



# Animal Protection Index (API) 2020

## Republic of Turkey: ranking D

### Executive summary

The Animal Protection Law (2004) is unusual in that it provides no specific definition of 'animal' and instead, the Law explicitly states that 'all animals are born equal'. This ultimately means that every animal, no matter the species or class, is provided protection under the Law. While there is no formal recognition of sentience, there is formal recognition of physical and psychological suffering. The Government of Turkey should be praised for the detailed regulations provided with regards to live animal transportation. These regulations ensure that all animals are cared for in a species-specific manner as well as provided rest periods during longer journeys. Similarly, regulations governing the establishment and operation of zoos require multiple inspections of a facility from the local authorities before a zoo can be opened to the public. The establishment of provincial animal welfare committees is also a positive step, since these committees are made up of representatives from multiple government departments including health and education, resulting in animal welfare solutions that are likely to be holistic in nature.

However, there are some limitations in the protections provided to animals under Turkish Law. Secondary legislation for farmed animals such as broiler chickens, while aligning with EU and OIE standards, neglect to prohibit acts of cruelty or require staff to treat such animals in a humane manner. Furthermore, despite being protected under the Animal Protection Law (2004), animals are still used in fur farms across the country.

All animal welfare legislation and supplementary regulations assign responsibility to government ministries including Ministry of Environment and Forestry and the Ministry of Agriculture and Rural Affairs. However, the names and functions of these ministries have subsequently changed resulting in a situation where no government body is assigned responsibility for ensuring and improving animal welfare in Turkey.

Since 2014, Turkey has taken steps to improve animal welfare in the country through increased secondary regulations such as the minimum standards for calves and egg-laying hens. Similarly, reports suggest that a new animal welfare bill is currently being drafted by the Turkish Government to ensure the wellbeing of the country's animals.<sup>1</sup>

The Government of Turkey is encouraged to amend the Animal Protection Law (2004) to explicitly state that all animals 'have a right to a good life' within the provisions of the Law. The Government of Turkey is encouraged to amend the Animal Protection Law (2004) to include a definition of animal welfare, in line with the OIE that explicitly promotes the Five Freedoms. The Government of Turkey is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to

---

<sup>1</sup> <https://www.dailysabah.com/turkey/2019/10/23/turkish-lawmakers-seek-major-overhaul-for-animal-welfare>



animals. 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>The Animal Protection Law (Law 5199, 2004)<sup>2</sup> governs animal protection in Turkey. Although the term 'animal' is not defined in the Law, it explicitly states that 'all animals are born equal and have a right to life,' thus suggesting that all animal species are included in the scope of the Law. The law also refers to both domestic and wild animals, so it also appears that no category of animals has been excluded.</p> <p>Although the Law does not contain a formal recognition of animal sentience, elements of sentience are recognised. Provisions including Article 1 contain a prohibition on causing pain and suffering, and Article 14 prohibits causing psychological pain. This therefore recognises that some elements of sentience exist in relation to at least some species of animals.</p> <p>Reports suggest that the Animal Protection Law (2004) has been updated since the last edition of the Animal Protection Index in 2014.<sup>3</sup> However, this version was not found at the time of writing and thus has been unable to be assessed for the Animal Protection Index.</p> <p>Recent reports suggest a new Animal Welfare Bill will be brought to the Turkish Parliament before the end of 2019.<sup>4</sup> However, a draft of the Bill was not found at the time of writing and thus has been unable to be assessed for the Animal Protection Index.</p> <p><b>Analysis</b></p> <p><i>The Animal Protection Law (2004) recognises animal welfare as an individual issue, demonstrates some understanding of animal sentience and is applicable to all animals in Turkey. Wider government stakeholders are brought into this recognition, for example through the formation of animal welfare committees under Article 15. As such, an understanding of animal sentience should be introduced into wider governmental strategies. However, at present the legislation lacks a full recognition of animal sentience and as such, it is not fully effective to make animal welfare a mainstream concern of society in Turkey.</i></p> <p><i>It appears from the content of current legislation that improving animal welfare in Turkey through extending the recognition of animal sentience in that legislation should be possible. However, it</i></p>	

<sup>2</sup> <http://www.lawsturkey.com/law/5199-animal-protection-law>

<sup>3</sup> <https://www.independent.co.uk/news/world/asia/turkey-animal-abuse-law-jail-prison-sentence-g-lay-yedek-i-a8152916.html>

<sup>4</sup> <https://www.dailysabah.com/turkey/2019/10/23/turkish-lawmakers-seek-major-overhaul-for-animal-welfare>

appears that in practice there is a lack of commitment from the government to making advancements in animal welfare.

**Enforcement mechanisms**

There are enforcement mechanisms for contravention of those provisions of the Animal Protection Law (2004) that recognise some elements of sentience, including the prohibition on neglecting the care of animals or causing them physical and psychological pain under Article 14 (Article 28(k)).

These are limited to administrative fines and are not included in the criminal offences with enforcement mechanisms in the Penal Code.

**Key recommendations**

- **Given the extensive body of scientific evidence proving that animals are sentient, the Government of Turkey is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.**
- **The Government of Turkey is encouraged to amend the Animal Protection Law (2004) to explicitly state that all animals ‘have a right to a good life’ within the provisions of the Law.**

**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**

<b>Ranking</b>	<b>B</b>
----------------	----------

The Animal Protection Law (2004) states that the purpose of the Law is to ensure animals live a comfortable life, receive good and proper treatment, that they are protected from the infliction of pain, suffering and torture and to prevent all types of cruel treatment.

Article 4 of the Animal Protection Law (2004) states as one of the fundamental principles of animal welfare is that domesticated animals are free to live according to their species-specific needs. It is also stated that animals will be cared for, fed, sheltered and transported under the conditions suited to their species. The Law places a duty of care on animal owners and makes it illegal to abandon animals. The language of the Law promotes adoption and humane care of animals, especially for those that are domesticated.



Article 6 of the Animal Protection Law (2004) forbids the killing of homeless or incapacitated animals except under conditions set down in the Animal Health Police Law No. 3285<sup>5</sup> also known as the Law on Livestock Health (1986). Article 6 of the Animal Protection Law (2004) also states that incapacitated animals are not to be used for any commercial or performance purposes or for riding or transport.

