there is no qualitative or quantitative difference if it is carried out by someone with specific religious convictions or not. Just as we do not permit foxes to be hunted by those who can show that it is part of their ancestral heritage and prohibit it to those who cannot, it is difficult to see how either the animal at slaughter or the concerned public should feel any different depending on the religious beliefs of the slaughterer. Adding a duty for stunning at slaughter as a welfare need will address this moral and logical inconsistency.

16. Do you have any views about whether a different formulation or approach might achieve the policy objectives? Views would also be welcome on how the approaches adopted in other countries might apply here

N/A

17. Do you agree with the new maximum sentence?

Yes

18. If you answered 'no', can you explain why you do not agree with the new maximum sentence?

N/A

For more details, information and evidence, contact Humanists UK:

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