



# Animal Protection Index (API) 2020

## Swiss Confederation: ranking B

### Executive summary

Animal welfare legislation in Switzerland is wide-reaching and detailed. Both the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020) establish anti-cruelty protections and basic standards of care for all animals. The Animal Welfare Ordinance (2020) is particularly detailed and clearly sets out expectations of behaviour for animal owners and others responsible for the care of animals. The Animal Welfare Act (2005), while not explicitly using the term sentence, not only recognises the physical but also the mental state of an animal. The use of the word 'dignity' suggests an intention to ensure all animals protected under the Act enjoy a good quality of life.

However, there are some areas of concern. While many animals are provided with protections beyond basic anti-cruelty, draught animals and particularly stray cat populations are not afforded such extensive provisions. Similarly, while wild animals are protected by the general anti-cruelty prohibitions of the Animal Welfare Act (2005) and Animal Welfare Ordinance (2020), there are limited subsequent protections, for example from cruel hunting methods. While legislation regarding minimum standards of care prevent fur farming, there is no explicit ban on the industry, nor is there an explicit ban on the testing of cosmetics and their ingredients on animals.

Responsibility for animal welfare ultimately falls under the Department of Home Affairs with some delegated authority to the Canton-level for enforcement and some supplementary legislation. However, there is no national committee on animal welfare.

Since the 2014 edition of the Animal Protection Index, there have been limited changes to animal welfare legislation in Switzerland. However, the Animal Welfare Ordinance (2020) has been amended to provide improved protections for animals.

The Government of Switzerland is encouraged to create a national multi-stakeholder committee to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations. The Government of Switzerland is encouraged to fully align animal welfare legislation with OIE animal welfare standards. The Government of Switzerland is encouraged to ban the import of animal products that have not been produced in accordance with their national legislation. The Government of Switzerland is encouraged to issue an explicit ban on fur farming. Further legal and



policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



## Animal Protection Index Indicators

### Goal 1: Recognition of animal sentience and prohibition of animal suffering

#### 1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>Although the legislation does not explicitly refer to sentience, the concept of sentience is recognised by the Animal Welfare Act (2005)<sup>1</sup>.</p> <p>The purpose of the Act is to protect the dignity and welfare of animals (Article 1), and dignity is the inherent worth of the animal that must be respected when dealing with it (Article 3). Acts towards animals are forbidden, if their dignity is thereby disregarded (Article 4(3)). If any strain imposed on the animal cannot be justified by overriding interests, this constitutes a disregard for the animal's dignity, and strain is deemed to be present in particular if pain, suffering or harm is inflicted on the animal, if it is exposed to anxiety or humiliation, if there is major interference with its appearance or its abilities or if it is excessively instrumentalised.</p> <p>The Act applies to vertebrates and any invertebrates that may be so designated by the Federal Council (Article 2).</p> <p><i>Analysis</i>            Recognition of sentience, even if not explicitly used in legislation is the basis of animal protection legislation in Switzerland. This is effective to make animal welfare a mainstream concern in the country. The Government directly underpins the legislation by conducting education and training for people who handle animals and ensuring the public is informed about animal welfare. Responsibility for implementing the Act is given to the Cantons, which have authorities and committees relevant to the Act and issue cantonal licenses for certain uses of animals, such as breeding for scientific research and cantonal regulations if necessary, to supplement Federal regulations. The Federal Governmental Department of Home Affairs supervises this.</p>	
Enforcement mechanisms	
<p>Offences under the Animal Welfare Act (2005), that arise out of the recognition of animal sentience, are punishable with fines and/or imprisonment. There are also methods of encouragement including the production of educational materials to promote correct animal handling for those who work with animals, as well as training and education for animal keepers and people who train animals.</p>	
Key recommendations	

<sup>1</sup> <https://www.globalanimallaw.org/downloads/database/national/switzerland/Tierschutzgesetz-2005-EN-2011.pdf>



- The Government of Switzerland is encouraged to explicitly recognise sentence for all animals.

## 2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation	
Ranking	A
<p>Article 4(2) of the Animal Welfare Act (2005) prohibits inflicting pain, suffering or harm on an animal, inducing anxiety in an animal or disregarding its dignity in any other way without justification. The mishandling, neglect or unnecessary overworking of animals is also prohibited. Article 26 of the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020)<sup>2</sup> give more detail on which specific conducts are prohibited. Strictly prohibited acts include abandonment, neglect, bestiality, organising animal fights and the killing of animals in a manner involving agonising pain. The slaughter of animals without prior stunning is also prohibited.</p> <p><i>Analysis</i></p> <p><i>The legislation is wide reaching in its scope and covers all vertebrates as well as cephalopods and decapods. The Animal Welfare Act (2005) and the supplementary Animal Welfare Ordinance (2020) protect animals in Switzerland from a wide variety of acts of cruelty.</i></p> <p><i>The Animal Welfare Act (2005) provides that the Department of Economic affairs oversees the implementation of relevant legislation in the cantons.</i></p>	
Enforcement mechanisms	
<p>Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years. Anyone who does so through negligence is liable to a fine or imprisonment of up to 180 days.</p> <p>The Animal Welfare Act (2005) also proscribes that punishment for general maltreatment of animals is imprisonment or a fine. Animals may also be forfeit, and the person convicted of such an offence may be banned from keeping animals.</p>	
Key recommendations	
<ul style="list-style-type: none"> <li>• <b>Switzerland has implemented legislation prohibiting deliberate acts of animal abuse, as well as a failure to act in case of animal cruelty. Switzerland should act as an example for other European countries in terms of having detailed anti-cruelty legislations.</b></li> </ul>	

