



The best animal welfare in the world?

– an investigation into the myth about Sweden

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Coverfoto: Tomas Buchtele
Layout: Verena Abenthung

Special thanks to the photographers: Tomas Buchtele: www.flickr.com/t_buchtele,
Ulrika Tamm, Stefan Jansson: www.flickr.com/steffe, Ulf Grünbaum/Azote and Jan Andersson.

Contents

Why a report on animal welfare legislation?.....	5
Best in the world? – An in-depth look at selected areas.....	6
Fur farming.....	7
Castration of pigs.....	9
Grazing rights for cows.....	12
Natural behavior.....	14
Sexual exploitation of animals and animal pornography.....	17
Animals in circuses.....	21
Abandoned, stray and feral animals.....	23
Breeding that causes suffering.....	26
Conclusion – is Sweden best in the world?.....	29
Sources.....	30
Animal Rights Sweden.....	32



Photo: Tim Radville

Summary

You might have heard that Sweden has the best animal welfare legislation in the world – because this is a statement that is frequently used. But how does Sweden really compare by international standards? This report has been written for all those who want to know the truth about animal welfare in Sweden. The Swedish government has initiated an Inquiry into animal welfare legislation, with particular focus on certain problem areas. Animal Rights Sweden is therefore taking the opportunity to take an in-depth look at animal welfare legislation in Sweden, and suggest improvements.

Sweden is a country where it is permitted to breed and kill animals for their fur. The law also states that certain animals may be castrated without anesthesia, and that it is allowed to display most types of animals in circuses. Is this the case everywhere? Follow Animal Rights Sweden on a journey around the world, where inspiration for a new and improved legislation is found in countries such as Bolivia, Croatia and Switzerland. At the end of the journey we will see where the verdict falls.

A note about the English version

This report was first published in Swedish, in September 2009. The text has been shortened for the English version, leaving out some in depth discussions about the Swedish legislation and law enforcement.



Why a report on animal welfare legislation?

This report is written at a time when several countries have implemented improvements in their animal welfare laws. Sweden too is just about to start an Inquiry. The government has launched an Inquiry to be completed by January 2011. The aim of the new legislation is to achieve at least the same level of animal welfare as today. At the same time “simpler and more flexible rules” are being advocated.¹ Animal Rights Sweden sees a serious risk in this ambition and fears that animals may have to pay the price of a simplified regulatory framework.

In an interview in one of Sweden’s leading dailies, the Minister of Agriculture of Sweden said when asked about the Inquiry that he did not believe the level of animal welfare in Sweden needed to be improved dramatically.

“On the whole we are where we should be.”

Eskil Erlandsson, Minister of Agriculture to Dagens Nyheter²

As will be shown in this report, there are serious flaws in the Swedish legislation. Animal Rights Sweden does not agree with the Minister of Agriculture in his analysis of the situation, and hopes that the government instead heeds the ambition spoken in his words in 2006:

“Sweden is and will continue to be one of the world’s best countries in terms of animal protection. This is the foundation of the government’s animal welfare policy.”

Eskil Erlandsson, Minister of Agriculture³

This report is written for all those who want to know the truth about animal welfare in Sweden.



Photo: Network for dyrs frihet

Best in the world?

– An in-depth look at selected areas

For the Inquiry, the government has identified certain problem areas to which investigators should pay special attention. Animal Rights Sweden has chosen to study the laws of other countries in these and a number of other key areas. Such a comparison may provide ideas and inspiration for new solutions for Sweden. At the same time it has become clear that Sweden will have to raise the bar in order to be the best in the world when it comes to animal welfare.

The areas of legislation highlighted by the government as problem areas are largely the same areas that Animal Rights Sweden has long identified as a problem.

There are a number of other areas that also fall into this category but to Animal Rights Sweden's disappointment are not included in the Inquiry directives. These include the

breeding of animals for fur, the castration of pigs without anesthesia and the use of animals in circuses. These three areas have received a lot of attention in recent years both in Sweden and internationally, and a number of countries have chosen to review their legislation in these areas. Animal Rights Sweden has therefore opted to include them in this report, in the hope of inspiring the government to make improvements in Swedish legislation in these areas too.*

In this report we take a look at each area, reporting on the current legislation in Sweden today as well as the current legislation in a number of other countries. Our aim is to provide examples of solutions in other countries, not to provide a comprehensive study of all the countries in the world. A table at the end of each area provides an overview of the international comparison.

*) There are areas in Swedish animal welfare legislation that rate strongly by international comparison, which are not addressed in the scope of this report as they are not part of the ongoing Inquiry. These areas primarily concern certain aspects of the rules for pig farming, animal transportation and slaughter – in Sweden animals must be pre-stunned before slaughter.

Fur farming

In several countries different types of bans on fur farming have been implemented in recent years. This is an area that many people feel very strongly about, as they do not consider it ethically acceptable to raise animals for fur. This position is reflected in the fact that a majority of Swedes want a ban on the farming of mink – the animal species that dominates Swedish fur farming today.⁴

Animal Rights Sweden is surprised and disappointed to note that fur farming is not included in the directives of the Inquiry into animal welfare legislation. It is hoped that investigators will see the importance of including the area in the inquiry, and will also be inspired by international developments. Several of the countries that have imposed a ban on fur farming base new legislation on ethical grounds, and on public opinion in the country. Animal Rights Sweden hopes that Sweden is now ready to follow these developments along the same lines.

What is the legal situation in Sweden today?

Today it is permitted to raise animals for their fur in Sweden. Species that are bred solely for their fur are mink and chinchillas. The breeding of these animals for fur has repeatedly been found to be contrary to national and international legislation.⁵⁻⁸

The Swedish constitution contains no mention of animal rights. The effects of this include that property protection and freedom of economic activity take precedence over animal rights. The impact of this is apparent in the Fur Industry Investigation, in which difficulties in prohibiting fur farming in Sweden have been encountered, since the constitution provides greater protection of the fur industry than of animals. Financial compensation would therefore be a necessity if liquidation of the fur industry was enforced.⁹

Suggestions for amendments in the legislation

There used to be fox farms in Sweden. In the early 1990s fox farming received criticism because the animals were not able to behave naturally in the farm environment.⁶ This led to the enforcement of new rules in the Animal Welfare Ordinance in Sweden. As a result of the new rules, fox farming was no longer economically viable, and today fox farming is no longer carried out in Sweden. Naturally, Animal Rights Sweden views this as a positive development. But given the strong ethical arguments against breeding foxes for fur, and the support such a ban would have among the Swedish people, it would have been both desirable and relatively straightforward to enforce a ban instead. The introduction of this type of indirect ban is likely to send mixed signals

both to the fur industry and the general public, and gives the animals in question less solid protection. Animal Rights Sweden believes that all breeding of animals for fur should be prohibited.

