

The Danish Animal Ethics Council: Statement on the Animal Protection Act

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Summary

The Danish Animal Protection Act has changed significantly throughout the years. Denmark's first animal protection law was established in 1916, and the existing Animal Protection Act, from 1991, has been revised several times. The animal protection area has seen significant development since the 1990s. The legislation has become more detailed, and focus has changed. At the same time, our knowledge about animal welfare has increased considerably, and opinions on how animals should be treated are continuously being debated. This development has brought a number of legislative challenges, e.g. because much legislation today is laid down internationally; because norms pertaining to keeping animals change; and because new situations arise which have not previously been taken into account.

The purpose of the Danish Animal Ethics Council's discussions on the Animal Protection Act is to look more closely at whether the Act is up-to-date in light of the knowledge and norms prevailing today. Based on the Animal Protection Act and associated laws and executive orders, the Council points to examples of fundamental concern in relation to the statutory regulation of animals which the Council believes call for revision, clarification, change in practice or new thinking.

The Danish Animal Ethics Council initially discussed two common themes, namely balancing consideration for animals with consideration for humans, and weighing the scientific uncertainty. The Council believes that when there is a need to balance considerations, consideration for animals should be addressed from the start. Moreover, the Council believes that there is a need for greater focus on prioritising consideration for animals in practice and on safeguarding compliance with the legislative limits laid down. With regard to weighing uncertainty, the Council finds that, as a general rule, if there is any doubt, such doubt should benefit the animals. However, the Council recognises that, also in this context, some balancing may be required.

The Animal Ethics Council has subsequently discussed three selected areas of concern: the scope of the Animal Protection Act, purposes of animal use, and unequal treatment of animals. The Council believes that the scope of the Act must make sense with regard to how the Act is applied in practice, and would like to draw attention to the challenges that exist regarding both animal species and developmental stages. Further to this, the Council points to the possibility of introducing respect for animals as a supplementary requirement in the Act. The Council understands this requirement as the requirement to respect animals as the living beings they are, and independently of their value to humans. With regard to considerations concerning purposes of animal use, the Council believes that there is a need to evaluate a number of different uses of animals; an evaluation corresponding to the process that has been seen in the area of animal experimentation. With regard to the discussions on unequal treatment, the Council points to a need to evaluate the legislative requirements in connection with mutilations and in connection with slaughter and killing; a need for more guidance and, possibly, detailed regulations in relation to keeping small animals by private individuals; and a need for public-sector initiatives to promote knowledge about animal welfare and animal ethics issues.

1. Background

The United Kingdom was the first country in the world to introduce animal protection legislation in 1822. This stated that, "... if any person or persons having the charge, care or custody of any horse, cow, ox, heifer, steer, sheep, or other cattle, the property of any other person or persons, shall wantonly beat, abuse, or ill-treat any such animal, such individuals shall be brought before a Justice of the Peace or other magistrate"¹. In other words, the Act only covered some animals, only protected these animals from wanton beating, abuse or ill-treatment, and only covered situations where this had been done by someone other than the animal's owner.

In 1857, Denmark introduced its first provision on punishment for cruelty to animals² that aimed at protecting the animal. According to this provision, any person who was found guilty of cruel abuse or other cruel or atrocious treatment of animals, farm animals in particular, whether or not the animal belonged to the person in question or to another person, was to be fined up to 200 rix-dollars or sentenced to up to four-weeks imprisonment³. The Act was repealed in 1866 and a similar provision was instead written into the Danish Criminal Code.

In 1916, Denmark introduced its first real animal protection law⁴. Under this law, persons who abused an animal or who, through over-exertion, neglect or in some other way, treated animals inappropriately could be fined or sent to prison. Thus, the requirements had been tightened, and perpetrators could now be punished for matters of a less serious nature than previously. Furthermore, there was now a requirement that certain procedures, e.g. tail-docking of horses and castration of horses and other farm animals older than four months, be carried out only by a veterinarian, and it was prohibited to transport live fish by piercing them, e.g. with hooks or similar. Finally, it was also required that injured or sick farm animals be put down if they could not be cured and if letting them live would mean exposing them to unnecessary suffering. The police were thus given the power in such situations to order the owner of the animal to have the animal put down.

The animal protection law was revised in 1950⁵, and the wording of the first provisions of the law now resembled that of the current Animal Protection Act. The 1950 version of the law required that animals be treated responsibly and without neglect, over-exertion or any other exposure to unnecessary suffering; that anyone keeping animals must ensure that the animals are receiving sufficient and appropriate feed and drink, and are otherwise appropriately cared for and nurtured, including that they are provided with an appropriately designed living space. The law moreover included a number of prohibitions. The focus of the law therefore changed from seeking to

¹ Sandøe, P. & Christiansen, S.B. (2009) Synet på dyrs rettigheder – nogle hovedtræk i den nordeuropæiske udvikling gennem de seneste 200 år. Den jyske Historiker no. 123, pp. 19-34

² Borggaard, D., Gulisano, C.A. & Skovborg, J.G. (2007) Dyreværnsloven. Published by Dyrenes Beskyttelse (Animal Protection Denmark). (See pp 36-46 for more information about this and other historical animal protection laws referred to here)

³ Act of 21 of January 1857

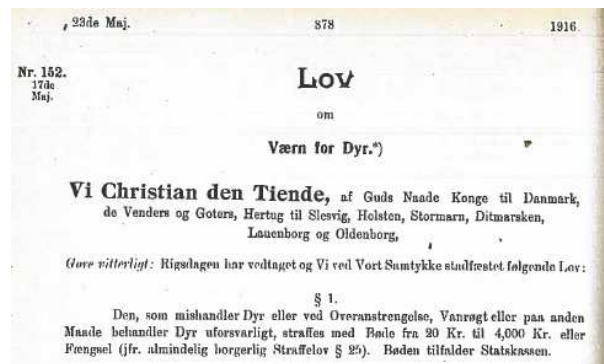
⁴ Act no. 152 of 17 May 1916

⁵ Act no. 256 of 27 May 1950

protect animals against inappropriate treatment to seeking to ensure that animals in general are treated appropriately and protected against unnecessary suffering. The primary purpose was to regulate conditions for farmed animals.

The current Animal Protection Act came in 1991⁶. The Act has been subject to several revisions since then and supplementary legislation has been introduced, but the introductory provisions still apply (see more about the Animal Protection Act in section 3). This time the focus changed to providing the best possible protection for animals against a number of negative aspects of a physical as well as mental nature: account had to be taken of the animals' physiological as well as behavioural and health needs, and the Act referred to experience from practice and science as the underlying knowledge base for the requirements set out. The 1991 Act also established the Danish Animal Ethics Council, which monitors developments within, and makes statements about, animal protection on the basis of an ethical assessment.