Article 8 prohibits such actions that will wipe out a species or to make non-medical interventions such as tail or ear docking, removing the vocal cords and removing teeth or nails unless deemed medically necessary by veterinarian. The article also prohibits the drugging or giving of hormones to any animal unless it is for medical purposes.

Article 11 of the Animal Protection Law (2004) forbids training animals using methods that will cause them injury, pain, encourage them into bad habits or exceed their natural capacity or strength. It also forbids animals fights. However, the Law does allow for traditional shows that do not involve violence if permission is gained from the provincial animal welfare committee.

Article 14 of the Animal Protection Law (2004) prohibits conduct including intentionally mistreating animals, carrying out cruel and unfair action, neglecting their care and causing them physical and psychological pain. The concept of suffering is established by this reference to 'physical and psychological pain'. It appears (from the reference to vertebrates and invertebrates in the definition of "wild animal") that both vertebrates and invertebrates are protected by this provision, to the extent that any such animal could be said to be capable of suffering physical or psychological pain.

Article 14 also prohibits selling animals to persons who have not received training in animal care or to distribute animals (other than those bred for slaughter) as prizes, bonuses or premiums. It bans working animals when they are ill, about to give birth or have recently given birth, and the sheltering of working animals in unsuitable conditions. The article prohibits bestiality and the torturing of animals as well as force-feeding or giving animals food which may cause pain, suffering or damage including alcoholic drinks and tobacco. Persons who hit and harm animals in a traffic accident are required to take the animal to the nearest veterinarian.

The Animal Protection Law (2004) establishes provincial animal welfare committees that hold responsibility for protecting animals, addressing their problems and finding solutions to them. Each committee is to be made up of local government officials including agriculture, education, health representatives and the local mufti. The Committee is also required to have veterinary service representation and at most, two representatives from local animal protection organisations. Each committee is required to report to the Ministry of the Environment and Forestry regarding their activities including implementation of the law and proposed solutions to animal welfare issues. The committee is required to produce annual, five-year and ten-year plans for improving animal welfare and prepare annual target reports. The committee has a responsibility to support and develop animal shelters and hospitals, assess applications of local animal welfare volunteers and to organise educational activities.

---

<sup>5</sup> <https://www.ecolex.org/details/legislation/law-no-3285-on-livestock-health-lex-faac023725/>



The Animal Protection Law (2004) establishes the role of animal welfare officers who are local volunteers responsible for caring for homeless animals including ensuring they are vaccinated, sterilised, and where possible relocated to animal shelters.

The Law on Veterinary Services, Plant Health, Food and Feed (2010)<sup>6</sup> places the duty of care on animal owners and keepers, stating that it is their responsibility to satisfy the care, feeding, health and other needs of animals.

#### Analysis

*The provisions in legislation are positive and create prohibitions on many cruel acts. It is also positive the Law provides protections for all animals. The establishment of animal welfare committees across the country including representatives from many governmental departments and animal welfare organisations provides an opportunity for Turkey to produce holistic animal welfare solutions that benefit both animals and people.*

#### Enforcement mechanisms

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law and in this manner seriously neglects the animals in their care or causes them pain, suffering or damage will be banned from keeping animals.

Article 28(k) of the Law provides that anyone breaching the anti-cruelty prohibitions in Article 14(a) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated.

There are similar administrative fines for all breaches of provisions under the Animal Protection Law (2004).

#### Key recommendations

- **The Government of Turkey is encouraged to amend the Animal Protection Law (2004) to include a definition of animal welfare, in line with the OIE that explicitly promotes the Five Freedoms.**

## 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

<sup>6</sup> <http://extwprlegs1.fao.org/docs/pdf/tur106155E.pdf>



Ranking	E
<p data-bbox="204 344 300 376"><u>Rearing</u></p> <p data-bbox="204 416 1417 488">The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals.</p> <p data-bbox="204 528 1417 640">Article 10 of the Animal Protection Law (2004) provides that the care, feeding and transport of farm animals and arrangements aimed at ensuring their welfare and security during slaughter will be determined by a regulation to be issued by the Ministry of Agriculture and Rural Affairs.</p> <p data-bbox="204 680 1417 869">Article 9 of the Law on Veterinary Services, Plant Health, Food and Feed (Law 5996 of 2010)<sup>7</sup> provides that the owners or keepers of animals are responsible for satisfying the sheltering, care, feeding, health and other needs of animals, to ensure animal welfare. The rules for animal welfare during sheltering, transport, pre-slaughter and slaughter are to be determined by the Ministry of the Environment and Forestry in an implementing regulation.</p> <p data-bbox="204 909 1417 1178">Animal welfare provisions for farm animals are also made through the Regulation on General Provisions Regarding Welfare of Farm Animals (2014)<sup>8</sup>. The Regulation is applicable to all animals reared for use including laboratory animals and those living in wild environments. The Regulation mandates enough appropriately trained staff at farms and requires the main animal caretaker to organise regular training courses. Indoor facilities are required to ensure housing areas are suitable for different climatic conditions, while outdoor facilities are required to ensure animals are protected from adverse weather conditions, predators and other risk factors.</p> <p data-bbox="204 1218 386 1249"><u>Rearing - pigs</u></p> <p data-bbox="204 1290 1417 1402">There is no policy or legislation related specifically to pigs. However, reports suggest that as of 2016 there was only one pig farm left in the country and that the Government is no longer accepting applications for licenses for pig farms.<sup>9 10</sup></p> <p data-bbox="204 1442 523 1473"><u>Rearing - broiler chickens</u></p> <p data-bbox="204 1514 1417 1662">The Regulation on Minimum Standards for the Protection of Chickens Kept for Meat Production (2018)<sup>11</sup> was introduced to move Turkey towards alignment with EU standards of care. The Regulation mandates maximum stocking density and minimum and maximum temperatures in broiler chicken facilities.</p>	

<sup>7</sup> <https://www.ecolex.org/details/legislation/law-no-5996-on-veterinary-services-plant-health-food-and-feed-lex-faoc106155/>

<sup>8</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC151848>

<sup>9</sup> [https://www.vice.com/en\\_us/article/nzkqvg/inside-the-last-pork-butcher-shop-in-istanbul](https://www.vice.com/en_us/article/nzkqvg/inside-the-last-pork-butcher-shop-in-istanbul)

<sup>10</sup> <https://www.pigprogress.net/Home/General/2008/5/Turkeys-pork-industry-on-the-brink-of-extinction-PPO01563W/>

<sup>11</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC173422>

### Rearing - egg-laying hens

The Regulation on Minimum Standards for Layer Chickens (2014)<sup>12</sup> was introduced to move Turkey towards alignment with EU standards of care. The Regulation considers both cage-free and caged systems. Under the Regulation, in cage-free systems each chicken is required to be provided with at least 1 m<sup>2</sup> for nesting and several access doors to the outside. There can be no more than nine chickens per square metre.

