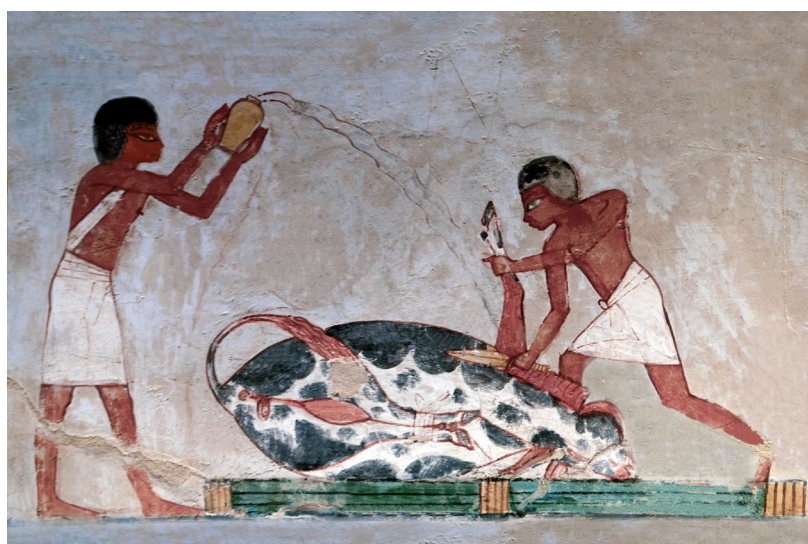

Religious slaughter

Reconciling
animal welfare
with freedom of
religion or belief



IN-DEPTH ANALYSIS

EPRS | European Parliamentary Research Service

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Members' Research Service
PE 751.418 – July 2023



The protection of animals at the time of slaughter is regulated at EU level by Council Regulation (EC) No 1099/2009. The regulation states that all animals should be stunned prior to having their throats cut. However, in order to ensure that some religious communities can consume meat in accordance with their precepts, and on the basis of the fundamental right to freedom of thought, conscience and religion, enshrined in the Charter of Fundamental Rights of the European Union, there is a possible derogation from the stunning obligation. While it is up to individual Member States to decide whether to use this derogation, or to prohibit outright the slaughter of animals without stunning, the procedure is the subject of ongoing discussion and concern. While some groups see slaughter without stunning as a threat to animal welfare, religious groups defend their freedom to express their faith and recognise respect for animal welfare as a fundamental basis of their beliefs. According to scientific evidence, both methods of slaughter, with and without stunning, have critical points. In addition, the interpretation of scientific evidence, and that of religious beliefs, is part of the debate. This paper updates and expands a European Parliament Library briefing, 'Religious slaughter of animals in the EU', published in 2012.

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LINGUISTIC VERSIONS

Original: EN

Translations: DE, FR

Manuscript completed in June 2023.

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PE 751.418

ISBN: 978-92-848-0895-3

DOI: 10.2861/876250

QA-07-23-266-EN-N

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Executive summary

Throughout human history, food has always been a matter of concern for people, regardless of their ethnicity or religious beliefs. Natural conditions, climate, availability of certain foods and scarcity of others, are just part of the story. Offerings within the context of religious ceremonies, as well as religious prescriptions on food requirements, vary from one religious tradition to another. Among the most prominent on our continent, the Christian, Jewish and Muslim traditions, while sharing some cultural and scriptural elements, vary considerably in their rules on what kind of food is authorised, and on what occasions, which food is forbidden, and on sanitary and health measures, but most importantly on the way meat is obtained from slaughtered animals.

While Christians have abandoned religious prescriptions on slaughtering required by the Jewish Torah, Muslims and Jews follow similar, though not identical, rules on slaughtering, requiring that the animal to be slaughtered be in good health, not hurt, and conscious, and that the blood be quickly drained from the carcass, as both Islam and Judaism forbid the consumption of blood and its products.

In the second half of the 20th century, at the beginning of the industrial era, slaughter and meat production underwent a revolution. Meat needed to be brought to fast-growing urban areas, where demand was also growing. As a result, for productivity and economic reasons, stunning was introduced. This enabled the slaughter process to be accelerated, as when the animal to be killed loses consciousness that prevents it from struggling, and reduces the risk of slaughterhouse employees being hurt. Meat from animals slaughtered in this way cannot be labelled *kosher* or *halal*, as stunned animals are no longer conscious and can be hurt during the procedure.

The procedure has evolved and improved, becoming a focal point in efforts to protect animal welfare, and avoid the unnecessary suffering and pain of animals during slaughter. Over time, stunning has been established as the dominant and humane way of obtaining meat for human consumption. This principle was enshrined in EU law by Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, which makes an exception for animals slaughtered for consumption by religious communities whose precepts forbid the consumption of meat from stunned animals.

The procedure is the subject of ongoing discussion and concern. On one side, prohibiting religious slaughter can be understood as a violation of religious freedom, something guaranteed under EU and international law. On the other, the procedure is seen as a threat to animal welfare despite religious communities' concern for animal wellbeing, in accordance with their precepts. According to scientific evidence, both methods of slaughter, with and without stunning, can cause pain and distress to the animal, as both methods have critical points. Differing interpretations of both the scientific evidence and religious interpretations have been the source of dispute, in both parliaments and courts alike. In a 2020 ruling on the prohibition of slaughter according to the religious prescriptions of Jews and Muslims in the Belgian region of Flanders, the Court of Justice of the European Union recognised the right of Member States to decide which procedures to accept as lawful. This provoked strong reactions from Belgian Jewish and Muslim communities who felt deeply hurt and discriminated against in essential aspects of their identity.

This paper addresses selected aspects of the matter, including the controversy and divergent scientific views regarding the slaughter procedure, and food requirements as an essential element of identity.

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1. Introduction

Until the industrial revolution in the 19th century, obtaining meat for human consumption was not of particular concern as slaughtering was performed by local butchers on local farm animals. With the expansion of urban areas came the need to bring meat from more distant places. This resulted in the industrialisation¹ of meat production, slaughter and transport, as well as the commercialisation of meat and meat products. This change required rules that would ensure proper sanitary conditions to avoid health problems for consumers. Distant slaughterhouses made industrial scale killing of farm animals an ambiguous issue, blurring the relationship between humans and animals.

At that time Europe was predominantly Christian, with Jewish and Muslim minorities throughout the continent in different proportions as a share of local populations. This meant that Christian practices based on belief in 'divine permission'² to kill animals for food, fur and other human uses' were dominant, also in the nascent industry. The result was that there were no religious prescriptions imposed regarding the way to obtain meat. Christian food requirements related to certain aspects of consumption only, forbidding certain foods, such as meat, on specific days and occasions.

Unlike Christians, Muslims and Jews may only consume food obtained according to certain criteria. The two religions' additional requirements regarding meat are similar but not identical. Jews consume kosher meat obtained in a procedure called shechita, while Muslims obtain their halal meat in a procedure called dhabīhah. Both procedures are rooted in religious prescriptions and include a prohibition on stunning animals prior to slaughter.

The industrialisation of animal slaughter at the turn of the 20th century was designed to accelerate killing in order to increase meat production³. Animal suffering was not a concern. In Germany, where many slaughter techniques were practised, with different forms of stunning of varying effectiveness, the most efficient one was declared the German norm. Already at that time, the choice of slaughter techniques was a concern for animal protection organisations. This concern was also used as a pretext by antisemitic groups who claimed that slaughtering without stunning was a cruel method performed only by Jews. In this way, already at the end of the 19th century, the slaughtering procedure used to obtain meat became a highly emotive issue, laden with nationalist sentiments, where the practices of other ethnic groups were denigrated.

The subject of animal slaughter using procedures other than those initiated at the end of the 19th century – and constantly developed with a view to raising productivity – combined with concern for animal suffering has long been at the root of highly emotional public debate focusing, in particular, on the Jewish and Muslim communities.

From a demographic point of view, these procedures concern two religious minorities in European societies that have become increasingly secularised, and communities where the proportions of religious affiliations have changed.

¹ G. Baics and M. Thelle, '[Meat and the nineteenth-century city](#)', Introduction, special section in *Urban History*, Vol. 45(2), May 2018, pp. 184-192.

² K. Remele, '[Killing Animals—Permitted by God?](#) The Role of Christian Ethics in (Not) Protecting the Lives of Animals', in *The Palgrave Handbook of Practical Animal Ethics*, June 2018, pp. 315–332.

³ Leiderer A., 'History of Animal Slaughter', in *Handbook of Historical Animal Studies*, (eds Roscher M., Krebber A and Mizelle B), De Gruyter Oldenbourg Oldenbourg, 2021, pp. 539-553.

Table 1 – Evolution of religious and philosophical affiliation 1900-2020 in Europe

Religious or philosophical affiliation % / Year	Religious	Religious: Christian	Religious: Jewish	Religious: Muslim	Non-religious
1900	99.6	94.5	2.4	2.3	0.4
2020	84.4	76.1	0.2	7.2	15.6

Source: *The Oxford Book on Religion and Europe*, G.Davie and L. N. Leustean eds., Oxford University Press, 2021.

2. Religious rules on animal slaughter

Meat quality and animal protection have long been subjects of public debate at EU level, as specific regulations concerning public health and the agricultural sector have been introduced in order to ensure equal levels of protection and similar quality standards. This has brought the issue of slaughtering with or without stunning into focus in policy making and resulted in a wide range of issues being taken into consideration. Such debates require a closer look at many aspects of the procedure, including stunning techniques, slaughter according to religious prescriptions, and the fundamental rights of religious minorities.

2.1. Animal slaughter according to Islam

Muslims find the reasons behind the rules on treatment of animals and their slaughter in the Qur'an⁴ (for example, in Surah Al-Anam 6:38 allowing the consumption of meat, or Surah 2:172-173 on not eating blood), and in the Hadith⁵ – an interpretation given by the prophet Muhammad. They refer to the rules of kindness towards animals and the need to avoid causing them suffering upon slaughter.

It is recorded in the Sahih Muslim⁶ (Book 21, Chapter 11, No 4810) that the Prophet Muhammad said: 'Verily Allah has enjoined goodness to everything; so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife, and let the slaughtered animal die comfortably'. The Islamic tradition therefore strongly defends the humane slaughter of animals. Other rules⁷ describe the humane slaughter of animals, prescribing for instance a pre-slaughter rest, a secure restraint for the animal, the characteristics of the knife and the skills of the operators. Meat produced with cruelty is not accepted for consumption, as it violates the Prophet Muhammad's teaching to cause animals no pain before their slaughter.

The Dhabihah, or Zabihah⁸, is the slaughter of animals according to Islamic Rites in order to obtain meat suitable for consumption (halal). The method follows strict rules⁹:

- At the moment of killing, the animal should face Mecca.

⁴ H. Aidaros, [Proper application of halal slaughter](#), Conf. OIE 2013, Aidaros.

⁵ Sheikh Ahmad Kutty, [What Is the Significance of Hadith in Islam?](#), IslamOnline.

⁶ [Sahih Muslim Book 21, Hadith Number 4810](#), Hadith Collection.

⁷ Sira Abdul Rahmann, ['Religion and Animal Welfare—An Islamic Perspective'](#), *Animals*, Vol. 7(2), 2017, p.11.

⁸ [What is Zabihah?](#), IslamAwareness.

⁹ [Islamic Method Of Slaughtering](#), Department of Halal Certification EU.

- Only a sane, adult, Muslim or someone who is Ahlul Kitab (People of the Book) may perform the slaughter.
- The name of Allah must be claimed, in order to have His permission to carry out the slaughter (Qur'an: Surah 6:118; Qur'an: Surah 6:121). However, if invoking the name is forgotten the meat is still halal. The meat becomes haram – forbidden – when the name of Allah is intentionally not invoked.
- The animal must be alive at the time of slaughter; however, low voltage to the head only or a non-penetrative captive bolt can be used to calm the animal down or reduce violence to the animal.
- The animal is to be manually slaughtered¹⁰ by the use of a sharp knife, in one single cut, from the front (chest) to the back, without being lifted and the knife must cut the trachea (the windpipe), the oesophagus (the gullet) and two jugular veins. The knife should not kill due to its weight.
- The knife should not go into the spinal cord and the head should not be detached from the neck before all blood is drained from the body. Skinning and cutting the animal is not allowed until the animal is dead.
- The slaughter line must be different from the one where pigs are slaughtered and the tools for pig slaughter must not be used.

In preparation for the slaughter:

- The knife should be re-sharpened.
- Animals should not be hungry or thirsty when slaughtered.
- Animals should not see the knife and slaughter should be done out of sight of other animals waiting.

Meat from certain animals is forbidden, as it is believed to be dangerous to human consumption. Eating or drinking haram foods is considered a great sin; however, it is exceptionally possible when no other halal food or drink is available, or the person is in danger due to extreme hunger, or for medicinal purposes.

