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Chapter 1: Animal rights in the UK

What is animal welfare?

Animal welfare relates to the general health and well-being of animals and covers a wide range of issues, from the care of family pets to concerns about exploitation and abuse.

Animal rights are hotly debated. Proponents stress the helplessness and vulnerability of animals and campaign for their protection, particularly in areas such as medical research and factory farming. Others take a more pragmatic approach, insisting that the ever-increasing demand for better medicines and more food should take priority over the rights of animals.

However, few in Britain today would argue against the need to protect animals from suffering and there are many organisations which continue to campaign vigorously for animal rights.

Background

Britain could claim to be something of a world leader in animal welfare, having been responsible for the first ever animal welfare legislation and the first animal welfare charity.

In 1822 the ‘Act to Prevent the Cruel and Improper Treatment of Cattle’ was steered through the House of Commons by Irish MP Richard Martin – known as ‘Humanity Dick’ because of his campaigning for both animal and human rights.

The act stated that if any person or persons ‘shall wantonly and cruelly beat, abuse, or ill-treat any horse, mare, gelding, mule, ass, ox, cow, heifer, steer, sheep, or other cattle’ they would be fined a sum ‘not exceeding five pounds, not less than ten shillings’; failure to pay the fine would result in a prison sentence of up to three months.

Not everyone appeared to take the new law seriously, however, and there were concerns that the legislation was not being properly implemented. Consequently, in order to provide greater protection for animals, Richard Martin, together with the Reverend Arthur Broome and fellow MP and slave trade abolitionist William Wilberforce, founded the world’s first animal welfare charity, the Society for the Prevention of Cruelty to Animals (SPCA), in a London coffee shop in 1824.

The charity subsequently attracted the patronage of Queen Victoria and went on to become the Royal Society for the Prevention of Cruelty to Animals (RSPCA), well-known today as one of the world’s leading animal welfare organisations.

Other animal charities began to be established towards the end of the 19th century and some, like the RSPCA, are still going strong today.

The Mayhew Animal Home, for example, founded in 1886 to protect ‘the lost and starving dogs and cats of London’, is still rescuing and providing shelter for thousands of animals every year; and the National Canine Defence League (NCDL) set up in 1891 to protect dogs from torture and mistreatment of any kind, today operates as the Dogs Trust and has become the UK’s largest dog welfare charity.

Animal experimentation also became a major issue around that time. Although live animals had been used in research for many years, it was not until the late 19th century that anti-vivisection societies began to organise concerted opposition to the practice.

Five of the societies merged in 1898 to form the British Union, which later became the British Union for the Abolition of Vivisection. Support for the movement grew rapidly and today the BUAV and many other national and international groups are continuing to campaign for an end to all animal experimentation.

The work of the various charities was supported by the introduction of further legislation which was gradually expanded to cover domestic and other animals.

The 1911 Protection of Animals Act was introduced to ‘consolidate, amend, and extend certain enactments relating to Animals and to Knackers’.

The Act made it an offence of cruelty to ‘cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal’ or permit an animal to be so used; to ‘convey or carry, or permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering’; to ‘cause or assist at the fighting or baiting of any animal’; to ‘administer, or cause administration of, any poisonous or injurious drug or substance to any animal; and to ‘cause or permit any animal to any operation which is performed without due care and humanity’.

Any person found guilty of such an offence of cruelty would be liable to a fine ‘not exceeding twenty-five
welfare legislation.


In 2006 the most significant piece of animal welfare legislation was passed. The Animal Welfare Act (in force April 2007) largely repealed and replaced the 1911 Protection of Animals Act, strengthened and updated the provisions of that Act, and consolidated and updated several other pieces of animal welfare legislation.

‘Animal welfare seems to attract more controversy than almost any other issue’

In addition, the Act introduced a new offence of failing to ensure the welfare of an animal. Any person responsible for an animal must ensure that five specific needs of the animal are met:

- its need for a suitable environment,
- its need for a suitable diet,
- its need to be able to exhibit normal behaviour patterns,
- any need it has to be housed with, or apart from, other animals, and
- its need to be protected from pain, suffering, injury and disease.

The Act also made it an offence to dock the whole or any part of a dog’s tail, unless that dog is a certified working dog of not more than five days old.

Anyone found guilty of offences under the Act could be banned from owning animals, fined up to £20,000 and/or given a prison sentence.

The Animal Welfare Act also provides for secondary legislation and codes of practice to be introduced to further promote the welfare of animals. The Government has already introduced codes of practice for the welfare of dogs, cats, horses and primates and is continuing to review other areas where similar updates could be made.

European animal welfare legislation is based on the recognition that all animals, from pets to farm animals, are sentient beings – i.e. they have powers of perception and feeling. A legally binding protocol attached to the 1997 Treaty of Amsterdam recognised animals as ‘sentient beings' and this recognition was strengthened in the Lisbon Treaty of 2009 which included animal sentience as an Article in the main body of the Treaty.

