Dear members of the Public Petitions Committee,

Many thanks for taking the time to consider my Public Petition and to have done so in such a sensitive and judicious manner.

Clearly the issue of animal slaughter is a vast and emotive one with numerous implications and seemingly little room for compromise. As you might well be aware there are reams of literature and data on this subject and to attempt to distil the matter into a concise form seems almost brusque given its fundamental import to persons holding opposing views. Nonetheless I would like to comment on a few particular points that were raised at the sitting.

The first concerns Article 9 of the European Convention on Human Rights (ECHR). It is nigh impossible to consider the Convention as a separate and distinct body of rules with no reference to the legal matrix of international, supranational, national and subnational laws in which it operates and often transcends. Unfortunately a proper appraisal is completely beyond the scope of my letter.

To begin it will be useful to reacquaint ourselves with the entire text of Art.9 –

**Article 9 – Freedom of thought, conscience and religion**

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Unfortunately the correspondence from the Scottish Inter-Faith Council made no reference to subsection 2 of the Article giving the impression that Article 9 gives incontrovertible protection to every aspect of religious manifestation. This is not the case. Subsection 2 clearly shows that Article 9 is a qualified right and that derogations are permitted therefrom. We need only look to numerous contracting parties of the ECHR that have enacted legislation prohibiting the slaughter of animals without prior stunning to see such derogation in action.

In the UK, whilst not a derogation, we saw the House of Lords rule in the important case of Shabina Begum concerning Art.9 of the ECHR that whilst actual belief enjoys absolute protection there is no unqualified right to manifest aspects of one's religion and that such manifestations must be in accordance with the laws of the UK.
Even more specifically the European Court of Human Rights' interpretation of Art.9 in the Cha'are Shalom case held that restrictions on ritual slaughter are permissible, but only if they do not prevent religious adherents from obtaining religiously slaughtered meat. This ties in with Nigel Don’s perceptive observation that any Scottish ban would simply lead to religiously slaughtered meat being obtained from outwith Scotland. However, I disagree with Mr Don’s opinion that such a situation would be of little importance.

Finally, a few very brief and rather disjointed points: -

- Whilst it is accepted that there is currently no slaughter without pre-stunning carried out at slaughterhouses in Scotland there is nothing to prevent them from doing so. Moreover, there is increasing pressure upon them to do so.
- The RSPCA considers that 15 seconds is an acceptable timeframe for unconsciousness to occur following slaughter with pre-stunning. Unfortunately even this rather arbitrary time is infrequently observed as numerous reports have shown (I will entrust proper referencing to various bodies that have expressed support for the petition and who have expressed their intention to submit representations. However, there is much useful, applicable and authoritative data at www.grandin.com).
- The SPICe briefing provides a Parliamentary Question answered by Richard Lochhead in which he states that ‘The slaughter of sheep without pre-stunning for religious reasons is legal throughout the EU and to ban the export of sheep would contravene free trade rules and would be illegal under EU law.’ This is mistaken. Slaughter without stunning is not legal throughout the EU; whilst EU law provides many derogations relating to the free movement of goods backed up by a wealth of case law that is too great to expand upon further here but could be accessed by the Committee (very broadly speaking free movement can be restricted as long as the enacting nation is also subject).
- There are numerous religious practices which are already prohibited in the UK. I shall not expound any here as this might be seen as discourteous to some but it should be recognised and emphasised that such prohibitions already exist.

Thank you again for considering my petition.

Josey Rowan

11 March 2008