Which countries provide stronger protection?

Complete ban on fur farming

In United Kingdom and Austria, there is already a complete ban on breeding animals primarily for fur. In Croatia a law prohibiting all fur farming is in full force, with a phase-out period until 2017. It is interesting to note that Croatia – a country which previously had an economically successful fur farming industry – has taken this step.¹⁰ Before the ban, Croatia was one of the world's largest producers of chinchilla fur and fur farming played a significant economic role in the country.¹⁰ This goes to show that business interests do not always come before animal welfare legislation abroad. Bans and strong restrictions are also being enforced in countries where the fur industry plays an important economic role. It seems that several countries are clearly better than Sweden at allowing relevant facts about the needs of animals to steer legislation, rather than the financial interests of certain companies.

Bosnia and Herzegovina have adopted new animal welfare legislation, which was voted through in parliament in spring 2009. In many respects it is identical to Croatia's new legislation, with Bosnia and Herzegovina also enforcing a total ban on all breeding of animals for fur.¹¹ According to Animal Rights Sweden's sources, the legislation is already in effect, but we have not been able to reach the authorities in Bosnia and Herzegovina for confirmation.

A number of other countries are currently in discussions on the enforcement of a total ban on fur farming. In Belgium, the federal government and a number of regions are working towards a ban, while the Flanders region has objected to a ban. For decisions to be enforced they must be unanimous in the country.¹²

In Israel, MP Nitzan Horowitz added a bill in spring 2009 to ban all production as well as the import and sales of fur. If the proposal goes through, Israel will be the first country in the world with such a law. At the printing of this report the outcome of the proposal was not yet clear.

Ban on keeping certain animal species for fur farming

The Netherlands were first out with a ban on fox farming in 1995, with a ten year phase-out period.¹³ Now raising chinchillas for fur is also prohibited. A bill based on ethical arguments to ban mink farming has also recently received support in a vote in parliament. This despite the fact that the Netherlands is the world's third largest producer of mink pelts.⁹ The next step is for the senate to act on the proposal.

In Denmark, a ban on fox farming was enforced in 2009, with a phase-out period until 2017 for most farmers, and until 2023 for the two fur farmers for whom fox farming is their main income. There are around thirty fox farms in Denmark.¹⁴ Despite the fact that official statistics for the total number of animals are lacking, statistics are available for the number of bred animals.¹⁵ Around 4,000 foxes were used for breeding in recent years, meaning that in Denmark the ban also affects economically significant businesses.¹⁴

Strict rules that prevent fur farming

In some countries the rules governing fur farming are so strict that the activity is not economically viable – as the case is with fox farming in Sweden today.

In Switzerland this is the case for all species of animals. Hence there is no fur farming at all in the country.⁹

In 2008, Italy introduced stricter rules governing mink farming. The new rules stipulate that minks must have access to swimming water, terrestrial cages and more space than before. This is likely to lead to an end of mink farming in Italy.

Legislation governing fur farming

Country	Grade	Comments
Sweden	★	Strict rules for raising certain species of animals.
Israel	★★★★	Total ban on the fur industry – if the proposal goes through.
United Kingdom	★★★	Ban on all fur farming.
Austria	★★★	Ban on all fur farming.
Croatia	★★★	Ban on all fur farming.
Bosnia and Herzegovina	★★★	Ban on all fur farming.
Switzerland	★★	Strict rules prevent all fur farming.
Netherlands	★★	Ban on raising certain animal species for fur.
Denmark	★	Ban on raising certain animal species for fur.
Belgium	★	Ongoing discussion on implementing ban on all fur farming.
Italy	★	Strict rules for raising certain species of animals.

- ★ Non-existing or very weak by international comparison
- ★★ Weak by international comparison
- ★★★ Strong by international comparison
- ★★★★ Animal rights are safeguarded

Castration of pigs

The castration of male piglets to avoid boar taint in pork products is common practice. Boar taint is the offensive odor or taste that is sometimes evident during the cooking or eating of pork or pork products derived from uncastrated male pigs.¹⁶ Another reason for castration is that the pigs are kept in cramped and stimulus-poor pens. In such environments, uncastrated male pigs may become aggressive and injure each other.¹⁷ The aggressive and sexual behavior of the very active uncastrated male pigs leads to anxiety among the pigs in the cramped pens, and the young sows may be impregnated.¹⁸

The fact that castration is done without anesthesia has been highlighted as an animal welfare problem in recent years. The Ministers of Agriculture in Sweden, Denmark, Belgium, the Netherlands and Germany agreed in a joint declaration in 2001 that castration without anesthesia should be banned as soon as possible.¹⁶ Pig farmers have also shown an interest in finding an alternative to castration without anesthesia.

“In the past year, Swedish Pig Producers, in collaboration with the LRF (the Federation of Swedish Farmers) and the Swedish Animal Health Service, have carefully investigated the castration issue. We see pain alleviation as a first step towards resolving the problem and the Swedish Animal Health Service will work with the Swedish University of Agricultural Sciences to conduct tests on the method. Swedish Pig Producers look on Veterinarian Erik Lindahl’s pain alleviation method positively. We want to produce pigs with at least the same level of animal welfare as our competitors.”

Statement from Swedish Pig Producers 2009¹⁹

In view of the welfare problems that castration without anesthesia means for pigs, and on developments in the rest of Europe, Animal Rights Sweden is surprised that the subject

is not addressed in the committee directive for the Inquiry into animal welfare legislation. It is hoped that investigators will come to a different opinion than the government and include the issue among the other subjects being given a special focus in the Inquiry.