Under the Regulation on Minimum Standards for Layer Chickens (2014), unenriched cage systems required chickens to have at least 550cm<sup>2</sup> free space. In enriched cage systems, chickens are required to have at least 750cm<sup>2</sup> free space.

### Rearing - dairy cattle and calves

The Regulation on Minimum Standards for the Protection of Calves (2014)<sup>13</sup> was introduced to move Turkey towards alignment with EU standards of care. Under the Regulation, calves older than eight weeks are not allowed to be held in individual compartments unless required by a veterinarian. The Regulations also mandate minimum usage areas for different sized calves.

### Transport

Regulation on the Transport of Live Animal and Animal Products in the country (2011)<sup>14</sup> governs transport of farm animals in Turkey. Under the Regulation, there are some requirements aimed at minimising unnecessary pain and suffering, for example appropriate ramps and at least 2cm thickness of bedding or straw. Similarly, animals shall not be loaded into vehicles in such a manner that could cause injury or unnecessary pain and suffering. While the regulations state that vehicles should not be overloaded, there are no details regarding minimum space per animal. The Regulation also mandates that transport vehicles be covered to provide adequate air in accordance with weather conditions and that vehicles have height and space suitable to the volume of animals being transported.

The Regulation on the Welfare and Protection of Animals during Transport (2011)<sup>15</sup> also governs animal transportation in Turkey. Under the general conditions of the legislation, animals are not to be transported in such a way as to cause unnecessary injury or pain, the design of the transport vehicle is designed and operated to ensure the safety of animals and that during transport the personnel dealing with animals, are required to be trained and perform their duties without using violence or methods that may cause unnecessary fear, injury or pain. During transportation, loading or unloading, it is prohibited to hit or kick an animal, apply pressure to a sensitive part of the body causing pain, lift or drag their heads, eyes, ears, horns, tails, wool/skin or treat them unnecessarily painfully. It is also prohibited to use tools with sharp tips and the use of electrical devices are to be avoided and only to be used when absolutely necessary on adult bovines and pigs. Shocks are only to be administered so they last for less than a second, with enough time between them and only on the hind hip of the

<sup>12</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC152542>

<sup>13</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC152544>

<sup>14</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC116825>

<sup>15</sup> <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC110807>



animal. A shocking implement is only to be used when an adult bovine or pig is resistant to movement and has space in front of them to move forwards.

Article 22 details training courses required to be undertaken by the shipper, carer and driver for farm animal transportation. The training includes animal physiology, behaviour including stress indicators and water and feed needs. The training also includes emergency care of animals and the effect of driver behaviour on animal welfare.

The Regulations also details some restrictions regarding animals that can be transported for example, it is forbidden to transport injured or ill animals, animals that have just given birth or are new-born. Young calves, lambs and piglets are not allowed to be transported any further than one hundred kilometres. For adult bovines, sheep, goats, and pigs the length of journey is not allowed to exceed eight hours unless further conditions such as stopping, resting and feeding occur.

Under Chapter 9 of the Regulation on the Welfare and Protection of Animals during Transport (2011), all transportation vehicles must comply with minimum requirements including preventing injury and suffering to animals, protection from extreme cold and heat and other adverse weather. Vehicles are also required to be equipped with sensors to alert the driver when maximum or minimum temperatures are reached in the animal compartments. Similarly, where the loading or unloading process takes more than four hours, an alternative space must be available for animals to be kept, fed and watered without tying.

Annex 1 of the Regulation on the Welfare and Protection of Animals during Transport (2011), details appropriate quality and quantity of food and water in accordance with their sex, species, age, live weight and the possibility of resting. Annex-2 details adequate space and height requirements for transporting animals based in sex, species, age, live weights and foreseen journey.

### Slaughter

Article 12 of the Animal Protection Law (2004) provides that the slaughter of animals will be carried out, considering religious requirements, without frightening or startling the animal, in the least painful manner possible and as quickly as possible. Religious slaughter rules will be determined by the Ministry in charge of the Directorate of Religious Affairs.

Under the Regulation on General and Special Hygiene of Small Capacity Slaughterhouses (2018), slaughterhouses of all sizes are required to seek a certificate of approval to operate. An official veterinarian for each small slaughterhouse is assigned by the local authority. The slaughterhouse operator is responsible for ensure the facility adheres to animal welfare requirements.

Under the Law on Veterinary Services, Plant Health, Food and Feed (2010) when the slaughter or culling of animals is required for disease control purposes, it shall be performed without causing unnecessary fear, pain or distress and by using appropriate tools.

### Analysis

*The livestock industry is extensive in Turkey and affects tens of millions of animals. Considering this scale, despite recognising the welfare of farm animals as an individual issue requiring attention in*



legislation, and the production of secondary legislation to align with EU standards, there are limited animal welfare protections for farm animals under the law. For example, in secondary regulations regarding the rearing of chickens and calves, there is very little mention of animal welfare and no prohibited acts are included in the regulations.

The regulations regarding transport of live animals, while not perfect, are clear and provide detailed limits on travel, feeding, watering and rest periods for animals of different species. This stands in contrast to the limited clarity regarding slaughter and rearing of farmed animals.

### Enforcement mechanisms

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law and in this manner seriously neglects the animals in their care or causes them pain, suffering or damage will be banned from keeping animals, and Article 28(k) provides that anyone breaching the prohibitions in Article 14(a) and (e) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated.