The animal protection area has seen significant development since the 1991 Act. Legislation on animal welfare has become far more detailed, both nationally and internationally, and focus has changed over the years. While in the early 1990s focus was primarily on protecting animals against unnecessary suffering, focus today is on ensuring that animals have positive experiences, e.g. through group housing of social animals and through enriching their environment. And the focus of discussions about animal protection legislation is moving on to questions that concern not only ensuring the animals' welfare, but also having regard for animals as individuals and respecting their nature and integrity.



In Denmark, animal abuse has been punishable under law since 1857, and Denmark saw its first animal protection law in 1916. In addition to the introductory section on the treatment of animals, the law introduced more specific requirements, e.g. that certain procedures had to be carried out by a vet.

PHOTO: FREDERIK LOCK

Knowledge about animal welfare has also increased significantly in recent decades. Researchers throughout the world are working continuously to explore how animals are affected by the way people keep them and by the things that people expose them to. This work also includes studying what animals themselves prefer, and how the needs of animals can be accommodated to a greater extent. Much of this knowledge has played a role in the development of the legislation in the area.

Opinions on how animals should be treated continue to be the subject of debate and are sometimes reflected in the individual choices made. For example, out of consideration for animals, some people choose to become vegetarians or vegans, or to buy only food of animal origin from organically farmed animals. The decision to become a vegetarian, a vegan or to only buy organic may, however, also stem from a

⁶ Act no. 386 of 6 June 1991

consideration for one's own health or for the environment and climate, for example. Decisions concerning animals may be based on animal welfare concerns, but they may also be due to other considerations, such as respect for animals' right not to be killed for food. Considerations about animals' right to life are also expressed in other contexts, e.g. reservations about killing healthy animals at animal shelters in situations when it is not possible relatively quickly to find a new home, and requests for advanced veterinary treatment for sick family pets which previously would usually be put down. Animal rights issues have also been raised in discussions about the use of animals for medical experiments and exhibition in animal parks.

Discussions about the use of animals in fur production have helped to expand the focus to additional concerns. For example, in addition to welfare and right-to-life arguments, the purpose itself is questioned, e.g. on the basis of the argument that furs are a luxury. Furthermore, the spread of the internet and social media has contributed to making knowledge about animals more accessible to people who do not work with animals on a daily basis, and it has made it easier and faster for people to share and exchange opinions on using and keeping animals, both nationally and internationally. Because discussions on using and keeping animals by humans have been made global, attention has been drawn to the fact that conditions that are perceived to be unproblematic in some countries are deemed controversial in others.

This development comes with a number of challenges. Whereas animal protection law used to be a national concern, either partially or fully, today regulations are often laid down internationally, especially those pertaining to farmed animals. This means that, in certain areas, Denmark will have difficulties making stricter demands than those agreed on within the EU. Globalisation and increased trade with countries outside the EU may also constitute a threat to existing standards in Denmark, because countries outside the EU do not necessarily have animal protection legislation and therefore may have a competitive advantage over Denmark. Furthermore, increased knowledge about animals and changed norms about how animals should be kept and cared for may also pose a challenge. For example, a better understanding of animals' ability to experience pain and be aware of their own situation could change our perception of what is acceptable. New types of production animal such as insects – claimed to be the animal protein source of the future – could become a reality, and the status of some animals could change, e.g. the status of a family pet that in divorce cases may no longer be considered just property but also an individual whose needs must be taken into account.

2. Purpose and scope

As mentioned above, Denmark's first law on animal protection was passed in 1916, which means that this year (2016) it is now 100 years old. Also, in 2016 the Danish Animal Ethics Council can celebrate its 25th anniversary, and the Council decided to use the occasion to review the Animal Protection Act.

The purpose of the Danish Animal Ethics Council's discussions on the Animal Protection Act has been to look more closely at whether the Act is current in light of

the knowledge and norms that are prominent today. In this context, the Council has looked at some of the challenges for the Act and for animals today. The purpose is therefore to present some principle considerations about the Act, but not to discuss specific statutory requirements. In this connection, the Danish Animal Ethics Council's considerations sometimes extend beyond the Animal Protection Act to include considerations related to other legislation linked to the Animal Protection Act.

Based on the Animal Protection Act and associated laws and executive orders, the Danish Animal Ethics Council would therefore like to draw attention to examples of concern in relation to the statutory regulation of animals which the Council believes call for revision, clarification, change in practice or new thinking. The Council has thus established the foundation for further explorative work in relation to the legislative basis and other initiatives to be carried out in other contexts, and hopes that this statement may serve to inspire future developments.

3. About the Animal Protection Act

The Animal Protection Act is the overall framework for protection of animals in Denmark⁷. Furthermore, a number of other acts and executive orders have been enacted that specify the requirements applying to using and keeping animals. Requirements have also been set at European level, either through the EU or through the Council of Europe. In connection with this statement, the legal details are less relevant. Instead, in the following, examples will be provided of definitions and concepts contained within the legislation that are normative for how animals must be treated but the fairness and meaning of which are open to interpretation.

The first two sections of the Animal Protection Act set the framework for human contact with animals. Moreover, the Act specifies a number of more specific requirements and provides for laying down further requirements in other acts and executive orders. The Act's first two sections state:

1. Animals must be treated properly and must be protected as far as possible from pain, suffering, fear, permanent injury and severe distress.
2. A person who keeps animals must ensure that the animals are treated with care, including that they are housed, fed, watered and cared for taking into account their physiological, behavioural and health-related needs, in accordance with recognised practical and scientific experiences.

In principle, the Animal Protection Act therefore applies to all animals, those kept by people as well as those that live in the wild, and, thus, to all species of animal, including e.g. insects. However, whereas the requirements in section 1 apply to all persons who are in contact with animals, the requirements in section 2 only apply to persons who keep animals. For example, this means that persons who are in contact with wild animals are under an obligation to treat the animals appropriately, but only persons who keep animals themselves are under an obligation to feed them.

⁷ Consolidation Act no. 1150 of 12/09/2015

Using and keeping animals for experimental purposes is regulated through the Animal Experimentation Act. The scope of the Animal Experimentation Act is, however, different from that of the Animal Protection Act. According to section 1 of the Animal Experimentation Act⁸, vertebrates, including mammalian foetuses in the final third of their normal development process and octopuses, may only be used for experiments with permission from the Animal Experiments Inspectorate. Thus, only vertebrates and octopuses are covered, and not insects, for example, although fruit flies are frequently used for experiments. However, mammalian foetuses in the final third of their normal development period, i.e. the final stage of the gestation period, are covered by the Animal Experimentation Act. The Animal Protection Act, on the other hand, seems only to cover mammals once they have been born. Thus, from a legal perspective, there is no overriding, consistent definition of when an animal is entitled to consideration under the law, neither with regard to animal species nor development stage.