The Qur'an (5:3¹¹), Sunnah (the actions of the prophet Mohammed) and doctrines (scholars) list¹² the animals that are not halal¹³:

Forbidden to you are carrion, blood, and swine; what is slaughtered in the name of any other than Allah; what is killed by strangling, beating, a fall, or by being gored to death; what is partly eaten by a predator unless you slaughter it; and what is sacrificed on altars.... (Surah al-Ma'idah, 5:3)

- pigs¹⁴: being omnivores, they could consume any type of food, including dead insects, carcasses, garbage and other pigs. Pig meat is considered impure and unclean, as well as a host for parasites harmful to humans;
- dead animals,¹⁵ whether sea or land animals. During slaughter, blood drains out of the body and meat becomes clean from impurities; this does not happen when an animal dies naturally and blood remains in the body;

¹⁰ Fouad Ali Abdullah Abdullah, Gabriela Borilova, and Iva Steinhäuserova, 'Halal Criteria Versus Conventional Slaughter Technology', *Animals*, Vol. 9(8), 2019, p. 530.

¹¹ [Surah 5 Al-Ma'idah, Ayat 3-3](#), Islamic Studies.

¹² [The Fiqh of Halal and Haram Animals](#), Darul Iftaa, Institute of Islamic Jurisprudence.

¹³ Abdullah James Clarke, [Halal and Haram List: Hanafi School](#), The Halal Life.

¹⁴ [Why Pork is Forbidden in Islam?](#), 2013-1434, IslamHouse.

¹⁵ Abdorahman, [Why Eating of Carrion, Pork and Blood is forbidden?](#)

- blood¹⁶ (from any animal), and products made or sourced from blood, as it is considered filthy and harmful;
- all animals slaughtered without the name of Allah being pronounced on them;
- animals hunting with their teeth and birds of prey;
- animals with tusks or animals considered as pests;
- reptiles (except spiny-tailed lizards) and amphibians, animals that do not have flowing blood;
- donkeys and mules. For horses, there are different opinions: 'And (He has created) horses, mules, and donkeys, for you to ride and use for show; and He has created (other) things of which you have no knowledge' (Surah al-Nahl, 16:8);
- insects (with the exception of locusts), animals that have no blood inside them, '...for he (the Prophet) commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure)...' (Surah al-A'raf, 7:157) and 'I fought with the Messenger of Allah (Allah bless him and give him peace) in six or seven battles, and we used to eat it (locust) with him'. (Sunan Abu Dawud, Book 21, No 3806).

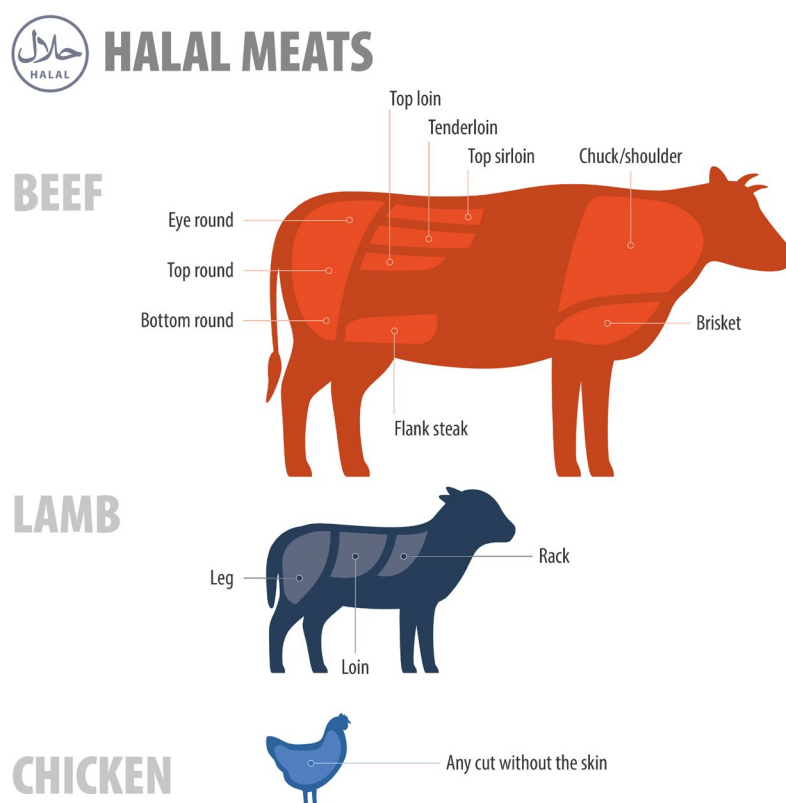
Not the whole animal is allowed to be consumed. More in detail, seven parts¹⁷ from a Halal and lawfully-slaughtered animal cannot be eaten:

- blood cannot be consumed 'Say, 'O Prophet, ' "I do not find in what has been revealed to me anything forbidden to eat except carrion, running blood, swine – which is impure – or a sinful offering in the name of any other than Allah..." ' (Surah al-An'am, 6:145);
- penis, testicles, vulva, glands, urinary bladder and gall-bladder are not allowed '...for he allows them as lawful what is pure and makes unlawful for them filthy things ...' Surat al-A'raf 7:157 and 'The Messenger of Allah (Allah bless him & give him peace) disliked consuming seven things from the sheep: the gall-bladder, the urinary bladder, the glands, the vulva, the penis, the testicles and the blood. The Messenger of Allah (Allah bless him and give him peace) used to like the forepart of sheep and goats' (Kitab al-Athar, with a sound chain of narration, No 811).

¹⁶ [Halal issues on the use of blood in food products](#), Halal Products Research Institute, 2018.

¹⁷ Mufti Muhammad ibn Adam al-Kawthari, [What Parts of a Halal Animal are Haram to Eat?](#), IlmGate A Digital Archive of Islamic Knowledge, 2010.

Figure 1- Halal meat cuts



Source: EPRS.

2.2. Animal slaughter according to Judaism

The first five books of the Jewish Bible (the Old Testament) are the five books of Moses¹⁸ or the Pentateuch (Genesis, Exodus, Leviticus, Numbers and Deuteronomy). They are referred to in Judaism as the Torah¹⁹, the Jewish Written Law, and provide instructions for religious and moral life for Jews. The 613 commandments of the Torah²⁰ cover all aspects of Jewish life.

The Talmud, the Oral Law, gives legal commentary to the Torah's commandments and is thus a guide to everyday life for Jews. Kashrut²¹ (Hebrew for proper, correct, Jewish dietary law) governs in a very precise and rigorous way what Jews may eat, what is forbidden (for example pork), how to obtain meat, how to process food, which ingredients can be put together and which must be processed separately, such as meat and dairy products. Food that meets kashrut standards, is kosher. Rabbi Hayim Halevy Donin the author of books on the practice of rabbinical Judaism from an Orthodox perspective states that kashrut laws are 'designed as a call to holiness'²², when an act of eating turns into a religious ritual. Following the rules on kosher food is a kind of self-control, an ability to distinguish between right and wrong, a very important aspect of Judaism.

¹⁸ [Religion: The Tanakh](#), Jewish Virtual Library.

¹⁹ [Judaism: The Written Law – Torah](#), Jewish Virtual Library.

²⁰ [A List of the 613 Mitzvot](#) (Commandments), Judaism 101.

²¹ [Jewish Dietary Laws \(Kashrut\)](#): Overview of Laws & Regulations, Jewish Virtual Library.

²² [Kashrut: Jewish Dietary Laws](#), Judaism 101.

Judaism forbids unnecessary cruelty to animals as it considers animals to have the same sensitivity as humans. It has always paid high attention to animal welfare²³, long before it became of concern across Europe. For example, under Jewish law, it is forbidden to castrate animals (Law 168²⁴), to slaughter an animal and its offspring on the same day (Law 205); it is required to release the mother bird if she was taken from the nest (Law 208). Laws 176 to 203 list forbidden foods, Law 192 forbids eating blood considered the principle of life, while Laws 204 to 208 refer to rules on slaughtering.

Slaughter performed in accordance with Jewish laws is referred to as 'kosher slaughter' (shechita²⁵). It is the only animal slaughter method permitted by the Jewish law to allow Jews to eat meat.

In line with the prohibition of animal abuse, kosher slaughtering²⁶ is meant to be as fast and as painless possible, making the meat unsuitable for Jewish consumers if the killing might have caused pain.

The slaughter method is strictly regulated²⁷. There are some important requirements²⁸ of kosher slaughter.

- Only a specially-trained person, a 'shochet', can perform slaughter. The position of shochet is gained after years of study and examinations in the law of shechita, as well as animal anatomy and animal pathology, plus an apprenticeship.
- The knife (chalef²⁹) should be razor-sharp and long at least twice the width of the neck of the animal, meaning around 25cm for small ruminants (sheep and goats) and greater than 40-45 cm for adult cattle.
- The shochet inspects the knife before every animal is slaughtered, to make sure that the blade is perfectly smooth and has no damage;
- A blessing should be given before entering the killing floor.
- The oesophagus, trachea, jugular veins and carotid arteries should be cut without damaging the spinal marrow.
- Blood should be totally drained.

There are also five halachic (according to the Jewish law) requirements³⁰ for the shochet:

- Shehiyah (delay): the knife should move in an uninterrupted way. A pause or hesitation during the incision makes the meat unkosher.
- Derasah (pressing): the knife should not be pressed against the neck, but be drawn across the throat.
- Haladah (digging): the knife should be visible while the cut is performed and not covered by fur, hide, or feathers.
- Hagramah (slipping): the incision should sever the major structures and vessels at the neck.
- Ikkur (tearing): tearing either the oesophagus or the trachea during the shechita incision makes the carcass unkosher and it cannot then be eaten by Jews. This can occur if there is a nick in the chalaf.

²³ Issues in Jewish Ethics: [The Treatment of Animals](#), Jewish Virtual Library.

²⁴ [Judaism: The 613 Mitzvot \(Commandments\)](#), Jewish Virtual Library.

²⁵ [Jewish Dietary Laws \(Kashrut\)](#): Overview of Laws & Regulations, Jewish Virtual Library.

²⁶ Issues in Jewish Ethics: [The Treatment of Animals](#), Jewish Virtual Library.

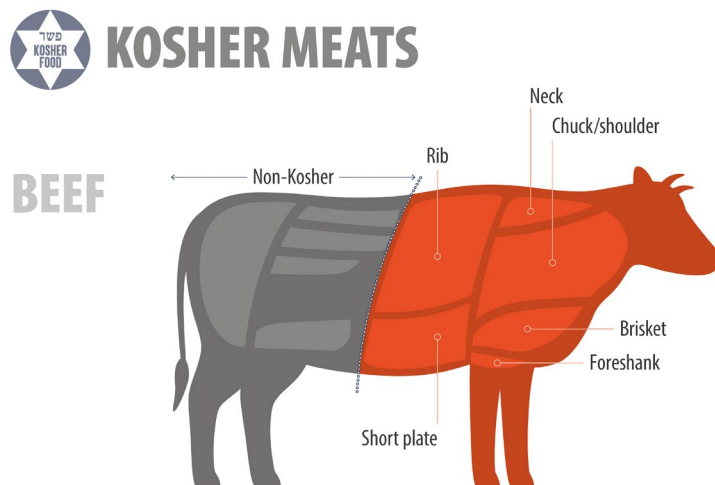
²⁷ [A Guide to Shechita](#), Shechita UK, May 2009.

²⁸ [Kosher slaughter](#), Animal Ethics Dilemma.

²⁹ P. Pozzi and T. Waner, '[Shechita \(Kosher slaughtering\) and European legislation](#)', *Veterinaria Italiana*, Vol. 53(1), March 2017, pp. 5-19.

³⁰ T. Grandin, [The rules of Shechita for performing a proper cut during kosher slaughter](#), Dr. Temple Grandin's Website.

Figure 2 – Commercial Kosher meat cuts



Source: EPRS.

After shechita is performed, the shochet examines internal organs, lungs and vessels to be sure that the shechita was properly completed and to guarantee that the animal was living in adequate breeding conditions and it was healthy.

Ruminants with cloven feet are permitted under the laws of kashrut³¹: beef, lamb, goat, sheep and deer are the most common kosher meats. Certain birds and fish that have both fins and scales (i.e. not shellfish) are also permitted.

Despite correct slaughter and inspection, a kosher animal is not ready to be consumed immediately. Indeed, it is necessary to remove certain large blood vessels, prohibited fats, and the sciatic nerve. The reasons for the exclusion of these parts are explained in the Torah.

- Consumption of blood³² is prohibited as it is believed that the life of the animal is contained in the blood (Leviticus 7:26-27 – 'Moreover you shall eat no blood whatever, whether of fowl or of animal, in any of your dwellings. Whoever eats any blood, that person shall be cut off from his people', Leviticus 17:10-11 'If any man of the house of Israel or of the strangers that sojourn among them eats any blood, I will set my face against that person who eats blood, and will cut him off from among his people. For the life of the flesh is in the blood; and I have given it for you upon the altar to make atonement for your souls; for it is the blood that makes atonement, by reason of the life', and Deuteronomy 12:23 'Just take care not to eat the blood, for the blood is the life, and you are not to eat the life with the meat'.)
- Consumption of certain fats³³ (cheilev) is forbidden. Cheilev refers to the fat that was burned on the altar, in case of sacrifice (Leviticus 7:23-25 'Speak unto the children of Israel, saying: Ye shall eat no fat, of ox, or sheep, or goat. And the fat of that which dieth of itself, and the fat of that which is torn of beasts, may be used for any other service; but ye shall in no wise eat of it. For whosoever eateth the fat of the beast, of which men present an offering made by fire unto the LORD, even the soul that eateth

³¹ Definition of '[kashrut](#)', according to the Encyclopaedia Britannica.