<sup>2</sup> <https://www.admin.ch/opc/fr/classified-compilation/20080796/index.html>



- The Government of Switzerland is encouraged to create a national multi-stakeholder committee to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.

## Goal 2: Presence of animal welfare legislation

### 3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	C
<p>The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020), apply to this category of animals.</p> <p>The Animal Welfare Act (2005) and Animal Welfare Ordinance (2020) contain extensive regulations regarding animal husbandry and farm animal welfare. The Ordinance in particular goes into a high level of detail in relation to issues including housing, transport and slaughter and sets the minimum standards for care. The Animal Welfare Act (2008) states that minimum standards will be set in line with scientific thinking as well as state of the art and technical developments.</p> <p>Article 4(1) of the Animal Welfare Act (2005) provides that anyone who handles animals must take account of their needs as best as possible and ensure their well-being as far as circumstances of the intended purpose permit. Article 6 of the Act provides that anyone who keeps or looks after animals must feed and care for them properly and provides them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.</p> <p>The Animal Welfare Ordinance (2020) defines farm animals as "animals of species that are kept directly or indirectly for certain other benefits or are intended for such use." The Ordinance requires a license to be obtained for the mass breeding housing systems of farm animals including cattle, pigs, and domestic poultry. Individual installations must gain approval from the canton authorities to ensure compliance with animal welfare legislation. The Ordinance also makes regulations covering all aspects of slaughter including stunning, methods of killing, housing, transport and requirements for slaughterhouse staff. Anyone responsible for the care of more than 10 livestock animals must hold an agricultural qualification. For fewer animals, carers must obtain a certificate of competence.</p> <p><a href="#">Rearing</a></p> <p><a href="#">Rearing - pigs</a></p>	

The Animal Welfare Ordinance (2020) provides detailed requirements regarding the rearing of pigs. Qualified persons are permitted to file the tips of needle teeth in piglets without the use of anaesthesia. It is prohibited to dock tails, clip the teeth or use nose rings, pins and wires in the rooting disc of the snouts of pigs. Pigs must have access to foraging materials, such as straw, at all times while newly installed animal houses must include cooling facilities. Pigs must be kept in groups except in the case of suckling sows and boars who have reached sexual maturity. Farrowing pens should encompass enough space to allow sows to turn freely and include sufficient straw or similar materials for nest making. Minimum space requirements for pigs are provided in the annex of the Animal Welfare Ordinance (2020) and are based on animal size and number of animals.

### Rearing - broiler chickens

The Animal Welfare Ordinance (2020) requires minimum space allowances for broiler chickens as set out in the annex of the Ordinance. Enclosures must include darkened areas to where animals can withdraw, and litter is not required if the animal house is air-conditioned.

### Rearing - egg-laying hens

The Animal Welfare Ordinance (2020) requires laying hens to be provided suitable nests, either individual or group that are strewn with litter. Similarly, they must be provided with perching opportunities at different heights, adapted for various ages and behaviours. Minimum housing standards are provided in the annex of the ordinance. Cages for egg-laying hens were banned in 1992.<sup>3</sup> A ban on the shredding on male chicks came into force on 1<sup>st</sup> January 2020.

### Rearing - dairy cattle and calves

The Animal Welfare Ordinance (2020) prohibits the tethering of calves under four months, which should be kept in groups where possible. Cattle must be provided with a run on a regular basis, at least 60 days during the vegetation period and 30 days during winter feeding. It is prohibited to not allow cattle access to the run at least once every two weeks. Access to the run must be recorded. In housing with lying cubicles, it is prohibited to house more animals than lying cubicles. Minimum standards for housing are included in the annex of the Animal Welfare Ordinance (2020). The Ordinance also includes specific animal cruelty prohibitions for dairy cattle.

### Transport

Article 15 of the Animal Welfare Act (2005) is concerned with transporting animals and restricts travelling times to a maximum of six hours. However, the Federal Council can issue provisions for exemptions.