What is the legal situation in Sweden today?

In Sweden it is permitted to castrate pigs without anesthesia and without the presence of a veterinarian, provided that the castration takes place before the pig reaches the age of seven days. The procedure is very painful,¹⁷ and very common; affecting 4,000 pigs in Sweden every day.*

Suggestions for amendments in the legislation

Addressing the basic problem here is important – that pigs are reared and killed prematurely for food, and kept in a manner that is totally contrary to their natural behavior and needs. The limited environment in which they are raised causes them to harm each other and their situation is probably worse if the male piglets are not castrated. Anesthesia prior to castration is not the final solution to the problem. The anesthesia in itself involves handling elements that are stressful for the pig and it is likely that the pig feels the pain of the anesthetic injection. In anticipation of practices that involve non-surgical castration, Animal Rights Sweden believes that anesthesia should be used before castration followed by prolonged analgesic administration afterwards. This will reduce the suffering of 1.5 million pigs each year that are exposed to the procedure in Sweden. It is very important that both the anesthesia and analgesics are administered correctly.



Photo: Gabrielle Meurer

*) Under law, reindeer may also be castrated without anesthesia in the absence of a veterinarian. Animal Rights Sweden considers this to be just as problematic as for pigs.



An alternative to surgical castration in order to avoid boar taint is immunocastration.* But as these injections are administered relatively late in the pig's life, pigs are still bound to have problems with sexual and aggressive behavior in the limited environment in which they are raised, causing stress among male pigs and leading them to injure each other.¹⁶ At the time of writing this report a project in which pigs are given injections at an earlier age was ongoing at the Swedish Agricultural University, the results of which will be presented in the end of 2011.

Which countries provide stronger protection?

The comparison with other countries has focused on anesthesia and not on other types of pain relief.[†] In Norway, the surgical castration of pigs without anesthesia is forbidden, and the procedure may only be performed by a

veterinarian.²¹ In Switzerland, a ban on castration without anesthesia will enter into force on January 1, 2010.²² In the United Kingdom, Ireland and Portugal the castration of pigs is hardly carried out at all,²³ even though the procedure is not regulated by law.[‡] In Spain and Cyprus fewer than half of all male piglets are castrated in the conventional system.⁴⁰

Belgium has taken a decision in principle against the castration of piglets.¹⁶ And in recent years the Netherlands has carried out a campaign against pig castration. Subsequently, an agreement has been reached between business, farmers, animal welfare organizations and the government prohibiting the sale of meat from pigs that are castrated without anesthesia.²⁴ Nearly all pigs in the Netherlands are administered a carbon dioxide[§] and oxygen mix anesthesia prior to castration.²⁵ In Denmark and Austria, discussions regarding enforcing a ban on castration without anesthesia are ongoing, as a result of developments in neighboring countries.

*) In immunocastration the male piglets are vaccinated with a synthetic copy of an endogenous protein (Gonadotropin-releasing hormone, GnRH). Pigs that are treated produce antibodies against its own hormone, thereby blocking the hormonal stimulus that normally governs sexual maturity in pigs.

†) Anesthesia refers to completely blocking any sensation of pain, for example using general anesthesia. Analgesia is used to reduce the sensation of pain, but does not necessarily block it.

‡) In countries where pig castration is not carried out, the pigs as a rule are slaughtered earlier. In Animal Rights Sweden's experience this however does not solve the problem of aggressive and sexual behavior among pigs.

§) The disadvantages of carbon dioxide include that it can cause stress and involuntary muscle spasms. Mixing carbon dioxide with oxygen has been shown to lessen the problem. (Source: Swedish Board of Agriculture, Report on investigation of castration of piglets, October 30, 2008. Dnr 31-3146/08).



Legislation governing pig castration

Country	Grade	Comments
Sweden	★	Castration without anesthesia permitted.
Norway	★★★	Castration without anesthesia prohibited.
Switzerland	★★★	Castration without anesthesia prohibited from 2010.
Netherlands	★★	Ban under discussion, in practice the majority of pigs are given anesthesia today.
Belgium	★★	Decision in principle against castration without anesthesia made.
Denmark	★★	Ban under discussion.
Austria	★★	Ban under discussion.

- ★ Non-existing or very weak by international comparison
- ★★ Weak by international comparison
- ★★★ Strong by international comparison
- ★★★★ Animal rights are safeguarded



Photo: drinfor.se

Grazing rights for cows

Animal Rights Sweden has chosen to include grazing rights for cattle in its comparison with other countries – an area where Sweden is still at the forefront but that is now in jeopardy.

Approximately 55 percent of cows in the dairy industry in Sweden are tethered indoors for most of the year.²⁶ This means that cows cannot turn around or scratch the back parts of their bodies, and can only stand or lie down. Neither do they get any physical activity and have very limited opportunities for social contact.²⁷ In farming centers built after August 1, 2007 cattle must be kept in loose housing.²⁸

What is the legal situation in Sweden today?

In summer, all cows have the right to be outside for 2–4 months, at least 6 hours a day.^{20, 28} Grazing rights do not include calves and bulls, so they are often tethered inside year round. In addition, verification that the cows really are permitted to be outside and graze is very poor.²⁹ As controls increase, so has the number of requests for dispensation from pasture requirements.³⁰ This suggests that the rules are not always followed. The Swedish Association of Dairy Farmers furthermore is working actively to eliminate the pasture requirement.³¹

Animal Rights Sweden is of the opinion that the right to graze is a very important right, which should be extended to other animal species.

Which countries provide stronger protection?

Grazing rights for cattle is an area where Sweden is still at the forefront. Norway and Finland have similar rules. In Switzerland there is a requirement that tethered cows should have full freedom of movement for at least 60 days in summer and 30 days in winter, but need not be on pasture, nor is the number of hours a day regulated.³²

Legislation governing grazing rights for cows

Country	Grade	Comments
Sweden	★ ★ ★	Cows have the right to graze for 2–4 months in the summer, at least 6 hours a year.
Norway	★ ★ ★	Similar rules as Sweden.
Finland	★ ★ ★	Similar rules as Sweden.
Switzerland	★ ★	There is legislation for full freedom of movement at certain times, however it does not have to be on pasture.