³² [The Fundamental Laws of Kashrut](#), Kenyon College.

³³ Rabbi Jack Abramowitz, [Fat Contentions: The prohibition against eating certain fats](#).

it shall be cut off from his people'). Cheilev³⁴ is the fat which can be separated from the abdominal organs.

- Consumption of the sciatic nerve³⁵ (gid hanasheh) is forbidden to honour Jacob's victory over an angel after they fought all night and the angel dislocated Jacob's sciatic nerve. (Genesis 32:33 'Therefore the children of Israel eat not the sinew of the thigh-vein which is upon the hollow of the thigh, unto this day; because he touched the hollow of Jacob's thigh, even in the sinew of the thigh-vein.'). The sciatic nerve starts from the lower back and runs in the back of each hind limb.

In view of these requirements, it is much easier to market exclusively the forequarter of the animal, once the large blood vessels have been removed.

In order to remove additional blood,³⁶ the meat must be soaked, salted, and rinsed following a strict time schedule.

2.3. Meat quality and hygiene

There are many parameters to describe meat quality:

- sensory characteristics: colour, juiciness, taste, smell, softness, texture;
- nutritional composition: percentage of protein and fat content, amount of minerals and vitamins, fatty acid profile;
- technical parameters: pH, water holding capacity (WHC) and thawing loss;
- absence of chemical and/or microbial residues;
- ethical and sustainable production methods.

Meat quality is also linked to consumers' perception and it can be influenced by national or even regional differences, culture, ideologies, and beliefs (it can also be given a spiritual quality).

If animals are exposed to acute or short term stress before slaughter, it may result in pale, soft and exudative (PSE³⁷) meats due to the acidification of muscles post-mortem, following the breakdown of glycogen to lactic acid, while the meat is still warm. PSE meats represent a major defect for the industry, reducing both the consumer acceptability and the shelf life of the product. Minimising stress before death can help reduce its occurrence.

The 2014 study 'Halal and kosher slaughter methods and meat quality: A review³⁸' concluded that a number of meat quality problems have been found exclusively in pre-stunned animals, such as haemorrhages, broken bones, carcass damage and poor colour stability. These defects were not found in non-stunned animals.

Similar conclusions on meat quality problems were also reached in the 2021 study 'Efficient halal bleeding, animal handling, and welfare: A holistic approach for meat quality³⁹'. The study also highlights that bleeding obtained with halal slaughter maintains the quality and the healthiness of

³⁴ Rav Ezra Bick, [Blood and Fat](#), The Laws of Kashrut - Lesson 3.

³⁵ [Gid Hanasheh \(sciatic nerve\)](#), Chabad.org.

³⁶ [Animal Handling: Religious Slaughter](#), Fact Sheet North American Meat Institute.

³⁷ F. Adzitey and H. Nurul, '[Pale soft exudative \(PSE\) and dark firm dry \(DFD\) meats: causes and measures to reduce these incidences - a mini review](#)', *International Food Research Journal*, Vol. 18, 2011, pp. 11-20.

³⁸ M. M. Farouk et al., '[Halal and kosher slaughter methods and meat quality: A review](#)', *Meat Science*, Vol. 98(3), November 2014, pp. 505-519.

³⁹ Z. A. Aghwan et al., '[Efficient halal bleeding, animal handling, and welfare: A holistic approach for meat quality](#)', *Meat Science*, Vol. 121, November 2016, pp. 420-428.

meat and, in addition, when carried out following animal welfare procedures, could also potentially reduce suffering and pain.

The study 'Conventional versus Ritual Slaughter–Ethical Aspects and Meat Quality'⁴⁰, published in 2021, reports that slaughter without stunning causes more efficient bleeding of carcasses, which results in meat of a higher quality and higher hygiene, as it is more durable and deteriorates slower, whereas during standard slaughter, where the heart stops working earlier, the bleeding process can be unsatisfactory.

According to a study⁴¹ from South Eastern University of Sri Lanka, meat derived from non-stunned cattle may have an unpleasant aspect due to some petechial haemorrhages, caused by short-term excitement of the animal prior to slaughter; however, the thorough bleeding keeps meat edible for longer.

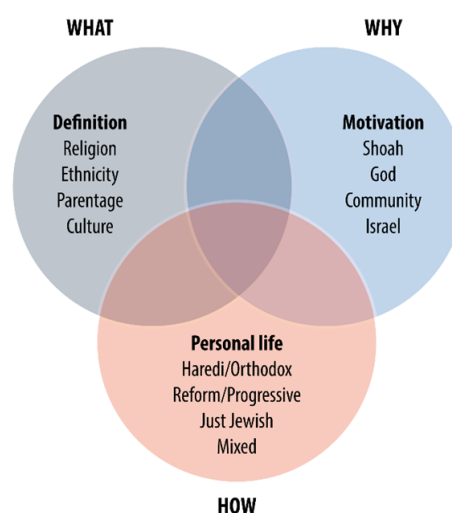
In terms of hygiene, EU law (Regulation (EC) No 853/2004⁴²) laying down specific hygiene rules for food of animal origin) requires that the trachea and oesophagus remain intact during bleeding, in order to avoid contamination. However, there is a derogation from this requirement in cases of slaughter according to a religious custom.

3. Minority identities and religious slaughter

The procedure of shechita must be considered in the context of the place it takes in Jewish life. According to the Jerusalem Post⁴³, attachment to traditional practices and celebrations are of particular importance: 'Judaism is not only about speech, study, and belief but, crucially, it is also about praxis. Jewish religious life is pervaded with practices and laws: brit milah, shechita (ritual slaughter), Jewish education, Shabbat observance and dress are all crucial parts of our religion'.

An internal debate among Jewish communities raises issues of the meaning of Jewishness, of shechita itself, its industrialisation, as well as of the need to reconcile the requirements of kosher meat with those of 'tza'ar ba'alei chayim'⁴⁴ (pity for living creatures, or compassion for animals). There are therefore wider issues to consider, such as Jewish animal welfare

Figure 3 – Factors in Jewish identity



Source: [The Jewish identities of European Jews. What, why and how](#). The Institute for Jewish Policy Research, December 2021.

⁴⁰ J. Żurek, M. Rudy, M. Kachel and S. Rudy, '[Conventional versus Ritual Slaughter–Ethical Aspects and Meat Quality](#)', *Processes*, Vol. 9, 2021, p. 1381.

⁴¹ M. Jemziya, '[Effect of Islamic ritual slaughter \(Halal method\) on meat quality](#)', Department of Biosystems Technology, Faculty of Technology, South Eastern University of Sri Lanka.

⁴² [Regulation \(EC\) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin](#).

⁴³ S. Cohen, '[Future of Jewish religious freedom hangs in balance in EU](#)' – opinion, The Jerusalem Post, 15 October 2022.

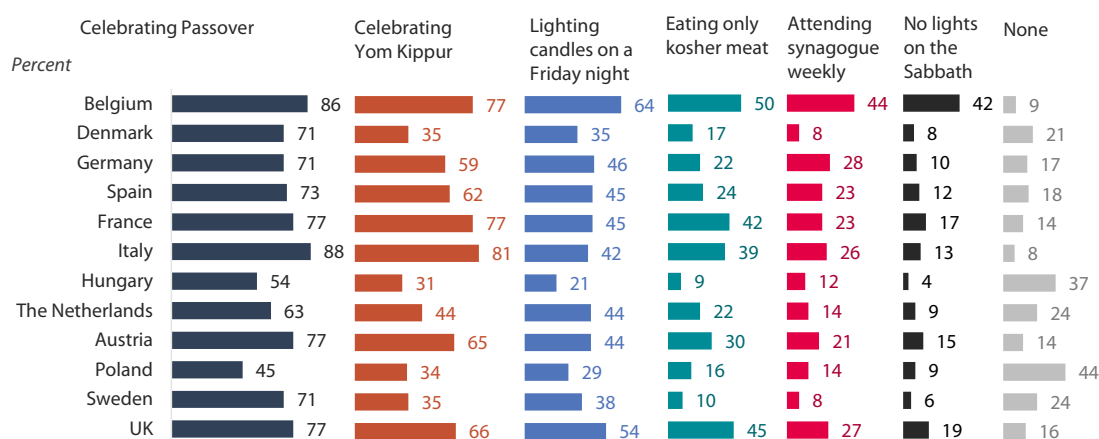
⁴⁴ [Jewish English Lexicon](#).

standards⁴⁵ prohibiting any unnecessary animal suffering for reasons other than the need to consume meat, such as profit, not only among Jewish communities.

A 2022 survey on behalf of the EU's Fundamental Rights Agency offers insight into the meaning Jews attribute to Jewishness. The survey 'Why be Jewish? – The essential Jewish values of Europe's Jews'⁴⁶ run by the Institute for Jewish Policy Research analysed aspects of Jewish identity (Figure 3).

For 34 % of respondents, eating only kosher meat at home is very important. This rate varies among the countries surveyed, with Belgium ranking highest (50 %), and Hungary (9 %) and Sweden (10 %) lowest (Figure 4).

Figure 4 – Observance according to country



Data source: [The Jewish identities of European Jews](#). What, why and how, The Institute for Jewish Policy Research, December 2021.

Similar differences show also across different observance groups. For Haredi (96 %) and Orthodox (93 %) Jews this is a prominent feature of Jewishness. While it is still so for 57 % of traditional Jews, it drops to just 18 % for reform/progressive Jews and 10 % of the 'Just Jews' category (Figure 5).

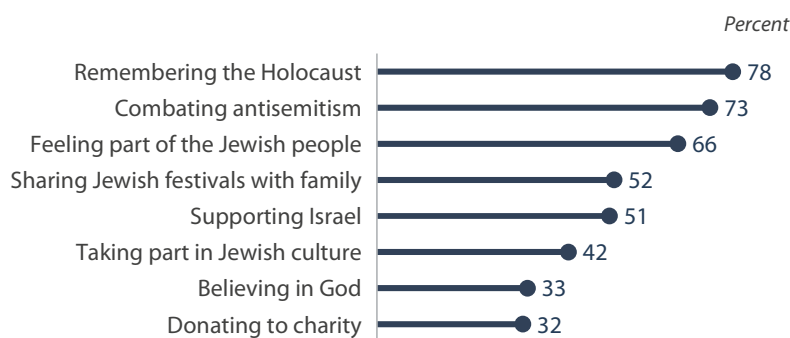
Historical background is important for understanding the place shechita and kosher food have among Jews. A total ban on shechita was the first antisemitic law introduced in Nazi Germany, a process that culminated in the Holocaust. A similar ban was introduced in Sweden⁴⁷ in 1937 under pressure from the far right, and was pushed by far right and xenophobic political activists as an expression of antisemitism. History is at the core of the 'why' question of Jewishness, corroborated by historical data on the extermination of the Jewish population in Europe. Combating antisemitism and remembering the Holocaust are both essential elements of Jewish identity (Figure 6).

⁴⁵ M. Hodkin, 'When Ritual Slaughter Isn't Kosher: An Examination of Shechita and the Humane Methods of Slaughter Act', *Journal of Animal Law*, Vol. 129, 2005.

⁴⁶ S. DellaPergola and D. Staetsky, 'Why be Jewish? The essential Jewish values and ideas of Europe's Jews', Institute for Jewish Policy Research, April 2022.

⁴⁷ Y. Alt Miller, [Banning Shechita in Europe](#), January 2019 update, Dan Family Aish World Center, Jerusalem.

Figure 6 – Essential aspects of Jewish identity

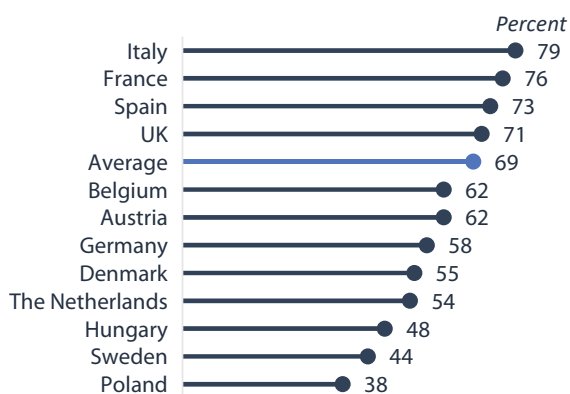


Source: [The Jewish identities of European Jews](#). What, why and how, The Institute for Jewish Policy Research, December 2021.

Consequently, the reaction to any attempt to ban shechita⁴⁸ among Jews is to 'interpret those attempts as acts of hostility against members of the religion and the Jewish religion itself'. Anti-Shechita campaigns are considered not only to be attacks on a particular Jewish religious observance but also 'an attack either on the morality or on the divine

origin of the Torah, and at the same time against the moral character⁴⁹ of the Jewish people. For to say that the Jewish method of slaughter is a great cruelty means to brand the Jews as a cruel people'.

Figure 7 – Prohibition of religious slaughter would be a problem



Data source: [Experiences and perceptions of antisemitism](#), Second survey on discrimination and hate crime against Jews in the EU. European Union Agency for Fundamental Rights, 2018.