The Animal Welfare Ordinance (2020) provides more detailed provisions regarding the transport of farm animals. Those responsible for animal transport including transport companies, drivers and at least one member of management must hold qualifications for animal transport and continue to renew such qualification. Animals are only allowed to be transported if they can be expected to

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<sup>3</sup> <https://www.wattagnet.com/articles/10677-what-can-us-egg-producers-learn-from-swiss-cage-ban>

withstand the movement without suffering any harm. The six-hour transport time restriction can be exceeded if the animals are being transported internationally. During transport, all animals are required to have the minimum space requirements set out in the annex of the Animal Welfare Ordinance (2020) respected. All vehicles transporting animals must provide a sufficient supply of fresh air and protect against harmful weather and vehicle emissions. Cattle, pigs, goats, sheep, horses and poultry travelling to slaughter are only permitted to travel through Switzerland by rail or air.

### Slaughter

Article 21 of the Animal Welfare Act (2005) covers slaughter of animals; mammals are required to be stunned before slaughter using a method specified by the Federal Council. This includes slaughter for religious purposes, but halal and kosher meat from animals slaughtered without pre-stunning is permitted to be imported and sold to allow a supply for Jewish and Islamic communities. There is an exception to stunning before bleeding in the case of poultry during ritual slaughter.

The Animal Welfare Ordinance (2020) provides more detailed requirements regarding the slaughter of farm animals. All persons participating in the slaughter of farm animals must undergo qualifications that include training regarding the unloading, driving, housing and care of animals in slaughterhouse facilities and the stunning and bleeding of animals. All vertebrates are required to be rendered unconscious by stunning ahead of slaughter. Where animals cannot be slaughtered immediately upon arrival at the slaughterhouse, they are required to be housed in facilities that comply with the minimum housing standards set out in the Annex of the Animal Welfare Ordinance (2020). Animals must be herded gently into the slaughterhouse facilities. The Animal Welfare Ordinance (2020) dictates appropriate stunning methods on a species-specific basis including fish.

### Analysis

*The legislation protecting farm animal welfare is wide-reaching and detailed. The system includes guidance and advice; for example, Article 83 describes an advisory committee that advises on housing systems and installations for mass-produced housing systems and installations for cattle, sheep, goats, pigs, domestic rabbits and domestic poultry. The guidance is created by representatives of the federal authorities and the cantons as well as scientists and experts in animal welfare issues, animal husbandry and housing construction.*

*However, there are some exceptions which cause concern for example, allowing poultry to be slaughtered without stunning in some instances and allowing long distance import and export of live farm animals.*

### **Enforcement mechanisms**

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years. This also applies to killing an animal deliberately and without provocation in a way that causes suffering and abandoning a farm animal with the intention of disposing of it. Anyone who commits these acts through negligence is liable to a fine or

imprisonment of up to 180 days.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping, breeding, transporting, slaughtering and carrying out surgery on animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act, punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

Article 213 describes inspection for farm animal holdings. These must be carried out by the cantonal authority at least every four years, using a risk-based or randomised approach and must always take place at holdings where deficiencies were found in the previous year.

### Key recommendations

- **The Government of Switzerland is encouraged to ban the import of animal products that have not been produced in accordance with their national legislation.**
- **Due to the significant animal welfare concerns associated with long distance transport, the Government of Switzerland is strongly urged to ban the export of live animals for long distances (i.e. over eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.**
- **The Government of Switzerland is encouraged to remove the exemption to stunning of poultry for ritual slaughter.**

## 4. There are laws that apply to animals in captivity

### Analysis of the legislation

#### Ranking

#### B

The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005), and Article 16 of the Animal Welfare Ordinance (2020), apply to this category of animals.

#### Zoos

Under Article 6 of the Animal Welfare Act (2005), anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their wellbeing, as well as shelter where necessary.

Article 7 of the Animal Welfare Act (2005) provides that The Federal Council may make requirements for licencing in order to keep certain categories and species of animals, and that a



licence is required for the commercial and private keeping of wild animals that pose particular challenges in terms of husbandry and care. The Federal Council is also responsible for regulating the extent of inspections regarding facilities holding animals.

The Animal Welfare Ordinance (2020) contains requirements specifically relevant to wild animals kept in captivity. The Ordinance lists those animals in respect of which a licence is required, including mammals other than indigenous insectivores and small rodents, marsupials, anteaters and related animals, specified birds, fish over 1 m, sharks and rays, and specified reptiles and amphibians, as well as listing those species which are considered to have special needs in terms of husbandry and care (including cetaceans, primates other than marmosets, marsupials and other specified species). The Ordinance includes which facilities a licence is required, including zoos, circuses, safari parks, game parks, small zoos, dolphinariums, aviaries, aquariums, terrariums, permanent animal shows and similar institutions. Licenses will only be granted if permanent enclosures and personnel requirements mandated by the Animal Welfare Ordinance (2020) are met. The Animal Welfare Ordinance (2020) also requires that experts with the knowledge of zoological biology should advise on the design and construction of enclosures, animal husbandry and general care of animals when new species are acquired.