- ★ Non-existing or very weak by international comparison
- ★ ★ Weak by international comparison
- ★ ★ ★ Strong by international comparison
- ★ ★ ★ ★ Animal rights are safeguarded



Photo: Bigge Pektart

Natural behavior

What is the legal situation in Sweden today?

The Swedish Animal Welfare Act contains a fairly unique paragraph which states:

*“Animals shall be accommodated and handled in an environment that is appropriate for animals and in such a way as to promote their health and permit natural behavior.”*³³

Prior to the Inquiry into animal welfare legislation, the government determined that this is a paragraph of emblematic importance but that there is uncertainty about what behaviors should be counted as natural. The inquiry directive reads: “The debate has mainly centered on whether the formulation concerns basic behavior that is important for the animal’s wellbeing or the behavior of animals in the wild.”

But even when the current animal welfare legislation came into force it was clear that the purpose of the paragraph was to ensure that animals should feel good, and that new scientific facts would be taken into consideration. The legislative history of the law reads: *“The purpose of the provision is to take species-specific biological behavior into consideration. What constitutes an animal’s natural behavior is determined by means of experience and scientific knowledge. It can be assumed that an increase in research endeavors will lead to wider understanding of animal behavior.”*³⁴

The Inquiry directive states that the new legislation, like current law, must stem from the individual animal’s needs. Today there is a lot of knowledge about natural behavior and needs of animals. Certain behavior is only carried out by animals at certain times and in certain environments.²⁷ One example is wallowing, something pigs only do when they are too hot. Other types of behavior are of such vital importance that an animal must be able to carry them out to feel good, regardless of other conditions. An example of such behavior is nest building behavior in pregnant sows, sand bathing among chickens and rooting for food.²⁷ If we want animals in captivity to behave naturally (and satisfy their needs) we need to give them much greater opportunity to do this than today. Often it is financial interests that put a stop to this, rather than lack of knowledge about what constitutes natural behavior. But it undoubtedly sounds better to say that we do not really know what constitutes their natural behavior than to admit that we actually ignore it or do not care to find out what animals really need.

Animal Rights Sweden agrees with the government that the right to natural behavior is a very important part of Swedish legislation. Clarification of the paragraph would make it easier to interpret and contribute to better compliance thereof. If parts of the legislation are not being followed, this constitutes a real risk that confidence in the legal system is being undermined and that people are being misled. Of course, there is also some concern that the term natural behavior in the new legislation will be aligned with commercial farming interests rather than stemming from the animals’ actual needs. This would be a very unfortunate development and a deterioration compared to the situation today.

Animal Rights Sweden notes that the animal-farming industry in Sweden gladly maintains that the Animal Welfare Act ensures that animals can behave naturally – something that is in complete contrast to the truth:

“The Swedish Animal Welfare Act ensures that animals are raised in a local environment where they can exercise their natural behavior.”

From the Scan website

– a major company within meat and meat products³⁵

Suggestions for amendments in the legislation

Animal Rights Sweden has noted that even in areas where there are detailed regulations from the Board of Agriculture on what constitutes natural behavior, these are often interpreted as advice. The effect is that farmers and others tend to see the directives as something they can fail to follow if they are in conflict with other (economic) interests. The parliamentary ombudsman determined as early as 1990 that it was wrong to interpret the law in this way:^{*}

“In my opinion, such an approach is undesirable and unacceptable. The regulations laid out by the government through the adoption of the Animal Welfare Act shall naturally apply as worded; any implied restrictions or reservations are invalid unless clearly stated in the text.”

Parliamentary Ombudsman decision (1990)³⁶

Animal Rights Sweden suggests instead that the directives be moved to the Animal Welfare Ordinance, so that they will be given higher legal status.[†]

^{*}) The decision stems from a complaint filed against the former equivalent to the Swedish Board of Agriculture that the regulations governing the raising of foxes were contrary to the Animal Welfare Act, as they did not give the foxes the opportunity to behave naturally. The National Board of Agriculture’s understanding was that their task included striking a balance between animal welfare and economic factors. This interpretation was incorrect according to the Parliamentary Ombudsman, stating that The National Board of Agriculture instead should have adapted the directives to meet the needs of foxes or banned fox farming.

[†]) All regulations in this area cannot be moved as it would be too detailed and cumbersome. The proposal is to move a number of them – those requiring better compliance.



Photo: Jan Andersson



Photo: Stefan Holmgren/dninfo.se



Photo: Stefan Holmgren/dninfo.se

Which countries provide stronger protection?

The legislation of a number of other countries includes directives regarding “natural behavior”, “behavioral needs” or “normal behavioral patterns”. These countries include Austria, Finland, Norway, Germany, United Kingdom and Switzerland. In our investigation, Animal Rights Sweden has not found any country that has stronger legislation in this area. Accordingly, Sweden has a chance to take the lead here.

Legislation governing natural behavior

Country	Grade	Comments
Sweden	★ ★ ★	The law states that animals must be given the opportunity to behave naturally.
Austria	★ ★	The law states that animals must be given the opportunity to behave naturally. However, there are contradictions due to certain directives.
Finland	★	Legislation governs natural behavior to some extent but is weaker than Swedish legislation.
Norway	★	Legislation governs natural behavior to some extent but is weaker than Swedish legislation.
Germany	★	Legislation governs natural behavior to some extent but is weaker than Swedish legislation.
United Kingdom	★	Legislation governs natural behavior to some extent but is weaker than Swedish legislation.
Switzerland	★	Legislation governs natural behavior to some extent but is weaker than Swedish legislation.