According to a Fundamental Rights Agency 2018 survey⁵⁰, on discrimination and hate crime against Jews in the EU (Austria, Belgium, Denmark, France, Germany, Hungary, Italy, the Netherlands, Poland, Spain, Sweden, and the UK), eating kosher food is very important for 34 % of Jews on average, with that percentage reaching over 90 % for the most traditional among practising Jews. Banning traditional slaughter, *shechita*, is problematic for 69 % of Jews⁵¹ (Figure 7).

The Oxford Handbook of Religion and Europe⁵² provides data on changes population numbers between 1900 and 2020. It testifies to the dramatic fall in the Jewish population in Europe in this period.

Of almost 10 million Jews in 1900 (2.4 % of the population of Europe) little more than 4 million remained in Europe in 1970 following Jewish

emigration from the continent at the beginning of the 20th century, the First World War, the Holocaust, and post war discrimination. Between 1900 and 2020, the share of the Jewish population in Europe diminished more than tenfold from 2.4 % to just 0.2 %.

⁴⁸ M. Hodkin, 'When Ritual Slaughter Isn't Kosher: An Examination of Shechita and the Humane Methods of Slaughter Act', *Journal of Animal Law*, Vol. 129, 2005.

⁴⁹ Idem.

⁵⁰ [Experiences and perceptions of antisemitism](#). Second survey on discrimination and hate crime against Jews in the EU, Fundamental Rights Agency, 2018.

⁵¹ Idem, p.71.

⁵² G. Davie and L. Leustean (eds), *The Oxford Handbook of Religion and Europe*, Oxford University Press, Oxford, 2021.

No detailed statistical study on Muslim identity similar to the one on Jewish identity has been conducted at EU level, but the topic has been subject of scientific research. Food and food-processing rituals specific to distinct religions and cultures are major factors in identity⁵³, with halal food clearly no exception. However, researchers point to changing attitudes to halal requirements among ethnic groups of immigrants who are relatively new to the EU.

A 2015 European Islamophobia report by the SETA Foundation for Political, Economic and Social Research examined attitudes to religious slaughtering, among many aspects of Islamophobia. It also offered a definition of Islamophobia⁵⁴ and explained that 'Criticism of Muslims or of the Islamic religion is not necessarily Islamophobic. Islamophobia is about a dominant group of people aiming at seizing, stabilising and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed "we". Islamophobia operates by constructing a static 'Muslim' identity, which is attributed in negative terms and generalised for all Muslims'.

The UN explains the term 'Islamophobia'⁵⁵ – also referred to as 'anti-Muslim hatred' in the EU context – as 'fear, prejudice and hatred of Muslims that leads to provocation, hostility and intolerance by means of threatening, harassment, abuse, incitement and intimidation of Muslims and non-Muslims, both in the online and offline world. Motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, it targets the symbols and markers of being a Muslim'. A 2021 UN report on countering Islamophobia⁵⁶ reflects on growing anti-Muslim attitudes across the world. These attitudes 'draw on Muslims' religion, race and culture, Muslims are differentiated as a social group apart from the majority and treated as inferior on the basis of such perceived differences'. Muslims and Jews encounter these views in the context of religious slaughter. The document reports that 'many Muslims feel under pressure to conceal or underplay their religious identity to make themselves less identifiable as Muslims or seem more "moderate" in an effort to reduce State and public suspicion [...] Policies that disproportionately limit freedom of religion or belief for Muslims or that infringe upon Muslims' other fundamental rights based on their Muslim identity suppress the ability of Muslims to freely be Muslim. Moreover, such exceptional and exclusionary measures may serve to validate anti-Muslim sentiments within the wider population'.

Religious slaughter forms a clear part of Muslim identity, despite the lack statistical data reflecting its relative importance or varying degrees of importance according to age, country of origin or religious affiliation to different Muslim traditions.

⁵³ J. Masquelier, [Le halal chez les musulmans européens](#), L'Observatoire des Religions et de la Laïcité, Centre Interdisciplinaire d'Etude des Religions et de la Laïcité (CIERL), Université Libre de Bruxelles, décembre 2012.

⁵⁴ E. Bayrakli and F. Hafez (eds), [European Islamophobia Report](#), SETA Foundation for Political, Economic and Social Research, 2015.

⁵⁵ [What is Islamophobia?](#), International Day to Combat Islamophobia, 15 March 2021, United Nations Organisation.

⁵⁶ A. Shaheed, Special Rapporteur on freedom of religion or belief, [Countering Islamophobia/anti-Muslim hatred](#) to eliminate discrimination and intolerance based on religion or belief, Human Rights Council report, March 2021.

4. EU legal framework: Legislation on slaughter, and the European Charter of Fundamental Rights

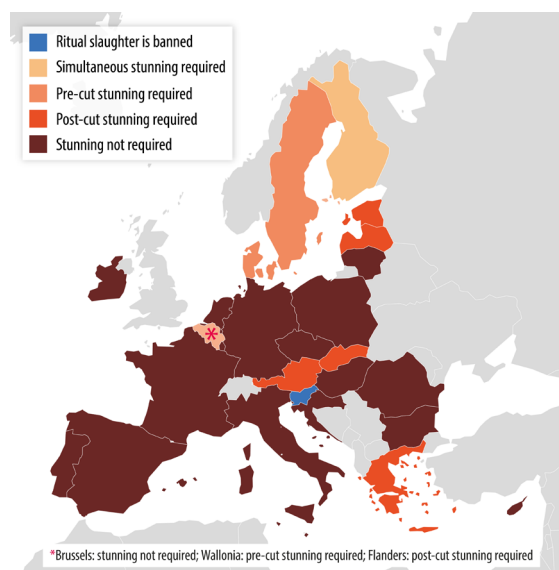
Since the end of the 19th century, with the industrialisation of meat production and animal slaughter, kosher and halal practices have been under scrutiny because they prohibit stunning. The issue is highly emotive, as it touches on both animal welfare and religious sentiment and religious freedom, all of which are subject to EU regulations, directives and the European Charter of Fundamental Rights.

Council Regulation (EC) No 1099/2009⁵⁷ of 24 September 2009 on the protection of animals at the time of killing stipulates in its Article 4.1 that 'Animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal'. However, the regulation's Article 4.4 provides for a derogation to paragraph 1 for animals subject to particular methods of slaughter prescribed by religious rites, provided the slaughter takes place in a slaughterhouse. A 'religious rite' is defined in the regulation as 'a series of acts related to the slaughter of animals and prescribed by a religion'.

The derogation provided in Article 4.4 of Regulation (EC) No 1099/2009 is in line with Article 10 of the Charter of Fundamental Rights of the European Union⁵⁸ (Freedom of thought, conscience and religion): 'Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance'.

Recital 50 of Regulation No 1169/2011⁵⁹ of 25 October 2011 on the provision of food information to consumers notes that EU consumers are showing increasing interest in the implementation of animal welfare rules at the time of slaughter, including whether the animal was stunned before slaughter, and calls for a study on whether consumers should be provided with information on stunning to be considered in the context of a future EU strategy for animal protection and welfare. The regulation requires products to indicate the country of origin and place of provenance of the meat but not how animals were slaughtered. The resulting study⁶⁰, released in 2015, concluded that information⁶¹ on pre-slaughter stunning was not an important issue for consumers and that

Figure 8 – Religious slaughter in Europe, 2018



Source: EPRS.

⁵⁷ [Council Regulation \(EC\) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.](#)

⁵⁸ [Charter of Fundamental Rights of the European Union.](#)

⁵⁹ [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.](#)

⁶⁰ [Study on information to consumers on the stunning of animals](#), Agra CEAS Consulting in collaboration with Pragma s.r.l. for the European Commission DG Health and Food Safety.

⁶¹ [Ritual slaughter under European law](#), EUREL Sociological and legal data on religions in Europe and beyond.

'labelling would carry a high risk of stigmatising religious communities especially in the present political context and given the findings above that consumers have little understanding of the slaughter process'.

Regulation (EC) No 1099/2009 leaves a certain degree of subsidiarity⁶² to each Member State. In view of this, some Member States do not allow slaughter without stunning and others have special requirements.

Member States' checks and data on slaughter without stunning can be found in Annex III of the 2018 Court of Auditors special report on Animal welfare in the EU: closing the gap between ambitious goals and practical implementation⁶³.

EU trade partners also vary in their rules on religious slaughter, and this is reflected in trade negotiations. For example, in 2010, New Zealand signed a new halal meat agreement with Malaysia according to which all halal meat produced in New Zealand⁶⁴ must derive from animals that have been stunned prior to slaughter.

A summary of the use of derogations stunning rules in Member States can be found in Table 2 in the Annex. The use of religious slaughter in third countries is summarised in Table 3 in the Annex.

5. Slaughter with versus slaughter without stunning

Animal welfare issues, including the question of stunning, reflect human concerns with animal suffering and human-animal relationships, concerns that are also reflected in Jewish and Muslim teaching.

According to the Jewish tradition, shechita causes the animal to lose consciousness through rapid blood loss, resulting in a quick death; for this reason stunning is not considered necessary. The method is considered painless, and is said to cause unconsciousness within two seconds. Jews therefore consider it the most humane method of slaughter possible. It ensures rapid, complete draining of the blood, which is also necessary to render the meat kosher, as the Torah forbids the eating of the blood.

However, the Jewish community is divided⁶⁵ on this issue, with divergent understandings of the eternity of the Torah.⁶⁶ According to some sources, despite the words 'an everlasting injunction through your generations' accompanying many laws of the Torah, the scripture does not provide any unanimous indication to affirm explicitly the eternity of the Torah. This is the source of the main distinction between Orthodox and non-Orthodox Judaism. The latter rejects the literal interpretation of the ninth principle of Maimonides' Creed that there will be no change in the Torah, while the former firmly maintains it. As a result, for Haredi, Orthodox and traditional Jews, shechita is the only way to obtain kosher meat, the only way for a Jew to eat meat fully respecting animal wellbeing; the only way to obtain kosher meat is from an animal that is in good health, unhurt and

⁶² [Legal Restrictions on Religious Slaughter in Europe](#), Global Legal Research Center, March 2018.

⁶³ [Animal welfare in the EU: closing the gap between ambitious goals and practical implementation](#), Special Report of the European Court of Auditors, 2018.

⁶⁴ [Government signs new halal meat arrangement with Malaysia](#), Official Website of the New Zealand Government, 2010.

⁶⁵ M. Hodkin, 'When Ritual Slaughter Isn't Kosher: An Examination of Shechita and the Humane Methods of Slaughter Act', *Journal of Animal Law*, Vol. 129, Michigan State University College of Law, 2005.

⁶⁶ [Judaism: The Written Law – Torah](#), Jewish Virtual Library.

alive when the cut is performed. According to Reform Judaism rabbis,⁶⁷ pre-stunning is possible as it ensures that animals do not suffer. However, this position is an isolated one and criticised by the overwhelming majority of Jewish religious communities.⁶⁸

The European Jewish Congress (EJC), a body representing the diversity of Jewish communities in Europe confirms that Jewish 'culture and history respect and accentuate pluralism as an inherent part of Jewish identity. The EJC claims that 'campaigns attacking shechita are based on an altogether more pernicious objective, one which pushes a chauvinistic and racist agenda⁶⁹ and where the result of causing Jews and other minorities to question the actual possibility of living where they have lived for centuries is exactly what is being aimed for'.

In Islam, there are two interpretations⁷⁰ of religious prescriptions on slaughtering. The first is based on a verse of the Qur'an 5:5 ('The food of the People of the Book is permitted to you, and your food is permitted to them')⁷¹ that 'considers Christian and Jewish traditions of industrialised countries are adequate to render their slaughter methods acceptable to Muslims' and the second interpretation 'is based on a verse in the Qur'an that explicitly forbids the consumption of meat deriving from an animal slaughtered in the name of any other being than God'. As a result, some Muslim communities accept stunning while others do not. In the UK, four out of seven Halal certification bodies⁷² accept stunning, but this is necessarily prejudicial to exports to some Islamic countries.

In 1986, the Muslim World League declared some pre-slaughter stunning methods acceptable⁷³. In order to be accepted, stunning must be reversible⁷⁴ and must not cause suffering.

5.1. Discussions on animal welfare

According to research, if not stunned, some animals may experience suffering and/or stress between the cut and the beginning of unconsciousness⁷⁵.

Suffering and/or stress may be caused⁷⁶ by: the positioning of the animal, linked with the restraining systems (i.e. hyperextension of the neck and/or excessive pressure), pain during the cut, due to the stimulation of nociceptors (pain receptors) in the wound, distress due to the delay in losing consciousness (especially in bovines, for the possible formation of false aneurysms⁷⁷) and distress in the case of aspiration of blood into the respiratory tract.

⁶⁷ 'Stun animals before kosher slaughter, rabbi says', National Secular Society, July 2022.

⁶⁸ J. Frazer, 'Stunningly reckless!' – [Shechita UK attacks 'ignorant' Reform](#) report on kosher meat', *Jewish News*, 15 July 2022.

⁶⁹ European Jewish Congress, [Saveguarding Jewish Life and Tradition](#).

⁷⁰ S. Wattier, '[Ritual Slaughter Case](#): The Court of Justice and the Belgian Constitutional Court Put Animal Welfare First', *European Constitutional Law Review*, Cambridge University Press, 19 July 2022.

⁷¹ My Islam, [Surah Al-Ma'idah Ayat 5](#) (5:5 Qur'an).