If secondary regulations are made under Article 10 of the Animal Protection Law (2004), breach of those regulations would be subject to an administrative fine under Article 28(g) of that Law. Similarly, if regulations are made under Article 9 of the Law on Veterinary Services, Plant Health, Food and Feed (2010), breach of those regulations would be subject to an administrative fine under Article 36(g) of that Law.

There are no enforcement mechanisms in secondary legislation.

### Key recommendations

- **The Government of Turkey is urged to amend animal welfare legislation regarding farm animals to ensure the Five Freedoms are enshrined in law during the whole life of farmed animals including rearing, transport and slaughter.**
- **The Government of Turkey is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.<sup>16</sup> Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No**

<sup>16</sup> [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

animal should be forced to witness other animals being slaughtered as this is inherently distressing.

- Due to the significant animal welfare concerns associated with long distance transport, the Government of Turkey 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.

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

Analysis of the legislation	
Ranking	C
<p><u>Zoos</u></p> <p>The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals.</p> <p>Article 22 of the Animal Protection Law provides that ‘management and municipalities are obliged to arrange zoos in a manner suited to natural habitats or ensure that they are so arranged. The principles and procedures relating to the establishment and operation of zoos will be determined by a regulation issued by the Ministry having obtained the opinion of the Ministry of Agriculture and Rural Affairs.’</p> <p>The Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007)<sup>17</sup> governs zoos in Turkey. The Regulation excludes circuses and businesses engaged in the production and sale of domestic and ornamental animals. The Regulation differentiates between zoos with seventy or more species that are required to employ at least one veterinarian and those with sixty-nine or less species that must procure the services of a veterinarian.</p> <p>Under the Regulation, would-be zoo operators are required to apply for permission from the provincial government to build or convert land into a zoo. If documents are approved, the Government is required to inspect the premise. Zoo operators then must apply for a license to operate from the local government and further inspections of the property are required for a license to be granted. License applications must include evidence that both domestic and foreign animals have been obtained legally. The language used in the regulation suggests that some animals may be obtained from the wild. Zoos are not allowed to open to the public without a license and within six months of being granted a license, zoo operators are required to send evidence of the training undertaken by staff to the local government. New licenses must be applied for every five years.</p>	

<sup>17</sup> <https://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=7.5.11503&sourceXmlSearch=&MevzuatIlski=0>



The Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007) makes it the duty of the veterinarian employed by or associated with the zoo to ensure all animals in captivity are cared for in a manner appropriate to their species including feeding, temperature, light and humidity controls. Zoos must offer education for visitors that raises awareness of the protection of animals as well as annual training for all staff regarding animal welfare, behaviour and approach to animals. The Regulation explicitly allows for direct contact between animals and visitors under supervision of zoo employees, but that contact is not allowed to endanger animal welfare.

Article 12 of the Regulation requires enclosures to be organised in accordance with animal behaviour and species requirements including adequate shade. Prey and predator animals must be kept separately and out of eyesight, and the animals are required to be provided care and feeding by experienced and educated people.

Zoos must undergo annual inspections once open to the public. Zoos that operate without a license are required to apply for a license within three months of a warning from the local government. If this is not completed, the animals in the facility will be forfeited and moved to an approved zoo. If annual inspections find a lack of compliance to the regulations, zoos are required to close partially or completely until rectified. If a zoo is closed due to cancellation of a license all animals will be forfeited and must be rehomed within three months.

Article 25 of the Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007) prohibits the employment of any person convicted of harming animals and behaviour that can cause pain and suffering to animals.

#### Private keeping of wild animals

The Regulation on Keeping, Producing and Trading of Game and Wild Animals and of the Products Required (2005)<sup>18</sup> governs the private keeping of wild animals. Licenses are required for those wishing to produce or breed wild animals allowed to be kept by private individuals in Turkey. Breeders are required to provide minimum standard living environments for animals under their care. The local government is required to inspect breeding facilities before authorising a license and subsequently inspect premises on an annual basis.

Under this Regulation there are some limitations on animal species allowed to be kept by private individuals in a non-commercial setting (i.e. at home). Predatory, aggressive and poisonous species are not permitted to be kept in the home or workplace. All other wild species are acceptable to be kept by private individuals provided that those species are not subject to international conventions such as CITES. Individuals can keep no more than 10 individual mammals or reptiles including offspring and no more than fifty birds including offspring. Individuals with more animals than indicated under the law are required to register as a zoo and would be subject to regulations regarding zoos. When privately kept animals die, are lost or stolen or give birth, the owner must report this information to the local government within a set time period. Should an individual wish to sell any animals in their care they are required to procure a hunting and wild animal sales license. Owners must also provide

<sup>18</sup> <http://www.fao.org/faolex/results/details/en/c/LEXFAOC054299>

a minimum living environment for their animals under their care on a species-appropriate basis. Owners may be audited by the local government at any time and the living quarters of their animals is a key issue under assessment. Owners are mandated to procure a possession certificate for all animals under their care.

When transporting wild animal species, owners must ensure cages and crates conform to minimum standards and not cause injury, maltreatment or damage the health of the animal.

Under the Regulation on Keeping, Producing and Trading of Game and Wild Animals and of the Products Required (2005), undocumented wild animals will be subject to confiscation and where possible, rewilded.

### Fur farming

Fur farming is permitted in Turkey; however due to high demand, much of the fur produced in the country is produced from hunted animals.<sup>19</sup> Fur farms are subject to the same standards of care as livestock farms.<sup>20</sup>

### Analysis

*Animals in captivity are provided protections under both the Animal Protection Law (2004) and the supplementary regulations regarding zoos and the private keeping of wild animals. The provisions under the law could create positive animal welfare for animals in captivity through the requirements for registration and regular inspections of facilities. However, animal welfare does not appear to be prioritised in supplementary regulations with no further instructions or guidance for what constitutes 'minimum living standards.' As inspectors from local governments are not mandated to be experts in captive animal welfare, it is likely that such vague language regarding the care of animals will not result in high standards of welfare for animals in captivity.*

*While animals kept in fur farms are required to be cared for in the same manner and to the same standards as animals raised for food, fur farming is inherently cruel and should be prohibited.*

## Enforcement mechanisms

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law and in this manner seriously neglects the animals in their care or causes them pain, suffering or damage will be banned from keeping animals, and Article 28(k) provides that anyone breaching the anti-cruelty prohibitions in Article 14(a) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated.