Particularly relevant to this category of animals are the prohibition on the use of animals for exhibition if such use is obviously associated with pain, suffering or harm for the animal and the prohibition on the performance of actions or failure to perform actions on an animal for exhibition purposes, if this results in the infliction of pain or harm on the animal or compromises its well-being in some other way (Article 16(e) and 16(i), Animal Welfare Ordinance 2020).

Minimum requirements must be met in order for a licence to be granted, but Article 95(2) of the Ordinance provides that some of these need not be fully met for enclosures for animals that are frequently and regularly trained in a circus ring, if the spatial conditions at individual host venues do not permit this.

#### Private keeping of wild animals

Under Article 6 of the Animal Welfare Act (2005), anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.

The Animal Welfare Ordinance (2020) lists those animals in respect of which a licence is required, including mammals other than indigenous insectivores and small rodents, marsupials, anteaters and related animals, specified birds, fish over 1 m, sharks and rays, and specified reptiles and amphibians, and Article 92 lists those species which are considered to have special needs in terms of husbandry and care (including cetaceans, primates other than marmosets, marsupials and other specified species).

#### Fur farming

It is understood that legislation effectively prevents the farming of animals for their fur because the keeping of animals for such purposes is only permitted under zoo conditions, for example, two red

foxes need a minimum of 100 m<sup>2</sup> natural grounds, the possibility to hide plus a 10 m<sup>2</sup> indoor area.<sup>4</sup> The Animal Welfare Ordinance (2020) explicitly bans the import of products made from dog and cat fur.

### **Analysis**

*The license requirements under the Animal Welfare Ordinance (2020) go some way to protect the welfare of this category of animals.*

*The Ordinance describes the process of consultation of experts that must be done before an animal can be taken into captivity. Experts with knowledge of zoological biology shall advise the management on animal husbandry, the care of the animals, livestock planning and the construction and design of enclosures.*

*It is positive that the legislation identifies particular groups and species of animals whose welfare needs are more difficult to meet in captivity and creates a more stringent licencing regime for keeping these animals.*

*In 2013, the last dolphinarium in the country closed; it was reported that this followed the introduction of an import ban on dolphins.<sup>5</sup>*

*However, the country continues to permit the use of wild animals in circuses, an issue which causes animal welfare concern,<sup>6</sup> and on which several other countries have taken action.*

*The existing legislation is detailed and positive in terms of protection of the welfare of this category of animals. However, the existing law legitimises the use of animals in circuses and permits some exceptions relating to enclosure design while animals are travelling with circuses. This shows that there are socio-cultural barriers to improvement.*

### **Enforcement mechanisms**

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act, punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

Wild animal facilities that require a license are inspected by the cantonal authority at least every two years. If two successive inspections have not led to any objections, the frequency of inspections may be reduced to a maximum of four years.

<sup>4</sup> [http://www.animal-protection.net/furtrade/more/fur\\_issue.pdf](http://www.animal-protection.net/furtrade/more/fur_issue.pdf)

<sup>5</sup> <http://www.ladolphinconnection.es/blog/wp-content/uploads/2014/04/Report-from-Switzerland-OceanCare.pdf>

<sup>6</sup> <http://www.swissinfo.ch/eng/circus-rejects-accusations-of-animal-negligence/3822020>

### Key recommendations

- The Government of Switzerland is encouraged to include inspection schedules for facilities holding animals in captivity in the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020). The results of such inspections should be made public.
- The Government of Switzerland is encouraged to issue an explicit ban on fur farming.

## 5. There are laws that apply to companion animals

### Analysis of the legislation

Ranking	B
<p>The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act 2005, and Article 16 of the Animal Welfare Ordinance 2020, apply to this category of animals.</p>	
<p><u>Care of companion animals</u></p>	
<p>The Animal Welfare Act (2005) includes an explicit prohibition on abandoning or leaving behind an animal that is kept in the house with the intention of disposing of it.</p>	
<p>Under Article 6 of the Act, anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.</p>	
<p>Certain specified actions (such as cosmetic surgical procedures) are prohibited on specified species of animals (horses, dogs, cats, rabbits and birds) under the Animal Welfare Ordinance (2020). Article 24(b) further prohibits any surgical procedures carried out to make it easier to keep pets, other than procedures to prevent reproduction and the removal of dewclaws. Commercial breeders must carry out livestock inventories under Article 30 and to register with the cantonal authorities under Article 101. Similarly, under the Animal Welfare Ordinance (2020) breeders are required to ensure that breeding an animal in their care will produce health animals that are free of characteristics and traits that would impact their quality of life without exposure to stress, surgical intervention or regular medication. Minimum standards for dog and cat enclosures are set in the Annex of the Animal Welfare Ordinance (2020).</p>	
<p>Articles 68 to 79 of the Ordinance contain extensive requirements for dog keeping, including that anyone who wants to keep a dog must provide a certificate of competence regarding their knowledge on keeping and dealing with dogs before they get one, unless they have evidence of owning a dog before. A certificate of competence for keeping the dog under control in everyday situations must also be obtained within a year of acquiring a dog. Similarly, dogs are required to be provided with sufficient daily contact with humans and as far as possible with other dogs and</p>	

puppies younger than fifty-six days are not permitted to be separated from their mother or dog wet nurse. Other requirements include appropriate housing, daily exercise and prohibitions on using guns, hard objects or spiked collars as punishments.