⁷² A. Fuseini, T. Knowles, J. Lines, P. Hadley and S. Wotton, '[The stunning and slaughter of cattle within the EU](#): A review of the current situation with regard to the halal market', *Animal Welfare*, Vol. 25(3), August 2016, pp. 365-376.

⁷³ Report of Meeting of the Committee of the Ligue of Muslim World/World Health Organisation to Study the [Animals' Stunning by Electric Shock](#), World Health Organisation, Regional Office for Eastern Mediterranean, August 1987.

⁷⁴ [Is Stunned Meat Halal?](#), Islam Question&Answer, 21 January 2009.

⁷⁵ Verhoeven M. T. W., Gerritzen M. A., Hellebrekers L. J., Kemp B. '[Indicators used in livestock to assess unconsciousness after stunning: a review](#)', *Animal*, Vol. 9(2), 2015, pp. 320–330.

⁷⁶ T. Gibson, N. Dadios and N. Gregor, '[Effect of neck cut position on time to collapse in halal slaughtered cattle without stunning](#)', *Meat Science*, 2015.

⁷⁷ G. Bozzo et al., '[Evaluation of the Occurrence of False Aneurysms During Halal Slaughtering and Consequences on the Animal's State of Consciousness](#)', *Animals*, Vol. 10(7), 2020, p. 1183.

A table with comparative risks to animal welfare was presented in the Report on good and adverse practices – Animal welfare concerns in relation to slaughter practices from the viewpoint of veterinary sciences⁷⁸ published in 2010 by the European project platform DIALREL⁷⁹. This platform was funded by the European Commission's sixth research framework programme with a view to encouraging dialogue between stakeholders and interested parties, promoting good practices during religious slaughter in order to meet with animal welfare standards, and addressing issues relating to the practice of religious slaughter, the market and consumers.

Further to a request from the European Commission related to the welfare aspects of the main systems of stunning and killing the main commercial species of animals, the European Food Safety Authority (EFSA) Scientific Panel on Animal Health and Welfare (AHAW) produced an opinion⁸⁰ in 2004. The opinion states that the cuts performed to ensure rapid bleeding involve an area well supplied with pain receptors. This means that when the animal is not stunned, pain and fear are still detected, resulting in poor welfare. The EFSA also presents the times different species need to reach insensibility after the throat being cut. This varies from up to 20 seconds for sheep to 2 minutes for cattle, and up sometimes 15 minutes or more in fish.

In the same opinion, meanwhile, the EFSA recognises that restraints used for the proper application of mechanical or electrical stunning can be a stressful and painful stage in the slaughtering process. Finally the EFSA opinion recommends that, whenever possible, all animals should be adequately and humanely stunned before slaughter. In addition, death should be induced by blood loss before the animals recover from the stun. EFSA also calls for proper training and certification of competence in animal welfare for operators involved in the stunning operation.

In a 2020 statement⁸¹, the Federation of Veterinarians of Europe (FVE) expresses the view that slaughtering without stunning leads to severe animal suffering. The statement argues that animals suffer during the bleeding stage until unconsciousness arrives due to acute anaemia and that additional restraints are usually necessary. It also states that meat from unstunned animals should be clearly labelled⁸² to give consumers the opportunity to make an informed choice. The FVE clarifies that their concerns are in no way related to religious practice, but only to the practice of killing without stunning. In view of this, the association supports the possibility of using reversible stunning or contemporaneous or immediate post-cut stunning.

In their 2021 position paper⁸³ on slaughter without stunning, Eurogroup for Animals (a non-governmental organisation – NGO) called for mandatory stunning for any kind of slaughtering. With regard to religious slaughter, when pre-cut stunning is not possible, immediate post-cut stunning should be performed, as a transitional measure until⁸⁴ reversible stunning is validated for all species. In 2020, following the negative opinion⁸⁵ given by the Advocate General of the Court of Justice of

⁷⁸ K. Von Holleben et al., [Report on good and adverse practices - Animal welfare concerns in relation to slaughter practices from the viewpoint of veterinary sciences](#), Deliverable 1.3 DIALREL, 2010.

⁷⁹ [DIALREL](#) project.

⁸⁰ [Opinion of the Scientific Panel on Animal Health and Welfare \(AHAW\) on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals](#), EFSA 2004

⁸¹ [Non-stun slaughter causes severe animal suffering: national rules stricter than EU Regulation must be allowed](#), Federation of Veterinarians of Europe (FVE) statement, 2020.

⁸² [Slaughter without stunning and food labeling](#), Federation of Veterinarians of Europe (FVE) briefing note.

⁸³ [Slaughter without stunning](#), Eurogroup for Animals, Position paper, May 2021.

⁸⁴ [9 out of 10 Europeans want mandatory stunning before slaughter and call on the EU to preserve the right of Member States to protect animal welfare](#), Eurogroup for Animals, press release, October 2020.

⁸⁵ Court of Justice of the European Union, [Press release](#) No 104/2.

the EU (CJEU) on the legitimacy of EU Member States prohibiting non-stun slaughter, Eurogroup for Animals released the results of an EU-wide public opinion poll, according to which 89 % of EU citizens agree that the stunning before slaughtering should be mandatory. According to the UK Royal Society for the Prevention of Cruelty to Animals (RSPCA)⁸⁶ the number of animals slaughtered without stunning goes well beyond the number needed to cover the religious (national) communities' needs.

According to the European Livestock and Meat Trades Union (UECBV⁸⁷) that, regardless of the slaughter method, meat is produced in accordance with animal welfare, public health and food safety rules. UECBV argues that production of meat from non-stunned livestock is only a small part of total production and proportional to the needs of the religious communities, meeting consumer demand. Regarding the possibility of a label for religiously slaughtered animals, the association sees only an increase of costs, a possible flourishing of illegal slaughter, reduced competitiveness of European meat on the global market and no added value for animal welfare protection. It calls instead for more investment in training of operators and in slaughterhouse equipment.

The chief rabbi of Moselle (France), Bruno Fizon, who is also a veterinarian, commented on the stigmatisation of religious minorities practicing slaughter without stunning at a hearing at the French Senate on the issue⁸⁸. He highlighted the fact that the person in charge of organising the hearing was an engaged opponent of slaughter without stunning and that scientists convened to the event represented solely the party opposing slaughter without stunning. The chief rabbi quoted researchers who found religious methods acceptable and argued that the data on animal suffering from stunning proved the method was no better than the one practiced for religious needs. According to his sources, 15 % of animals slaughtered with stunning are not properly stunned, 17 % of animals slaughtered according to shechita took more than 30 seconds to lose consciousness. According to Dr Temple Grandin, professor of Animal Science at Colorado State University and a leading expert on the welfare of livestock, when properly performed, the shechita procedure results in the loss of consciousness in 10 seconds⁸⁹.

During the hearing, the President of the Israelite Central Consistory of France, which administers Jewish worship and congregations in France, Joël Mergui, explained that kosher meat account for only 1 % of meat consumed in France, with between four and five thousand (of a total of 3 million) animals slaughtered each year in France. The debate also covered the issue of the 70 % of slaughtered animals that are declared not kosher for various reasons. These reasons include difficulty removing the sciatic nerve from the hind part, making the obligatory procedure costly.

During the consultations for the above-mentioned DIALREL project⁹⁰, which led to the adoption of the 2009 regulation, Jewish and Muslim community representatives were critical of the procedure. They described it as a monologue⁹¹, as they felt they had not been properly listened to. Dr Joe M. Regenstein of Cornell University commented on their behalf on the final document,

⁸⁶ [Improving the welfare of farm animals at the time of their death: The campaign to end non-stun slaughter](#), RSPCA.

⁸⁷ European Parliament – Agriculture Committee – Hearing / Monday 16th February 2009 – [Speech](#) by Mr Zeev Noga on behalf of UECBV.

⁸⁸ [Comptes rendus](#) de la mission commune d'information sur la filière viande, Sénat, 26 June 2013.

⁸⁹ Rabbi Dr. Shmuly Yanklowitz, [Improving Animal Treatment in Slaughterhouses](#): An Interview with Dr. Temple Grandin, The Medium blog, 13 June 2013.

⁹⁰ DIALREL project, Encouraging [Dialogue on issues of Religious Slaughter](#), European Commission-funded project involving partners in 11 countries, 1 November 2006 to Summer 2010.

⁹¹ H. Rezgui, Prof. M. J. Regenstein (Cornell University) and A. A. Di-Spigno, [Religious Slaughter in Europe](#): Consumer Deception and DialRel's Failure, ASIDCOM, 24 October, 2010.

insisting that the scientific proofs and methods against Kashrut and Dhabihah lacked precision and neutrality. He also pointed to clear shortcomings in the data collected during slaughter performed in badly run plants and used to provide proofs against Kashrut and Dhabihah, pointing out that data collected in slaughterhouses that were working properly and applying correct Kashrut procedures were different and acceptable from an animal welfare point of view. He also pointed out that the recommendations set higher standards for slaughter without stunning.

In 2009, the community-wide group Shechita UK published *A guide to shechita*⁹² listing scientific conclusions that demonstrated that shechita causes no suffering, pain or distress for the animal, and, at the same time, that stunning is a production method driven by the need for speed on the slaughter line and that can actually injure the animal, making it treifa (non-kosher and thus prohibited). In 2015, Schechita UK published a scientific update⁹³ on the issue, sharing the same view. Its author claims that the scientific case against religious slaughter does not stand up to critical scrutiny as it contains numerous unfounded assumptions, imprecise methodology, uses insufficiently specific biological markers and considerable overlap between positive and negative responses between groups. As a result, the author argues that the interpretation of the data and conclusions drawn cannot be sustained. The campaign director for Shechita UK also highlights a certain ambiguity in anti-shechita positions,⁹⁴ which he maintains seem to promote a 'misguided perception that mechanical methods of slaughter are some sort of woozy, medicinal process that gently put animals to sleep when in reality they are invasive processes that cause pain to the animal'. Mechanical stunning methods such as asphyxiation by gas, electrocution by tongs or water or shooting with a captive bolt gun are invasive and entail major animal welfare issues. These methods, along with mechanical slaughter methods and animal transport, are issues that affect the slaughter industry as a whole and that need to be addressed. He concludes that efforts to 'restrict, ban or prevent the open provision of kosher meat for Jewish communities is discriminatory, often illegal and demonises Jewish expression and our community. This logically strikes at the very heart of open Jewish life in Europe'.

Dr Temple Grandin finds that 'the throat-cutting of a live, conscious animal is relatively pain-free, provided that certain precautions are followed'.⁹⁵ The restraint method used during slaughter without stunning and abusive handling practices prior to slaughter however represent major welfare concerns. Dr Grandin highlights that the use of a long sharp knife (like the one used during kosher slaughter) is crucial to avoid pain.⁹⁶ In view of this, a 2019 study⁹⁷ highlights that the animal should be kept in a comfortable upright position before and during religious slaughter.⁹⁸ Some concerns are expressed about the need for conveyor-restraint systems to eliminate the abuses of shackling and hoisting. Improving restraint methods has been demonstrated to contribute to better welfare.⁹⁹ An animal remaining conscious for several minutes means the procedure has been poorly

⁹² [A Guide to Shechita](#), Shechita UK, May 2009.

⁹³ Dr S.D. Rosen, [Shechita – Scientific Update 2015](#), Shechita UK, 2015.

⁹⁴ S. Cohen, [Shechita UK Response to Eurogroup for Animals Poll](#), 12 October 2020.

⁹⁵ Dr T. Grandin, ['Problems with Kosher Slaughter'](#), *International Journal for the Study of Animal Problems*, Vol. 1(6), 1980, pp. 375-390.

⁹⁶ Dr T. Grandin, [Discussion of research](#) that shows that Kosher or Halal Slaughter without stunning causes pain, Department of Animal Science, Colorado State University, update August 2017.

⁹⁷ Dr T. Grandin, [Maintaining acceptable animal welfare](#) during Kosher or Halal slaughter, Department of Animal Science, Colorado State University, update October 2019.

⁹⁸ S.D. Rosen, ['Physiological insights into Shechita'](#), *The Veterinary record*, Vol. 154(24), July 2004, pp. 759-65.

⁹⁹ Dr T. Grandin, ['Evaluating methods of restraint](#) for holding animals during kosher and halal slaughter', Woodhead Publishing Series in *Food Science, Technology and Nutrition*, 2018, pp. 349-358.

performed, in this case it is advised to stun the animal after 30 seconds if it does not lose consciousness.

Some scientific research¹⁰⁰ into the issue argues that shechita is a painless and humane form of slaughter, as animals appear not to be aware of what is happening to them. Other specialists, Dr Flemming Bager, Head of the Danish Veterinary Laboratory, Dr Stuart Rosen, Imperial College London, and Professor Harold Burrow, Royal Veterinary College, have confirmed this position in their own investigations.¹⁰¹ They concluded that in order to evaluate the painfulness or cruelty of shechita fairly, a proper, strict shechita procedure must be followed, not just slaughter without stunning.