If secondary regulations are made under Article 22 of the Animal Protection Law (2004), breach of those regulations would be subject to an administrative fine under Article 28(n) of that Law.

<sup>19</sup> <https://www.tarimorman.gov.tr/Konular/AnimalHusbandry/Fur-Farming>

<sup>20</sup> <https://www.tarimorman.gov.tr/Konular/AnimalHusbandry/Fur-Farming>



The Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007) provides that owners who house animals in poor conditions (in breach of the Animal Protection Act 2004) are subject to a fine under Article 28 (n) of that law.

Under the Regulation on Keeping, Producing and Trading of Game and Wild Animals and of the Products Required (2005), undocumented wild animals will be subject to confiscation. Persons convicted of maltreatment of wild animals will be subject to the punitive actions laid out in the Animal Protection Law (2004). If a person intentionally abuses or kills an animal that they are responsible for, they will be subject to the punishment detailed in the Turkish Penal Code.<sup>21</sup>

### Key recommendations

- **The Government of Turkey is encouraged to amend the Regulation on the Establishment of Animal Gardens and Working Procedures and Principles to include more detailed language regarding 'minimum living standards' and to promote the Five Freedoms for all animals in captivity. In particular, the Freedom to express normal behaviours should be respected.**
- **The Government of Turkey is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.**

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

### Analysis of the legislation

Ranking

C

The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals. In addition, Article 14(c) and (d) prohibits selling domestic pets to persons who have not received training in animal care, or to those under 16 years old.

Article 5 requires that those who sell domestic animals and pets should take part in certified training programmes. Those who produce and trade in domestic pets are obliged to take precautions in relation to necessary anatomic, physiological and behavioural characteristics in order not to endanger the health of pet owners, the breeding mother or the young.

Articles 5 and 6 also provide that the conditions for owning and keeping domestic pets and procedures relating to training on animal welfare, and the procedures for catching and keeping ownerless animals in shelters, will be determined in regulations to be issued by the Ministry in coordination with the Ministry of Agriculture and Rural Affairs, but no such regulations were found at the time of writing.

<sup>21</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/tr/tr171en.pdf>



Article 8 prohibits the surgical alteration of a domestic pet's appearance for non-medical purposes. Article 11 prohibits animal fighting.

### Care of companion animals

Companion animals are specifically referred to in the principles of the Law in Article 4, which states that 'It is a principle that the owners of cats and dogs being fed and accommodated in communal areas are expected to have them sterilised in order to prevent uncontrolled reproduction. Furthermore, those who wish to breed from the said animals must register all young animals born and are responsible for their care and/or distribution.' This appears to be a statement of intention rather than a legal requirement.

Under the Law on Veterinary Services, Plant Health, Food and Feed (2010)<sup>22</sup> pet animals are defined as invertebrates, amphibia, dogs, cats, ferrets, ornamental fish, reptiles, rodents, domestic rabbits and all birds excluding bees, crustaceans and poultry.

### Stray animals

Article 6 of the Animal Protection Law (2004) approaches the issue of 'ownerless animals,' thus including stray dogs and cats. It is prohibited to kill these animals except where permitted by the Animal Health Police Law. They are required to be taken to animal shelters established or permitted by the local authorities.

However, the Government does not appear to have passed secondary implementing regulations as envisaged by the Animal Protection Law (2004), and media and NGO reports persist about serious welfare concerns associated in particular with stray dogs, such as dogs being poisoned and dogs being neutered by unqualified personnel and then returned to locations different from where they were caught.<sup>23</sup>

Reports suggest stray cats are generally treated well and considered part of the community.<sup>24</sup>

Under the Law on Veterinary Services, Plant Health, Food and Feed (2010), when the slaughter or culling of animals is required for disease control purposes, it shall be performed without causing unnecessary fear, pain or distress and by using appropriate tools. Euthanasia is only allowed when animals have painful and distressing or incurable disease, for the prevention or eradication of a contagious disease or when their behaviour poses a threat to the lives and health of humans and animals and where their negative behaviour cannot be controlled.

### Analysis

*The welfare of companion animals is highlighted as an individual issue within the Animal Protection Law. As such the legislation makes steps towards introducing the topic into the mainstream agenda in Turkey. However, despite the positive content of much of the law, including some good provisions on*

<sup>22</sup> <http://extwprlegs1.fao.org/docs/pdf/tur106155E.pdf>

<sup>23</sup> <http://www.dw.de/istanbulsforgotten-dogs-strugglefor-survival/a-16997550>; <http://kangal.ca/dogs-in-turkey/turkish-animal-welfare-bill-is-it-working/>

<sup>24</sup> <https://www.theguardian.com/world/2017/dec/28/turkey-where-pampered-cats-are-top-dog>





stray population management which include a 'Catch, Neuter, Release' strategy, there remains a problem of stray/roaming dog and cat populations in the country. Media and NGO reports suggest that the legal provisions have not been implemented and enforced, and that there are serious welfare concerns associated in particular with stray and roaming dogs, such as dogs being poisoned and dogs being neutered by unqualified personnel and then returned to locations different from where they were caught.<sup>25</sup> In addition, the government has made recent attempts to replace these provisions with approaches that would have significant adverse impacts on the welfare of dogs and cats in the country, proposing that stray or roaming dogs and cats should be caught and placed permanently in shelters or enclosed "natural parks"<sup>26</sup>. The original amendments were subsequently withdrawn by the government after a series of public demonstrations. Although this is a positive sign that parts of society are concerned about the welfare of this category of animals, the government's actions suggest that there remains a lack of understanding on the issues surrounding the management and welfare of stray animal populations.

Secondary legislation is envisaged under the Animal Protection Law (Articles 5 and 6) but does not appear to have been passed. The government's recent proposals on stray population management for dogs and cats also demonstrate that there are barriers to improvement here. However, the reaction of the public to these proposals suggests that improvement may be possible.