Under the Animal Welfare Ordinance (2020), cats must have daily contact with humans or visual contacts with other cats if they are kept on their own. Similarly, cats are required to be able to exercise outside their enclosure, if possible, at least five times a week.

### Stray animals

Animal shelters must obtain registration from the Canton authorities and are required to adhere to the minimum standards for housing set in the Annex of the Animal Welfare Ordinance (2020).

Switzerland allows for the euthanasia of stray dogs. However, they report having a very low number of stray dogs in the country.<sup>7</sup> Police, game wardens and animal welfare organisations are allowed to capture stray animals, however a study suggests that animal welfare organisations most often take on this role. The study also suggests that for dog populations, Switzerland has an eighty to hundred per cent return rate to owners.<sup>8</sup>

The Federal Act on the Hunting and Protection of Wild Mammals and Birds allows the year-round shooting of stray cats. A political initiative at the Federal level to ban such practices was reportedly rejected in late 2019.

### Analysis

*The legal provisions relating to companion animals are detailed and wide-reaching in their scope. However, the law does not currently contain provisions on humane companion animal population control. Whilst stray dogs are reported not to be an issue in the country<sup>9</sup>, there is a large population of stray cats estimated at up to 300,000 individuals<sup>10</sup>, which the government permits to be hunted year round (Article 5(3), Federal Law on Hunting and the Protection of Wild Animals). The hunting of domestic cats is opposed by animal protection organisations, but the Swiss Parliament recently rejected a ban on the practice with the support of the Environment Minister.<sup>11</sup>*

*There is a high level of protection for animals kept as pets, but there appear to be barriers to introducing humane population control methods for cats. It is reported that the Environment Minister*

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<sup>7</sup> <http://www.stray-afp.org/nl/wp-content/uploads/2012/09/WSPA-RSPCA-International-stray-control-practices-in-Europe-2006-2007.pdf>

<sup>8</sup> <http://www.stray-afp.org/nl/wp-content/uploads/2012/09/WSPA-RSPCA-International-stray-control-practices-in-Europe-2006-2007.pdf>

<sup>9</sup> <http://www.stray-afp.org/nl/wp-content/uploads/2012/09/WSPA-RSPCA-International-stray-control-practices-in-Europe-2006-2007.pdf>

<sup>10</sup> [https://www.swissinfo.ch/eng/fera/felines\\_owners-must-neuter-free-roaming-cats-say-animal-welfare-groups/44186414](https://www.swissinfo.ch/eng/fera/felines_owners-must-neuter-free-roaming-cats-say-animal-welfare-groups/44186414)

<sup>11</sup> <http://www.thelocal.ch/20130620/stray-cat-hunting-ban-rejected-by-swiss-mps>

has advised that such measures such as sterilisation would be difficult to put into place and would be very costly, and that a federal law on the issue would impinge on the sovereignty of the cantons.<sup>12</sup>

### Enforcement mechanisms

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act, punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

### Key recommendations

- **The Government of Switzerland is encouraged to ban the third-party sale of companion animals and to encourage the adoption of pets.**
- **The Government of Switzerland is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their cat population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming cats and communities. The document is helpful to governments to manage cats humanely as well as to help communities to live in harmony with cats.**

## 6. There are laws that apply to animals used for draught or recreational purposes

### Analysis of the legislation

**Ranking**

**C**

The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005), and those of the Animal Welfare Ordinance (2020), apply to this category of animals.

Under Article 6 of the Animal Welfare Act (2005), anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.

<sup>12</sup> <http://www.thelocal.ch/20130620/stray-cathunting-ban-rejected-by-swiss-mps>

### Animals used for entertainment

Under the Animal Welfare Act (2005) organising fights between or with animals in which animals are tormented and killed is explicitly banned. Under the Animal Welfare Ordinance (2020), the use of animals for exhibition, promotion, films or similar purposes, if such use is obviously associated with pain, suffering or harm for the animal; participating in competitions and sporting events with animals using banned substances or products; and the performance of or failure to perform actions on an animal for exhibition purposes, if this results in the infliction of pain or harm on the animal or compromises its well-being in some other way are similarly prohibited.

The current legislation permits the use of animals in circuses, including travelling circuses, and Article 95(2) of the Animal Welfare Ordinance (2020) provides that some of the requirements for keeping wild animals need not be fully met for enclosures for animals that are frequently and regularly trained in a circus ring, if the spatial conditions at individual host venues do not permit this.