One animal welfare activist and writer has claimed that the root of the problem¹⁰² lies in the fact that 'economic necessity has displaced local operations and replaced them with huge, centralised slaughterhouses' leading to the industrialisation of slaughterhouses with 'mechanised conveyor belts transporting cattle to mechanical restraining devices, like the rotating faciomat pen'¹⁰³ while the shechita procedure has always been done locally and thus under strict control of religious authorities. However, similarly to the conclusion of the EFSA study on industrial slaughtering procedures, the skills of the butcher or shochets are crucial. In the best cases 90 % of cows collapse within 10 seconds.¹⁰⁴

Knowing that a certain percentage of animals is not properly stunned, inevitably leading to the animal suffering while being killed¹⁰⁵, the question is raised why the issue of shechita has become such a matter of concern in the EU where people consume a daily average of almost 200 grams of industrially produced and slaughtered meat per person.

The UK Food Standards Agency¹⁰⁶ estimates at 19.5 million the number of animals slaughtered without pre-stunning in 2022 in England and Wales, including:

- 18.3 million meat chickens (2.3 % of total slaughtered);
- 219 thousand sheep (23 % of total slaughtered); and
- 33 thousand cattle (1 % of total slaughtered).

Although 100 % of pigs are stunned, breaches of EU regulations on animal welfare in the pig meat sector are still largely overlooked¹⁰⁷ and have been allowed to continue for years. For example, the Belgian region of Flanders,¹⁰⁸ which banned slaughter according to religious rules, would appear not to be enforcing EU rules on animal welfare on poultry farms, raising concerns that the ban on non-stun slaughter for the needs of the Jewish and Muslim communities may be politically motivated. A number of investigations¹⁰⁹ have also revealed suffering in the intensive farming of

¹⁰⁰ Chabad.org, [Is Shechita Humane?](https://www.chabad.org/Article.asp?id=14111).

¹⁰¹ G. Levin, [The Truth about Kosher Slaughter](https://www.jewishaffairs.org.au/2011/06/28/the-truth-about-kosher-slaughter/), Australia/Israel & Jewish Affairs Council, 28 June, 2011.

¹⁰² M. Hodkin, 'When Ritual Slaughter Isn't Kosher: An Examination of Shechita and the Humane Methods of Slaughter Act', Michigan State University College of Law, [Journal of Animal Law](https://www.michiganlawjournal.org/vol129/iss1/10/), Vol. 129, 2005.

¹⁰³ Idem. p. 13.

¹⁰⁴ Idem. p.15.

¹⁰⁵ [A Guide to Shechita](https://www.shechita.org.uk/), Shechita UK, May 2009.

¹⁰⁶ Food Standards Agency survey on the slaughter of farm animals in England and Wales: Research and analysis: Farm animals: [slaughter sector survey 2022](https://www.food.gov.uk/news/2022/08/08/food-standards-agency-survey-on-the-slaughter-of-farm-animals-in-england-and-wales), 8 August 2022.

¹⁰⁷ M. Apelblat, 'Animal [welfare organisations and religious communities dissatisfied](https://www.brusselstimes.com/2022/11/13/animal-welfare-organisations-and-religious-communities-dissatisfied-with-eu-conference-on-ritual-slaughter/) with EU conference on ritual slaughter', *The Brussels Times*, 13 November 2022.

¹⁰⁸ EUROGROUP for Animals, [Turkey farms in Flanders: dire poverty](https://www.eurogroupforanimals.org/en/turkey-farms-in-flanders-dire-poverty), 22 December 2022.

¹⁰⁹ EUROGROUP for Animals, [Shining a light on cruelty this Christmas](https://www.eurogroupforanimals.org/en/shining-a-light-on-cruelty-this-christmas): Why we need better welfare standards for turkeys, ducks, and geese in the EU, 8 December 2022.

turkeys for Christmas in Flanders. For some it seems there are still issues more urgent than animal welfare, as 'animal farmers are also under pressure to decrease input costs, severely limiting their ability to put positive animal-care values into practice. To ensure a truly effective transition, efforts need to go beyond new regulations on farm animal welfare and address drivers that push production toward a level of confinement and cost-cutting,¹¹⁰ certainly also in industrial slaughtering.

Considering that consciousness is a prerequisite for cattle to experience pain, fear and distress, a report by the European Food Safety Authority points out that animals that are ineffectively stunned recover consciousness and, together with some of those slaughtered without stunning, will be exposed to the hazards and experience the related welfare consequences.¹¹¹ Most of the hazards EFSA identifies are associated with the lack of skills or lack of training of slaughterhouse staff, and inappropriate handling resulting from a lack of training, these are serious welfare concerns that are sometimes compounded by poor design, construction and maintenance of slaughterhouse premises.

Religious communities point out that stunning itself hurts animals, leaving scars, and is not a 100 % certain method of avoiding animal suffering.

5.2. Balancing the right to freedom of religion with animal welfare considerations

The inclusion of the EU Charter on Fundamental Rights¹¹² into the Lisbon Treaty as primary law confirmed the prominence of fundamental rights in the EU legal order. The charter's Article 10 (Freedom of thought, conscience and religion) states: 'Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to manifest religion or belief, in worship, teaching, practice and observance'. Article 21 forbids discrimination on religious grounds while Article 22 confers on the Union the obligation to respect cultural, religious and linguistic diversity.

As primary law, these provisions of the charter take precedence over secondary EU legislation, such as that on animal welfare. Recent efforts of successive Member States to ban shechita have therefore been criticised by religious groups as discriminatory and in breach of fundamental rights, leading to a lack of legal certainty when a given Member State, or a competent sub-national authority within a federal system such as Belgium, decides to ban shechita. Such bans have also been repealed later (this was the case in Poland).¹¹³

The ban on non-stun slaughter in Flanders and Wallonia introduced by the Flemish and Walloon governments was challenged by Jewish and Muslim associations before the Belgian Constitutional Court,¹¹⁴ which turned for a preliminary ruling to the CJEU. In December 2020, the CJEU ruled (Case-

¹¹⁰ M. Molnár, '[Transforming Intensive Animal Production](#): Challenges and Opportunities for Farm Animal Welfare in the European Union', in *Animals*, Vol. 16, 15 August 2022.

¹¹¹ EFSA Panel on Animal Health and Welfare (AHAW), '[Welfare of cattle at slaughter](#)', in *EFSA Journal*, Vol. 18(11), 24 September 2020, p.92.

¹¹² [EU Charter on Fundamental Rights](#).

¹¹³ A. Skóra, '[Religious slaughter of animals](#) in light of the EU and in the Polish law', in *Studia Prawnoustrojowe*, Vol. 43, pp. 289-290.

¹¹⁴ [Belgium / Constitutional Court / 117/2021](#), Abah Bouazza and others; Albert Guigui and others; Section belge du Congrès juif mondial et Congrès juif européen and others and by the Muslim Executive of Belgium and others, in Fundamental Rights Agency, Case-law Database.

336/19)¹¹⁵ that Member States, and thus also the Flemish and Walloon governments, were free to ban non-stun slaughter. Following the ruling, the Constitutional Court confirmed the Flemish and Walloon bans (cases 117/2021 and 118/2021¹¹⁶ respectively) thus leaving the Jewish and Muslim communities without any possibility of shechita or halal slaughter in Flanders, where an overwhelming majority of Jews are Haredi or Orthodox. Representatives of the Muslim¹¹⁷ and Jewish¹¹⁸ communities announced that they would be lodging their case in the European Court of Human Rights. With regard to the issue of religious slaughter, the Muslim and Jewish communities have joined forces to defend their religious rights.

Human rights expert, Professor Kristin Henrard, from the Brussels School of Governance, Vrije Universiteit Brussel, notes that despite a long presence of Islam, particularly in South Europe, recent immigration of a large number of Muslims has resulted in a feeling among some that their presence was a 'potential threat to the "national" way of life'. She analyses the European Court of Justice reasoning inter alia in the case against religious slaughter, which 'disproportionately affect Muslim minorities and would even send itself problematic symbolic messages about particular Muslim rituals', as being 'particularly problematic in the current era of rising Islamophobia in most European states'.¹¹⁹ Prof. Henrard argues that it is 'important that one is protected against invidious discrimination because of one's minority identity (characteristic), while the (equal) protection and promotion of one's separate identity may also require differential treatment. Examples of the latter include exemptions for ritual slaughter'. She points out that neutral slaughter regulations have a disproportionate impact on ritual slaughter during religious festivals and that 'it is important to be aware that these neutral rules were not only pushed by animal welfare advocates but also by right wing nationalists'.

Prof. Henrard regrets that 'the CJEU prioritises animal welfare above the manifestation of the freedom of religion, contrary to the clear wording of Article 13 TFEU and Regulation 1009/2009, both of which indicate that the freedom of religion should not be disproportionately curtailed by animal welfare concerns' and expresses concern 'that this judgement will be relied upon to further try to suppress the free exercise of religion under the guise of protection of animal welfare'. Similarly, she analyses the case of refusing an organic food label to meat obtained through religious slaughter and remarks: 'the Court can even be seen to be stigmatizing ritual slaughter, with a concomitant risk of strengthening the stereotype against the practice of Islam'. She concludes by regretting that 'the Court's balancing of interests in these cases seems to be skewed in favour of either the protection of business interests to portray an image of business neutrality or animal welfare to the disadvantage of the freedom to manifest a minority religion. The related flaws in the Court's reasoning result in a sub-optimal protection of religious minorities' fundamental rights, inhibiting the realization of the minority protection's goals of equality, identity and participation'.

The World Jewish Congress (a party to the case) reacted to the ECJ judgment with dismay: 'With its ruling today that allows European states to discriminate against their Jewish and Muslim citizens by

¹¹⁵ [Judgment of the Court \(Grand Chamber\) in Case C-336/19](#), 17 December 2020.

¹¹⁶ S. Wattier, '[Ritual Slaughter Case](#): The Court of Justice and the Belgian Constitutional Court Put Animal Welfare First', in *European Constitutional Law Review*, Vol. 18(2), June 2022, pp. 264-285.

¹¹⁷ A. Szucs, '[Belgium's Muslim community challenges](#) halal slaughter ban at Strasbourg Court', Anadolu Agency, 17 December, 2021.

¹¹⁸ H. Critchley, '[Brussels' chief rabbi against ban](#) on slaughter without stunning', *Brussels Morning*, 6 April 2022.

¹¹⁹ K. Henrard, '[EU Law's Half-Hearted Protection](#) of Religious Minorities Minority Specific Rights and Freedom of Religion for All', in *Special Issue: Religious Minorities in Europe and Beyond: A Critical Appraisal in a Global Perspective*, 2 October 2021.

prohibiting religious ritual slaughter, the Court of Justice of the European Union has placed a potentially terminal obstacle to continued Jewish communal life in Europe. Make no mistake, this ruling is not about animal welfare: it is about the EU's highest court casting aside the necessary protection of religious minorities and the freedom to manifest religion guaranteed in Article 10(1) of the EU's Charter of Fundamental Rights¹²⁰.

In December 2020, European Jewish Congress President Dr Moshe Kantor warned that attacks on shechita 'are based on an altogether more pernicious objective, one which pushes a chauvinistic and racist agenda and where the result of causing Jews and other minorities to question the actual possibility of living where they have lived for centuries is exactly what is being aimed for'¹²¹. He concluded, 'This ruling is a heavy blow to Jewish life in Europe and in essence tells Jews that our practices are no longer welcome. Telling Jews that their ways are not welcome is just a short step from telling Jews that we are no longer welcome'.

In June 2022, the Jerusalem Chronicle publication stated that 'the ECJ has wrongly usurped the authority of religious courts'¹²². Prominent authors of the article compared the case with a potential ECJ ruling in which, 'in a case of gender discrimination, they were to decide that a correct interpretation of the Catholic dogma actually allows women to officiate as priests and administer the sacraments'. He concluded, 'This is a first for the CJEU in its long line of troubling cases in matters of Church and State. They gave to Caesar (themselves) that which pertains to God'. Muslim communities reacted in a similar way.

The United States Commission on International Religious Freedom (USCIRF) has stated that laws that ban kosher or halal slaughtering 'force individuals to abandon deeply held religious doctrine and imply a message of exclusion to all those who seek to follow their religion's dietary requirements'.¹²³ The US Special Envoy to Monitor and Combat Anti-Semitism, Elan Carr, has called such restrictions 'disgraceful'. The USCIRF considers 'the right to manifest religion or belief, including by adhering to dietary regulations, is enshrined in numerous fundamental human rights documents. By limiting the ability of Jews and Muslims to follow these regulations, countries cast these communities as "others" and place undue burdens on them to source permissible meat' and calls on European countries to reconsider their domestic laws and guarantee their citizens' religious freedom.

The USCIRF further refers to international law on religious freedom enshrined in Article 18 of the Universal Declaration of Human Rights¹²⁴ and Article 18 of the International Covenant on Civil and Political Rights¹²⁵ (ICCPR). It further grounds the case in the UN Human Rights Committee's General Comment 22,¹²⁶ which states that the observance and practice of religion or belief includes customs such as the observance of dietary regulations. It explains that freedom to 'manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.

¹²⁰ [World Jewish Congress deplors EU court decision allowing ban of religious ritual slaughter](#), 17 December 2020.

¹²¹ [EJC President Kantor calls EU Court](#) of Justice ruling 'a heavy blow to Jewish life in Europe', 17 December 2020.

¹²² J. Faull and J. Weiler, 'EU judges have "koshered a pig" in order to allow shechitah ban', *The Jewish Chronicle*, 16 June 2022.