- ★ Non-existing or very weak by international comparison
- ★ ★ Weak by international comparison
- ★ ★ ★ Strong by international comparison
- ★ ★ ★ ★ Animal rights are safeguarded



Sexual exploitation of animals and animal pornography

In 1864, the penal code considered *fornication with animals*, or bestiality, as a sort of crime against morality and punishment was harsh. Crime against morality was decriminalized in 1944 and today sexual exploitation of animals* is permitted in Sweden, as long as it does not cause injury that can be classified as *cruelty to animals*. In principle, concerning both physical and psychological suffering. However, in practice, the law is only applied when the animal has received physical injuries, often quite serious ones.³⁷ The number of unreported cases is likely to be large as this crime comes with a taboo. Only a small percentage of cases reported to the police lead to prosecution[†] because the crime must firstly be tied to a person and then proof must be provided that the animal has suffered (in practice through physical harm). In the absence of technical evidence (for example DNA), such crimes are often difficult to solve. The animal itself is not able to speak about the incident as a human victim would have been.

The laws are similar for animal pornography, where it is only forbidden to depict intrusive or prolonged grave violence against animals. The Animal Welfare Agency found in an investigation that the provisions of the current law are inadequate in terms of protecting animals from sexual abuse and being exploited in animal pornography.³⁷ Furthermore, the Agency finds it unacceptable that animals are sexually exploited by humans and proposed changes in legislation to strengthen animal welfare.

Animal Rights Sweden has pushed for the criminalization of sexual abuse of animals and animal pornography for many years and welcomes the government's decision to review the related legislation.

*) The term sexual exploitation in this text covers all situations in which an animal is exposed to acts of a sexual nature by a human. Images, films, texts, etc., in which an animal is depicted pornographically are deemed to be animal pornography.

†) In a survey conducted by the Animal Welfare Authorities in 2000–2004 to investigate the extent that humans use animals in a sexual context (sexual exploitation and animal pornography), the Swedish police authorities reported 100 cases, other respondees (vets, women's crisis centers, etc.) 19 cases, in total 119 cases. The most common victims were horses followed by dogs, but other animals were also involved. No one was prosecuted. (Animal Welfare Authorities report on April 28, 2005: Governmental investigation into the sexual exploitation of animals, JO2004/1377, 1378). In all probability the real number of crimes is much greater – if you compare rape crimes against humans the number is estimated at 7–8 times greater than those reported (BRÅ Rapport 2008:13 on rape), and animals cannot report abuse.

What is the legal situation in Sweden today?

Sexual abuse

Under the Swedish penal code, a person who, “*with intent or through gross carelessness, by maltreating, overworking, neglecting or in some other way unjustifiably exposes an animal to suffering shall be sentenced for cruelty to animals*”.³⁸ Only those cases in which police and prosecutors can prove that the animal has been physically or mentally harmed by the abuse lead to prosecution for cruelty for animals. A person who exploits another person’s animals may also be sentenced for *inflicting damage*. These rules are there to primarily protect the owners, not the animals.

Animal pornography

Currently, there are no laws prohibiting the sale of material depicting sex with animals.

The only restrictions are the following:

- It is forbidden to show images depicting sexual violence or coercion with the intent to disseminate the picture, or to disseminate such a depiction.
- It is forbidden to intrusively or extensively depict extreme violence against animals in moving pictures with the intent to disseminate the depiction, or to disseminate such a depiction.

The above are prohibited by the penal code and offenders can be sentenced to *unlawful depiction of violence*.³⁸

Suggestions for amendments in the legislation

Animal Rights Sweden advocates that all alternative legislative proposals should be investigated, but hereby provides a few suggestions of satisfactory solutions.

In order to sentence people who commit sexual abuse of animals for crimes against the Animal Welfare Act, it must be specified in a section of the Act.* Suggested wording might be: “Animals may not be subjected to acts designed to bring sexual satisfaction to the offender.” This is also a way to determine and punish the act itself, without having to prove that the animal has suffered.[†]

Another way to strengthen the protection of animals is to criminalize sexually motivated acts in the penal code. Likewise, in this case, it would be unnecessary to prove that the animal has suffered, as required by current legislation. This could gainfully be done by adding a paragraph to the penal code[‡] with the following wording: “A person who, through intent or through gross negligence, exposes animals to acts designed to bring sexual satisfaction to himself, or another, shall be prosecuted for sexual abuse of animals and be sentenced to fines or imprisonment for a maximum of two years. The same is applicable to a person who forces another person into carrying out sexual acts with or on animals.” This would allow an offender to be prosecuted for a crime even if there is no visible injury or other proof that the animal has suffered.[§]

A more ambitious proposal would be to place the sexual abuse of animals in chapter 6 of the penal code on sexual crimes, but this requires a thorough criminal and legal technical analysis that is beyond the scope of this report. Animal Rights Sweden will instead present an analysis and proposal on how sexual abuse of animals could acquire sexual misconduct status in a separate study at a later date.

According to the same principle, proof of the depiction of extreme violence should not be required in the case of animal pornography. Like in the case of child pornography, the sexual act in itself should be enough (= documented abuse). In this case too, Animal Rights Sweden proposes an addition to the penal code, containing wording equivalent to that on child pornography.[¶]

*) For example adding a paragraph to §5 or a new paragraph 5a. The penalty clause in §36 thereby becomes applicable.

†) For acts to be sexually motivated is meant to exclude insemination and similar procedures in and of themselves of a sexual nature, but that are really an expression of man’s power over animal reproduction.

‡) As a suggestion under the cruelty to animals section, such as chapter 16, §13a.

§) It is common that zoophiles (= people with obsessive-compulsive need for sexual intercourse with animals), similar to pedophiles and with the same lack of awareness about the sickness, argues that the sexual relation is mutual and loving.

¶) For example chapter 16, §13b with content equivalent to that in chapter 16, §10a.

Which countries provide stronger protection?

In Norway, Switzerland, Belgium and Austria the sexual abuse of animals is expressly prohibited by law, regardless if physical or psychological harm to the animal can be proved or not. Norway and Switzerland are examples of countries that use the motive itself as a basis for legislation and where there is a ban on all sexually motivated acts with animals. In the Netherlands a similar bill was passed by the House of Representatives, and at the time of printing this report was being addressed by the Senate. A number of other countries prohibit certain sexual acts with animals.