Some countries have animal protection legislation that, like the Danish Animal Protection Act, covers all animals, for example Finland and the Netherlands, whereas other countries apply different scopes. Norway and Switzerland, for example, distinguish between zoological classes (i.e. mammals, birds, etc.) and only cover some classes in their animal protection legislation. Yet other countries, for example Sweden and Belgium, define their scope on the basis of animal use, restricting the scope to e.g. farm animals and wild animals in captivity. There are also differences from country to country as to the development stages they cover, or whether or not only born/hatched animals are covered. In Norway, animal protection legislation thus also covers the developmental stages of animals in which the development stage of the animal's sensory system corresponds to that of a living (born/hatched) animal. And in New Zealand, the animal protection legislation covers, for example, mammals, birds and reptiles in the second half of the developmental stages before birth or hatching.

Both the Danish Animal Protection Act and the Danish Animal Experimentation Act list a number of conditions to protect animals. As mentioned above, sections 1 and 2 in the Animal Protection Act use wording such as 'treated appropriately', 'be protected as well as possible', 'severe discomfort' and 'treated with care'. Similarly, in the Animal Experimentation Act, wording such as 'significant benefits' (section 1), 'severe pain', 'intense suffering' and 'intense anxiety' (section 7) is used. However, it is not always clear what constitutes appropriate and caring treatment of animals, the best possible protection of animals, significant benefits of an experiment, or what constitutes severe and intense pain, suffering and anxiety. How should we, in practice, define 'severe discomfort'? How great should the discomfort be in comparison to 'some' or 'moderate' discomfort for it to be considered a violation of the law?

In some cases this is clearly defined in the supplementary acts and executive orders mentioned above, and in other cases, an assessment is made in the specific case, for example, by the Council for Animal Experimentation, the Danish Veterinary Health Council or by the courts. However, some cases are open for interpretation on where to

⁸ Consolidation Act no. 474 of 15/05/2014

draw the line, and thus to determine what obligations towards animals apply to comply with the law. Moreover, questions are often raised in the public debate about whether the intentions behind the act tally with the way in which the act is applied in practice. For example, critical voices argue that conventional agriculture, the practice of which is generally accepted, does not live up to the fundamental requirements of Animal Protection Act.

It can also be difficult to determine the scientific criteria to be met in order to satisfy the statutory requirements. For example, section 2 of the Animal Protection Act states that animals must be cared for taking into account their behavioural needs, but when are these needs sufficiently met? And what constitutes a reasonable benchmark when assessing this? These are difficult questions to answer because, for example, it is not always possible to clearly define the needs, or the extent of a specific need, of a domesticated animal compared with the needs of its wild relatives. For example, when defining the behavioural needs of a pig, should comparison be made to the needs of a wild boar or the domestic pig?

And how can one comply with the statutory requirements for keeping animals, when knowledge about the behavioural requirements of the animal in question is limited, for example, for exotic hobby animals, fish or bees? Furthermore, the differences in the protection of animals as laid down in the law are not always based on clearly defined scientific criteria, for example, the requirement for anaesthetics in connection with castration of some species but not others⁹, the requirements for specific competences for individuals who slaughter some animals, but not others¹⁰, that only some dog breeds may be tail docked¹¹, or that it is not allowed to keep some dog breeds¹² (see more on the unequal treatment of animals in section 5.3). As such, boundaries laid down in legislation may be based on considerations other than scientific criteria.

Legislation in other countries can in some cases contain requirements that are more or less restrictive than Danish legislation. In this context, however, it is more interesting to note that the legislation in other countries may contain arguments and concepts that are not specifically described in Danish law. For example, the 1997 EU Amsterdam Treaty introduced a reference to animals as sentient beings, and this wording was also used in Article 13 of the Lisbon Treaty in 2009. In addition, in 2007 the European Union introduced a ban on placing on the market, importing and exporting cat and dog fur, with reference to the fact the EU citizens consider dogs and cats as pets, for which reason it is not acceptable to use furs from these animals¹³ (the EU regulations also apply in Denmark). Similarly, legislation in other countries also includes concepts that are not described in Danish law. For example, Norwegian and Swiss animal protection legislation includes the concepts 'respect' and the 'intrinsic value of an animal'. In accordance with Swiss legislation, an animal's intrinsic value is considered violated if the animal is harmed physically or mentally, if the

⁹ Executive Order no. 1462 of 07/12/2015

¹⁰ Executive Order no. 135 of 14/02/2014 on the slaughtering and killing of animals

¹¹ Executive Order no. 627 of 29/08/1991 on tail-docking of certain dog breeds

¹² Consolidation Act no. 76 of 21/01/2015 on dogs

¹³ European Parliament and Council Regulation (EC) no. 1523/2007 of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur

animal is significantly changed with regard to its appearance or nature, or if it is grossly objectified without this being justified by overriding interests¹⁴.

The Danish Animal Protection Act can be seen in its entirety, as can all other Danish legislation, (in Danish) at Retsinformation (www.retsinformation.dk). In the following, specific segments of the Danish legislation will be addressed as examples of the Council's fundamental considerations.

4. Common themes

The Animal Protection Act and associated legislation is extensive, in relation to both the number of the animal species and specific aspects covered. In this statement, the Danish Animal Ethics Council has selected a few overall areas of ethical concern, namely the scope of the Animal Protection Act, purposes of animal use and unequal treatment of animals. Two themes have been recurrent in the Council's discussions on these issues, namely the balancing of consideration for animals with consideration for humans, and the weighing of uncertainty that is associated with the knowledge base. These two themes are therefore discussed first and before the selected problem areas.

4.1 Balancing considerations for animals vs. considerations for humans

Many different animal species are kept and used by humans for many different purposes. The Danish Animal Ethics Council notes that, irrespective of the kind of animal or purpose, a typical fundamental premise for keeping and using animals is that they are subject to a degree of limitation, possibly also discomfort and suffering, and in some cases they may even have to be sacrificed in order to fulfil the purposes of keeping them. Of course, being kept by humans may also have some benefits for animals, but when keeping animals, consideration for the animal is typically balanced against consideration for humans.

Considerations for animals can be directly motivated by the conditions mentioned in section 1 of the Animal Protection Act that stipulates what animals must be protected against, for example, when used for food production or in sports activities. Considerations may also be motivated by the fact that people have different understandings of humans' obligations towards living creatures, or lack of knowledge about the needs and preferences of animals. Here, some people may find it difficult to witness conditions that may seem stressful for animals (although this may not necessarily be the case), for example, animals that are outside during winter – and this could both be animals kept by humans and animals in the wild. Regardless of whether the motivation to include considerations for animals is based on considerations for the animals themselves, or whether it is (also) based on considerations for what humans feel comfortable with, there may be major differences

¹⁴ Tierschutzgesetz 2005, Article 3. <http://www.admin.ch/opc/de/classified-compilation/20022103/index.html>

regarding when some people think there is a need for balancing and, if so, whether such balancing is considered fair.