Article 23(1) of the Ordinance prohibits angling with the intention of releasing the fish back into the water, and the use of live fish as bait.

### Draught animals

Both the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020) provide specific protections for working animals. Prohibitions include the unnecessarily overworking an animal; the use of animals for exhibition, promotion, films or similar purposes, if such use is obviously associated with pain, suffering or harm for the animal; participating in competitions and sporting events with animals using banned substances or products.

The provisions on dogs in the Ordinance contain detailed regulations on working dogs (service dogs, guide dogs, dogs for the disabled, rescue dogs, livestock guardian dogs, cattle dogs and hunting dogs).

### Analysis

*The legislation does not contain the same level of detail on protecting the welfare of draught animals and of animals used in sporting recreational purposes as it does for some other categories of animals.*

*The license conditions for animals kept in circuses should go some way to protect the welfare of this category of animals, however, it is difficult to create conditions in which animals can express natural behaviours in a travelling or temporary animal exhibit. In addition, the conditions do not have to be met fully if they are frequently in a circus ring, and the spatial conditions at the host venue do not permit this.*

*The existing legislation is detailed and positive in terms of protection of the welfare of this category of animals in most circumstances.*

*However, the existing law legitimises the use of animals in circuses and gives exceptions to enclosure*

design while animals are travelling with circuses.

### Enforcement mechanisms

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act, punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

### Key recommendations

- **While events that cause harm to animals are banned, the Government of Switzerland is urged to explicitly forbid the organisation of and attendance to entertainment events such as circuses, rodeos, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**

## 7. There are laws that apply to animals used for scientific research

### Analysis of the legislation

Ranking

A

The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005), and Article 16 of the Animal Welfare Ordinance (2020), apply to this category of animals, including those animals who have been genetically modified. Particularly relevant to this category of animals is the prohibition on inflicting pain, suffering or harm on an animal or inducing anxiety in it during the course of experiments, unless this is avoidable for the purpose of the experiment (Article 26(d) of the Act).

Under Article 6 of the Animal Welfare Act (2005), anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.

Articles 10, 11 and 12 of the Act regulate the breeding and use of animals in experiments for genetic modification.

Articles 17 to 20 of the Act are directly concerned with the use of animals in experiments. Experiments with animals in Switzerland that inflict pain, suffering or harm, induce anxiety,



substantially impair general well-being or disregard dignity in any other way must be limited to the indispensable minimum (Article 17). Those carrying out experiments must obtain a licence, which will be limited in time and may contain conditions and requirements (Article 18(4)). Experiments are not permitted if, in relation to the anticipated gain in knowledge, they inflict disproportionate pain, suffering or harm or induce disproportionate anxiety (Article 19(4)).

Articles 112 to 149 of the Animal Welfare Ordinance (2020) contain detailed provisions on animal experiments, genetically modified animals and mutants with a significant clinical pathological phenotype. These include detailed provisions on keeping and breeding animals, performing and getting approval for experiments and information on the animal experiments committees. The scope of these provisions extends to vertebrates; decapods and cephalopods; mammals, birds and reptiles in the last third of gestation; and larva stages of fish and amphibians that take in food ad libitum (Article 112 of the Ordinance). Primates can be used in experiments (Article 118), but experiments on animals relatively high on the evolutionary scale may only be carried out if the purpose cannot be achieved in species that are lower on the evolutionary scale and no suitable alternative methods are available (Article 20(2) of the Act).

The Ordinance also contains provisions on the use of anaesthetic during experiments. Experiments that entail strain on the animal (which is defined by a list of circumstances including surgical procedures, general anaesthesia and isolation) can only be carried out if it is shown that the objective is associated with the preservation or protection of the life and health of humans and animals, can be expected to yield new knowledge on fundamental processes of life, or serves to protect the natural environment. The applicant must also show that the objectives cannot be achieved using other non-animal methods, and the smallest number of animals possible must be used (Article 137 of the Ordinance).

The Animal Experimentation Ordinance (2010)<sup>13</sup>, made pursuant to the Animal Welfare Ordinance (2020), contains further regulation on laboratory animal husbandry, the production of genetically modified animals and the methods of animal experimentation. Issues covered in this Ordinance include husbandry (Articles 2 to 8), recording and reporting procedures for experiments on certain species (Articles 12 to 23), and the required content of applications and reports (Articles 28 to 31).

The testing of cosmetics and their ingredients was banned in Switzerland in 2017.