### Enforcement mechanisms

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law, and in this manner, seriously neglects the animals in their care or causes them pain, suffering or damage, will be banned from keeping animals. Article 28(k) provides that anyone breaching the prohibitions in Article 14(a), (c) or (d) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated.

If secondary regulations are made under Article 5 of the Animal Protection Law (2004), breach of those regulations would be subject to an administrative fine under Article 28(b) of that Law. However, at present no such regulations have been made. No enforcement mechanism is envisaged in relation to regulations to be made under Article 6.

### Key recommendations

- **The Government of Turkey is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.**

<sup>25</sup> <http://edition.cnn.com/2012/10/19/world/europe/turkey-animal-rights-fight/>; <http://kangal.ca/dogs-in-turkey/turkish-animal-welfare-bill-is-it-working/>

<sup>26</sup> [http://www.ifaw.org/united-states/news/amending-turkeys-animal-welfare-law-would-be-bad-news-street-dogs?fb\\_action\\_ids=3234589163933](http://www.ifaw.org/united-states/news/amending-turkeys-animal-welfare-law-would-be-bad-news-street-dogs?fb_action_ids=3234589163933)



- The Government of Turkey is strongly encouraged to promote humane stray animal population management, which relies on promoting responsible ownership, mass vaccinations and reproduction control programmes. Culling has been scientifically proven to be ineffective and should therefore be banned.

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

Analysis of the legislation	
Ranking	E
<p><u>Animals used for entertainment</u></p> <p>The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals.</p> <p>Article 6 of the Animal Protection Law (2004) states that incapacitated animals shall not be used for any commercial or performance purposes or used for riding or transport.</p> <p>Article 11 prohibits organising animal fighting. Traditional shows with folkloric value which do not involve violence may be organised by obtaining permission from the provincial animal welfare committee, with the approval of the Ministry.</p> <p>Article 11 also states that animals cannot be trained using methods that will cause them to exceed their natural capacity or strength, injure them, cause them unnecessary pain or encourage them to bad habits.</p> <p>Under the Regulation on Keeping, Producing and trading of game and wild animals and of the products required (2005), circuses are required to register their business with the national government and include a list of permissions including CITES documentation with their application. Local governments can inspect circuses and other travelling zoos if deemed necessary.</p> <p>The Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007) explicitly allows direct contact between zoo visitors and animals under the supervision of zoo staff.</p> <p>In 2019, a parliamentary commission investigating animal welfare in the country recommended banning animal circuses and dolphinariums.<sup>27</sup></p> <p>No regulations were found regarding the welfare of animals used in racing.</p>	

<sup>27</sup> <http://www.hurriyetdailynews.com/animal-commission-proposes-circus-ban-in-turkey-147873>

### Draught animals

Article 14(b) of the Animal Protection Law (2004) prohibits forcing an animal to carry out actions that are clearly beyond its strength, and Article 14(i) prohibits working animals when they are ill, when two thirds of their pregnancy is completed or when they have recently given birth. No further provisions were found for the protection of draught animals.

### Analysis

*The limited scope of the current legislation does not sufficiently address the issues surrounding animals used in draught and for recreational purposes. Previous proposals to ban dolphin parks and animal circuses were unsuccessful.<sup>28</sup> However, given recent updates to animal welfare legislation in Turkey, it is possible the most recent Government investigation will result in improved animal welfare for animals used for entertainment and draught purposes.*

### Enforcement mechanisms

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law and in this manner seriously neglects the animals in their care or causes them pain, suffering or damage will be banned from keeping animals. Article 28(k) provides that anyone breaching the prohibitions in Article 14(a), (b) or (i) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated. Article 28(h) provides that anyone who breaches the prohibition on animal fighting in Article 11 is subject to a more substantial fine of one billion two hundred and fifty million Lira (since devaluation, one thousand two hundred and fifty Lira) per animal.

### Key recommendations

- **The Government of Turkey is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, 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.**
- **The Government of Turkey is encouraged to ban the direct interaction of wild animals with people, specifically at zoos and other venues.**
- **Given that the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of Turkey is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that these animals constitute the last generation**

<sup>28</sup> <http://www.hurriyetdailynews.com/ban-on-dolphin-parks-and-circuses-lifted-from-animal-protection-bill.aspx?pageID=238&nID=67725&NewsCatID=339>

in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.

- The Government of Turkey is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE’s animal welfare standards. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition that may impair their welfare must be treated promptly, and affected animals must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

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

Analysis of the legislation	
Ranking	B
<p>The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals.</p> <p>Article 9 of the Animal Protection Law (2004) addresses the use of animals in scientific research, stating that it is a principle that animals can be used in medical and scientific experiments but not for non-scientific diagnosis, treatment or experiments. Animals can be used for testing in scientific studies where there is no other option. Organisations carrying out testing will be permitted to do so by ethical committees established or to be established by them, as determined by regulations issued by the Ministry of the Environment and Forestry.</p> <p>The secondary Regulation on Animal Testing Procedure and Operation of Ethics Committee (28914 of 2014) provides extensive guidance on topics including the training and education of those involved in animal testing and the animals isolated for use. The regulation establishes committees whose responsibility it is to oversee the welfare of animals used in experiments in cooperation with an animal welfare unit. The process by which the use of animals in experimentation is justified and monitored is outlined in Article 15 of the Regulation which contains reference to the principle of the Three Rs. Local committees are tasked with monitoring project submissions and process, including ensuring the principle of the Three Rs - Replacement, Reduction, Refinement - is observed. However, the regulation was not found at the time of writing.</p> <p>Article 90(b) of the Penal Code requires experiments on animals to occur by providing that a certain number of animals must be used in experimentation before any experimentation can occur using human subjects.</p> <p>The Cosmetics Regulation was amended in 2015 to align with EU directives.<sup>29</sup> As such, the testing of</p>	

<sup>29</sup> <https://chemicalwatch.com/81202/turkey-aligns-cosmetic-products-rules-with-eu>

cosmetics and their ingredients on animals has effectively been banned. There are two exceptions under the Regulation regarding a substantiated human health concern and when an ingredient cannot be replaced by another substance to perform a similar function.<sup>30</sup>