The Danish Animal Ethics Council acknowledges that such a balancing is difficult in practice. However, this should not prevent a continuous focus on which considerations to include, and how they should be balanced against each other. In the Council's opinion, considerations for humans far too often automatically take precedence over considerations for animals, and considerations for animals are only included as a second priority. The Council believes that considerations for animals should be included from the very start.

The Council also notes that when balancing such considerations, it is not only a question of how the law is interpreted in legal proceedings, but also a question of how balancing is managed in practice. In this context, the Council believes focus should be increased on how considerations for animals can be given higher priority, not just in relation to animals in agricultural production, but also in relation to family pets and hobby animals. The Council also points to the area of pest control: here, greater priority is typically given to controlling the pests than to consideration for the suffering of the animals. In this regard, the Council believes there should be more focus on prevention rather than on killing and elimination. Similarly, the Council believes that focus should be increased on prevention in connection with activities where, as an indirect consequence, the animals risk being harmed or killed (e.g. animals injured by harvesting machinery).

In some situations, clear legal boundaries have been defined with regard to considerations for animals. The Council believes that there should be more focus on ensuring that these boundaries are respected and upheld. An example of circumvention of Danish law is dogs having their ears cropped or tails docked, or horses being branded, abroad. Or when procedures are maintained as a standard practice, even though such procedures may not, in principle, be carried out routinely, as is often seen with tail-docking of pigs.

Of special concern are situations where there is risk of conflict with other legislation. For example, when compliance with one set of legislative rules means that the requirements of the Animal Protection Act must be disregarded to some extent. An example of this situation is control of invasive species, where the obligation to control these animals due to nature conservation concerns means that they



The Danish Animal Ethics Council believes that there should be more focus on considerations for animals when considerations for animals and for humans need to be balanced against each other, for example with regard to pests. In its statement about pest control (1997), the Council discussed, among other things, the use of preventive measures and the choice of pest-control methods.

PHOTO: COLOURBOX

can be caught/killed at all times of the year, irrespective of whether they have young that risk being left to manage on their own. Similarly, in situations where an infectious disease needs to be controlled, the concern for using the best killing method may be disregarded in order to kill the livestock quickly. The Council believes that consideration for animal welfare should be prioritised more, also in such situations. Having said that, the Council still believes that humans should be able to use the most effective methods to control animals that constitute a direct risk to their own (human) health or the health of their animals, for example, intestinal worms and ticks. In such situations, however, the Council still believes that the health risks to humans and their animals should be balanced against the choice of control methods, which may be less effective but gentler for the animals to be controlled.

4.2 Weighing uncertainty about the knowledge base

According to section 2 of the Animal Protection Act, animals must be cared for in accordance with recognised practical and scientific experience. However, not all practices have been studied scientifically; moreover, even if a practice has been studied, the results have not always been published. Furthermore, even when scientific results do exist, there is sometimes uncertainty about what they mean, for example, if studies point in different directions or have been carried out under conditions that are not relevant for the situation in which the results are to be applied. Similarly, practical experience regarding the care of animals may vary. Therefore, in some situations, there may be a certain degree of uncertainty about what is necessary or the best practice with regard to the keeping of animals.

The Danish Animal Ethics Council believes that first, it is important to be aware that there may be such uncertainties in the knowledge base. These uncertainties also reflect the fact that knowledge about animals is constantly developing, and that there is a need to remain abreast of new practical and scientific experience. Secondly, there is a need to consider how to weigh these uncertainties. The Danish Animal Ethics Council finds that, as a starting point, animals should be given the benefit of the doubt. However, the Council also notes that weighing uncertainties entails including further considerations in the deliberations. This e.g. includes considering what constitutes reasonable doubt in the relevant case; what are the consequences for animals of giving the doubt different weight; and what are the disadvantages to humans of giving animals the benefit of the doubt? Thus, the Council recognises that also in this context, considerations for animals should be balanced against considerations for humans.

5. Selected problem areas

As mentioned, the Danish Animal Ethics Council has selected three overall areas of ethical concern for discussion: the scope of animals protected by the Animal Protection Act, permitted purposes of animal use, and the legislation's unequal treatment of animals.

5.1 Scope of the Animal Protection Act

The mere fact that legislation exists regarding the treatment of animals implies that animals are considered as living creatures that are entitled to legal protection. However, animals are also subject to the wishes and priorities of humans, some animals are considered as property (e.g. farm animals), whereas other animals sometimes seem to fall outside the category of animals for which humans have direct responsibility (e.g. animals that live the wild).

As mentioned above, the Animal Protection Act applies in principle to all animals. However, it is unclear whether in practice the act covers (i.e. is enforced in relation to) all organisms that biologically belong to the animal kingdom, e.g. insects and other invertebrates. Furthermore, there is no clear statement of when in the development process of a foetus or an egg, for example, an animal is covered by the act (in contrast, the Animal Experimentation Act includes such a distinction). Such distinction may affect how violations of the law are assessed, for example, when catching butterflies, killing Iberian slugs, keeping spiders and handling foetuses when killing pregnant animals. Perceiving animals as creatures to be protected by legislation – or not – may thus be reflected in both the scope of protection suggested by the law, and in the practical application of the law.

From an ethical viewpoint, there may be different criteria for when an animal has a right to ethical considerations. For example, if the animal is able to feel pain, if the animal is aware of its own existence, or perhaps it is enough that the animal is simply a living organism. In the latter case, it can be argued that, regardless of whether it can be established that a snail or a spider may experience some form of pain, they are both living creatures and should therefore be treated with respect. The question is whether this means that these animals should also have the same statutory protection as e.g. dogs and wild birds.

The Danish Animal Ethics Council's considerations and recommendations

The Danish Animal Ethics Council has discussed the scope of the Animal Protection Act. Overall, the Council believes that, as is already the case, the act should include all animals. However, the Council also believes that the legislation should make sense in relation to generally accepted practices, for example, that the act is applied differently depending on whether the animal in question is e.g. a dog or a spider. Fundamentally, it is a question of whether the act should be adapted to the commonly acceptable practice, or whether this practice should be changed. Or perhaps even a combination of both approaches. The Council has looked more closely at how other countries have defined the scope of their animal protection legislation, and has noted that, in some countries, such legislation does not include all animals, or it covers not only animals that have been born or hatched, but also animals in the development stages. The Council finds that an evaluation of the scope requires careful consideration, and that there should be clear criteria for what animals, and, if relevant, what development stages are covered by the act.