However, in several countries legislation focuses more on crimes against morality than animal protection. These include Canada, United Kingdom and France.³⁷

In the U.S. there are federal laws* prohibiting animal pornography and sexual acts between animals and humans if minors are involved.³⁷ Otherwise, each state is responsible for its own legislation governing the sexual abuse of animals. Most states ban sexual acts between animals and humans, even if the legislation in itself is designed to prohibit crimes against morality.³⁹

Legislation governing sexual abuse of animals

Country	Grade	Comments
Sweden	★	Only cases classified as cruelty to animals are prohibited.
Norway	★★★★	All sexually motivated acts against animals are banned.
Switzerland	★★★★	All sexually motivated acts against animals are banned.
Austria	★★★	Sexual abuse of animals is prohibited.
Belgium	★★★	Sexual abuse of animals is prohibited.
Netherlands	★★★	Sexual abuse of animals will be prohibited – if the law is passed.
Canada	★★	Certain sexual acts with animals are banned.
United Kingdom	★★	Certain sexual acts with animals are banned.
France	★★	Certain sexual acts with animals are banned.
USA	★★	Most states ban sexual acts with animals.

- ★ Non-existing or very weak by international comparison
- ★★ Weak by international comparison
- ★★★ Strong by international comparison
- ★★★★ Animal rights are safeguarded

*) Under the U.S. system of government, laws are enacted both on a federal and state level. The laws at each level complement and interact with each other. The Animal Legal Defense Fund organization ranks each states laws. In 2008, California, Illinois, Maine, Michigan and Oregon were at the top of the list (ALDF 2008 State Animal Protection Laws Rankings. www.aldf.org). The organization does a corresponding ranking for Canada each year.



Animals in circuses

Animals in circuses are potentially exposed to all the problems that threaten the welfare of zoo animals, and which are caused, among other things, by limited space, unnatural social groupings, and an environment to which they are not adapted.^{40, 41} Furthermore, the circus business is built on being on the move, and on that animals perform for the audience. Both these factors may contribute to problems for the animals. Travel and the circumstances of transportation may cause stress to the animals,^{42, 43} and the time they are allowed to spend outside is limited to within the bounds of temporary fencing. The acts the animals are made to perform are often unnatural for them, and can sometimes cause injuries. An example of this are elephants which are forced to stand on their back legs, a position that elephants rarely take in the wild and which can cause joint damage.⁴⁴ Animals that tour with circuses in Sweden usually perform abroad during the other months of the year. This is a contributing factor in the lack of control that Swedish authorities have over large parts of the business, including the training methods used to make the animals perform.

Defenders of animal circuses claim that it is a culturally and historically important art form worth preserving. But Animal Rights Sweden has observed that the circus business nowadays is on a very small scale with fewer and fewer touring companies. Poor animal welfare is a key reason why the circus business has been challenged in recent years. One argument against animal circuses is that the societal benefits – if any – are not proportionate to the suffering and discomfort to which the animals are exposed. Different types of bans and more stringent rules have been introduced in several European countries, and local and regional bans are also on the rise.⁴⁵

Animal Rights Sweden notes that circus animals are missing on the list of particularly important areas listed for the Inquiry on the animal protection legislation. Our position is that animal circuses should not be allowed in Sweden. They send a signal – in particular to children and youths – that it is okay to use animals for pleasure. This is therefore a fundamentally important issue, and a ban on animals in circuses instead would signal that animal wellbeing is more important than the short-term pleasure that a circus show brings the audience.

What is the legal situation in Sweden today?

Circus activity is regulated, among other things, by the Animal Welfare Act and the Animal Welfare Ordinance, which contain basic rules about how animals should be kept and managed. There is no register of which animal species that are permitted to be displayed at circuses, however the Animal Welfare Ordinance states which animals may not perform at circuses.* The Animal Welfare Agency's directives on animal welfare in circuses include special rules for certain animal species, and directives regarding control activities.⁴⁶ Prior to a circus' first show every year the County Administrative Board carries out an inspection of the circus on location. They are also responsible for monitoring circuses and their animal husbandry.

The Swedish Board of Agriculture has proposed to extend the list of animals that cannot be displayed at circuses to include more species. Elephants and sea-lions are on their list, citing the serious animal welfare problems which could affect these species.⁴⁷ The animal welfare authority also criticized the display of sea-lions at circuses due to the difficulty in satisfying their natural behavior and needs.⁴⁸

Suggestions for amendments in the legislation

Animal Rights Sweden hopes that Sweden will follow international trends in this area. A ban on displaying animals at circuses would be totally in line with the government's desire to prioritize animal welfare.

Which countries provide stronger protection?

In the comparison with other countries, the focus is on the legislation determining which animal species may or may not be displayed at circuses. Naturally there are rules on how the animals should be kept, taken care of and transported. A full comparison of the regulatory framework does not fall within the scope of this report.

*) Animals that may not be publically displayed at circus, music halls or the like are: monkeys, predatory animals (with the exception of domestic dogs and cats), seals (with the exception of sea-lions), rhinos, hippos, deer (with the exception of reindeer), giraffes, kangaroos, birds of prey, ostriches, and crocodiles/alligators.

In Bolivia it is prohibited to display animals in circuses at all.⁴⁹ Bosnia and Herzegovina's new animal protection laws* also entail a total ban.^{11, 50} In Peru, a bill for a total ban on circus animals is expected to be voted in at the time of printing this report.⁵¹ In Brazil, similar legislation has been proposed but has not come as far in the decision process.⁵¹

The following countries have bans on displaying wild (non-domesticated) animals in circuses:⁵²

- Bulgaria (with the exception of dolphins)
- Austria
- Costa Rica
- Israel
- Singapore
- Croatia

In some countries there are bans against circus animals in some regions or municipalities. This is the case for example in Belgium, United Kingdom, the U.S. and Brazil.^{45, 52} There are thus different rules in different parts of the country.

Several countries have other types of bans. These include prohibiting the display of captured wild animals, species listed by CITES,[†] or as in Sweden's case, certain wild animals.