¹²³ Z. Udin, [Ritual Slaughter](#), Factsheet, U.S. Commission on International Religious Freedom, October 2020.

¹²⁴ [Universal Declaration of Human Rights](#), United Nations.

¹²⁵ [International Covenant on Civil and Political Rights](#), United Nations Human Rights Office of the High Commissioner.

¹²⁶ [General comment No. 22 \(48\) \(Art. 18\)](#), United Nations Human Rights, 27 September 1993.

Attitudes focusing on alleged shortcomings of the 'other' is part of a definition of Islamophobia in the 2015 report referred to above. Islamophobia operates by constructing a static 'Muslim' identity, which is attributed in negative terms and generalised for all Muslims. The same pertains to antisemitism, which targets a tiny Jewish community in Europe. The report mentions banning slaughter¹²⁷ according to religious requirements as an expression of Islamophobia.¹²⁸

Zara Mohammed, secretary-general of the Muslim Council of Britain, insists on the importance of religious freedom, and stresses that the banning of religious slaughter in Europe is a threat to faith communities' way of life. She argues there is a lack conclusive scientific evidence to indicate religious slaughter is clearly more detrimental to animal welfare or more painful for them than slaughter with stunning.¹²⁹

5.3 Action at European level to protect religious minorities against discrimination

In the context of growing tensions, discrimination, and even violence, EU bodies have expressed concern about both antisemitism and Islamophobia. This concern has recently translated into specific strategies and resolutions.

Noting the significant rise of antisemitism in Europe, with 38 % of Jews across the EU considering emigrating because they do not feel safe,¹³⁰ in 2021 the European Commission decided to act at EU level, and presented its strategy on combating antisemitism and fostering Jewish life (2021-2030). It recognised that Jews 'express their Jewishness through specific cultural, traditional and religious practices, recalling their history and teaching lessons for future generations'. It also reacted to the controversy about the kosher slaughter of animals and the CJEU judgment of December 2020 on ritual slaughter.¹³¹ Given the tensions and the delicate balance between respect for the freedom to manifest religion and the protection of animal welfare, the Commission pledged to facilitate the 'exchange of practices between public authorities and Jewish and Muslim communities regarding slaughter based on religious traditions, drawing on the experience of international organisations' such as the United Nations (UN), the Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE-ODIHR) and the Council of Europe. The latter's European Commission against Racism and Intolerance (ECRI) issued a revised General Policy Recommendation in 2022¹³² on preventing and combating anti-Muslim racism and discrimination, in which it deems limitations concerning halal food potentially discriminatory.

In 2015, the European Commission decided to address specifically both antisemitism and anti-Muslim hatred by creating a position of coordinator tasked with liaising with each of the communities concerned and presenting a comprehensive set of actions to counter discrimination

¹²⁷ E. Bayrakli and F. Hafez (eds), [European Islamophobia Report](#), SETA Foundation for Political, Economic and Social Research, 2015.

¹²⁸ E. Bayrakli, F. Hafez (eds), [European Islamophobia Report](#), SETA Foundation for Political, Economic and Social Research, 2015.

¹²⁹ Z. Mohammed, [Banning Religious Slaughter](#) in Europe Is a Threat to Our Way of Life, Muslim Council of Britain, Islam Channel, December 2022.

¹³⁰ [Experiences and perceptions of antisemitism](#), Second survey on discrimination and hate crime against Jews in the EU, Summary, Fundamental Rights Agency, December 2018.

¹³¹ [EU strategy on combating antisemitism](#) and fostering Jewish life (2021-2030), European Commission communication, 5 October 2021.

¹³² [ECRI General Policy Recommendation No. 5](#) (revised) on preventing and combating anti-Muslim racism and discrimination', European Commission against Racism and Intolerance (ECRI) of the Council of Europe, March 2022.

and violence. The same year, the first coordinator on combating antisemitism¹³³ was appointed – Katharina von Schnurbein. The role was subsequently expanded by current Commission President Ursula von Der Leyen and is now styled 'Coordinator on combating antisemitism and fostering Jewish life'. The Commission similarly created the position of 'Coordinator on combating anti-Muslim hatred' in 2015. That post remained vacant¹³⁴ from July 2021 until February 2023 when Marion Lalisie, a specialist in oriental and African studies and experienced EU diplomat, was appointed as the new coordinator in February 2023.¹³⁵

On 20 October 2022, the European Commission, in partnership with the Council of Europe, the OSCE and the UN, organised a conference entitled 'Freedom of religion with regard to religious slaughter'.¹³⁶ Representatives of religious communities and government officials were among those invited, but no animal welfare organisations.

The discussion went beyond the issue of religious slaughter and animal welfare. The speakers voiced concerns about the historic antisemitic roots of bans on religious slaughter and the level of acceptance for minority faith groups across the EU.

These concerns are supported by statistical data on the correlation between extreme/populist parties' followers and their opinions on Muslim religious slaughter in some EU countries (Figure 9).

Lena Hehemann from Global Animal Law (GAL) warns that '... the pursued sociological approach should be taken with a grain of salt. The general reference to "an evolving societal and legislative context" in order to justify the restriction of the freedom to manifest religion freedom bears the risk to be abused by some political parties, who advocate bans on non-stun slaughter – or other restrictions of the manifestation of Jewish or Muslim rites – under the guise of concern for animal welfare'.¹³⁷

¹³³ [Coordinator on combating antisemitism](#) and fostering Jewish life. The role and mandate of the coordinator on combating antisemitism and her team, European Commission.

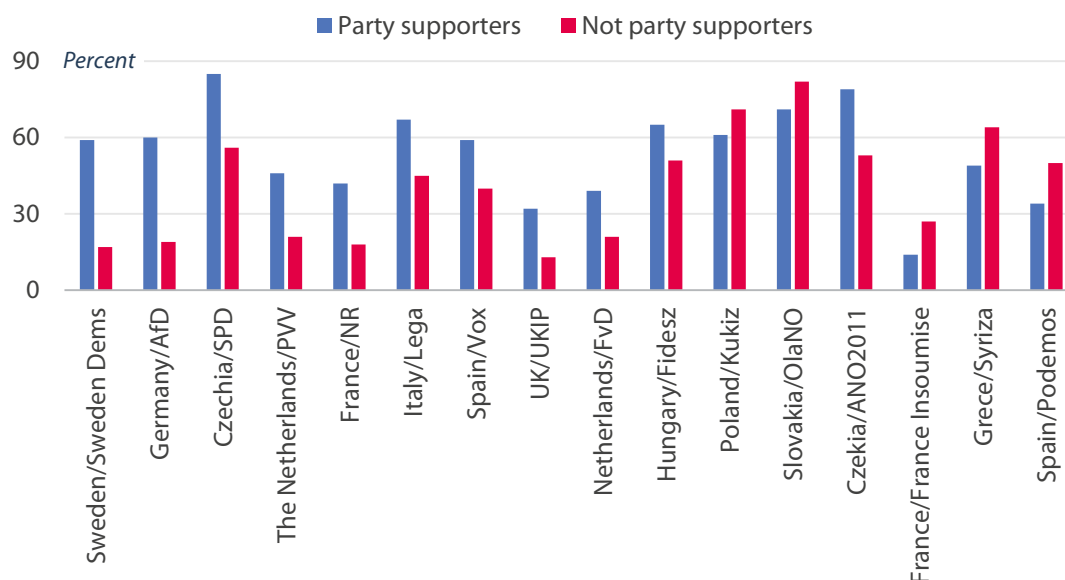
¹³⁴ S. Ellena, [EU Commission 'fully committed'](#) to fight anti-Muslim hatred but lacks coordinator, Euractive, 20 December 2022.

¹³⁵ [Commission appoints a new coordinator](#) for combating anti-Muslim hatred, Directorate-General for Justice and Consumers, press release, 1 February 2023.

¹³⁶ M. Apelblat, ['Freedom of religion'](#): EU hosts conference on good practices of ritual slaughter', *The Brussels Times*, 25 October 2022.

¹³⁷ L. Hehemann, ['Religious Slaughtering, a Stunning Matter'](#): Centraal Israëlitisch Consistorie van België and Others', in *European Papers*, Vol. 6(1), 2021, pp. 111-119, (European Forum, 22 April 2021).

Figure 9 – Populist parties' views on Muslims



Data source: [Pew Research Centre](#), 2019.

6. The European Parliament

In a 2012 resolution on the EU's 2012–2015 strategy for the protection and welfare of animals¹³⁸, the European Parliament highlighted the growing concern of EU citizens with regard to the abuse of the derogation for non-stun slaughter and stressed the overuse of the practice in some Member States, putting animal welfare at stake. Parliament urged the Commission to accelerate its evaluation on the labelling of meat from animals slaughtered without stunning, noting that labelling is not an alternative to proper enforcement of animal welfare rules.

On several occasions, the European Parliament has adopted resolutions on animal welfare during slaughter and transport.¹³⁹ In its position¹⁴⁰ on the Commission proposal for a regulation on the protection of animals at the time of killing,¹⁴¹ it proposed to replace the specific mention of festivities in Judaism and Islam with 'religious festivities' in an effort not to stigmatise the two communities.

In its November 2022 resolution on racial justice, non-discrimination and anti-racism in the EU,¹⁴² the Parliament also called on the Commission to move quickly to appoint its coordinator on combating anti-Muslim hatred, vacant since July 2021.

¹³⁸ [European Parliament resolution of 4 July 2012](#) on the European Union strategy for the protection and welfare of animals 2012–2015 (2012/2043(INI)).

¹³⁹ [European Parliament recommendation of 20 January 2022](#) to the Council and the Commission following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union (2021/2736(RSP)).

¹⁴⁰ [European Parliament legislative resolution of 6 May 2009](#) on the proposal for a Council regulation on the protection of animals at the time of killing (COM(2008)0553 – C6-0451/2008 – 2008/0180(CNS)).

¹⁴¹ [Council Regulation \(EC\) No 1099/2009](#) of 24 September 2009 on the protection of animals at the time of killing (Text with EEA relevance).

¹⁴² [European Parliament resolution of 10 November 2022](#) on racial justice, non-discrimination and anti-racism in the EU (2022/2005(INI)).

During the current parliamentary term, Members of the European Parliament (MEPs) have tabled a number of questions for written answers to the Commission concerning religious slaughter.

The Commission was questioned about a variety of aspects of religious slaughter, on: compulsory¹⁴³ or voluntary labelling¹⁴⁴ for meat produced to religious standards;¹⁴⁵ possible audits in slaughterhouses performing slaughter without stunning;¹⁴⁶ compatibility between animal welfare standards, the European way of life and halal slaughter¹⁴⁷ and a possible ban in Poland on kosher meat exports.¹⁴⁸ Another question concerned the Court of Justice ruling in Flemish case (C-336/19) on a possible requirement, from Member States, for reversible stunning in the context of religious slaughter.¹⁴⁹

In its answers, the Commission confirmed that the derogation as concerns stunning reflected its intention to strike the right balance between care for animal welfare and the protection of the freedom to manifest religion. The answer also referred to the controversial judgment by the Court of Justice of the European Union concerning the Flemish case. As concerns labelling, the Commission announced that its new framework 'farm to fork' strategy¹⁵⁰ aimed at finding the proper way to label meat products according to welfare criteria¹⁵¹ still to be defined. The Commission is planning to evaluate and revise EU legislation on animal welfare, including on transport and slaughter, in the fourth quarter of 2023.¹⁵² However, it has expressed an intention to prevent meat from animals slaughtered according to religious prescriptions from entering the general market. The Commission has confirmed its intention to audit animal welfare issues in slaughterhouses that perform stunning as well as those that do not stun animals to be killed.

Nicola Beer, Vice-President of the European Parliament, and EP Special envoy on combatting Antisemitism¹⁵³ (WGAS). In November 2022, the WGAS hosted a conference organised together with the European Jewish Congress, and B'nai B'rith International entitled 'Jewish life in Europe: celebrating diversity and fostering solidarity in times of crisis'.¹⁵⁴ Religious discrimination, including antisemitism, and Chair of WGAS, emphasised the Parliament's special responsibility not only to work 'on remembrance of the fight against antisemitism but to foster Jewish life in the diversity we see today'. She added, 'If we want Jewish life to flourish in Europe, we need to raise awareness of its diversity, which is part of our common European Heritage. I cannot think of European history without the contribution of Jewish intellectuals and scientists. We are proud of them, and we need to make them more visible', she concluded.

¹⁴³ Parliamentary question [E-001763/2021](#).

¹⁴⁴ Parliamentary question [E-000661/2021](#).

¹⁴⁵ Parliamentary question [E-003903/2019](#).

¹⁴⁶ Parliamentary question [P-000831/2021](#).

¹⁴⁷ Parliamentary question [E-002470/2021](#).

¹⁴⁸ Parliamentary question [E-001540/2021](#).

¹⁴⁹ Parliamentary question [E-000392/2021](#).

¹⁵⁰ R. Rossi, [Taking the EU's 'farm to fork' strategy forward](#), EPRS, European Parliament, 27 October 2022.

¹⁵¹ [Council supports EU-wide animal welfare label](#), Council of the EU, press release, 15 December 2020.

¹⁵² [Revision of the animal welfare legislation](#), European Commission, Food Safety.

¹⁵³ [The European Parliament Working Group against Antisemitism \(WGAS\)](#).