According to section 1 of the Animal Protection Act, animals should be given the greatest possible protection against a number of negative aspects. The Council notes

that for some species it is difficult to know how best to protect the animals, but protection should always be provided on an informed basis. Consequently, the Council believes that section 1 should include a reference to knowledge and experience, in line with the requirements in section 2. The wording 'best possible' allows for certain flexibility in applying the requirements in the event that the knowledge base is insufficient.

However, the Council does not believe that insufficient knowledge means that there is no basis for showing respect for the animals, and another way of dealing with the scope of the Act could be that certain criteria only apply to some categories of animals. In this context, the Council perceives respect as a requirement to respect the animals as the living beings they are, and independently of their value to humans. The Council acknowledges that, in legal terms, the concept of respect can be problematic; yet, the Council considers it necessary, also through legislation, to focus on animals as more than just a resource for humans. The Council believes that this can support the previous recommendation above to take animals more into consideration when balancing the interests of animals and humans.

The Council therefore points to the possibility to include in the Animal Protection Act a reference to respect, as some other countries have already done, e.g. Norway, the Netherlands and Switzerland. The requirement to show respect for animals could then be a requirement covering all animals, while requirements referring to pain, suffering, fear, etc. could be restricted to animal species assumed to be able to feel, and possibly also able to experience the negative aspects against which they must be protected. Further to this consideration, the Council stresses that the scope of the Act may then have to be evaluated and possibly adjusted as new knowledge about animals becomes available. Currently, there is talk about insects playing a role in food production in the future, and the Council is concerned that this type of production will then develop without the necessary considerations for the animals.

5.2 Purposes of animal use

Animals are used by humans for a number of different purposes, many of which have consequences for the animals. For example, some animals have to die so that humans can eat them; some animals provide products such as milk, eggs or wool; and some serve as entertainment, and for this purpose they often have to be trained in order to be part of a community with humans on the humans' terms. The purpose of human uses of animals has been the subject of much debate, particularly in connection with using animals for experimentation, and the Danish Animal Experimentation Act lays down requirements stipulating that the results of animal experiments should be likely to have significant benefits¹⁵. With regard to agricultural production, some people argue that agricultural production should be discontinued because humans could live on vegetables instead, or alternatively that production should be reduced to improve the conditions for the remaining animals (however, as previously mentioned, this debate also includes arguments concerning human health and climate considerations).

¹⁵ Consolidation Act no. 474 of 15/05/2014, section 1(5)



Insects are claimed to be the animal protein source of the future. This image shows wax moth caterpillars served at the Danish Animal Ethics Council's conference on the Animal Protection Act (June 2016). The Council is concerned that production will develop without the necessary considerations for the animals.

PHOTO: MINISTRY OF ENVIRONMENT AND FOOD

Fur production is also a frequent topic of debate. However, keeping animals as family pets is not subject to the same kind of criticism regarding the purpose: to fulfil e.g. social and practical needs in the daily lives of humans. However, human uses of animals for entertainment and educational purposes are often the subject of debate, for example horse racing, the use of animals in circuses and for educational purposes like slaughtering animals as part of public activities. Section 17 of the Animal Protection Act establishes a framework for some of these purposes:

17.-(1) Animals shall not be trained or used for shows and display, circus performances, film recordings, etc. if this will cause severe discomfort for the animal.

(2) Animals shall not be displayed in travelling menageries.

(3) Zoos, animal parks, etc. shall not be established without permission from the Danish Veterinary and Food Administration. The Danish Minister for Environment and Food may lay down regulations on the design and operation of such establishments and on inspection.

(4) The Danish Minister for Environment and Food may lay down regulations on keeping and displaying animals in circuses, amusement parks and similar establishments, including prohibitions on keeping and displaying certain wild animal species.

The decisive factor seems to be that the animals may not be subject to severe discomfort – a concept that is not easy to define, as already mentioned. Furthermore, it may be questioned whether the actual purpose – entertainment or education – can outweigh the discomfort that the animals may experience. Could the audience be

entertained just as much, and could knowledge be communicated just as well, without using animals? With regard to education, it may also be questioned, for example, whether it makes any difference that the slaughtering of an animal that was going to be slaughtered anyway takes place in the presence of an audience, who will then learn about where the food comes from. The animal will obviously suffer the 'discomfort' of losing its life, but the animal would have died anyway (provided that it had reached its slaughter weight), so the additional discomfort has to do with the slaughtering taking place under different circumstances (which may or may not be gentler than would otherwise have been the case).

The Danish Animal Ethics Council's considerations and recommendations

First the Danish Animal Ethics Council considers it necessary to outline the premises for discussing the purposes of keeping and using animals. Some people in the public debate argue against any human use of animals whatsoever, and consequently they argue that any further discussion about purposes is superfluous. However, according to the Animal Protection Act, human use of animals is allowed, and indeed it is also extensively practiced. Therefore, the Council considers the discussion of purposes highly relevant. However, the Council believes that an important premise for the need to consider the purposes of using animals is whether such uses cause any harm to the animals. In this context, the Council believes that harm, or discomfort as stated in the Act, should be understood in a broad sense.

As already mentioned, some purposes have been the subject of extensive public debate, e.g. food production, production of fur, horse racing and animals in circus. Other purposes do not seem to be questioned to the same extent, e.g. keeping family pets that are perhaps castrated, sterilized and kept in isolation from other members of the same species to make them adapt to a community with humans; collecting butterflies as if they were stamps or coins; or using animals for some kind of entertainment, e.g. in shows or art projects. The Danish Animal Ethics Council believes that these purposes could also call for consideration about whether the animals suffer severe discomfort. The Council moreover points out that welfare may not be the only relevant concern when considering purposes of the use of animals. Another concern could be whether the use of animals shows reasonable degree of respect for the animals. For example, this may be relevant when animals are dressed up for entertainment purposes. Even if the dressing up does not in itself cause severe discomfort, it may contribute to undermining a respectful perception and treatment of animals on their terms. This is what is sometimes referred to as respect for animal integrity. Finally, the Council believes that whether the animals are dead or alive makes a difference for the considerations. For example, if the animals were going to be slaughtered anyway, and the slaughtering is then used to communicate knowledge about the origin of food, this is an important purpose in the Council's opinion, even though, in principle, the animal suffers the greatest possible discomfort (which it would probably also have suffered without an audience present, i.e. the fact that the slaughtering is used for educational purposes is assumed not to add significant additional discomfort). Thus, the Council is especially concerned with ensuring that if the purpose of using animals involves severe discomfort, this must be outweighed by benefits that could not otherwise have been achieved to the same extent. Similarly, the Council is concerned about the use of animals generally in circuses and other

entertainments, because the fascination with animals can be accommodated in many other ways. Even though animals have great entertainment value, the Council believes that the educational value in an entertainment context is usually limited. The Council is also concerned that this use of animals may undermine a respectful perception of animals as described above.