Legislation governing animals in circuses

Country	Grade	Comments
Sweden	★ ★	A ban on displaying certain animal species.
Bolivia	★ ★ ★ ★	Total ban on displaying animals in circuses.
Bosnia and Herzegovina	★ ★ ★ ★	Total ban on displaying animals in circuses.
Peru	★ ★ ★ ★	Total ban on displaying animals in circuses – if the proposal goes through.
Croatia	★ ★ ★	A ban on displaying wild animals + regional total bans.
Brazil	★ ★ ★	Regional bans and an ongoing discussion on a total ban.
Singapore	★ ★	A ban on displaying wild animals.
Austria	★ ★	A ban on displaying wild animals.
Switzerland	★ ★	A permit is required for each performance.
Belgium	★ ★	Regional bans.
United Kingdom	★ ★	Regional bans.
USA	★ ★	Regional bans.

- ★ Non-existing or very weak by international comparison
- ★ ★ Weak by international comparison
- ★ ★ ★ Strong by international comparison
- ★ ★ ★ ★ Animal rights are safeguarded

*) See section on fur farming, in which Bosnia and Herzegovina's new laws are addressed in more detail.

†) Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as known as the Washington Convention.



Abandoned, stray and feral animals

Animal Rights Sweden welcomes the government's initiative to review legislation on abandoned and stray animals. These animals experience a lot of suffering, and vulnerability in the form of hunger, parasites, disease and lack of protection against severe weather conditions. Domesticated animals have lost much of their ability to adapt to a life in the wild, and therefore need human care to survive. In this section we will focus on pets, especially cats, because they are most affected by the problem. Rabbits are also seriously affected by homelessness and the problems it entails.

What is the legal situation in Sweden today?

Current legislation on abandoned and feral animals is highly inadequate. Animals that are lost or found are covered by the Lost Property Act.⁵³

The Act on the Supervision of dogs and cats, among other things, establishes the responsibilities of animal owners.⁵⁴ It also indicates who has the right to take care of or put down

a stray or abandoned animal. This law is not there to protect the animals, but to protect society from the nuisance caused by animals. One could say that the animal protection act should protect animals from people, while the supervision act should protect people and property (including other animals) from the animals.*

“The purpose of the Act on the Supervision of dogs and cats is to protect the environment from interference or damage caused by dogs or cats that do not receive adequate supervision and care.”

Swedish Board of Agriculture website⁵⁵

According to a Council of Europe Convention, which Sweden signed in 1989, it is prohibited to abandon a pet.⁵⁶ Countries that signed the convention are also committed to controlling populations of homeless animals in a way that does not cause “unnecessary pain, suffering or stress”. The convention recommends that all animals are tagged and recorded, and the prevention of the birth of unwanted young by encouraging castration. Sweden does not meet the requirements of the Convention.

*) The vast majority of complaints are filed by people who have been frightened by stray dogs or whose own dog has been bitten by other dogs. Almost all such cases are dropped when it is established that the owner had no intent to harm, and bears testimony to more of a widespread overestimation of the capacity of dog owners to control their dogs.

Cats

In Sweden there is a huge stray cat problem. Nobody knows how many there are, but a conservative estimate gives a figure of at least 100,000. Most of these cats are not castrated, causing them to quickly multiply. Today neither the state nor county provides help for homeless cats. Instead volunteers at cat shelters are endeavoring to help cats in need. Municipalities sometimes pay for hunters to shoot stray cats that are perceived as a problem.

Suggestions for amendments in the legislation

How can we overcome the problems of today?

The government claims that today there is “some uncertainty about the extent to which abandoned, lost and stray animals are subject to the regulations of the Animal Welfare Act.”¹

When it comes to applied legislation, feral animals fall between the cracks. The scope of the Animal Welfare Act is too narrow because its primary purpose is to provide animal care instructions to animal keepers, while the hunting legislation only applies to “real” wild animals. The Administrative Court of Appeal has ruled that feral cats are domestic cats that are covered by the Animal Welfare Act.⁵⁷ There are no de facto wild cat species in Sweden and feral cats have “not lost their status as a pet” by being homeless. The Administrative Court of Appeal’s judgment should be considered precedential. Animal Rights Sweden believes that the authorities have a responsibility to take care of these homeless animals, and that cat shelters should be completely financed by public funds to the extent that is needed. Neither should homelessness be a reason for animals to be put down.

Thanks to legislation and control there are no stray dogs in Sweden. With the right willpower it should be possible to create a society in which no other pets need to be homeless either. Animal Rights Sweden believes that the best way to help frightened stray cats is to neuter them and look after them, but let them continue to live in the wild. Neutering

may also prove to be more effective than putting them down in an effort to control and reduce the population in the long-term.⁵⁸ Cats who cannot adapt to a life in captivity may instead continue to live the life they have done so far, as wild animals, but under the supervision and oversight of people. This method is known as TNR (trap-neuter-return) and widely used in a number of countries. The method is well established in Denmark, where TNR is conducted with great success.⁵⁹ In Sweden the method is practiced on a small scale, but often encounters resistance from the authorities.⁶⁰ Animal Rights Sweden advocates a variant of the method in which populations are given supervision and food after neutering, and therefore add the word “manage” to the method – changing it to TNRM (trap-neuter-return-manage).

Preventative measures

To prevent pets being abandoned and becoming feral, Animal Rights Sweden recommends that new legislation includes mandatory marking and registration of cats, rabbits and other affected species, and a central register. This system exists today for dogs and works very well.* Furthermore, a central register for animals that are lost or found is needed, as well as animal care routines for these animals.

Which countries provide stronger protection?

In countries that have stronger legislation than Sweden in this area it is common that the local or regional authorities are accountable for the care of abandoned and lost animals for a certain period. This is the case in countries such as Finland, the Netherlands and Switzerland. In some parts of Germany, the U.S. and Canada there are state or county run animal shelters that take care of abandoned animals, however according to animal welfare organizations in these countries these operations are not sufficient.

*) Sweden is among the very few countries in the world that has no wild dogs. Dogs that run away or are abandoned by their owners, often because of sickness or death, are quickly taken care of and do not have the time to form packs with other wild dogs.