### Analysis

*The legislation contains the internationally recognised principles of the Three Rs. There is detailed provision to reduce the amount of animal experimentation that takes place and to protect the welfare of those animals involved in experiments (within the constraints of those experiments). Cosmetic testing does not appear to be specifically prohibited by the relevant legislation, but the requirements on proportionality and observing the principles of the Three Rs should ensure that*

<sup>13</sup>[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=2ahUKEwjSo7fttYDnAhVUXsAKHSnwD3kQFjACegQIBRAC&url=https%3A%2F%2Fwww.blv.admin.ch%2Fdam%2Fblv%2Fen%2Fdokumente%2Ftiere%2Frechtsund-vollzugsgrundlagen%2Fanimal-experimentation-ordinance.pdf.download.pdf%2FAnimal\\_Experimentation\\_Ordinance\\_\(TW\)\\_position\\_as\\_at\\_1.5.2010.pdf&usq=AOvWawOU3kR6hmH2vm1kdLZdKu1Z](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=2ahUKEwjSo7fttYDnAhVUXsAKHSnwD3kQFjACegQIBRAC&url=https%3A%2F%2Fwww.blv.admin.ch%2Fdam%2Fblv%2Fen%2Fdokumente%2Ftiere%2Frechtsund-vollzugsgrundlagen%2Fanimal-experimentation-ordinance.pdf.download.pdf%2FAnimal_Experimentation_Ordinance_(TW)_position_as_at_1.5.2010.pdf&usq=AOvWawOU3kR6hmH2vm1kdLZdKu1Z)



cosmetic testing cannot in fact be permitted in the country.

Article 118 of the Animal Welfare Ordinance (2020) concerns the origin of laboratory animals and says that wild animals may be caught for use in experiments if they belong to a species that is difficult to breed in sufficient numbers. There may be negative welfare issues associated with this.

Implementation and enforcement of the relevant legislation is dealt with at cantonal level. Each canton must appoint a committee of experts for animal experiments, independent of the licensing authority and with representatives from animal welfare organisations. The committee reviews applications and submits proposals to the licensing authority. It is consulted on the inspection of laboratory animal husbandries and the conduct of experiments. The cantons may entrust further duties to the committee. At oversight level, a Federal committee is appointed by the Federal Council, containing experts on animal experiments that advise the federal authority and cantons if necessary, and collaborating with the Federal Ethics Committee on Non-Human Biotechnology.

The legislation does not appear to prohibit experiments being undertaken outside Switzerland by or on behalf of Swiss entities for the introduction of products into the country.

#### Enforcement mechanisms

Article 26 of the Animal Welfare Act (2005) provides that anyone who willfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act (thus including the Animal Experimentation Ordinance 2010), punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

#### Key recommendations

- The Government of Switzerland is encouraged to mandate the rehoming of animals used in research, testing or teaching.

## 8. There are laws that apply to wild animals

#### Analysis of the legislation

Ranking

D

The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005), and Article 16 of the Animal Welfare Ordinance (2020), apply to this category of animals.

Particularly relevant to this category of animals is the prohibition on deliberately and without

provocation killing an animal in a manner that causes it suffering (Article 26(b) of the Animal Welfare Act 2005) and the wanton killing of animals (Article 16(2)(c) of the Animal Welfare Ordinance 2008). Article 23(1) of the Ordinance prohibits angling with the intention of releasing the fish back into the water, and the use of live fish as bait.

Hunting wild animals is governed by the Federal Law on the Hunting and Protection of Wild Animals and Birds (1986),<sup>14</sup> and the Law on Hunting and Protection of Wild Mammals and Birds (1990)<sup>15</sup>. This legislation has a conservation focus and identifies certain species of animals and times of year for hunting, and the hunting of endangered species is not permitted unless explicitly allowed by the Federal Council. The issue is regulated at cantonal level, with two systems used: licencing of individual hunters, and lease of hunting rights for a specific area. The canton of Geneva prohibits all hunting.<sup>16</sup> In order to obtain hunting licences, applicants must be over 20, pass a test and fulfil a range of conditions. Culling of certain species such as deer also takes place to encourage forest regeneration.<sup>17</sup>

The Hunting Ordinance explicitly states that the principles of animal welfare legislation is applicable to all forms of hunting. This in principle prohibits the use of some cruel methods such as the use of spears and snares.

Although, limited, trophy hunting exists in some cantons.<sup>18</sup>

### **Analysis**

While hunting is allowed in Switzerland, hunters are obliged to adhere to the general principles of the Animal Welfare Act (2005) and Animal Welfare Ordinance (2020). Similarly, hunters are required to undergo a hunting proficiency test. Both requirements will limit infractions of animal welfare legislation. However, the hunting laws are limited regarding permissible means of hunting and bans on cruel methods such as snares and hunting with dogs.

### **Enforcement mechanisms**

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act, punishable with a fine or imprisonment if done wilfully, or a fine if done negligently. Enforcement of hunting legislation takes place at cantonal level.

