The Swiss Animal Protection Law — Promise and Compromise

Hailed by some as a "standard work" and by others as a "farce," the Animal Protection Law of the Swiss Confederation entered into force on July 1, 1981. Coupled with it are Directives (Verordnungen) which provide guidelines for the implementation of the law. The law establishes the principles and guidelines that govern the ideal treatment of animals; however, the Directives consist of detailed provisions and prohibitions that cannot ensure the comprehensive protection of animals in all cases. After all, the text of the Directives represents a compromise achieved through 176 hearings by legislative bodies, with many interest groups represented — among others, there were spokesmen for small farmers, agribusiness concerns, veterinarians, and the humane movement.

While the basic tenets of the law — a so-called "skeleton law" — are kept quite general, especially in regard to farm and laboratory animals, it might have been expected that the provisions of the Directives would spell out, in more concrete terms, how the principles of the law were to be applied to actual conditions, which could then be subjected to controls. But the Directives do not always do this. In fact, they sometimes serve to "water down" the law, and already petitions are being submitted by the humane movement to have certain Articles of the Directives revised.

The formulation chosen in the Directives is often as vague and general as the principal statements in the law. Thus, when Article 3.1 of the law states that "Whoever keeps an animal and attends to it, must feed it adequately, care for it, and provide shelter as far as is necessary," the Directives in Article 1.1 merely reiterate the law by stating, in different words, that the "Animals are to be kept so that their physical functions and their behavior are not disturbed and their adaptability is not being strained." This is hardly a practical guideline; nor can this requirement be subjected to control. This provision of the Directives should have been expressed more clearly in order to serve its intended purpose.

The same problem obtains for Article 3.2 of the law: "The freedom of movement required for an animal should not be permanently or unnecessarily restricted if the animal, thereby, incurs pain, suffering, or injury." In the chapters on the various animal species, the Directives are equally vague in the formulation of this basic requirement when they prescribe, for example, for cattle and pigs (which are, as a rule, tied down or kept in stalls) "that they should be able to move temporarily outside their stands" [emphasis added]. In newly constructed barns, sufficient area will still have to be provided for this kind of temporary exercise.

In some instances, the Directives even contradict the law. While the law describes that "everybody should inflict unjustified pain, suffering, or injury on an animal or arouse fear in it" [Article 2.3], the Directives still permit wire-mesh and slatted floors for food animals, although such flooring is apt to cause injuries. Other vague terminology abounds in the Directives: such as "suitable climate." The objections raised to these passages are specifically concerned with questions about the competence of the cantonal authorities. Rather, one should be able to call upon a central agency, which could hand down decisions within a short period of time. This function could be exercised by the Federal Office for Veterinary Affairs. Moreover, all data pertaining to animal experiments inside Switzerland (as well as from abroad) should be made available to users at a designated documentation center.

Another weak point in the Directives concerns the provisions of Article 20, which addresses slaughter and the pre­ paratory stunning of food animals. A prohibition of carbon dioxide stunning was considered, but has not as yet been included in the Directives.

Once the criticisms of the humane movement have been given consideration and incorporated into an improved version of the Directives, the new Swiss Animal Protection Law will stand as a unique and exemplary standard for animal protection legislation, not only nationally but also internationally.

Copies of the Swiss Animal Protection Law and the Directives (available in German, French, or Italian) can be obtained by writing to Eidgenössisches Veterinäramt, Thunstrasse 17, CH-3005 Bern, Switzerland.

Concerning animals in experiments, reduction in number of animals used and humaneness of procedures are covered in the Directives under the heading "Licencing obligations for animal experiments." In both instances, cantonal commissions have been designated as the authorities who will determine "whether a licence is required." The law requires licensing for all "animal experiments that cause pain to and grave fear in laboratory animals or seriously affect their general well-being." The law also stipulates that "animal experiments for which licensing is obligatory be kept to an indispensable minimum." The objections raised to these passages are specifically concerned with questions about the competence of the cantonal authorities. Rather, one should be able to call upon a central agency, which could hand down decisions within a short period of time. This function could be exercised by the Federal Office for Veterinary Affairs. Moreover, all data pertaining to animal experiments inside Switzerland (as well as from abroad) should be made available to users at a designated documentation center.

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Dr. Karl Frucht
Regional Director for Europe
World Society for the Protection of Animals

Council of Europe
In January, 1971, the Council of Europe, a loose union of 21 of the Western European States, adopted Recommendation 621. This document instructed the Council's Committee of Ministers to es­ tablish an ad hoc expert committee to study the problems arising from animal experimentation, and to draft a Conven­tion setting out the conditions under which animal experimentation would be allowed. The Recommendation also con­tained a strong endorsement for the con­cept of alternatives, including a pro­posal to establish a documentation cen­ter on the topic.

