

European Commission proposal for a Council Regulation on the protection of animals at the time of killing

Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities welcomes the opportunity to comment on the draft regulation in advance of the formal consultation. As requested, this paper outlines our "headline reactions", and we will provide more detail in our response to the formal consultation, when we will also address a number of technical details.

Kindness to animals is a cornerstone of *Halachah* (Jewish Law), which sets out detailed laws to ensure the welfare of animals. We are, therefore, supportive of the contention that "Operators should take the necessary measures to avoid pain and minimise the distress and suffering of animals during the slaughtering or killing process¹".

It is a *Halachic* requirement for meat consumed by Jewish people to be prepared by *shechitah*, which is the Jewish religious humane method of slaughter for food animals. This requirement is absolute, and observant Jews may not eat meat prepared by any other method. It is, therefore, extremely important to the Scottish Jewish community that *shechitah* should remain legal, and that the "Freedom to manifest one's religion²" should be upheld by all European institutions as it has been by the Scottish Government, most recently by Richard Lochhead in response to S3W-8024, when he stated that "it would be perfectly legal for [slaughter without pre-stunning] to be used in Scottish slaughterhouses".

Form of Legal Instrument

We are generally supportive of the view that the legal instrument should be changed from a directive to a regulation in order to provide clarity and consistency throughout the EU.

Language

We consider the term "religious rites" to be at best problematic and at worst offensive, since the procedures followed by a *shochet* (person who carries out *shechitah*) can no more be described as a "rite" than can the procedures followed by a slaughterman in an abattoir producing meat for the non-kosher market. Moreover, the phrase carries overtones of the offensive term "ritual slaughter", which is generally used in a defamatory sense, associated with medieval blood libels and still, regrettably, perpetuated today in some countries.

We therefore urge that the phrase "religious rite" should be replaced by "religious practice" or "religious method [of slaughter]" throughout the Regulation.

¹ European Commission proposal for a Council Regulation on the protection of animals at the time of killing (paragraph 2)

² Charter of Fundamental Rights of the European Union (Article 10) and European Convention on Human Rights (Article 9)

Stunning

We note (paragraph 20) that "*Stunning is therefore necessary to induce a lack of consciousness and sensibility before, or **at the same time**, the animals are killed.*" (our emphasis).

Shechitah conforms to that that definition without the need for a derogation. It is performed with a surgically sharp instrument (a *chalaf*), which must be perfectly smooth without the minutest notch or irregularity, and which must be carefully examined before and after the procedure to ensure this standard is maintained. The frontal structures at the neck, including the trachea, oesophagus, carotid arteries, and jugular veins are severed in a rapid and uninterrupted action that causes an immediate loss of blood pressure in the brain resulting in an immediate and irreversible loss of consciousness.

To understand the process following the *shechitah* incision it is necessary to consider blood flow. The major blood supply to an animal's brain is via the carotid arteries at the front of the neck that divide on each side into two vessels that pass to the middle and front of the brain. A smaller supply, less than 5% of the total blood flow to the brain, passes through the vertebral arteries. It has sometimes been suggested that because the *shechitah* incision does not sever the vertebral arteries, an animal's brain will continue to receive sufficient blood to maintain consciousness for a significant period afterwards. However, research³ has demonstrated that once the carotid arteries have been severed, all blood flows in the direction of least resistance, and that, since the vertebral arteries are narrow, this is towards the cut. The residual minute vertebral artery flow is inadequate to maintain consciousness in the animal.

In consequence, **the *shechitah* incision results in the immediate and irreversible cessation of consciousness and of sensibility to pain**, and therefore constitutes stunning as defined in Scottish law, namely "any process which causes immediate loss of consciousness which lasts until death."⁴ **Animals that are subject to *shechitah* are stunned by the same action that brings about their death.** They are killed at the same time, by the same action, so there is no opportunity for any partial recovery between stun and killing, as not infrequently occurs in abattoirs that pre-stun animals by means of captive bolt, electricity, or gas.

We also note the definition of stunning in Article 2(g) as "*any intentionally induced process which causes **loss of consciousness and sensibility without pain, including any process resulting in instantaneous death.***" (our emphasis).

In a study of over 3000 cattle, Grandin and Regenstein have reported⁵ that there is no reflex defence response suggestive of any sensation of pain either prior to *shechitah*, at the moment of the incision, or immediately afterwards. On the contrary, they state that, although some animals "were held so loosely by the head holder and rear pusher

³ S Rosen. Physiological Insights Into Shechita. Veterinary Record, 2004; 154 (12 June): 759-65.

⁴ Statutory Instruments 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations 1995. (Available at: http://www.opsi.gov.uk/si/si1995/Uksi_19950731_en_1.htm)

⁵ T. Grandin, J.M. Regenstein. Religious slaughter and animal welfare: a discussion for meat scientists. Meat Focus International, 1994 (March): 115-123. (Available at: <http://www.grandin.com/ritual/kosher.slaugh.html>).

gate that they could have easily pulled away from the knife these animals made no attempt to pull away." demonstrating that the animals had no consciousness of any threat. This lack of response to the *shechitah* incision, also observed by Bager⁶, is noted as being in marked contrast to the observable effects of inflicting such painful stimuli as ear tagging or captive bolt stunning.

Shechitah should therefore be explicitly recognised for the purposes of Article 4.1 as a method of stunning, since it induces "a lack of consciousness and sensibility ... at the same time the animals are killed" (paragraph 20). Consequently, *shechitah* should be included in Table 4 of Annex 1 among "other methods" of stunning.

(In this context we note that the American "Humane Methods of Slaughter Act" does not apply a derogation for *shechitah*, but recognises it as a method of humane slaughter.⁷)

Restraint

The draft regulation does not require mechanical restraint for animals which are stunned. Since *shechitah* is a form of stunning, mechanical restraint is not required. However, whilst mechanical restraint is acceptable for the slaughter of large animals, we have concerns about the proposal that it should also be required for the slaughter of poultry. In general, poultry slaughtered by means of *shechitah* are individually presented for slaughter, and thus restrained manually. An additional welfare benefit to this method is that the bird is in a calm and relaxed state at the time of slaughter. We contend that this is a more humane and certain procedure than shackling where fully conscious birds are hung upside down before immersion in the electric stun bath (a human being can adjust his grip if the bird moves; a machine cannot, which may result in injury to the bird). We therefore urge that the regulation should continue to permit manual restraint of poultry.

National Reference Centres

We support the development of national reference centres to provide scientific and technical expertise and promote good practice, and we recommend that they should include experts on *shechitah* among their staff and advisers.

⁶ F. Bager, T.J. Braggins, C.E. Devine, A.E. Graafhus, D.J. Mellor, A. Taener, M.P. Updell. Onset of insensibility in calves : Effects of electroplectic seizure and exsanguination on the spontaneous electrocortical activity and indices of cerebral metabolism. *Research in Veterinary Science*, 1992; 52: 162-173.

⁷ Humane Methods of Slaughter Act (United States Congress)
http://www.law.cornell.edu/uscode/7/uscode_7_00001902----000-.html
§1902. Humane methods

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

Summary

We welcome the recognition the draft regulation gives to the needs of faith communities, and that *shechitah* will remain a legal method of slaughter for food. However, we suggest that this does not require a derogation from the requirement for stunning since *shechitah* is itself a form of stunning conforming to both the current legal definition, and the definition proposed in the draft regulation.

Note: The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen, and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

In preparing this response we have consulted widely among members of the Scottish Jewish community.