### **Key recommendations**

<sup>14</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC003648>

<sup>15</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC103392>

<sup>16</sup> <https://www.swissinfo.ch/eng/hunt-free-geneva-combats-wild-boar-population/2441024>

<sup>17</sup> <https://www.thelocal.ch/20160707/graubnden-increases-deer-cull-this-autumn>

<sup>18</sup> <https://www.telegraph.co.uk/news/2019/11/10/calls-swiss-ban-foreign-trophy-hunters-shooting-countrys-iconic/>

- The Government of Switzerland is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one’s family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.

### Goal 3: Establishment of supportive government bodies

#### 9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	C
<p>The Government of Switzerland has a clear structure for implementing the regulations in the Animal Welfare Act (2005) and the Animal Welfare Ordinance (2020), as well as the laws on experiments and hunting, and this is set out in several places in the legislation. The Federal government via the Federal Council is responsible for producing relevant secondary regulations and authorises the Federal Food Safety and Veterinary Office to produce implementing regulations of a technical nature. The Federal Council also monitors the import, transit and export of animals and their products.</p> <p>The cantons are responsible for implementation and enforcement of regulations, and for the training and education of persons who perform the necessary functions. Each canton can supplement the Act with cantonal law but must report to the Federal government on certain areas such as inspections and investigations and work collaboratively when necessary.</p> <p>Article 31(1) of the Animal Welfare Act (2005) provides that the prosecution and judgment of offences is a matter for the cantons. Each canton is required by Article 33 of the Act to set up a technical office under the responsibility of the Cantonal Veterinary Officer for ensuring that the Act and secondary regulations are enforced, and required by Article 42 of the Act to draw up supplementary regulations where required for implementation. Enforcement is supervised on behalf of the Federal Government by the Department of Economic Affairs (Article 40 of the Act).</p> <p><u>Analysis</u>  <i>Efforts to make animal welfare a mainstream concern of society are clearly being made through the structure of governance. The Federal Food Safety and Veterinary Office has overall responsibility for improving animal protection, but in practice this responsibility is delegated to a cantonal level. Responsibility is given to the cantons with support and collaboration from an identified branch of the</i></p>	



Federal government. The Federal Food Safety and Veterinary Office has set up a study group to help ensure that the “dignity of the animal” is protected by law.

Source of funding is not clear, and it may be that relevant implementation and enforcement activities are allocated more substantial human and financial resources in some cantons than in others. The dissemination of responsibility to cantonal level may present some structural barriers to improvement, for example, with respect to the introduction of humane methods of population control for stray cats.<sup>19</sup>

**Enforcement mechanisms**

The government bodies responsible for improving animal protection are identified in the relevant legislation.

**Key recommendations**

- **The Government of Switzerland is encouraged to create a national multi-stakeholder committee to effectively engage all actors involved in maintaining animals’ well-being to find solutions for welfare concerns. This committee would guide the country’s policies and strategies on animal welfare, to align with or exceed international standards. This committee should include representatives of animal welfare organisations.**

**Goal 4: Support for international animal welfare standards**

**10. The Government has incorporated the OIE’s guiding principles for animal welfare and its animal welfare standards into policy and legislation**

Analysis of the legislation	
Ranking	A
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.<sup>20</sup></p> <p>The Government has included most of the OIE’s standards in legislation. These include standards relating to animals in research and education, farm animal husbandry, transport and slaughter. Some aspects of the guiding principles for animal welfare are emphasised more than others in the legislation. The current legislation does not contain provisions on stray companion animal population management as there is a very small number of stray dogs in Switzerland.</p> <p><i>Analysis</i></p>	

<sup>19</sup> <http://www.thelocal.ch/20130620/stray-cathunting-ban-rejected-by-swissmps>

<sup>20</sup> <http://www.oie.int/infographic/StandardsAW/index.html>



The existing legislation provides an overall high level of protection for animals in the country. The Government also publishes educational materials to promote correct animal handling for those who work with animals, as well as training and education for animal keepers and people who train animals. Inclusion of the OIE's standards on animal welfare in federal level legislation would be a further step to reaching internationally recognised levels of animal protection. However, it is noted that the legislation does not mandate humane stray companion animal management.

Given the high level of government involvement and legislation for the protection of animals, and the detail of many of the relevant legal provisions, there would not appear to be significant barriers to the inclusion of all of the OIE's guiding principles and standards in legislation and policy.

#### Enforcement mechanisms

There are enforcement mechanisms in place for those of the current legal provisions that incorporate the OIE's standards, including fines and imprisonment.

#### Key recommendations

- **The Government of Switzerland should serve as an example to others by exceeding OIE animal welfare standards where possible.**

## 11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

#### Analysis of the legislation

The Government of Switzerland gave full government support in principle to the UDAW in February 2008.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

#### Analysis

Support for the UDAW has a significant role in making the concept of animal welfare of mainstream concern in Switzerland, and current legislation is in line with the general principles of the UDAW.

#### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

#### Key recommendations



- Switzerland has provided full government support to UDAW. Switzerland should act as an example for other countries to pledge support in principle to UDAW.

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