A Committee of Experts on the Pro­tection of Animals was formed, but the Committee focused its attention on other topics first. The results of their labors include three Conventions covering the transport of animals, the raising of farm animals in intensive systems, and slaugh­ter methods. They then took up the ques­tion of animal experimentation and have been struggling to develop some form of consensus for the past 3 years. The Committee (now known as the ad hoc Commit­tee of Experts for the Protection of Ani­mals — CAHPA) had achieved consensus on almost every point when they ran up against the issue of the "pain clause."

A report in New Scientist (93:495, 1982) notes that Britain's Home Office is fighting a lone battle, with the support of European animal welfare organizations, to keep a restrictive clause that would forbid the infliction of severe and endur­ing pain on an animal. However, the oth­er participants in the debate, including the British Department of Health and So­cial Security, want to inspect the provi­sion that would permit exemptions from the pain clause. The arguments in favor of the exemption provision include the fact that it would ease the burden of tox­icity testing institutions, if they were ex­empt in law as well as in practice.

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The keeping of laying hens in battery cages will be forbidden and these kinds of cages will be banned, but not until 1992. This 10-year phase-out period for battery cages is considered unduly long by the Swiss animal welfare movement. The Swiss Animal Protection League (Schweizer Tierschutzverband) is already petitioning to have this period reduced to 6 years; in addition, they are requesting that the minimum floor area per animal measure 700 cm², instead of 500 cm², within 2 years.

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The meeting was designed to take an objective view of recent developments in animal replacements.

During the morning session, the results were reported from a multi-center project carried out in London, Glasgow, Sheffield, Paris, Stockholm, Belgrade, and Rome. This investigation involves the use of human placenta as a replacement for the LD50 for predicting the toxicity level of new drugs and industrial chemicals. Placenta costs nothing, since it is usually discarded. Also, its use as a test material may help circumvent the problem that so often compromises the LD50: differences in toxic levels found among the various species. Because of these differences, data obtained in mammals cannot be extrapolated from results in animal tests are often virtually worthless for estimating toxicity in humans.

Another alternative to the LD50 was described by Dr. Bjorn Ekwall from the University of Uppsala in Sweden. Dr. Ekwall showed that doses of a new Copenhagen mouse cell line, the HeLa cell, approximated the estimated human lethal doses 75 to 80 percent of the time.

An alternative to the Draize test is being investigated by Dr. W.H.J. Douglas from Tufts University in Boston. He is using human eye tissue that has been determined as unsuitable for transplantation as a test material for eye irritancy. Again, an ancillary benefit of using human tissue would be the alleviation of inter-species differences in test results.

A second possible alternative to testing for irritancy in live rabbits was reported by Dr. Joseph Leighton of the Medical School of Pennsylvania in Philadelphia. Dr. Leighton's test medium is the chorioallantoic membrane, which is discarded during development of the hen's egg. The membrane contains no sensory nerve fibers, yet can be used for measuring the extent of inflammation caused by irritants.

Infectious Diseases and Wildlife

The mechanisms by which diseases of humans and domestic animals affect wildlife populations are poorly understood. The complexities of the epidemiology of infectious illness in wild animals were discussed at a symposium held on November 26-27, 1981, by the Zoological Society of London.

W. Plowright, of the ARC Institute for Research on Animal Diseases, described an epidemic of rinderpest that swept through Africa between 1899 and 1898. Devastating losses occurred among both domestic cattle and wild ungulate species. Apparently, these species infections. Apparently, these infections are generally confined to the intestine and do not produce any symptoms. Therefore, this reservoir of the virus which tend to have high rates of recombination and mutation, constitutes a permanent threat to humans and other animals.

Botulism in waterfowl was discussed by C.R. Smith, of the Institute of Zoology at the Zoological Society of London. The mud from certain sites somehow works to inhibit the growth of the bacterium that causes botulism. More research into how this mechanism functions might make large-scale control of the disease possible.

Sir William H. Henderson detailed the evidence behind the assumed connection between tuberculosis in badgers and cattle. To stop the transmission of rinderpest was wiped out in the Serengeti as well. As a consequence, buffalo and wildebeest populations have doubled between 1961 and 1971. These animals are unprotected against rinderpest, and the possibility of another massive epidemic remains. Plowright advocates that epidemiologists begin careful planning to ensure that this possibility does not become a reality.