The Danish Animal Ethics Council has further discussed the apparent contradiction inherent in the Animal Protection Act requiring animals to be protected as best as possible against severe discomfort and permanent injury, while at the same time allowing for animals to be exposed to the ultimate discomfort of being killed. The Act *does* require animals to be killed as quickly and painlessly as possible (section 13), but it does not say that there has to be a good reason for killing the animal, except in the event that the animal is suffering (section 20). There can be different views on whether it is ethically wrong in principle to kill animals – an issue often raised in relation to the practices of killing male chicks in egg production and calves in milk production because it is not profitable to raise them for meat production. Some people say it is not ethically wrong: As long as the killing, and the procedures leading up to it, are appropriate from an animal welfare perspective, then the killing in itself is not wrong, because the animal will not feel anything. However, others think that it is still ethically problematic, e.g. because the animal is deprived of a natural length of life, or because the act of killing in itself shows a lack of respect for the animal. The Danish Animal Ethics Council notes that discussions about respect for animal life are more apparent regarding some species, e.g. farmed animals, laboratory animals and animals with an appealing appearance, than others, e.g. pests, annoying insects and animals that are considered disgusting. The Council believes that there is a need for greater focus on respecting animal life and on discussions on whether the reasons for killing them are reasonable.

With regard to human obligations towards wild animals compared with kept animals, the Danish Animal Ethics Council is of the opinion that when humans assume responsibility for living animals, they are also responsible for having the animals killed if they are suffering, while the Council does not believe that there is the same degree of obligation towards wild animals. The Council notes, however, that some people can feel a strong obligation to intervene if they see wild animals in distress, instead of just allowing nature to take its course. Thus, intervention can also be motivated by some people finding it hard to accept the harsh conditions in nature. In this context, the Council believes that people should, of course, take responsibility for helping wild animals to the extent that they are willing and able to do so. On the other hand, the



Some human uses of animals are often brought up for debate, e.g. production of fur. The Danish Animal Ethics Council discussed this issue in its statement from 2003. The members disagreed whether production of fur is in itself an acceptable purpose.

PHOTO: KOPENHAGEN FUR

Council is of the opinion that no one other than veterinarians (who are already legally required under the Danish Veterinary Surgeon Act to help seriously injured animals¹⁶), should generally be under a legal obligation to help animals, neither private individuals nor public authorities. However, the Council still believes that humans have an ethical obligation to help animals, possibly by calling for help, if wildlife is in distress due to human activities. If a person is directly responsible for an animal being injured, the Council believes that this person of course has a special obligation to help the animal, and in some cases, this obligation will even be a legal obligation, e.g. after wounding cloven-hoofed game¹⁷. The Council moreover points out that people are not only responsible through their direct activities; they may also be indirectly responsible for causing discomfort to animals in nature, e.g. when their unleashed dogs and outdoor pet cats chase, and possibly catch, birds or other wildlife.

In continuation of this, more discussion is required about what constitutes discomfort, and when such discomfort is significant. The Danish Animal Ethics Council calls for more debate about the purposes for which animals are used, and possibly killed. The Council notes that just because animals have traditionally been used for a particular purpose, this does not necessarily mean that such practice should continue. The Council believes that there is a need to evaluate a number of different purposes, partly based on considerations of whether a given purpose is still acceptable under present-day norms, and partly based on an assessment of whether the same objectives can be achieved without using animals, with fewer animals, or by using animals in ways that are gentler for the animals. Thus, the Council believes that the discussion about purpose also includes a discussion about the conditions under which animals are used. The evaluation proposed is thus similar to the approach used in the area of animal experimentation, where the use of animals is evaluated according to whether it brings significant benefits and is guided by the three Rs (Replacement, Reduction, Refinement).

5.3 Unequal treatment of animals

The legislation contains several examples of animal species having different degrees of protection. Focus below will initially be on two areas, namely the use of anaesthesia in connection with surgical procedures and requirements for qualifications when killing animals. Then follows a discussion of general unequal treatment in the regulation on keeping animals depending on whether the animals are kept e.g. for farming purposes or privately.

Section 14 of the Animal Protection Act lays down overall regulations for surgical procedures, including regulations on tail-docking and castration:

¹⁶ Consolidation Act no. 1149 of 12/09/2015

¹⁷ Executive Order no. 417 of 27/04/2007

14.-(1) Surgical procedures that can inflict suffering on animals, except for minor temporary pain, may only be conducted by a veterinarian, unless in an emergency situation. Suffering and pain shall be limited as far as possible.

(2) Surgical and similar procedures aimed at changing the appearance of an animal may not be performed.

(3) The Minister for Environment and Food may lay down more detailed regulations on surgical and similar procedures, including regulations on castration, dehorning, tagging, removal of claws and other body parts and trimming of beaks, claws and hoofs. The Minister for Environment and Food may lay down more detailed regulations on tail-docking for certain dog breeds used for hunting.

(4) The Minister for Environment and Food may lay down regulations to the effect that certain types of procedures may only be conducted by a veterinarian or other qualified staff.

(5) The Minister for Environment and Food may prohibit certain types of surgical and similar procedures.

Further to the possibility in subsection (3), the Tail-Docking and Castration Executive Order lays down the following requirements for tail-docking¹⁸:

1.-(1) Animal tail-docking may only be performed if specific veterinary considerations so require. The animal shall be anaesthetised prior to performing tail-docking.

(2) However, sheep and pigs may also have their tails docked in accordance with sections 3-4.

(3) Dogs may also have their tails docked in accordance with the Executive Order on tail-docking of certain dog breeds, but the dog shall be anaesthetised prior to the tail-docking.

2. Animal tail-docking shall always be performed by a veterinarian, unless otherwise provided for in section 3(2) or section 4(3).

3.-(1) Lambs may be tail-docked using an elastrator if the docking is performed at 2-7 days of age. The remaining tail stump shall be able to cover the anus and vulva.

(2) Tail-docking pursuant to subsection (1) may be performed by the farmer without prior anaesthetisation of the lamb.

4.-(1) Pigs shall not be tail-docked routinely.

(2) Piglets may be tail-docked at 2-4 days of age, if documentation exists that tail injuries have occurred at the farm due to the absence of tail-docking procedures. The tail shall be docked as little as possible, and only up to a maximum of half its original length.

(3) Tail-docking pursuant to subsection (2) may be carried out without prior anaesthesia of the piglet, provided it is performed by a veterinarian or a person who has been trained in tail-docking and who has experience in docking piglets with appropriate equipment and under hygienic conditions.

(4) Before tail-docking is performed, measures shall be attempted to prevent tail-biting, taking account of the environment and the stocking density. Inadequate pen conditions or management systems must be changed.

