



**PERMANENT MISSION OF FINLAND
GENEVA**

VERBAL NOTE

The Permanent Mission of Finland to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to communicate the latter the reply of the Government of Finland to the Joint Communication from Special Procedures, Reference OL FIN 1/2022.

The Permanent Mission of Finland to the United Nations and Other International Organisations avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 10 June 2022



Special Procedures
The Office of the High Commissioner for Human Rights
Geneva

**Joint communication by the Special Procedures' mandate holders
on the reform of the Animal Welfare Act and the proposed general ban on slaughter without stunning
Response by the Government of Finland
7 June 2022**

With reference to the joint communication of 7 April 2022 by the Special Procedures' mandate holders on the reform of the Animal Welfare Act, the Government of Finland submits the following response to the communication.

Question 1: Please provide any information and/or comment(s) you may have on the above mentioned issues.

The Government of Finland is renewing the current provisions concerning stunning of animals as a part of the complete renewal of the Animal Welfare Act (247/1996). The current provision concerning slaughter requires that the animal must be appropriately stunned or killed before bleeding. However, for religious reasons a special method of slaughter where bleeding is started simultaneously with the stunning of the animal is allowed. Moreover, poultry can be slaughtered without stunning for private household consumption.

The provision requiring simultaneous stunning with the onset of bleeding has proved practically impossible to carry out. Therefore, religious slaughter has been practised in Finland for many years by stunning the cattle, sheep or goats before bleeding begins. The Finnish religious communities have imported all food products derived from animals of mammal species which have been slaughtered without stunning.

At the same time with increasing information on animal welfare science, Finnish society recognizes animal welfare as an important value which should be reflected in legislation. In addition, the opinion of the Scientific Committee of the European Food Safety Authority and the guidelines of the other Nordic countries, as well as the recent OIE proposal, support the amendment of the provision so that animals must always be stunned before bleeding begins. Without stunning, slaughter causes the animal pain and suffering that can be effectively avoided during slaughter by stunning the animal before bleeding begins.

In the draft government bill for a new Animal Welfare Act it is proposed to amend the provisions on the slaughter of animals so that the animal should always be stunned before bleeding. The change would apply to all slaughter methods and to all animals, including the special method of slaughter for religious reasons and to poultry slaughtered for private consumption. The proposed provisions do not preclude the use of electrical stunning (reversible stunning) in the stunning of sheep and goats nor import of food products derived from animals which have been slaughtered without stunning, for example.

Question 2: Please provide information on measures your Excellency's government has taken, or is planning to take, to ensure the compliance of the bill with Finland's obligations under international human rights law.

Parliament enacts all legislation in Finland. Under section 74 of the Constitution of Finland, the Constitutional Law Committee of Parliament shall issue statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties.

The Government refers to the judgment of the Court of Justice of the European Union in Case C-336/19 *Centraal Israëlitisch Consistorie van België and Others* which concerned, principally, whether EU law precludes legislation of a Member State which requires, in the context of ritual slaughter, a reversible stunning procedure which cannot result in the animal's death. This question led the Court, for the third time, to seek a balance between freedom of religion, guaranteed by Article 10 of the Charter of Fundamental Rights of the European Union, and animal welfare, as set out in Article 13 of the Treaty on the Functioning of the European Union (TFEU), and given specific expression to in Regulation No 1099/2009. The Court found that, in order to promote animal welfare in the context of ritual slaughter, Member States may, without infringing the fundamental rights enshrined in the Charter of Fundamental Rights, require a reversible stunning procedure which cannot result in the animal's death.

The position of the Finnish Government in the above-mentioned proceedings was the following:

Religious ritual slaughter falls within the scope of the freedom of religion guaranteed by Article 10, paragraph 1 of the Charter of Fundamental Rights of the European Union. A ban on slaughter without stunning amounts to interfering with the freedom of religion because it limits the opportunities of Jewish and Islamic believers to slaughter animals in accordance with the rules of their religion.

However, the fact that a general ban on slaughter without stunning would interfere with the freedom of religion does not necessarily mean that the ban would violate the freedom of religion guaranteed by Article 10, paragraph 1 of the Charter of Fundamental Rights. According to Article 52, paragraph 1 of the Charter, the freedom of religion may be limited if the limitation fulfils the conditions for limitation under Article 10, paragraph 1 of the Charter. The limitation must 1) be provided for by law, 2) respect the essence of the right or liberty to be limited, 3) meet the objectives of general interest recognised by the Union, and 4) be necessary for achieving those objectives.

The ban on religious ritual slaughter without stunning fulfils the above-mentioned conditions for limiting the fundamental right in question. The limitation would not interfere with the essence of the freedom of religion, as religious rituals are not at the core of the freedom of religion. In light of the case law of the EU Court of Justice, a measure that respects the essence of a right in accordance with Article 52, paragraph 1 of the Charter of Fundamental Rights must not frustrate the realisation of that right. However, measures that limit a fundamental right are permissible if they only limit the right in certain respects, in certain questions or sectors, or in certain precisely defined circumstances.

The general ban on slaughter without stunning can be considered to respect the essence of the freedom of religion, as the ban does not frustrate the realisation of this right in its entirety. The general ban only sets necessary conditions relating to the general interest – *i.e.*, in this case, the protection and wellbeing of animals – in certain respects within the scope of the freedom of religion.

Both the European Court of Human Rights and the Court of Justice of the European Union have considered in their case law that it is important for an individual's freedom of religion that they can obtain and consume meat slaughtered in accordance with the rules of their religion. The ban on slaughter without stunning will not prevent the import of such meat from abroad in the future, either.

Question 3: Please provide information on positive measures undertaken to facilitate a meaningful dialogue on the bill with religious minorities in the country that would result affected should this be adopted.

The previous government bill for the Animal Welfare Act lapsed in spring 2019 at the end of Parliament's term. During the drafting phase of the new government bill, dialogue has been conducted several times with organisations representing Muslims and Jews. The drafters of the Act discussed the ban of slaughter without stunning with organizations representing Muslims and Jews at a meeting during spring 2021. Minister of Agriculture and Forestry, Mr. Jari Leppä met with organisations representing Muslims and Jews at a remote meeting in February 2022. Permanent Secretary of the Ministry of Agriculture and Forestry, Ms. Jaana-Husu Kallio and the law drafters met with Ms. Katharina von Schnurbein, the European Commission's Coordinator on combatting antisemitism, and a representative of the Jewish Central Council of Finland in April 2022. In addition, during 2021-2022, talks with representatives of the organisations have been held by telephone and the Ministry of Agriculture and Forestry has responded to several letters concerning the proposed ban.

There has also been dialogue and correspondence with a number of international counterparts, Governments and organisations, on the subject.

The new draft government bill was circulated for comment in the winter of 2021-2022. In accordance with established practice, comments were requested from organisations representing Muslims and Jews, among others, and they gave their comments on the draft law.

===