### **Analysis**

*By passing secondary legislation specifically focused on the use of animals in experimentation, including the Three Rs principle and addressing some welfare needs, the Turkish government has recognised this as an individual issue and has taken some steps to make the welfare of this category of animals a mainstream concern of society.*

*However, Article 90 of the Penal Code entrenches the use of animals in experiments within primary legislation, without reference to the use of alternatives to animal experiments and makes failure to do so a criminal offence. This contradicts the Three Rs principle.*

*Provisions embedded in current legislation require experiments to be carried out on animals, with criminal penalties for failure to comply. This acts as a significant barrier to progress and improving the welfare of animals used in scientific research.*

### **Enforcement mechanisms**

Article 24 of the Animal Protection Law (2004) provides that anyone who acts in breach of the provisions of the Law and in this manner seriously neglects the animals in their care or causes them pain, suffering or damage will be banned from keeping animals. Article 28(k) provides that anyone breaching the prohibition in Article 14(a) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated. Article 28 (f) provides that anyone breaching the regulations made under Article 9 is subject to a substantial fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and anyone carrying out unauthorised testing is subject to a fine of one billion Lira (since devaluation, one thousand Lira).

### **Key recommendations**

- **The Government of Turkey is encouraged to amend the Penal Code to remove the clause mandating experimentation on animals before moving to human trials. The Penal Code should be amended to refer to the use of alternatives to animal experiments, in line with the principle of the Three Rs.**
- **The Government of Turkey is encouraged to mandate the rehoming of animals used in research, testing or teaching.**

<sup>30</sup> <https://www.lexology.com/library/detail.aspx?g=16ed6e47-9c41-42a9-afb7-1cd77754aded>

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

Analysis of the legislation	
Ranking	D
	<p>The general anti-cruelty provision in Article 14(a) of the Animal Protection Law (2004) applies to this category of animals.</p> <p>Wild animals are specifically referred to in the principles of the Law in Article 4, which states that 'It is a principle that wild animals will not be removed from their natural habitats, and animals which are living freely in nature will not be captured and deprived of their freedom.'</p> <p>Article 10 provides that arrangements relating to the trade in wild animals will be determined in a regulation to be issued by the Ministry. The Regulation on Keeping, Producing and Trading of Game and Wild Animals and of the Products Required (2005) regulates the trade in wild animals which are subject to international conventions such as CITES.</p> <p>Article 16 of the Animal Protection Law (2004) gives provincial animal welfare committees the 'exclusive aim of protecting animals...keeping in mind the decisions of the Central Hunting Commission relating to the protection of hunting and wild animals,' thus bringing wild animals into their remit.</p> <p>Under the Regulation on the Establishment of Animals Gardens and Working Procedures and Principles (2007) zoos can take animals from the wild.</p> <p>The Hunting Law (4915 of 2003)<sup>31</sup> aims to provide for sustainable hunting and wildlife management and protection. The law prohibits the hunting of protected animal species; the collections of eggs or offspring; disturbing animals during breeding, feathering or migration periods and disturbing hibernating animals. During these periods and outside of hunting season, wild animals can be hunted if they disturb farm animals or crops or are carrying communicable diseases. However, hunting wild animals under these conditions requires assessment and permission from the General Directorate. The Law also states that hunting seasons and quotas will be determined by the Central Hunting Commission.</p> <p>Article 6 prohibits the use of poisons, some firearms, the use of vehicles, sound, magnetic waves, light emitting equipment, live animals and traps for hunting.</p> <p>Article 13 establishes a hunting certificate for Turkish citizens that must be applied for annually. Those who receive a hunting certificate are subject to training and a qualification examination. Hunting tourists can gain a temporary certificate for hunting and the issuance of training and proficiency exams are to be determined by a regulation issued by the Ministry for the Environment.</p>

<sup>31</sup> <http://www.fao.org/faolex/results/details/en/c/LEXFAOC063475>

### Analysis

The Animal Protection Law (2004), although apparently relevant to wild animals, does not contain detailed provisions for this category of animals.

Although the Hunting (2003) Law does prohibit some forms of hunting that result in poor welfare, it also makes provisions for hunting by tourists using methods including bow and arrow (Article 16) and thus legitimises some practices that may result in poor animal welfare. There is evidence of many tour companies operating within Turkey specifically for foreign tourists to hunt wild animals.

The Government also encourages fur farming as a solution to the demand for hunting animals with poison or traps (so as not to damage their pelts) for fur<sup>32</sup>, and acknowledges that angora rabbits may be “shorn” by having their hair pulled out by hand, despite this being ‘banned in some countries for animal welfare.’<sup>33</sup>

Current acceptance of hunting and encouragement of hunting as a revenue-earning tourist activity presents a barrier to improvement. Government encouragement of the farming of animals for fur and acceptance of cruel practices with respect to the angora industry also present barriers to improvement. The Government is encouraged to address these welfare issues.

### Enforcement mechanisms

Article 28(k) of the Animal Protection Law (2004) provides that anyone breaching the prohibition in Article 14(a) is subject to pay an administrative fine of two hundred and fifty million Lira (since devaluation in 2005, two hundred and fifty Lira), and to have the animal confiscated.

The Hunting Law (2003) provides that those who do not comply with the prohibitions of the Law will be subject to a fine of fifty million Turkish lira for each offense. Those who have hunted with poison are subject to one to three years imprisonment and a heavy fine not less than one billion lira and barred from holding a hunting certificate.

Those who illegally hunt animals protected under international conventions such as CITES shall be fined between five hundred million and two billion five hundred million lira.

For repeat offenders there are increasingly large fines.

### Key recommendations

- **The Government of Turkey 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 all possible efforts should be made to reduce the time of death of animals killed in these**

<sup>32</sup> <http://www.tarim.gov.tr/Konular/AnimalHusbandry/Fur-Farming>

<sup>33</sup> <http://www.tarim.gov.tr/Konular/AnimalHusbandry/Information-For-Breeders>



hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.

- The Government of Turkey is encouraged to ban the current culling practices, even for species considered invasive, when reasonable alternatives are feasible. Culling should be the solution of a last resort. A study of the affected area by a suitable qualified person should be undertaken to establish the need or otherwise of a culling programme, using the best available science. This study should be independently peer-reviewed.