(5) If tail-docking is performed, cf. section 1(1), after piglets are four days old, the animals shall be given long-term pain treatment.

There are thus different requirements for different species and different age classes in relation to reasons for tail-docking, in relation to the persons who may perform the procedure, and in relation to the use of anaesthesia.

¹⁸ Executive Order no. 1462 of 7/12/2015

The Tail-Docking and Castration Executive Order also stipulates the following requirements regarding castration:

- 5.-(1) Animals may only be castrated if the animal is anesthetized before castration is performed.
 - (2) Pigs, however, may also be castrated in accordance with section 7.
6. Animal castration shall always be carried out by a veterinarian, unless otherwise provided in section 7(1) or section 8(1).
- 7.-(1) Castration of piglets may be performed without prior anaesthesia, if this is done as early possible at 2-7 days of age, and if the animal is given pain treatment. Castration may only be performed by a veterinarian or a person who has been trained in castration and who has experience in castrating piglets with appropriate equipment and under hygienic conditions.
 - (2) Castration that entails tearing of tissue may not be performed.
 - (3) If castration of the piglet is performed later than seven days of age, the animal must be given long-term pain treatment.
8. Castration of lambs and goat kids may be carried out by the farmer by using a clamp and an elastrator in combination, provided
 - 1) it is done before the animal is four-weeks old, and
 - 2) prior to the castration, a veterinarian has administered a local anaesthetic to the animal.
- 9.-(1) Calves may be castrated using a burdizzo, provided
 - 1) it is done before the animal is four-weeks old,
 - 2) prior to the castration, a veterinarian has administered a local anaesthetic to the animal, and
 - 3) the animal is given long-term pain treatment.
 - (2) If castration of the calf is performed later than four-weeks of age, it must be done surgically and the animal must be given long-term pain treatment.

Thus, there are also here different requirements for different species and different age classes in relation to who may perform the procedure, and in relation to the use of anaesthetics and methods.

Slaughtering and killing of animals is regulated by an EU regulation¹⁹, which stipulates a number of general requirements, for example on the methods and competences for slaughtering and killing. EU regulations apply directly in Denmark. However, section 13 of the Animal Protection Act also stipulates some general requirements for slaughtering and killing animals, and provides a possibility to lay down further regulations:

- 13.-(1) Any person who is to kill an animal must ensure that the animal is killed as quickly and as painlessly as possible. Killing by drowning is not permitted.
 - (2) The Minister for Environment and Food may lay down more detailed regulations regarding killing of animals, including regulations on slaughtering and regulations prohibiting certain methods of killing as well as regulations regarding the killing of certain large animals only to be carried out by a veterinarian or some other authorised person.

Some animals fall outside the scope of the EU Regulation, e.g. poultry, rabbits and hares slaughtered by their owners for their own consumption. However, these animals will still be covered by the Animal Protection Act. On the other hand, the Regulation

¹⁹ Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the protection of animals at the time of killing

contains requirements that, if a private individual slaughters animals such as pigs, sheep and goats for their own consumption, the person who performs the slaughtering must have 'the appropriate level of competence'.

The EU Regulation is supplemented by an executive order, in which the Minister has used the possibility in the Animal Protection Act to lay down more detailed regulations on slaughtering and killing of animals²⁰. Here, there are e.g. requirements on:

- 6.-(1) Slaughtering or killing of animals of equine species, cattle and flightless birds may only be carried out by veterinarians, butchers, persons with a hunting license or other persons who have received training in slaughtering or killing.
- (2) Dogs and cats may only be killed by the persons mentioned in subsection (1).
- (3) Subsection (2) does not apply to killing dog puppies and cat kittens immediately after birth and up to no later than one week after birth. Killing by drowning is not permitted, cf. section 13(1) of the Animal Protection Act.

The Executive Order applies to slaughtering and killing of animals bred or kept for production of food, wool, leather, fur and other products, for slaughtering and killing horses as well as for killing dogs and cats. There are thus requirements for the competences of those who kill or slaughter animals, but only for some species. For example, there are no competence requirements for killing or slaughtering pigs, poultry (except for ratites), sheep and goats (competences in relation to pigs, sheep and goats are, however, covered by the above EU Regulation). However, for certain pig herds, the executive order requires that the person responsible for the herd must be in possession of a captive bolt pistol and be trained in its use, and that, for killing pigs weighing more than 5kg, a bolt pistol must be used for anaesthetising the pig, unless the animal is killed by a person with the mentioned competencies.

Thus, there are no requirements for competencies when private individuals slaughter and kill poultry and rabbits, for example. And, except for dogs and cats, neither the Regulation nor the Executive Order apply for species typically kept as pets or as a hobby. This means that guinea pigs, parrots and tortoises are not covered, for example. However, section 13 of the Animal Protection Act, stating that the animal must be killed as quickly and painlessly as possible, still applies. Drowning is mentioned specifically as illegal. No other methods (apart from ritual slaughter) are mentioned, like asphyxiation, freezing, decapitation etc. which, for some species, may result in a similar protracted death.

Finally, there is also unequal treatment in the overall legislation for keeping animals, as there are far more detailed requirements for keeping and using animals in agriculture and for experiments than for animals kept by private individuals. This is partly due to the fact that a large part of the legislation was developed at international level, i.e. in the EU and the Council of Europe, where the primary focus is on the use of animals for agricultural production and for experimentation. It is probably also because precisely these uses of the animals also involve important human interests that could easily overshadow the interests of the animals if they were not protected by minimum requirements in legislation. However, this does not mean that it is not

²⁰ Executive Order no. 135 of 14/02/2014

necessary to ensure minimum requirements for animals kept by people for other purposes, e.g. as family pets or as a hobby.

The Danish Animal Ethics Council's considerations and recommendations

The Danish Animal Ethics Council is of the opinion that treatment of animals should take outset in their biology and needs and not in what is most convenient for humans. The Council finds that, generally, there is a need to evaluate the use of mutilations such as tail-docking, castration, dehorning and similar in light of relevant knowledge and current norms. The evaluation should include the perceived necessity to perform the mutilations, the choice of methods, and the use of anaesthetics. In this context, the Council stresses that mutilations that are presumed to cause pain must be carried out under anaesthesia and with subsequent pain relief.



There are no detailed regulations on keeping animals by private individuals, but there are requirements to supply guidelines on looking after animals. The Danish Animal Ethics Council would like to see more guidance and courses, and some members also point to a possible need for statutory regulation. In a statement on family pets and hobby animals (2008) the Council discussed the issues for a number of animal species kept privately.