¹⁵⁴ [EJC holds conference at the European Parliament](#) on Jewish life and solidarity, European Jewish Congress, 17 November 2022.

7. ANNEX

Table 2 – Practice of religious slaughter in Member States

Member State	Requirement	Description
Belgium	<i>Flanders – <u>Post-cut stunning</u></i> <i>Wallonia – <u>Prior stunning</u></i> <i>Brussels – <u>No specific regulation</u></i>	According to the Decree of 18 May 2017 (taking effect on 1 June 2018), issued by the Parliament of Wallonia, animals must be stunned before slaughter regardless of whether religious rules allow it. The Flemish Parliament adopted a similar measure with post-cut stunning on 28 June 2017 (taking effect on 1 January 2019). The Brussels-Capital region has not adopted any prohibition.
Bulgaria	Derogation used	Religious slaughter without stunning is allowed.
Czechia	Derogation used	The slaughter of animals without stunning is permitted for religious purposes. Law No 246/92 (Part 2, Section 5f) laid down rules for the slaughter of animals without stunning for religious purposes in 1992. Permits for the slaughter of animals for the needs of churches and religious societies are issued by the Ministry of Agriculture for a maximum period of 1 year. Religious slaughter must be carried out under the supervision and instructions of an official veterinarian.
Denmark	Derogation not used	Although slaughter without stunning had not been performed since 2004, Denmark introduced new animal welfare protections in relation to slaughter in 2014, prohibiting religious slaughter without prior stunning. The slaughter of animals is regulated in Denmark's Animal Protections Order (for ritual slaughter see Kapitel 5 § 11), updated in 2020. Danish law allows for the import of kosher and halal meat that has been slaughtered without prior stunning.
Germany	Derogation used	German law does not generally allow livestock killing without stunning. However, if there is no other way of meeting the needs of the local religious community, a no-stun approval may be granted. The export of products from animals slaughtered without stunning is not allowed, as the permission of slaughter without stunning is only granted to meet the needs of religious communities in Germany (or 'within the scope of application of the Animal Welfare Act ').
Estonia	Derogation used with conditions	Estonia's Animal Protection Act regulates the slaughter of animals for religious purposes, under its Article 17. Religious slaughter is permitted provided that the animal is slaughtered in a slaughterhouse and members of the religious association and the law enforcement authority attend the slaughter. The religious association must have a permit to slaughter farm animals for a religious purpose. The procedure requires immediate post-cut stunning .

Member State	Requirement	Description
		The religious community must inform government authorities about the forthcoming slaughter 20 days in advance and the government reserves the right to deny a religious community's request to slaughter an animal.
Ireland	Derogation used	According to Statutory Instrument No 292/2013 , the Irish Minister for Agriculture, Food and the Marine sets no bans on slaughter without prior stunning.
Greece	Derogation used with conditions	Greece requires stunning immediately after cutting (for animals other than poultry), forbidding restraint of ruminants by inversion or other abnormal position (see Articles 3a and 3b), and requiring a suitably sharpened knife of appropriate size and a readily available spare knife (Article 3c).
Spain	Derogation used	Under Law 32/2007 for the care of animals in their use, transport, experimentation and slaughter, Spain allows religious slaughter without previous stunning in approved slaughterhouses (see Article 6). Royal Decree 37/2014 implements Law No 32/2007 and provides for specific licensing, training, and certification requirements for slaughterhouses and veterinarians carrying out the slaughter of animals. There are no export restrictions for kosher or halal meat.
France	Derogation used	France authorises a derogation for slaughter according to religious practices, with prior government authorisation. In a press release dated 24 March 2021, the Ministry of Agriculture confirmed this position, justifying it in accordance with the EU Charter of Fundamental Rights. There are no restrictions on exports.
Croatia	Derogation used	According to the 2017 Animal Protection Act (Narodne novine 102/2017 , 32/2019, in Croatian), derogation to stunning rules in the case of religious slaughter is allowed in accordance with the EU regulation.
Italy	Derogation used	Local health authorities approve slaughterhouses for the use of the derogation. After the favourable opinion of the veterinary services, the establishment is authorised and its name is included in a database.
Cyprus	Derogation used	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. The competent religious authorities apply for the derogation to the Cyprus Veterinary Services, which examines the application and grants (or not) the derogation.
Latvia	Derogation used with conditions	Until 2009, slaughter without stunning of animals kept for farming purposes was prohibited. In order to allow Latvian meat producers to access markets demanding halal and kosher food, in 2009 the Latvian Parliament passed amendments to the Latvian Animal Protection Law allowing the slaughter of

Member State	Requirement	Description
		animals kept for farming purposes using stunning after slaughter (Chapter IX, Section 48.2).
Lithuania	Derogation used	Until 2014, Lithuania's Law on Welfare and Protection of Animals did not provide for any opportunity to slaughter an animal without stunning. However, in order to open new markets for Lithuanian beef, the Lithuanian Parliament amended the Law on Welfare and Protection of Animals and legalised religious slaughter of animals as of 1 January 2015.
Luxembourg	Derogation used	Since at least 1995, animals have had to be stunned prior to being slaughtered, with no exception for religious slaughter. However, with the transposition of the Regulation (EC) No 1099/2009 into Luxembourgish law, it became possible to perform a religious slaughter without stunning. Upon the written request of a religious authority, the government can authorise the procedure.
Hungary	Derogation used	Religious slaughter without stunning is allowed.
Malta	Derogation used	Slaughter can be performed exclusively in the Public Abattoir, which also provides the service of halal slaughter for consumption by the local Muslim community.
Netherlands	Derogation used with conditions	In July 2017, the Dutch government, representatives of slaughterhouses, and Muslim and Jewish faith leaders agreed on an addendum to the Covenant establishing rules for religious slaughter. The addendum states, among other things, that all animals must be stunned within a period of 40 seconds from the time of application of the neck cut (see Article 1), under continuous supervision of the veterinarian.
Austria	Derogation used under certain conditions	Austria generally prohibits the killing of animals without stunning (see Federal Act on Protection of Animals, Article 32.5); however, if certain conditions are met, a no-stun permit for ritual slaughter may be obtained. Conditions include a post-cut stunning becoming effective immediately.
Poland	Derogation used	In 2002, a provision of the Animal Protection Act allowing religious exceptions to pre-slaughter stunning was repealed. Despite this, the Jewish community was 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. Followers of Islam, however, were not legally permitted to conduct religious slaughter without stunning the animal. In 2014, the Constitutional Tribunal ruled that the Animal Protection Act was inconsistent with the freedom of religion provisions of the Polish Constitution and the European Convention on Human Rights, and therefore ritual slaughter must be permitted.
Portugal	Derogation used	The Portuguese authorises a derogation for religious slaughter (halal and kosher); however, halal slaughter is performed mainly with prior stunning.

Member State	Requirement	Description
Romania	Derogation used	According to the guide on the protection of animals during slaughter, published by the Romanian National Sanitary Veterinary and Food Safety Authority (ANSVSA), animals may be slaughtered without stunning for religious purposes (see chapter on 'Checking the effectiveness of stunning' on page 17).
Slovenia	Derogation not used	Slovenia's Animal Welfare Act bans slaughter without stunning. However, according to Article 25 : if, exceptionally, the administrative authority responsible for veterinary supervision authorises the religious slaughter the animal may be slaughtered without stunning.
Slovakia	Derogation used with condition	Collection of Laws of the Slovak Republic Regulation No 432/2012 laying down requirements for the protection of animals at the time of slaughter or killing (see § 2.2) states that animals slaughtered by special methods must be made unconscious at the latest immediately after the commencement of the ritual slaughter itself.
Finland	Derogation used with conditions	The slaughter of animals is regulated in the Finnish Animal Welfare Act . Animals must be stunned prior to slaughter or, for religious reasons, it is permissible to stun the animal simultaneously with the start of bloodletting (see Section 33.1).
Sweden	Derogation not used	The Animal Welfare Act regulating the slaughter of animals provides for mandatory stunning (Chapter 5.1). There is no exception for religious slaughter. Swedish law allows the import of kosher and halal meat that has been slaughtered without prior stunning.

Table 3 – Practices of religious slaughter in trading partner countries

Country	Description
Argentina	The slaughter of animals is governed by Law 18819 of 1970 , according to which, taking into account religious rites existing in the country, the Secretary of State for Agriculture and Livestock may authorise special procedures, providing they do not undermine the basis of the law (Article 3).
Australia	According to Article 116 of the Australian Constitution , the federal government cannot favour, fund or prohibit the free exercise of religion. Religious slaughter is therefore accommodated as part of religious practice and it is protected as non-standard slaughter methods.
Brazil	Brazil allows the sacrifice of animals in accordance with religious precepts, if they are intended for consumption by a religious community that requires them, or for international trade with countries that require them, always observing the methods of animal restraint. This is described in the Regulation No 3 of 2000 of the Secretariat of the Agricultural Protection of the Ministry of Agriculture, Livestock and Food Supply.
Canada	Religious slaughter without stunning is possible; however, the Guidelines for ritual slaughter of food animals without pre-slaughter stunning encourage

Country	Description
	routine stunning, either prior to cutting or immediately post-cut, whenever possible, for religious slaughter.
Iceland	The Act on Animal Welfare provides that animals must be stunned prior to slaughter; there are no exceptions. The Regulation on the Protection of Animals During Slaughter describes the accepted stunning methods, depending on the species to be slaughtered. Halal meat is obtained from stunned animals and its export is allowed.
India	Slaughter without stunning is common practice in India; however, the Environment Ministry notified, in May 2017, that cattle slaughter is banned nationwide except in the state of Jammu and Kashmir.
Liechtenstein	With the exception of poultry, it is forbidden to slaughter livestock without stunning.
Montenegro	Religious slaughter without stunning is allowed, in accordance with Article 18 of the Decree on the proclamation of the Law on the Protection of Animal Welfare .
New Zealand	According to the Code of Welfare for commercial slaughter , all animals should be stunned prior to slaughter with the exception of shechita of poultry.
Norway	The Norwegian Animal Welfare Act provides that animals must be stunned prior to slaughter, including for religiously slaughtered animals. The accepted stunning method depends on the species to be slaughtered. Norwegian law allows the import of kosher and halal meat that has been slaughtered without prior sedation. Halal meat slaughtered in Norway may be exported, provided the slaughter is performed in accordance with Norwegian law.
Switzerland	With the exception of poultry, it is forbidden to slaughter livestock without stunning. Import of kosher meat is authorised.
Turkey	With a large majority of the population following Muslim religion, slaughter without previous stunning is the most commonly practiced method of slaughter. However, in 2019, the Islamic group Ismailaga Cemaati announced in a video that stunning animals can be considered Halal.
United Kingdom	In the UK , all animals must be stunned before slaughter, unless they are religiously slaughtered for halal or kosher meat.
United States	The Humane Methods of Slaughter Act sees as 'humane' the '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 anaemia 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'.
Uruguay	Article 7 of Resolution 152/012 allows the slaughter of livestock without stunning for religious purposes and requires personnel to make sure that animals do not present 'any sign of life before being subjected to skinning or scalding'.

References

- European Food Safety Authority, '[Opinion of the Scientific Panel on Animal Health and Welfare \(AHAW\) on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals](#)', *EFSA Journal*, Vol. 45, pp. 1-29, 2004.
- Fiszon B., '[Et dieu créa l'animal: l'animal dans le Judaïsme](#)', Les éditions Transmettre, 2021.
- Grandin T., 'Problems with kosher slaughter', *International Journal for the Study of Animal Problems*, Vol. 1(6), pp. 375-390, 1980.
- Grandin T. and Smith G. C., '[Animal Welfare and Humane Slaughter](#)', Department of Animal Sciences Colorado State University, updated 2004 version.
- Henrard K., '[EU Law's Half-Hearted Protection of Religious Minorities, Minority Specific Rights and Freedom of Religion for All](#)', *Religions*, Vol. 12 – Special Issue: Religious Minorities in Europe and Beyond: A Critical Appraisal in a Global Perspective, October 2021.
- Leiderer A., 'History of Animal Slaughter' in eds Roscher M., Krebber A and Mizelle B., *Handbook of Historical Animal Studies*, De Gruyter Oldenbourg, pp. 539-553, 2021.
- von Holleben K et al., '[Report on good and adverse practices - Animal welfare concerns in relation to slaughter practices from the viewpoint of veterinary sciences](#)', 2010.

The protection of animals at the time of slaughter is regulated at EU level by Council Regulation (EC) No 1099/2009. The regulation states that all animals should be stunned prior to having their throats cut. However, in order to ensure that some religious communities can consume meat in accordance with their precepts, and on the basis of the fundamental right to freedom of thought, conscience and religion, enshrined in the Charter of Fundamental Rights of the European Union, a possible derogation from the stunning obligation may be applied.

While it is up to individual Member States to decide whether to use this derogation, or to prohibit outright the slaughter of animals without stunning, the procedure is the subject of ongoing discussion and concern. While some groups see slaughter without stunning as a threat to animal welfare, religious groups defend their freedom to express their faith and recognise respect for animal welfare as a fundamental basis of their beliefs. According to scientific evidence, both methods of slaughter, with and without stunning, have critical points. In addition, the interpretation of scientific evidence, and that of religious beliefs, is part of the debate.

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