The 1998 EU Council Directive 98/58 on the protection of animals kept for farming purposes set out minimum common standards of protection for animals of all species, including fish, reptiles or amphibians, kept for the production of food, wool, skin, fur or for other farming purposes.

The Directive was transposed into UK law via the Welfare of Farmed Animals (England) Regulations 2000 (amended 2007). Although the Community legislation lays down only minimum standards, the EC has said that national governments ‘may adopt more stringent rules provided they are compatible with the provisions of the Treaty’. Specific rules continue to apply to laying hens, calves, pigs and broilers.


However, several animal welfare organisations and individuals remain concerned that animals in other parts of the world do not have the same kind of legislative protection and are supporting a campaign, organised by the World Society for the Protection of Animals (WSPA), to secure a commitment at the United Nations for a Universal Declaration on Animal Welfare (UDAW).

‘Anyone found guilty of offences under the Act could be banned from owning animals’

The UDAW would be an international agreement that animals are sentient beings, that animal welfare needs must be respected and that animal cruelty must end. The campaign is reported to have over two million supporters worldwide and the WSPA believes that securing such a commitment at the UN would create the required pressure for governments to put in place firm laws and enforcement for animal welfare.

Controversies

Animal welfare and animal rights seem to attract more controversy than almost any other issues, one of the most obvious examples being the antithetical views of vegans and livestock farmers.

Vegans believe that animals are intelligent creatures capable of feeling pain and are ‘not ours to eat’. They oppose the use of all animal products and claim that vegan or vegetarian diets are more healthy and nutritious. They also believe that rearing animals for food is bad for the environment and inefficient and suggest that world food shortages could be solved by farming crops rather than animals.

However, vegans and vegetarians are still in a minority in the UK and the demand for meat and dairy products shows little sign of diminishing. Nevertheless there is a growing interest in the way food is produced and the treatment of animals in that process.

This has been largely a response to disturbing reports about the cruel treatment of animals in ‘factory
farming’ – one of the most controversial and emotive issues – where the maximum number of animals are crammed into the minimum amount of space, unable to move freely, denied any kind of normal life and reduced to nothing more than products on a factory production line.

Horrific reports of hens trapped in tiny wire cages piled one on top of another forced unnaturally to lay the maximum amount of eggs; thousands of chickens crammed into one small shed, fattened up quickly to obtain the maximum amount of chicken meat; breeding pigs kept in small metal crates, etc., have all resulted in more consumers calling for ethically-sourced products, a cause taken up by celebrity chefs such as Hugh Fearnley-Whittingstall and Jamie Oliver.

Relentless campaigning by animal welfare organisations has had some success. The entire European Union is phasing out battery cages by 2012 and several Directives have been issued for adoption by member states in relation to improving the welfare of calves, chickens and pigs, with provision for further measures to be introduced in the future.

Proposals for large-scale dairy farms are also opposed. Following a year of intense campaigning by groups and individuals, a plan for a 3,770 cow ‘mega dairy’ in Nocton, Lincolnshire was finally withdrawn in February 2011 after objections were raised by the Environment Agency.

Farmers, however, are adamant that animal welfare is a priority for them. The National Farmers Union has said that factory farming ‘is not normal’ in the UK and suggests that the Red Tractor assurance scheme, launched in 2000 to raise standards right across the food chain, is ‘a proven indicator of good animal welfare compliance’.

The Red Tractor kitemark now appears on billions of packs of meat, poultry and dairy products and is intended to reassure consumers that these products have been produced to the highest standards of animal welfare and environmental protection.

Another highly emotive and controversial issue is animal experimentation, whether that involves testing cosmetics and household products on animals, or using animals in medical research. Opponents believe that it is ethically unacceptable for animals to suffer physical or psychological pain during these tests.

They also argue that because of the differences between humans and other animal species, test results can be misleading. The Dr Hadwen Trust for Humane Research claims that ‘in some instances, reliance on inaccurate animal “models” of human disease have undoubtedly delayed medical progress’.

Proponents, however, insist that animal research has played, and is continuing to play, a vital role in treating and preventing many illnesses and diseases once thought incurable. Nevertheless, research is continuing into finding new ways to further promote the 3Rs scheme – to ‘reduce, refine and replace’ the use of animals in research.

The fur trade is another cause of concern for animal welfare supporters. Although fur farming is banned in the UK, fur products can still be sold here. However, fur coats are no longer the must-have fashion item they once were following an intensive anti-fur campaign by animal welfare groups. Many high-profile celebrities and fashion designers have rejected fur and several stores now refuse to stock fur products.

‘Horrific reports of hens trapped in tiny wire cages piled one on top of another’

Nevertheless the fur trade appears to be thriving, with several international designers still featuring fur in their collections. The British Fur Trade Association (BFTA) believes that ‘wild or farmed, fur is a natural, renewable and sustainable resource that is kind to the environment and respectful of animals’ welfare’. The BFTA is a member of the International Fur Trade Federation (IFTF), which claims to ‘promote strict codes of practice that meet or exceed established and accepted animal welfare standards for wild and farmed fur’. Both the BFTA and