PHOTO: INGEBORG MØLBAK

In relation to slaughtering and killing, the Council believes that there is a need to evaluate both the methods being used and the requirements applying to persons authorised to perform slaughtering and killing. With regard to the methods, the Council believes e.g. that there should be greater focus on using gentle methods in pest control, and that other methods than drowning may be inappropriate, e.g. freezing. With regard to persons who kill or slaughter animals, the Council believes that it would be appropriate to revise the Executive Order on slaughtering and killing so that the requirements stated in the EU Regulation are also stated in the Danish Executive Order. The Council also believes that there should be requirements for training or competent guidance of persons who carry out slaughtering and killing for more species than is currently the case, for example pigs, sheep and goats, in order to secure the level of competence mentioned in the Regulation. The members of the Council have different assessments on the necessity of also setting requirements for killing e.g. chickens, rabbits, guinea pigs and parrots by private individuals. Some believe that it would be appropriate also to set statutory limits in relation to these animals, whereas others believe that this will increase alienation of

handling animals and cause a risk of delays in killing injured animals because authorised persons have to be called first. For small animals kept for hobby purposes, for example snakes, reptiles, and insects, the Council believes that guidelines on killing should be included in the guidelines on keeping such animals, which is not the case at present. All guidelines should include control for signs that the animal is actually dead.

Finally, the Council has discussed the inequality in detailed regulations for keeping different species. The Council finds that guidelines on keeping animals help set standards for how family pets and hobby animals are kept, and animal welfare issues in this context are often rooted in ignorance or misdirected kindness that could be corrected with appropriate guidance. However, the Council believes that more guidance could be provided for private individuals, and some members find that there may be a need for more detailed regulations similar to the Swedish requirements and associated recommendations on keeping dogs, cats and other small animals, e.g. about ensuring social contact, avoiding over-feeding and breeding issues²¹. The Council calls for more courses for people who keep certain animals such as dogs and exotic animals with special needs. One member would like to see statutory requirements for these.

Further to considerations about guidance for private individuals in relation to keeping and killing animals, the Council also points to the possibility of generally increasing awareness of animal welfare and animal ethics issues. Among other things, the Council points to teaching in schools and that there could be a need for public-sector initiatives to promote knowledge about these issues, e.g. by allocating resources for teaching materials, teachers and similar. In this connection, the Council refers to the fact that Austria has a statutory requirement that the public sector is obligated to promote understanding for animal welfare, especially in young people²².

6. Conclusion

The Danish Animal Ethics Council has discussed two common themes, namely balancing considerations for animals with considerations for humans, and weighing uncertainty about the knowledge base. The Council has also discussed three selected areas of concern: the scope of the Animal Protection Act, purposes of animal use and unequal treatment of animals. The Council has presented the following recommendations.

Balancing considerations for animals vs. considerations for humans

The Danish Animal Ethics Council believes that when there is a need to balance considerations, the consideration for animals should be addressed from the start and

²¹ Statens jordbruksverks föreskrifter och allmänna råd om hållande av hund och katt (SJVFS 2008:5), and Föreskrifter om ändring i Statens jordbruksverks föreskrifter och allmänna råd (SJVFS 2014:17) om villkor för hållande, uppfödning och försäljning m.m. av djur avsedda för sällskap och hobby (SJVFS 2015:34)

²² Bundesgesetz über den Schutz der Tiere (Tierschutzgesetz – TSchG) BGBl. In no. 118/2004 idF BGBl. In No. 35/2008, section 2 Förderung des Tierschutzes

there is a need for more awareness of how consideration for animals can get higher priority in practice. The Council finds that there could be more focus on prevention of situations in which considerations for animals risk being ignored, and on ensuring that the legislative limits are respected and not evaded.

Weighing uncertainty about the knowledge base

The Danish Animal Ethics Council believes that it is important to be aware of possible uncertainties in the knowledge base, among other things because uncertainty reflects the development in knowledge about animals, and it is important to be updated about practical and scientific experience. The Council finds that, in general, animals should be given the benefit of the doubt, but it recognises that, in this context too, some balancing may be required between consideration for animals and consideration for humans.

Scope of the Animal Protection Act

The Animal Ethics Council believes that in general the Act should include all animals, but also that the legislation should make sense in practice with regard to how it is applied. A possible evaluation of the scope should include clear criteria for what animals, and possibly what development stages, are covered. The Council also finds that section 1 should include a reference to knowledge and experience, so that animals are protected as well as possible on an informed basis. Finally, the Council points to the possibility to include in the Animal Protection Act a requirement to show respect for animals. Such a requirement could include all animals, while requirements referring to pain etc. could be restricted to animal species which are likely to be able to feel and possibly also experience the negative aspects against which they must be protected.

Purposes of animal use

The Animal Ethics Council believes that an important underlying assumption when considering purposes of using animals is whether the animals suffer harm. Furthermore, the Council believes that these considerations should also include whether animals are shown respect. The Council thinks that there is a need to evaluate a number of different purposes of animal use corresponding to the process that has been seen in relation to animal experimentation.

Unequal treatment of animals

The Danish Animal Ethics Council is of the opinion that treatment of animals should take outset in their biology and needs and not in what is most convenient for humans. The Council points to the need to evaluate the statutory requirements in connection with mutilations as well as slaughtering and killing. The Council finds that more guidance on keeping small animals for private individuals could be made available; whereas some members consider that there may be a need for more detailed regulations. Finally the Council points to a possible need for public-sector initiatives to promote knowledge about animal welfare and animal ethics issues.

Annex: Preparation of this statement by the Danish Animal Ethics Council

The Danish Animal Ethics Council consisted of the following members when this statement was prepared:

- Bengt Holst, vice CEO (Chairman)
- Jes Aagaard, nature guide
- Pia Haubro Andersen, professor and veterinarian
- Britt Brøchner-Nielsen, farmer
- Paolo Drostby, head of division
- Sebastian Klein, TV host and nature communicator
- Per Bach Laursen, farmer
- Peter Møllerup, biologist
- Thomas Sørbirk Petersen, professor and philosopher
- Dorte Rebbe Schou, agronomist
- Anne Sørensen, veterinarian
- Mette Vaarst, veterinarian

In connection with the discussions about the Animal Protection Act, the Animal Ethics Council held an open conference on 8 June 2016 with the title "100 years with the Animal Protection Act – developments, challenges and new ways forward". The following held presentations at the conference:

- Anne Katrine Gjerløff, research communicator, Natural History Museum of Denmark
- Peter Sandøe, professor, University of Copenhagen
- Björn Forkman, professor, University of Copenhagen
- Jesper Lassen, professor, University of Copenhagen
- Sune Borkfelt, PhD student, Aarhus University
- Mette Sillesen, researcher, Future Navigator

During and after the presentations there was debate between the members of the Council, speakers and around 200 participants. More information about the conference is available at the Council's website www.dedyreetiskeraad.dk.

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