### 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	
<p>The Ministry of the Environment and Forestry is given powers in various parts of the Animal Protection Law to produce the secondary legislation needed to support the provisions within that law. Where appropriate, other governmental ministries (such as the Ministry of Agriculture and Rural Affairs) are required to be consulted in this process. However, the Ministry of the Environment and Forestry no longer appears to exist; it seems to have been replaced by the Ministry of Environment and Urbanisation<sup>34</sup>, whose remit does not include animal protection. Neither do the stated responsibilities of the Ministry of Agriculture and Forestry<sup>35</sup> include animal welfare.</p> <p>Article 15 of the Animal Protection Law (2004) sets out the structure and attendance of provincial animal welfare committees, which are to have the 'exclusive aim of protecting animals.' Additional responsibilities include overseeing local animal welfare volunteers, providing education and outreach programmes and supporting animal shelters. Article 16(a) requires these committees to fulfil the duties in the law 'as the legal representative of animals for their protection and during their use.' Article 16(b) and (c) require the committees to devise annual, five year and ten-year plans and projects and to report on the implementation of these plans to the Ministry of the Environment and Forestry. However, no such plans and progress reports could be found in the research of this report, and the named ministry appears to no longer exist.</p> <p>Furthermore, the secondary Regulation on Animal Testing Procedure and Operation of Ethics Committee (28914 of 2014) provides extensive guidance on topics including the training and education of those involved in animal testing and the animals isolated for use. The regulation</p>	

<sup>34</sup> <http://mavikart.cevre.gov.tr/en/iletisim.aspx>

<sup>35</sup> <https://www.tarimorman.gov.tr/Sayfalar/EN/AnaSayfa.aspx>





establishes committees whose responsibility it is to oversee the welfare of animals used in experiments in cooperation with an animal welfare unit. However, the Regulation was not found at the time of writing.

### Analysis

*Although the Animal Protection Law (2004) clearly gives responsibility to the Ministry of the Environment and Forestry for the production of relevant secondary regulations, in consultation with other relevant government departments where relevant, there is no evidence that any such regulations or guidance materials have been made, or that this responsibility now rests with a current government ministry.*

*It is assumed that the Government has both human and financial resources available to improve the welfare of animals in the country, through the production of secondary regulations covering areas of particular concern as highlighted in the current legislation. However, it appears that there has been limited production of secondary regulations since the Animal Protection Law was made in 2004. This suggests that there are significant barriers to improvement and that this is not a priority for government work and spending.*

### Enforcement mechanisms

Although the Ministry of the Environment and Forestry has powers to make secondary regulations, the Animal Protection Act (2004) does not require that this be done or give a timescale for this to be done. Therefore, there appear to be no enforcement mechanisms relevant to this indicator.

### Key recommendations

- **The responsibility for different types of animals currently falls under multiple Ministries and Departments. The Government of Turkey is recommended to align all animal welfare under one Ministry, with appropriate resources for research, implementation and enforcement.**
- **The Government of Turkey is encouraged to amend all animal welfare legislation to ensure the correct government ministry is assigned responsibility for animal welfare.**
- **The Government of Turkey is encouraged to create a national multi-stakeholder committee to effectively engage all actors involved in maintaining the wellbeing of animals and 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 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	D
<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>36</sup></p> <p>Several provisions in the Animal Protection Law (2004), and in the Law on Veterinary Services, Plant Health, Food and Feed<sup>37</sup>, fall in line with the OIE's guiding principles and standards on animal welfare. Section two of the Law on Veterinary Services, Plant Health, Food and Feed covers animal health, welfare and zootechnics. This law focusses on animals used in the food chain in Turkey but Article 2 states that provisions can also be applied to pet animals and animals used in experiments. Article 9 addresses animal welfare and focusses on production systems, transport and laughter of farm animals in line with parts of the OIE Terrestrial Animal Health Code. However, the content is brief, and it is envisaged in the law that it will be expanded upon by an implementing regulation, which does not appear to have been made.</p> <p>However, there are significant gaps in Turkish legislation in comparison with the OIE's guiding principles and standards on animal welfare. For example, legislation referring to aquatic animals and the control of stray dog populations are largely absent, and the detailed secondary legislation necessary to implement the current legislation has also not been found. Furthermore, the Government's engagement with the OIE is limited to reporting on animal disease and disease simulation exercises. Although the Ministry of Agriculture and Rural Affairs does give links on its website to reports released by the OIE, there is no publicly available evidence of an established relationship or engagement with the OIE on issues relating to animal welfare.</p> <p><b>Analysis</b></p> <p><i>Many of the aspects of the OIE's guiding principles and standards on animal welfare are recognised through specific provisions in the current legislation. However, detailed secondary legislation is necessary to give effect to these and this secondary legislation does not appear to have been made since the Animal Protection Law was enacted in 2004.</i></p> <p><i>It is assumed that there are no significant human or financial barriers for the government to improve animal welfare through linking animal protection legislation with the OIE's guiding principles and standards. However, the lack of secondary legislation production since 2004, despite this being</i></p>	

<sup>36</sup> <http://www.oie.int/infographic/StandardsAW/index.html>

<sup>37</sup> <https://www.ecolex.org/details/legislation/law-no-5996-on-veterinary-services-plant-health-food-and-feed-lex-faoc106155/>



envisaged by various parts of the Animal Protection Law, shows that this has not been a government priority.

#### Enforcement mechanisms

Those provisions of the Animal Protection Law (2004) which mirror parts of the OIE's guiding principles and standards have enforcement mechanisms in the form of administrative fines.

#### Key recommendations

- **The Government of Turkey is encouraged to implement legislation in line with the OIE animal welfare standards, including enforcement mechanisms for all species to ensure a good level of animal welfare across many industries.**

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

#### Analysis of the legislation

The Government of Turkey has not pledged in principle support for the Universal Declaration on Animal Welfare.

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

The Government has not yet pledged in principle support for the Universal Declaration on Animal Welfare. Support for UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country. The Government is encouraged to pledge in principle support.

#### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

#### Key recommendations

- **The Government of Turkey is encouraged to pledge in principle support for the UDAW. Support for the UDAW will likely underpin further animal protection measures.**



Last edited: 17 December 2019

Publication: March 2020