Legislation governing abandoned and feral animals

Country	Grade	Comments
Sweden	★	Found animals fall under lost property legislation.
Finland	★★★	Authorities have an obligation to take care of these animals for a certain period of time.
Netherlands	★★★	Authorities have an obligation to take care of these animals for a certain period of time.
Switzerland	★★★	Authorities have an obligation to take care of these animals for a certain period of time.
Austria	★★	Animal shelters are partly financed by the state but the authorities are under no legal obligation to care for animals.
Germany	★★	These animals are considered to be lost property. Some animal shelters are run by municipalities.
USA	★★	Federal legislation is lacking, but certain states fund animal shelters.
Canada	★★	Federal legislation is lacking, but certain states fund animal shelters.

★ Non-existing or very weak by international comparison

★★ Weak by international comparison

★★★ Strong by international comparison

★★★★ Animal rights are safeguarded



Photo: Jeff Cushman



Photo: drinfo.se

Breeding that causes suffering

Prior to the Inquiry into Swedish animal welfare legislation the government notes that some breeding methods today increase the risk of injury and/or disease to the animal as well as increase the risk for inbreeding, in particular breeding among certain dog and cat breeds.¹

Animal Rights Sweden has been actively working to prevent extreme breeding for a long time. Extreme breeding can be defined as excessive breeding when compared to the benchmark standard for the specific breed. Some of the most common problems of extreme breeding include eye deformities, obstetric difficulties and blunt noses, which lead to breathing problems.

It is also important to do something about extreme breeding that affects other animal species than dogs and cats. The following quote summarizes the problems for animals bred for the food industry:

“The industrialized production of food and the environment that animals are kept in raises significant animal welfare issues, but tomorrow’s biggest problem is perhaps the side effects of intensive breeding. The average production levels of our domestic animals (growth, milk production, etc.), has almost doubled through breeding since 1960. Research shows that a variety of medical conditions and health problems may be closely associated with high production. Examples include mastitis and foot diseases in dairy cows, and skeletal disorders in industrially bred chickens and pigs. These and other serious conditions have increased considerably in recent decades.”

Per Jensen, 2001⁶¹

Animal Rights Sweden welcomes government initiatives to tackle the issue and seek a solution to the problem, and emphasizes that attention to all types of extreme breeding is important.



What is the legal situation in Sweden today?

Animal welfare legislation states that “Breeding that is planned in such a way that it may entail suffering for the animals shall be prohibited”²⁰ This is further elaborated in regulations for different species, along with other conditions regarding how breeding should be conducted.^{62–64}

to overcome existing problems, Animal Rights Sweden thinks that international agreements are needed. Strong economic interests are the driving force in the area of animals used for food production. Here too, breeding and control is to a large extent carried out in other countries.

Proposed solutions

In Sweden’s case it is more a question of non-compliance than weakness in legalization. Breed standards for pets are applied after they have been approved by international associations. These standards have a significant influence over how breeding is conducted. In many countries there is no legislation governing breeding, that causes suffering. Animal Rights Sweden believes that this is a contributing reason as to why breeding standards are lacking when it comes to animal welfare and instead focuses on appearance. In order to

Which countries provide stronger protection?

In many countries there are no laws against breeding which causes harm or suffering. Such breeding is banned however in Finland, Norway, Switzerland, Austria and Germany. Animal protection organizations in these countries bear witness to non-compliance and poor control, which is viewed as the main problem rather than a lack of legislation.

Legislation governing breeding that causes suffering

Country	Grade	Comments
Sweden	★ ★ ★	Breeding causing harm or suffering is prohibited.
Finland	★ ★ ★	Breeding causing harm or suffering is prohibited.
Norway	★ ★ ★	Breeding causing harm or suffering is prohibited.
Switzerland	★ ★ ★	Breeding causing harm or suffering is prohibited.
Austria	★ ★ ★	Breeding causing harm or suffering is prohibited.
Germany	★ ★ ★	Breeding causing harm or suffering is prohibited.

- ★ Non-existing or very weak by international comparison
- ★ ★ Weak by international comparison
- ★ ★ ★ Strong by international comparison
- ★ ★ ★ ★ Animal rights are safeguarded



Conclusion – is Sweden best in the world?

Naturally it is difficult to say which country has the best animal welfare legislation in the world. Animals are used by humans in so many different ways and, as we have seen in this report, there are also many different solutions to a given problem.

That said, it is interesting to look at the results of the comparisons actually made and which are highly relevant to the upcoming Inquiry into Swedish animal welfare legislation – particularly as the Minister of Agriculture of Sweden has expressed ambitions for Sweden to lead the world in animal welfare.

An overall assessment of the areas reviewed shows that Switzerland leads by a clear margin, with legislation in place that is by far the most far-reaching. Switzerland is followed by Austria and Norway.* These countries have raised the bar to a higher level in terms of animal welfare legislation than Sweden.

In the process of producing this report, Animal Rights Sweden has found other examples of areas where Swedish law is lagging that are not addressed in the scope of this report:

- In Norway helping an injured animal when you find one is mandatory, whether it is wild or domestic.
- The Norwegian Animal Welfare Act includes wildlife.
- In Germany animal protection makes up part of the constitution.[†]
- In Switzerland it is forbidden to keep hens in cages.
- The U.S. court system individuals can sue for crimes against animals.

It is Animal Right Sweden's hope that the Swedish government will get the message that animal protection in Sweden is lagging, rather than being world's best, while finding inspiration for animal-friendly and workable solutions in this material.

*) The tables in this report show only the countries with the strongest legislation in each area. Countries not included in the tables have been awarded points at a level of "non-existent or very weak by international comparison." If this adjustment is not made Sweden – having been investigated in all areas – would have an advantage in the overall assessment.

†) Animal Rights Sweden efforts have long been focused on getting animal welfare to be a part of the Constitution. The effects of this not being the case are described in the section on fur farming.

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Animal Rights Sweden

Animal Rights Sweden is the largest animal rights and welfare organization in Scandinavia with about 36,000 members. We are a politically independent, non-profit organization that was formed in 1882. Using personal contact and the written word, we strive to transform our society into one that respects the rights of animals. The key issues addressed by our organization are experiments using animals, food industry, fur industry and consumer issues. Animal Rights Sweden is entirely dependent on voluntary help. We are therefore very grateful for all support – every member and every gift makes a difference. Together we are a strong voice for animals.

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